



RECEIVED  
JUL 17 2024  
TOWN OF PERINTON

# Memo

**To:** Ciaran Hanna, Dave Belaskas, Meredith Stockman-Broadbent, Alex Winner, Mike Folino, Joe LaFay, Mike Doser, Jason Kennedy, Eric William, Rob Kozarits, Greg Seigfred, John Overacker, Lori Stid, Planning Board, Conservation Board

**From:** Janelle Reed

**Date:** July 17, 2024

**Re:** Order for Hearing: Prospective Administrative and Zoning Code Modifications

---

Attached is the requested Prospective Administrative and Zoning Code Modifications.

The Order for Hearing is scheduled for July 24, 2024 at the Town Board meeting and a Public Hearing will be set at that time.

Thank you,





PUBLIC WORKS

## TOWN OF PERINTON

100 COBB'S LANE ■ FAIRPORT, NEW YORK 14450-8617  
(585) 223-5115 ■ Fax: (585) 223-0448 ■ www.perinton.org

### MEMORANDUM

To: Jason Kennedy  
Copy: Greg Seigfred  
From: Michael S. Doser, MPA, AICP  
Date: July 10, 2024  
Re: Order for hearing on prospective administrative and zoning code modifications

I am requesting an order for hearing on the following administrative and zoning code modifications. The prospective codes were reviewed/modified by internal staff and the Codes Committee, and were deemed appropriate to bring forward for approval. There is a short-form EAF for the first eight modifications, which are considered unlisted actions.

Thank you for your consideration.

1. Administrative/Operations
  - a. Extend 501(c)3 organization's site plan expiration to three years (§ 208-53H)..... 1
    - Allow tax-exempt organizations longer timeframes in order to pursue needed grant funding for site plan projects
  - b. Enhancing peddler permit background checks to include NYSDCJS (§ 163) ..... 2
    - Allow Town authorization to perform peddler permit background checks in conjunction with NYS Dept. of Criminal Justice Services
  - c. Modify preliminary site plan actions to prohibit site work (§ 208-53)..... 10
    - Prohibit site work prior to site plan approval
  - b. Modify garage size regulations (§ 208-14) ..... 16
    - Permit increase in garage sizes to accommodate modern day residential inside storage demands
  - c. Remove SUP for Mixed Use District projects greater than an acre (§ 208-43)..... 17
    - Remove burdensome requirement of additional SUP for as-of-right development under Mixed Use District zoning
  - d. Remove SUP for attached/semi-detached single family (§ 208-32; § 208-33)..... 19
    - Remove burdensome and inequitable requirement of additional SUP for attached/semi-detached single-family dwelling



## TOWN OF PERINTON

100 COBB'S LANE ■ FAIRPORT, NEW YORK 14450-8617  
(585) 223-5115 ■ Fax: (585) 223-0448 ■ [www.perinton.org](http://www.perinton.org)

### PUBLIC WORKS

#### 2. Administrative/Zoning

- a. Remove cigar shop in adult use; modify vape shop; add cigar shop regs  
to §208 (§ 67-2; § 208-28.2) ..... 22
  - *Further define the determination of retail establishments that  
specialize in smoke/vape retail*
- b. Add short-term rental to § 208; modify B&B regs..... 29
  - *Permit short-term rentals in most zoning districts that allow for  
commercial use*

Add text  
~~Delete text~~

Chapter 208. Zoning

Article X. Site Plan Approval and Special Permits

§ 208-53. Site plan review.

H. Expiration of site plan approval.

(1) Such site plan approval granted for a proposed project will automatically terminate one year after its approval unless for one of the following occurrences:

(a) A building permit has been issued and significant work has been commenced on the project.

(b) or The applicant has a current instrument of financial security in place for the prospective project that is acceptable to the Town, such as an active/valid letter of credit, which will keep all other related board approvals (Town Board, Zoning Board of Appeals, Historic Architecture Commission) in force. This does not include Planning Board subdivision approval, which is regulated by New York State Town Law § 276.

(c) The applicant is tax exempt under Section 501(c)(3) of the United States Internal Revenue Code, in which case site plan approval for a proposed project will automatically terminate three years after its approval.

(2) Such site plan approval may be terminated for cause at any time after 10 days' written notice to the applicant.

(3) Such site plan approval will terminate if the approved use ceases to exist and remains nonexistent for more than one year.



## TOWN OF PERINTON

1350 TURK HILL ROAD, FAIRPORT, NEW YORK 14450-8796  
(585) 223-0770, Fax: (585) 223-3629, [www.perinton.org](http://www.perinton.org)

---

### MEMORANDUM

---

**To:** Codes Committee

**From:** John Overacker, Director, Safety and Security

**Subject:** Code Change Proposal: Chapter 163

**Date:** March 7, 2024

**CC:** Janelle Reed, Town Clerk  
Joseph LaFay, Town Attorney

---

Up until earlier this year the process of obtaining a peddler's permit in the Town of Perinton consisted of submitting an application to the Town Clerk, getting a photograph taken, and submitting to a criminal records check with the Monroe County Sheriff's Office. Upon review of the process it was determined that the records check being performed by the Monroe County Sheriff's Office only consisted of a local records check within Monroe County. With the bulk of applicants coming in from outside of Monroe County, it was determine that the process of issuing permits should be placed on hold until a resolution could be made in which background checks could be accomplished that would provide enough information to determine the suitability of issuing a permit by the Town Clerk.

Earlier this year, a small task force consisting of Town Clerk Janelle Reed, Town Attorney Joe LaFay, and myself began to research what would be required to be able to conduct a thorough background check on applicants for peddler's permits. Quickly it became apparent that relying on commercial services as well as law enforcement agencies would not be sufficient since many of these record searches are local only database records or are open source records only. However, during our research it became apparent that the Town of Perinton, as a governmental licensing authority, may apply for direct access to criminal history records on file with the New York State Department of Criminal Justice Services.

I proceeded to contact the New York State Department of Criminal Justice Services and spoke with their legal services department. After speaking with that department, they indicated that the Town of Perinton does qualify as a licensing authority, and is permitted to request access to State records for applicants. They continued by stating that in order to obtain access to records, the



Town of Perinton is required to have a local code that includes language related to New York State Corrections Law regarding relief of disabilities as well as language indicating who is requesting criminal history information, how that information will be used, and the fact that the criminal history information will remain confidential. They concluded by stating that they would be willing to entertain reviewing any code change proposals to determine the feasibility of granting access.

As a direct result, a code change proposal was drafted and sent to the New York State Department of Criminal Justice Services for their input. After reviewing the submission they suggested additional edits. Drafts and submissions were sent back and forth several times and a final review of the proposed changes was conducted on February 29, 2024. Attached to this memorandum is a copy of that final code change proposal. It is the indication of the Department of Criminal Justice Services that they would approve access to records with the adoption of the proposed code change as written.

It is my hope that this committee will support the attached code change proposal. The purpose of this proposal is to help ensure that peddler's permit applicants are being sufficiently screened to determine the suitability of issuing the permit. Should you require any further information or documentation please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "John Overacker", written in a cursive style.

John Overacker  
Director of Safety and Security

## Chapter 163

### PEDDLING AND SOLICITING

§ 163-1.	Title.	§ 163-8.	Issuance of license; nontransferability; display.
§ 163-2.	Applicability.	§ 163-9.	Records; expiration of license.
§ 163-3.	Purpose.	§ 163-10.	License fees.
§ 163-4.	Definitions.	§ 163-11.	Restrictions.
§ 163-5.	License required.	§ 163-12.	Revocation of license.
§ 163-6.	Exemption; nonapplicability.	§ 163-13.	Appeals.
§ 163-7.	Licensing procedures.	§ 163-14.	Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Perinton 8-12-1976 as Ch. 105 of the 1976 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Farm stands — See Ch. 126.

#### § 163-1. Title.

This chapter shall be known and may be cited as the "Peddling, Vending and Soliciting Law of the Town of Perinton."

#### § 163-2. Applicability. [Amended 1-23-1985 by L.L. No. 1-1985 ]

This chapter shall apply to the entire area of the Town of Perinton, excluding the area within the corporate limits of the Village of Fairport.

#### § 163-3. Purpose.

This chapter is enacted for the purpose of regulating itinerant merchandising and soliciting in order that the peace, health, safety, welfare and good order of the Town and its inhabitants shall not be endangered or unduly disturbed.

#### § 163-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**DIRECTOR OF SAFETY AND SECURITY** — Where named in the following sections of this chapter, the responsibility or function of the Director of Safety and Security may be performed by the Director or their duly named representative or designee.

**ESTABLISHED PLACE OF BUSINESS** — A permanent building, store, premises or depository in or on which or where the person transacts business and deals in the goods, wares or commodities he peddles, vends or solicits in the ordinary and regular course of business.[Amended 7-23-2003 by L.L. No. 2-2003 ]

**MERCHANDISING** — The selling, bartering or trading of, or offering to sell, barter or trade, any goods, wares, commodities or services.



**PEDDLER, VENDOR and SOLICITOR** — Includes, unless otherwise herein provided, any person who engages in merchandising any goods, wares, commodities, books, periodicals or services, or solicits contributions of goods or moneys, by going from house to house, place of business to place of business, or in any public street or public place or by temporarily occupying a room, building or other premises therefor.

**PERSON** — Includes any individual, firm, partnership, corporation, unincorporated association and principal or agent thereof.

**TEMPORARY OCCUPANCY** — A store, room, building, tent, enclosure, premises or structure of any kind intended to be occupied for the period of time necessary to peddle, vend or solicit the merchandise or products therein housed initially without the intent to replenish or restock such goods, wares and merchandise sold therein. In all prosecutions for a violation of this chapter, the intent of the defendant to conduct an established place of business shall be a material fact, and the burden of proving such intent shall be upon the defendant in such prosecution. [Amended 7-23-2003 by L.L. No. 2-2003 ]

#### **§ 163-5. License required.**

It shall be unlawful for any person within the jurisdiction of this chapter to act as a peddler, vendor or solicitor, as herein defined, without first having obtained and paid for, and having in force and effect, a license therefor.

#### **§ 163-6. Exemption; nonapplicability.**

A. The provisions of this chapter shall not apply to the following:

- (1) An honorably discharged soldier, sailor or marine who is crippled as a result of injuries received while in the naval or military services of the United States and who has procured a license from the Monroe County Clerk as provided by the General Business Law of the State of New York, but no such person shall engage in any of the occupations specified in this chapter without first having been issued a license by the Town Clerk.
- (2) Any person soliciting on residential property at the express invitation of the person solicited, serving an established customer or for the purpose of providing product to a not-for-profit organization. [Amended 11-20-2002 by L.L. No. 6-2002 ]
- (3) A wholesaler selling articles to dealers or merchants who have an established place of business within the Town.
- (4) A truck gardener or farmer who himself or through his employees vends, sells or disposes of products of his own farm or garden.
- (5) A child regularly attending any public or parochial or private school located within the Town of Perinton or a representative of any established church maintaining a place of worship within the Town, or a member of a veterans' organization, provided that such organization has and maintains a chapter, post lodge, camp or other group within the Town of Perinton, or a member of a fraternal organization or civic group, provided that such fraternal organization or civic group maintains a chapter or local organization within the Town of Perinton, and further provided that any person coming within the provisions of this exemption shall only peddle, vend or solicit in connection with an authorized activity of the organization of which he is a member or the school which he attends.
- (6) Auction sales held pursuant to law by a sheriff or other officer authorized by law to conduct

such sale.

- (7) Nonprofit organizations and persons working for such organizations, provided that such organizations register at least once every 12 months with the Town Clerk, in the event that they plan to engage in vending, peddling or soliciting, and they shall specify the type of activity to be undertaken, the time or period when such activity shall be undertaken and shall provide their representatives with proper identification which must be exhibited upon demand and shall provide proof of their nonprofit status to the Town Clerk. [Added 1-23-1985 by L.L. No. 1-1985 ]

- B. This chapter shall not apply so as to interfere unlawfully with interstate commerce.

**§ 163-7. Licensing procedures. [Amended 2-9-2000 by L.L. No. 1-2000 ]**

- A. Every applicant for a license is required to submit to the Town Clerk a written application supplying, under oath, the following information:

- (1) Name of applicant.
- (2) Permanent home residence.
- (3) Name and address of firm represented, if any.
- (4) The length of time for which the license is required.
- (5) A description of the goods, wares or commodities to be offered for sale, together with a true invoice of their amount, quality and value.
- (6) All felonies or misdemeanors with which the applicant has been charged and the disposition of each such charge.
- (7) To the application must be appended a letter of authorization from the firm which the applicant purports to represent.
- (8) Documentation indicating the submission of fingerprints.

- B. If the applicant has one or more employees who will work in the Town, the same information must be supplied as to each employee.

- C. A license may be refused to the applicant if the applicant shall have been convicted of a misdemeanor or felony, or past violations of Town ordinances, which, in the judgment of the Town Clerk, renders the applicant unfit or undesirable to carry on the occupation of peddling or soliciting. Any decision regarding the license will be taken in consideration of New York State Correction Law §701-703-b and §751-753. Correction Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct, and §§751-753 sets forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determination.

~~Strike Existing Section D~~

- D. The Director of Safety and Security shall conduct an investigation into the applicant's background. The Director of Safety and Security shall forward the applicant's fingerprints and any applicable fees to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by the Division of Criminal Justice Services for a criminal history check, and shall receive the results of the criminal history check. The Director of Safety and Security shall have a minimum period of two weeks to conduct said investigation; however, the issuance of a license may be delayed for a longer period if the Director of Safety and Security cannot, for good reason, complete the investigation in a

timely manner within the two-week period. The investigation shall be completed within thirty days. As a result of said investigation, the Director of Safety and Security shall forward a positive or negative recommendation to the Town Clerk. Because secondary dissemination of criminal history received from the Department of Criminal Justice Services is prohibited, the results of the criminal history check performed by the Department of Criminal Justice Services must not be shared with the Town Clerk.

- E. If the applicant is requesting regular or recurring occupancy of a site instead of temporary occupancy, as defined in § 163-4, then the Town Clerk shall refer such application to the Zoning Board of Appeals for a special use permit. The Zoning Board of Appeals shall apply the criteria set forth in § 208-54 of the Perinton Code to these permit requests.

**§ 163-8. Issuance of license; nontransferability; display.**

Upon receipt of the application and the license fee, and if reasonably satisfied with the applicant's qualifications, the Town Clerk shall issue a license to the applicant specifying the particular business authorized and the location wherein it may be conducted. This license shall be nontransferable and shall be in the continuous possession of the licensee while engaged in the business licensed. The license shall be produced upon the demand of any Town official, prospective buyer, police officer or sheriff.

**§ 163-9. Records; expiration of license.**

- A. The Town Clerk shall keep a record of the applications, the determinations thereon and of all licenses issued in accordance with this chapter. The record shall contain the name and residence of the person licensed, the location of the business, the amount of the license fee paid and the date of revocation of all licenses revoked.
- B. All licenses hereunder shall expire on the first day of January following the date of issuance thereof.

**§ 163-10. License fees. [Amended 1-23-1985 by L.L. No. 1-1985 ; 12-10-1997 by L.L. No. 6-1997 ]**

The fees for all licenses shall be as set from time to time by the Town Board.

**§ 163-11. Restrictions.**

A licensed peddler, vendor or solicitor shall:

- A. Not willfully misstate the quantity or quality of any article offered for sale.
- B. Not willfully offer for sale any goods, wares or merchandise which is unwholesome or unsafe or defective in any way, unless clearly identified as defective and sold as defective or damaged goods, wares or merchandise. [Amended 1-23-1985 by L.L. No. 1-1985 ]
- C. Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out or by any loud or unusual noise.
- D. Not frequent any street in an exclusive manner so as to cause a private or public nuisance.
- E. Keep the vehicle and/or receptacles used by him in the furtherance of his licensed business in a sound, clean and sanitary condition.
- F. Keep edible articles offered for sale well-protected from dirt, dust and insects.
- G. Not stand or permit the vehicle used by himself, his agent or employee or his cart or other appliance for the display of his goods, wares or merchandise to stand in any public place, street or right-of-way in such a manner as to obstruct vehicular or pedestrian traffic or to obstruct the line of vision of such



traffic so as to create a substantial risk of harm or risk to the safety of others. **[Amended 1-23-1985 by L.L. No. 1-1985 ]**

- H. Not occupy the same location as another peddler, vendor or solicitor in such manner as to unreasonably interfere with the flow of traffic or create a substantial risk of harm or risk to the safety of others. **[Added 1-23-1985 by L.L. No. 1-1985 ]**
- I. Not sell confections or ice cream within 1,250 feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days. **[Amended 1-23-1985 by L.L. No. 1-1985 ]**
- J. Not enter upon private property for the purpose of peddling, vending or soliciting before the hour of 9:00 a.m. of any day or after the hour of 9:00 p.m. of any day, except upon the invitation of the property owner or lawful occupant. **[Added 1-23-1985 by L.L. No. 1-1985 ]**
- K. Not enter upon private property for the purpose of peddling, vending or soliciting where there is any sign on display to the public view prohibiting such activity. **[Added 1-23-1985 by L.L. No. 1-1985 ]**
- L. Not offer any goods, wares or merchandise for sale after sundown if he or she is located in a stationary area. **[Added 1-23-1985 by L.L. No. 1-1985 ]**
- M. Not litter or suffer littering in or near his or her stationary location. **[Added 1-23-1985 by L.L. No. 1-1985 ]**
- N. Not place his or her stationary location at any place unless the Commissioner of Public Works finds such location to be appropriate after taking into consideration traffic and safety factors. **[Added 1-23-1985 by L.L. No. 1-1985 ]**

**§ 163-12. Revocation of license.**

- A. Licenses issued under provisions of this chapter may be revoked by the Town Clerk of the Town of Perinton after notice and hearing for any of the following causes:
  - (1) Fraud, misrepresentation or any false statement contained in the application for license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, vendor or solicitor.
  - (3) Any violation of this chapter.
  - (4) Conviction of any crime or misdemeanor involving moral turpitude.
  - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint, and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for the hearing.
- C. The Town Clerk, upon receiving information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provision of this chapter or has been convicted of any violation referred to in this section, or indicted or charged with or for any crime or offense, or has been convicted of any crime or offense, may forthwith temporarily suspend such license until a hearing is held by him, as provided herein, and the Town Clerk shall have issued his determination thereon.
- D. If the licensee has one or more employees, the revocation hereunder shall apply to the licensee and all employees if either he or any one or more of his employees are determined to be in violation of this

chapter.

**§ 163-13. Appeals.**

Any person aggrieved by the action of the Town Clerk in the denial of an application for a license, as of a license, as provided in § 163-12 of this chapter, shall have the right to appeal to the Town Board of the Town of Perinton. Such appeal shall be taken by filing, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Town Board on such appeal shall be final and conclusive.

**§ 163-14. Penalties for offenses. [Amended 12-10-1997 by L.L. No. 6-1997 ]**

Any person who shall act as a peddler, vendor or solicitor, as herein defined, without a license, or who shall violate any of the provisions of this chapter, or who shall continue to act as peddler, vendor or solicitor subsequent to the revocation of his license shall be punishable pursuant to Chapter 115, Enforcement Procedures.

Add text  
~~Delete text~~

Chapter 208. Zoning

Article X. Site Plan Approval and Special Permits

§ 208-53. Site plan review.

A. Prior to issuing a building permit for the construction of a building, change of use of a building, change to an existing site plan or for a building where the site plan approval has expired, the Director of Building and Codes shall refer the site plans for construction on such lot to the Planning Board for its review and approval, unless the proposed project meets the criteria in § 208-53A(1).

(1) Exceptions.

(a) One- or two-family dwellings/properties in approved subdivisions outside of the Residential Sensitive Zoning District.

(b) Agricultural structures that are not associated with a special use permit application for farms exceeding the annual gross cash farm income threshold for "small family farms," as defined by the U.S. Department of Agriculture's Economic Research Service Farm Typology classification.

[Amended 3-9-2022 by L.L. No. 2-2022]

(c) Administrative site plan approval if authorized by the Director of Building and Codes for projects, including, but not limited to:

[1] Where less than 800 sf of occupiable space is altered; or

[2] Where a vacant parcel is to be converted into an approved building lot.

B. Application for preliminary site plan approval. Any preliminary application for site plan approval shall be made in writing to the Building and Codes Department and shall be accompanied by the following information, prepared by an engineer, architect, landscape architect or surveyor duly licensed by the State of New York according to each person's particular discipline:

(1) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration and all properties, subdivisions, streets and easements within 500 feet of the applicant's property.

(2) If grades exceed 3% or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two feet of elevation shall be provided.

(3) A preliminary site plan, including the following information:

(a) Title of drawing, including name and address of applicant.

(b) North point, scale and date.

(c) Boundaries of the property plotted to scale.

(d) Existing watercourses.

(e) A site plan showing location, proposed elevations and height of all buildings; location and design of all parking and truck-loading areas, with access and egress drives thereto; location of



38 outdoor storage, if any; location of all existing or proposed site improvements, including  
39 sidewalks, drains, culverts, retaining walls, dumpster enclosures, exterior mechanical devices,  
40 grading alterations, landscape features, erosion control features, water and electrical services and  
41 fences ; description of the method of stormwater drainage and sanitary sewage disposal and  
42 location and design of such sewerage facilities; location and size of all signs; location and  
43 proposed development of buffer areas; location, design and light distribution of lighting  
44 facilities; and a tabular breakdown of square footage of the intended uses of the building.

45 (4) A tracing overlay showing all soil areas and their classifications, and those areas, if any, with  
46 moderate to high susceptibility to flooding and moderate to high susceptibility to erosion. The  
47 overlay shall also include an outline and description of existing vegetation.

48 C. Factors for consideration.

49 (1) The Planning Board's review of a preliminary site plan shall include, but is not limited to, the  
50 following considerations:

51 (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections,  
52 road widths, channelization structures and traffic controls.

53 (b) Adequacy and arrangement of pedestrian traffic access and circulation, including separation  
54 of pedestrians from vehicular traffic, walkway structures, control of intersections with vehicular  
55 traffic and pedestrian convenience.

56 (c) Location, arrangement, appearance and sufficiency of off-street parking and loading,  
57 including landscaping, curbs and provisions for adequate and safe interior pedestrian and  
58 vehicular traffic.

59 (d) Location, arrangement, size and design of buildings, lighting and signs.

60 (e) Adequacy, type and arrangement of trees, shrubs, embankments, berms, fences, walls and  
61 other landscaping constituting a visual and/or a noise-detering buffer between these and  
62 adjoining lands.

63 (f) In the case of an apartment house or multiple dwelling, the adequacy of usable open space for  
64 playgrounds and informal recreation.

65 (g) Adequacy of stormwater drainage and sanitary sewage disposal facilities.

66 (h) Adequacy of structures, roadways and landscaping in areas with moderate to high  
67 susceptibility to flooding and ponding and/or erosion.

68 (i) Protection of adjacent properties against noise, glare, unsightliness or other objectionable  
69 features.

70 (j) Structural adequacy of pavement for private roadways and parking areas with paved or  
71 unpaved surfaces.

72 (k) Conformity with the Town of Perinton Comprehensive Plan, Design Specifications, Town of  
73 Perinton Historic Preservation Ordinance[1] and the Conservation Board's Open Space  
74 Inventory, as the same may be modified, amended or changed from time to time.

75 [1] Editor's Note: See Ch. 149, Historic Preservation.

76 (l) The protection of the general topographic features of the site and limitation of the amount of

cut and fill necessary to accomplish the development.

(2) In its review the Planning Board may consult with the Town Engineer, Parks and Recreation Commission, Conservation Board, Historic Architecture Commission, Monroe County Planning Department and other Town and county officials, as well as with representatives of federal and state agencies, including the Soil Conservation Service and the New York State Department of Environmental Conservation. The Planning Board may require that the exterior design of all structures be made by or under the direction of a registered architect, whose seal shall be affixed to the plans, and submission of landscape plans made by or under the direction of a registered landscape architect, together with an estimate of the cost of installing the same. Each architect is to assume responsibility for the execution of the plans prepared by him.

D. Modifications. The Planning Board may require such additional provisions and conditions that appear necessary for the public health, safety and general welfare, and it may waive, in appropriate circumstances, any of the above requirements which it deems not applicable to a particular application.

E. Action on preliminary application.

(1) Within 62 days of the receipt of a complete application for preliminary site plan approval, the Planning Board shall hold a public hearing. If no decision is made within 62 days following the hearing, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the decision of the Planning Board shall be sufficient notice.

(2) The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such case the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned.

(3) No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding, grading or removal of vegetation in areas with a moderate to high susceptibility to erosion or excavation for construction of site improvements shall begin until ~~the developer has received preliminary site plan approval and specific approval has been granted by the Planning Board for certain site improvement work. Failure to comply shall be construed as a violation of this chapter and, where necessary, final site plan approval may require the modification, restoration or removal of unapproved site changes. the prospective project has received final site plan approval, a current instrument of financial security guaranteeing site work has been established, and (if applicable) a preconstruction meeting has occurred with the Town.~~

F. Application for final detailed site plan approval.

(1) After receiving conditional approval from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site plan and submit it to the Planning Board for approval, except that if more than six months has elapsed between the time of the Planning Board's report on the



preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

(2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission. If a landscape plan was not submitted on prior applications, such a plan must be submitted with the application for final approval.

#### G. Action on the final detailed site plan application.

(1) If the application for final site plan approval is complete and satisfactory, the Planning Board shall schedule a public hearing to be held within 62 days from the time of submission of the complete application; unless, however, the Planning Board deems the final site plan to be in substantial agreement with the preliminary plat previously submitted and approved, in which case the public hearing may be waived. The hearing, if required, shall be advertised in a newspaper of general circulation in the Town at least five days before its scheduled date, and the property posted in accord with § 208-60E.

(2) Upon approving an application, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Director of Building and Codes, who shall then issue a building permit to the applicant if the project conforms to all other applicable requirements.

(3) Upon disapproving an application, the Planning Board shall so inform the Director of Building and Codes, and he shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

#### H. Expiration of site plan approval.

(1) Such site plan approval granted for a proposed project will automatically terminate one year after its approval unless a building permit has been issued and significant work has been commenced on the project or the applicant has a current instrument of financial security in place for the prospective project that is acceptable to the Town, such as an active/valid letter of credit, which will keep all other related board approvals (Town Board, Zoning Board of Appeals, Historic Architecture Commission) in force. This does not include Planning Board subdivision approval, which is regulated by New York State Town Law § 276.

[Amended 3-24-2021 by L.L. No. 2-2021]

(2) Such site plan approval may be terminated for cause at any time after 10 days' written notice to the applicant.

(3) Such site plan approval will terminate if the approved use ceases to exist and remains nonexistent for more than one year.

#### I. Site maintenance.

(1) It shall be the duty of property owners to maintain their property in conformity with the approved site plan. Failure to do so shall constitute a violation of this chapter.

Add text  
~~Delete text~~

159 J. Site plan review, residential.

160 (1) Prior to issuing a building permit for the construction of a building, change of use of a  
161 building, change to an existing site plan or for a building where the site plan approval has  
162 expired on a lot in a Residential Sensitive Zoning District, the Director of Building and Codes  
163 shall refer the site plans for construction on such lot to the Planning Board for its review and  
164 approval. Exceptions for additions to one-family dwellings and accessory buildings are found in  
165 § 208-38H of this Code.

166 (2) Application for preliminary site plan approval. Any preliminary application shall be made in  
167 writing to the Building and Codes Department and shall be accompanied by the information in  
168 Subsection J(3) through (6) below. Site plan approval for buildings which will cost in excess of  
169 \$20,000 to construct shall be prepared by an engineer, architect, landscape architect or surveyor  
170 duly licensed by the State of New York according to each person's particular discipline.

171 (3) An area map showing the applicant's entire holding, that portion of the applicant's property  
172 under consideration and all properties, subdivisions, streets and easements within 500 feet of the  
173 applicant's property.

174 (4) If grades exceed 3% or portions of the site have a moderate to high susceptibility to erosion  
175 or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour  
176 intervals of not more than five feet of elevation shall be provided.

177 (5) A preliminary site plan shall include the following information:

178 (a) Title of drawing, including name and address of applicant.

179 (b) North point, scale and date.

180 (c) Boundaries of the property plotted to scale.

181 (d) Existing watercourses.

182 (e) A site plan showing location of the site within the Town, location of the building footprint  
183 location, design of all parking areas, with access and egress drives thereto; location of all  
184 existing or proposed site improvements, including sidewalks, drains, culverts, retaining walls,  
185 grading, landscape features, erosion control features, water and electrical services; description of  
186 the method of stormwater drainage and sanitary sewage disposal and the location and design of  
187 such sewerage facilities; location, design and light distribution of lighting facilities.

188 (6) A tracing overlay showing all soil areas and their classifications, and those areas, if any, with  
189 moderate to high susceptibility to flooding and moderate to high susceptibility to erosion. The  
190 overlay shall also include an outline and description of existing vegetation.

191 (7) Factors for consideration. The Planning Board's review of a preliminary site plan shall  
192 include, but is not limited to, the following considerations:

193 (a) Adequacy and arrangement of vehicular traffic access and circulation.

194 (b) Location, arrangement, appearance and sufficiency of parking.

195 (c) Location, arrangement, size and design of buildings and lighting.

196 (d) Adequacy, type and arrangement of embankments, berms, fences, walls and other  
197 landscaping.

Add text  
~~Delete text~~

- 198 (e) Adequacy of stormwater drainage and sanitary sewage disposal facilities.
- 199 (f) Adequacy of structures, roadways and landscaping in areas with moderate to high  
200 susceptibility to flooding and ponding and/or erosion.
- 201 (g) Structural adequacy of pavement for private roadways and parking areas with paved or  
202 unpaved surfaces.
- 203 (h) Conformity with the Town of Perinton Comprehensive Plan, Design Specifications, Town of  
204 Perinton Historic Preservation Ordinance[2] and the Conservation Board's Open Space  
205 Inventory, as the same may be modified, amended or changed from time to time.
- 206 [2] Editor's Note: See Ch. 149, Historic Preservation.
- 207 (i) The protection of the general topographic features of the site and limitation of the amount of  
208 cut and fill necessary to accomplish the development.
- 209 (8) In its review the Planning Board may consult with the Town Engineer, Parks and Recreation  
210 Commission, Conservation Board, Historic Architecture Commission, Monroe County Planning  
211 Department and other Town and county officials, as well as with representatives of federal and  
212 state agencies, including the Soil Conservation Service and the New York State Department of  
213 Environmental Conservation. The Planning Board may require that the submission of landscape  
214 plans be made by or under the direction of a registered landscape architect, together with an  
215 estimate of the cost of installing the same. Each architect is to assume responsibility for the  
216 execution of the plans prepared by him.
- 217 (9) Modifications. The Planning Board may require such additional provisions and conditions  
218 that appear necessary for the public health, safety and general welfare, and it may waive, in  
219 appropriate circumstances, any of the above requirements which it deems not applicable to a  
220 particular application.

Add text

~~Delete text~~

- 1 Chapter 208. Zoning
- 2 Article V. Regulations Applicable to All Districts
- 3 § 208-14. Application of regulations.
- 4 R. On residential properties, garages shall be limited as follows:
- 5 (1) Detached garages shall not exceed ~~600~~ 900 square feet in garage building area or 20 feet in
- 6 height.
- 7 (2) Attached garages shall not exceed ~~600~~ 900 square feet in garage building area or 1/3 of the
- 8 combined living area of the first and second floor ~~building area exclusive of the horizontal~~
- 9 ~~projection of any roof~~, whichever is greater.
- 10 a. Exception to size limit- An area that is physically separated by a wall from the main garage
- 11 parking area (i.e., utility or storage rooms, a workshop area, etc.) that clearly cannot
- 12 accommodate the parking of a vehicle.
- 13 (3) Residential properties are limited to one garage.



Add text  
~~Delete text~~

Chapter 208. Zoning

Article VII. Restricted Business, Industrial and Commercial Districts

§ 208-43. Mixed-Use District.

C. Dimensional regulations.

~~(1) Lot areas greater than one acre shall require a special-use permit issued by the Town Board.~~

~~(2)~~ (1) Lot size. The minimum width of a lot shall be 80 feet, and the minimum area shall be 10,000 square feet.

~~(3)~~ (2) There shall be no minimum size requirements for buildings or structures.

~~(4)~~ (3) Setbacks shall be as follows:

Setback for Principal and Accessory Structures (feet)

Yard	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	50	—

\* Common wall buildings excluded.

On corner lots, both yards abutting streets shall be considered front yards. See § 208-25 for buffer requirements.

~~(5)~~ (4) Maximum overall building height shall not exceed 40 feet (see § 208-14P).

~~(6)~~ (5) Minimum building height shall be 22 feet.

~~(7)~~ (6) Lot coverage. Total lot coverage, including structures, parking areas and other impervious surfaces, shall not occupy more than 75% of the total lot area. The remainder of the lot shall be landscaped area.

~~(8)~~ (7) No more than three delivery vehicles shall be used in the operation of said business.

~~(9)~~ (8) 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.

*Add text*  
*Delete text*

- 29 ~~(10)~~ (9) The Planning Board may, at its discretion, waive or modify requirements pertaining to  
30 provisions in Subsection C~~(2) through (10)~~.

Add text  
~~Delete text~~

Chapter 208. Zoning

Article VI. Residential Districts

§ 208-32. Class B District.

The following regulations shall apply to the Class B District:

A. Uses permitted. The following uses are permitted:

(1) Single-family detached dwelling which may have an attached or detached private garage.

(2) Two-family detached or semidetached dwelling with an attached or detached garage. ~~may be approved by the Planning Board if the developer applies for the same with concept subdivision approval and if the applicant has received a special permit from the Town Board, as provided for in § 208-54 of this chapter. The buildings must be in harmony with and complementary to the single-family residences provided for said subdivision. Applicants shall notify neighboring property owners within 500 feet of the boundary of these proposed subdivisions at least one week and not more than three weeks prior to the scheduled Town Board hearing for the special permit.~~

(3) The conversion of an existing dwelling from a one-family to a two-family dwelling or the construction of a two-family detached or semidetached dwelling on a preexisting lot may be permitted ~~upon a special permit from the Zoning Board of Appeals as provided in § 208-54 of this chapter. If a special permit is granted, applicants building new units or modifying the exterior of existing structures must obtain~~ through site plan approval from the Planning Board.

(4) Public buildings and grounds. (See § 208-8, Definitions.)

(5) One-story accessory building. (See § 208-14G herein.)

(6) All uses as permitted and regulated in Townhouse Districts under § 208-34 herein.

(7) Customary home occupation. (See § 208-8, Definitions.)

(8) Agriculture and agricultural structures for agricultural activity (see "farm" definition in § 208-8).

(9) Bed-and-breakfast establishment.

Chapter 208. Zoning

Article VI. Residential Districts

Add text

~~Delete text~~

31 § 208-33. Class C District.

32 The following regulations shall apply to the Class C District:

33 A. Uses permitted. The following uses are permitted:

34 (1) Single-family detached dwelling which may have an attached or detached private garage.

35 (2) Two-family detached or semidetached dwelling with an attached or detached garage. ~~may be~~  
36 ~~approved by the Planning Board if the developer applies for the same with concept subdivision~~  
37 ~~approval and if the applicant has received a special permit from the Town Board, as provided~~  
38 ~~for in § 208-54 of this chapter. The buildings must be in harmony with and complementary to~~  
39 ~~the single-family residences proposed for said subdivision. Applicants shall notify neighboring~~  
40 ~~property owners within 500 feet of the boundary of these proposed subdivisions at least one~~  
41 ~~week and not more than three weeks prior to the scheduled Town Board hearing for the~~  
42 ~~special permit.~~

43 (3) Townhouses, patio homes or other similar reduced lot size residential units, provided that:

44 (a) ~~Approval of Town Board is obtained per Subsection A(2) above. A special permit is~~  
45 ~~obtained from the Planning Board per § 208-54 of this chapter.~~

46 (b) All lots will be served by public water and sewer.

47 (c) The area is designated for medium-density residential development in the most current  
48 Comprehensive Plan or receives such designation by the Planning Board.

49 (d) Lot widths will be reduced to 40 feet for attached townhouses and 60 feet for detached  
50 structures.

51 (e) Density shall not exceed four units per acre if townhouses, patio homes, etc., are built. All  
52 provisions of § 208-34, Townhouses, shall apply unless in conflict with this section, in which  
53 case this section controls.

54 (4) The conversion of an existing dwelling from a one-family to a two-family dwelling or the  
55 construction of a two-family detached or semidetached dwelling on a preexisting lot may be  
56 permitted ~~upon a special permit from the Zoning Board of Appeals as provided in § 208-54 of~~  
57 ~~this chapter. If a special permit is granted, applicants building new units or modifying the~~  
58 ~~exterior of existing structures must obtain through~~ site plan approval from the Planning Board.

59 (5) Public buildings and grounds. (See § 208-8, Definitions.)

60 (6) One-story accessory buildings. (See § 208-14G herein.)

61 (7) All uses permitted and regulated in Townhouse Districts under § 208-34 herein.

62 (8) Customary home occupation. (See § 208-8, Definitions.)

Add text  
~~Delete text~~

63 (9) Bed-and-breakfast establishment.



Add text

Delete text

Chapter 67. Adult Uses

§ 67-2. Definitions.

SMOKE OR VAPE/VAPING/VAPOR SHOP

Retail stores and shops specializing in selling tobacco, vape and similar nicotine products, and delivery systems related to those products, with 50% or more of gross revenues comprised from the sale of said products and/or 25% or more of the total available retail display space within dedicated to said products. This definition shall exclude Cigar Shop or Cigar Lounge as defined in 208-8.

---

Chapter 208. Zoning

Article V. Regulations Applicable to All Districts

§ 208-8 Definitions.

Cigar Shop

A retail establishment specializing in the sale of cigars and associated accessories.

Cigar Lounge

An establishment dedicated, in whole or in part, to the on-site smoking of cigars.

§ 208-28.2 Cigar Shops and Cigar Lounges.

A. Cigar Shops. The following regulations are applicable to cigar shops:

(1) Shall maintain on the premises and offer for sale a variety of cigars from not less than ten manufacturers or importers or any combination thereof and have a walk-in humidor of at least 130 square feet in floor space;

(2) Shall maintain a total inventory of at least 1,000 cigars; provided however, that any inventory which is depleted to less than 750 cigars must be replenished to at least 1,000 cigars within 15 days of the date that the town learns that the inventory has fallen below 750 cigars;

(3) Shall not sell, or permit the on-site use of, cigarettes, cannabis, and vape products such as electronic smoking devices, component parts, vape or e-liquids, hookah products and other delivery systems such as glass pipes, bongs, water pipes or similar products.

B. Cigar Lounges. The following regulations are applicable to cigar lounges:

(1) On-site consumption shall be exclusively for cigars. Consumption of cigarettes and other tobacco products, cannabis or vape products shall be prohibited.

(2) Age restrictions. No one shall be allowed on the premises of a cigar lounge business unless the



Add text  
Delete text

individual is twenty-one (21) years of age or older.

(3) Indoor operations. All business-related activities and cigar consumption shall be conducted wholly within an enclosed building.

(4) Ventilation. Adequate mechanical ventilation shall be provided. The ventilation system shall assure that smoke from the cigar lounge is incapable of migrating into any other portion of the building hosting the cigar lounge or into any other building in the vicinity of the smoking lounge.

(5) Loitering. The cigar lounge owner or operator shall prohibit loitering by persons outside the cigar lounge either on the premises or within fifty (50) feet of the premises.

#### C. Permissible Locations.

(1) Cigar Shops and Cigar Lounges are permitted in Industrial, Commercial, and Mixed Use Districts, but shall not be located within two hundred (200) feet of a public or private school, preschool, daycare center, Town park or recreational facility or another cigar shop or cigar lounge.

§ 208-40 Industrial District.

Uses permitted. The following uses shall be permitted in the Industrial District:

(1) Customary and ordinary industrial uses, including light manufacturing uses, which are conducted wholly within the enclosed walls of a building, including warehousing, are permitted. Those uses of lands, buildings, structures or processes which may or shall be noxious, injurious or in any way harmful to persons or property by reason of the production or emission of dust, smoke, refuse, odor, gas fumes, noise, radiation, vibrations or similar circumstances or conditions are expressly prohibited.

(2) Hotels or motels. (See § 208-45.)

(3) All uses first permitted in a Restricted Business District, but not including uses defined in the Mixed Use District Residential or Commercial Use categories.

(4) A solid waste facility may be permitted upon obtaining a permit from the Zoning Board of Appeals as provided in § 208-21 of this chapter, provided that it meets the following criteria:

(a) The parcel is greater than 100 acres in size.

(b) The facility and related improvements are set back greater than 100 feet from any property line.

(c) Appropriate measures are taken to minimize the visual impact of any operational activities and equipment, and dropoff facilities are provided along adjacent public roads.

(5) 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 American National Standards Institute (ANSI) SI.2-1983, and a special permit is granted by the Board of Appeals. The Board shall apply the provisions of § 208-54 hereof as well as any other standards deemed necessary or proper to protect the neighboring properties.

Add text  
~~Delete text~~

(6) Adult uses.

(7) Miniwarehouses.

(8) Public garages, provided that a special permit is granted by the Town Board.

(9) Bottle and can redemption.

(10) Cigar Shops or Cigar Lounges, as regulated by § 208-28.2

§ 208-41 Commercial District.

Uses permitted. The following uses shall be permitted in the Commercial District:

(1) Any use first permitted in a Restricted Business District, excluding light manufacturing.

(2) The following uses when conducted within a completely enclosed building:

(a) Stores and shops for the conducting of any retail business, subject to the regulations found in § 208-41A(5)(p) and (q).

(b) Personal service establishments, i.e., barbershops, beauty parlors, shoe repair, laundromat, dry cleaning or laundry pickup stations.

(c) Restaurants, coffee shops or other places serving food or beverages inside.

(d) As an accessory use, shops for the manufacture or processing of articles incidental to the conduct of a retail business lawfully conducted on the premises, provided that:

[1] All such articles manufactured or processed are sold at retail on the premises.

[2] Not more than four persons are engaged in such manufacturing or processing at any one time in any one establishment.

[3] Such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.

(e) Vending machines, only when located wholly within the main building, except as listed below:

[1] Public telephones and newspaper vending machines may be located outside of a building.

[2] Ice dispensing machines may be located outside or next to, but not in front of, the building.

(f) 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, and a special permit is granted by the Board of Appeals. The Board shall apply the provisions of § 208-54 hereof as well as any other standards deemed necessary or proper to protect the neighboring properties.

Add text  
~~Delete text~~

- 97 (3) The following uses, when conducted outside of an enclosed building:
- 98 (a) Outdoor display and storage of plants and accessories on the same parcel of land as a garden store,  
99 hardware store or landscape gardener which is situate in a permanent structure.
- 100 (4) The following uses, when conducted in connection to a completely enclosed building:
- 101 (a) Drive-through facilities. The Planning Board shall approve drive-through facilities in a site plan  
102 approval, provided the applicant demonstrates the use will not be detrimental to on-site traffic patterns,  
103 off-site traffic and adjacent properties. When a drive-through facility is located in a Town-designated  
104 historic district, see § 208-41A(5)(r).
- 105 (b) Outside dining. The Planning Board shall approve outside dining through a site plan approval.  
106 Preparation of food for catering purposes for consumption off the premises is permitted as an incidental  
107 use.
- 108 (5) The following uses, upon obtaining a special permit from the Town Board as provided in § 208-54 of  
109 this chapter. Applicants shall obtain approval of a special permit before seeking site plan approval from  
110 the Planning Board.
- 111 (a) Hotels or motels (see § 208-45).
- 112 (b) Motion-picture theaters, theaters and auditoriums for the performing arts. Drive-in theaters are not  
113 permitted.
- 114 (c) New or used motor vehicle sales.
- 115 (d) Gasoline service stations or public garages, provided that entrances and exits are aligned with the  
116 center lines of existing intersecting public rights-of-way or are located more than 100 feet from the closest  
117 edge of a street intersection and that no service appliance is installed within 50 feet of any street or lot  
118 line. For additional requirements, see § 208-44.
- 119 (e) Limited-use gasoline stations which have just gasoline pumps and a building for shelter of personnel  
120 constructed as an integral part of a shopping center. The station shall not have direct access to or from  
121 public highways, nor shall there be a garage, lubrication facilities or sale or lease of parts, accessories,  
122 vehicles or trailers associated with them.
- 123 (f) Minimarts associated with gas stations (see § 208-44).
- 124 (g) Car washes, provided that no entrance or exit drive shall be located within 100 feet of any street  
125 intersection.
- 126 (h) Monument sales, provided that all cutting and engraving processes are conducted within an enclosed  
127 building.
- 128 (i) Boat or marine sales or service.
- 129 (j) Laundry or dry-cleaning plants.
- 130 (k) Custom shops, including but not limited to electrical, heating, printing, plumbing or woodworking  
131 shops.

Add text  
~~Delete text~~

- 132 (l) Miniwarehouses.
- 133 (m) The following uses, provided that they are conducted within a completely enclosed building or within  
134 an area enclosed by a suitable solid fence or wall:
- 135 [1] Building materials supply, including incidental millwork.
- 136 [2] Machine or tool sales, rental or service.
- 137 (n) Farm implement dealer.
- 138 (o) Funeral homes.
- 139 (p) A retail use that exceeds 8,000 square feet in gross leasable floor area (GLFA) within a stand-alone  
140 building.
- 141 (q) A retail use that exceeds 15,000 square feet in GLFA within or attached to an existing plaza.
- 142 (r) Drive-through facilities, when located in a Town-designated historic district, as identified on the  
143 official Town Zoning Map.[1] Drive-through windows are subject to the additional standards for drive-  
144 through facilities in historic districts in § 208-54E.
- 145 [1] Editor's Note: The Zoning Map is on file in the Town offices.
- 146 (6) All uses first permitted in a Mixed Use District, as regulated by § 208-43.
- 147 **(7) Cigar Shops or Cigar Lounges, as regulated by § 208-28.2.**
- 148 **(8) Short-term Rentals, as regulated by § 208-28.3.**
- 149
- 150 § 208-43 Mixed Use District.
- 151 B. Uses and restrictions. The following uses shall be permitted in the Mixed-Use District:
- 152 (1) All uses first permitted in Restricted Business District with the exception of hotels and motels, provided  
153 that such uses do not exceed 6,000 square feet in area.
- 154 (2) The uses in Table 1, when conducted within a completely enclosed building. Such uses are to be in  
155 accordance with the following:

Lot Size	Maximum Building Area	Maximum Single Use Size
(acres)	(square feet)	for Commercial Use Category
		(square feet)
More than 3	N/A	8,000
1 to 3	N/A	5,000
Less than 1	10,000	2,500



Add text  
~~Delete text~~

156

157

158

<b>Table 1</b>	
<b>Use Group</b>	<b>Mixed-Use</b>
<b>Use Category</b>	<b>District</b>
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	
PB = Waiver/modification/approval by Planning Board with detailed rationale supporting decision identified in PB motion	
<b>Residential</b>	
Live/work space	P
Dwelling units	P
<b>Public and Civic</b>	
Public buildings and grounds	SP (TB)
Commercial schools	P
<b>Commercial</b>	
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/gallery	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 (ZBA)
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)	P
<b><u>Cigar Shops or Cigar Lounges, as regulated by § 208-28.2.</u></b>	<b><u>P</u></b>

Add text

~~Delete text~~

<u>Short-term Rentals, as regulated by § 208-28.3.</u>	<u>P</u>
Other	
Outdoor entertainment	SP (ZBA)
Any combination of permitted residential or nonresidential uses	P
Permitted uses exceeding the thresholds established in Subsection B	PB
Uses which are consistent with the intent of this district (see § 208-43A) and which are similar to uses permitted in § 208-43B(2).	SP (TB)

159



Add text  
~~Delete text~~

Chapter 208. Zoning

Article II. Definitions; Word Usage

§ 208-8. Definitions.

BED-AND-BREAKFAST ESTABLISHMENT

A typical owner-occupied residential dwelling that operates as a regular business enterprise for transient rental and transient guests where overnight lodging is provided for compensation.

~~Permission to conduct such use must be secured by special permit from the Board of Appeals after a public hearing, and a building permit from the Building and Codes Department.~~

SHORT-TERM RENTAL

A typical residential dwelling unit that is not a hotel, motel or bed and breakfast establishment, in which all or part of the dwelling unit is offered or provided to a guest for overnight lodging, for compensation, for fewer than twenty-eight (28) consecutive nights.

Chapter 208. Zoning

Article V. Regulations Applicable to All Districts

208.28.3 Bed-and-Breakfast Establishments and Short-Term Rentals

A. Bed-and-Breakfast Establishments

(1) Permit required. Permission to conduct such use must be secured by special permit from the Board of Appeals after a public hearing, and a building permit and certificate of occupancy from the Building and Codes Department.

B. Short-Term Rentals

(1) Short-Term Rentals, as defined by this code, shall be prohibited in all Apartment, Townhouse, Industrial, Planned Development District and residential zoning districts.

(2) Permit required. Short Term Rentals in a Restricted Business, Commercial or Mixed Use District must first obtain a building permit, certificate of occupancy and an operating permit.

(3) Operational regulations. Permitted Short-Term Rentals shall be operated in accordance with the Short-Term Rental Policy set by the Director of Building and Codes.

(4) Revocation. The Director of Building & Codes shall have the authority to revoke the operating permit for a Short Term Rental deemed to be a habitual nuisance to neighboring properties and the community.

Add text  
~~Delete text~~

§ 208-39 Restricted Business District.

A. Uses permitted in the restricted business district. The following uses shall be permitted when conducted within a completely enclosed building:

(1) Administrative, banking, professional or executive offices, but not including retail sales, or any use first permitted in any Commercial or Industrial District unless specifically permitted. Banks are permitted to have drive-in tellers and automated teller machines (ATMs) if at least 10 stacking spaces are provided for each. When located in a Town-designated historic district, as identified on the official Town Zoning Map,[1] drive-in tellers and drive-up automated teller machines require the granting of a special permit from the Town Board. Drive-in tellers and drive-up automated teller machines are subject to the additional standards for drive-through facilities in historic districts in § 208-54E.

[1] Editor's Note: The Zoning Map is on file in the Town offices.

(2) The following uses for treatment and care of human beings, including but not limited to medical buildings consisting of offices or clinics for physicians, osteopaths, dentists, chiropractors, chiropodists, podiatrists, opticians and optometrists.

(3) Public buildings and grounds (see § 208-8, Definitions).

(4) Meeting rooms for private clubs, lodges or fraternal organizations.

(5) Fire station and/or ambulance service headquarters.

(6) Hotels or motels (see § 208-45).

(7) As an accessory use to any of the above, a restaurant, newsstand, barbershop, hairdresser, pharmacy, storage or other incidental personal service in connection with a permitted use, but only when conducted and entered from within the building, provided that no exterior display or advertising shall be made of such use.

(8) As an accessory use to any of the above, a club swimming pool, provided that such pool is located entirely within an enclosed building. Outdoor pools may be granted by the Board of Appeals upon application for a special permit. The Board shall apply the provisions of § 208-54 hereof as well as any other standards deemed necessary or proper to protect neighboring properties.

(9) 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 American National Standards Institute (ANSI) S1.2-1983 and a special permit is granted by the Board of Appeals. The Board shall apply the provisions of § 208-54 hereof as well as any other standards deemed necessary or proper to protect the neighboring properties.

*Add text*  
*Delete text*

- 67 (10) All uses first permitted in a Mixed Use District, as regulated by § 208-43.
- 68 (11) Light manufacturing (including incidental warehousing), research and development,  
69 servicing of merchandise and product assembly entirely within an enclosed building. Such uses  
70 shall not alter the character of the building or surrounding properties and not create and emit  
71 fumes, gases, smoke, vapor, dust, noise or other nuisances to adjacent lands.
- 72 (12) Short-term Rentals, as regulated by § 208-28.3.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Perinton, Department of Planning, 100 Cobb's Lane, Fairport, NY 14450			
Name of Action or Project:			
Local Law of 2024: Eight (8) land use and development code modifications to existing zoning regulations or code processes/procedures.			
Project Location (describe, and attach a location map):			
Town of Perinton, NY			
Brief Description of Proposed Action:			
The Town of Perinton is proposing a series of administrative zoning/general Town code modifications to regulate land use, development, and town operations. The proposed modifications largely represent adjustments to existing regulations and are attempts to simplify and improve their application for today's needs. They are: 1. Extend 501(c)3 organization's site plan expiration to three years (§ 208-53H); 2. Enhancing peddler permit background checks to include NYSDCJS (§ 163); 3. Modify preliminary site plan actions to prohibit site work (§ 208-53); 4. Modify garage size regulations (§ 208-14); 5. Remove SUP for Mixed Use District projects greater than an acre (§ 208-43); 6. Remove SUP for attached/semi-detached single family (§ 208-32; § 208-33); 7. Remove cigar shop in adult use; modify vape shop; add cigar shop regulations to §208 (§ 67-2; § 208-28.2); 8. Add short-term rental to § 208; modify B&B regulations			
Name of Applicant or Sponsor:		Telephone: (585) 223-5115	
Michael S. Doser, MPA, Director of Planning, Town of Perinton		E-Mail: mdoser@perinton.org	
Address:			
Department of Public Works, 100 Cobb's Lane			
City/PO:		State:	Zip Code:
Fairport		NY	14450
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Michael S. Doser, MPA</u> Date: <u>11/9/21</u>		
Signature: <u>Michael S. Doser</u> Title: <u>Director of Planning</u>		

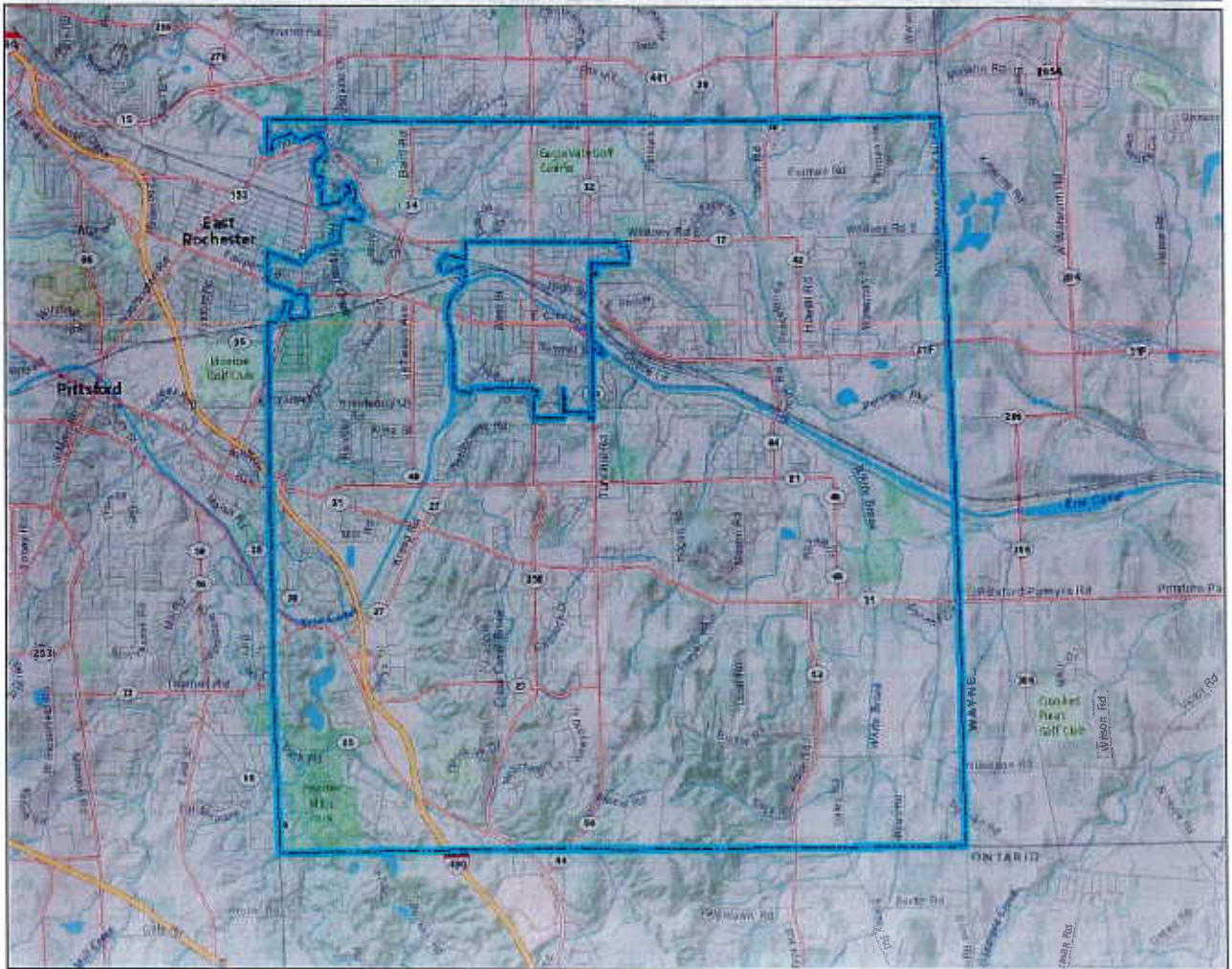
**LEGEND**

Municipal  
Boundary

 Perinton

## Town of Perinton

Note:



1 inch = 6,019 feet





## TOWN OF PERINTON

100 COBB'S LANE ■ FAIRPORT, NEW YORK 14450-8617  
(585) 223-5115 ■ Fax: (585) 223-0448 ■ www.perinton.org

---

## NARRATIVE DESCRIPTION

---

The Town of Perinton is proposing a series of administrative zoning code modifications to regulate land use, development and operations in the Town. The proposed modifications largely represent adjustments to existing regulations and are attempts to simplify and improve their application for today's needs. The prospective codes were reviewed/modified by internal staff and the Codes Committee, and were deemed appropriate to bring forward. They are summarized below.

### 1. Administrative/Operations

- a. Extend 501(c)3 organization's site plan expiration to three years (§ 208-53H)

- *Allow tax-exempt organizations longer timeframes in order to pursue needed grant funding for site plan projects*

- b. Enhancing peddler permit background checks to include NYSDCJS (§ 163)

- *Allow Town authorization to perform peddler permit background checks in conjunction with NYS Dept. of Criminal Justice Services*

- c. Modify preliminary site plan actions to prohibit site work (§ 208-53)

- *Prohibit site work prior to site plan approval*

- b. Modify garage size regulations (§ 208-14)

- *Permit increase in garage sizes to accommodate modern day residential inside storage demands*

- c. Remove SUP for Mixed Use District projects greater than an acre (§ 208-43)

- *Remove burdensome requirement of additional SUP for as-of-right development under Mixed Use District zoning*

- d. Remove SUP for attached/semi-detached single family (§ 208-32; § 208-33)

- *Remove burdensome and inequitable requirement of additional SUP for attached/semi-detached single-family dwelling*

### 2. Administrative/Zoning





## TOWN OF PERINTON

100 COBB'S LANE ■ FAIRPORT, NEW YORK 14450-8617  
(585) 223-5115 ■ Fax: (585) 223-0448 ■ [www.perinton.org](http://www.perinton.org)

### PUBLIC WORKS

- a. Remove cigar shop in adult use; modify vape shop; add cigar shop regs to §208 (§ 67-2; § 208-28.2)
  - *Further define the determination of retail establishments that specialize in smoke/vape retail*
- b. Add short-term rental to § 208; modify B&B regs
  - *Permit short-term rentals in most zoning districts that allow for commercial use*

Project:

Date:

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Date: 

### *Short Environmental Assessment Form*

#### *Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed code changes are administrative in nature, and will not result in a significant adverse environmental impact. When applications are received for specific proposed actions that are not exempt from site plan approval or SEQR, they will be examined through the lens of the SEQR process individually. Six of the proposed code modifications are related to operational process and procedures. The remaining two proposed code modifications are related to clarification of land uses. Overall, the proposed code changes are administrative in nature, and will not result in a significant adverse environmental impact.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Perinton Town Board

Name of Lead Agency

Date

Ciaran Hanna

Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)