

**Minutes of the Town of Perinton
Planning Board Meeting of February 6, 2013**

Planning Board Members Present

Mark Anderson, Chairman
T.C. Lewis
James P. Brasley
Dwight Paul
Craig Antonelli

Absent

Kenneth O'Brien

Conservation Board Members Present

Jerry Leone
Robert Salmon

Town Officials Present

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW
Michael Doser, Director Code Enforcement & Development (CED)
Lori Stid, Planning Board Clerk

Absent

Tim Oakes, Town Engineer

Mr. Anderson called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures. Mr. Anderson states that there are only five Board members here tonight, and they are normally a Board of seven. In order for a motion to carry, four votes are needed. A 3 – 2 vote would fail. They are anticipating that the 6th member will be back from surgery for the first meeting in March. The 7th member will be appointed by the Town Board, and he is not sure when that will happen at this point.

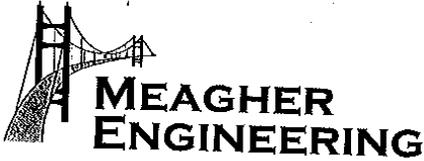
The Board will hear the site plan first, make a decision and then review the signage. The HAC has issued a C of A for the building changes, but HAC has not reviewed any signage yet.

New Application(s):

7278 Pittsford-Palmyra Road addition & parking expansion – Fitch Construction. Meagher Engineering, as agent for 7278 Pittsford Palmyra Road, LLC, owner of property located at 7278 Pittsford-Palmyra Road, requesting preliminary and final site plan approval to add 4 bump out additions (877 square feet) for sunroom displays to the existing commercial building, additional parking (12 parking spaces) in the front, and loading dock & dumpster enclosure on the east side of the existing warehouse building.

Presenter: Meagher Engineering, Wendy Meagher, P.E.
Zoned: Commercial

Ms. Meagher presents the application to the Board, as described in letter of intent as shown below. With her is Dave Cerrone, owner of the property.



RECEIVED
DEC 20 2012
TOWN OF PERINTON

ORIGINAL

Egypt F.D.s

Dec 21, 2012

PO Box 76 VICTOR, NEW YORK 14564
PH (585) 924-7430 FAX (585) 924-7457

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

RE: **LETTER OF INTENT - Planning Board Meeting Feb. 2nd, 2013**
7278 Pittsford-Palmyra Road, LLC Site Plan
Fairport, NY 14450

Dear Chairman & Honorable Members:

We are submitting plans for review at the Planning Board Meeting on **Feb. 2, 2013**. The following is a request for **Preliminary/Final Site Plan reviews** for the address referenced above.

We are adding 4 small "bump out" additions for sunroom displays on the existing commercial building, adding a small amount of pavement for additional parking in the front, and proposing a new loading dock & dumpster enclosure on the East side of the existing warehouse building.

The sunroom display additions will be able to be accessed from the interior of the existing showroom building. Elevations and cut sheets of these new improvements are enclosed. The additions will be on the front and sides of the existing showroom building.

The new loading dock area will allow the truck traffic to load & unload more efficiently for the business and create a safer traffic flow within the site. The new parking in the front for customers and the loading dock to the East will keep the retail and the operational traffic separate. The addition of the pavement will allow for 12 more parking spaces for the business. The addition of dry swales will capture and alleviate any additional storm water run off. The new dock will also create safer access to the dumpster & create an enclosure.

We have submitted to Zoning Board for the following area variances: Side setback of 12 ft. & Front setback of 79.5 ft. for the sunroom display additions & loading dock addition. Due to essentially half of the existing site being composed of mitigated wetlands, the location for these additions and the loading dock are very limited thus requiring variances.

This should conclude our project for a favorable review. Please contact our office with any questions or comments.

Sincerely,
MEAGHER ENGINEERING, PLLC

Wendy L. Meagher, PE

Encl.

Planning Letter.doc

David Cerrone, Fitch Construction, states that the business is moving from Penfield. It is a remodeling company. There are about 10 – 12 employees there at any one time; sometimes more, sometimes less. They are happy to be able to have offices, showroom, and a warehouse in one facility.

Ms. Meagher states that 50% of the site is wetlands in the back, and it was mitigated years ago. There are two existing buildings on site; a retail, as well as a warehouse. They propose to place new parking in front of the retail and in front of the warehouse area. This will allow truck traffic to come in and back into a new dock area on the east side of the warehouse and will allow for 12 more parking spaces. Per the code, they are supposed to have 47 parking spaces for the retail area, and it is not feasible. They were granted a variance for reduced parking back in 1993. They received comments from the DPW, which are minor and technical in nature. The parking was placed in front of the retail building because of the wetlands in the rear. The project conforms to the 2003 Hamlet of Egypt Subarea plan for a number of reasons. They are taking an existing building and adapting it for re-use, as opposed to building new structures. They are improving the architecture of the building. They are changing the rooflines and the gables and the detailing on the building will improve the look of the structures. They are proposing to improve the landscaping in the front.

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

A gentleman (unknown) asks where the sign at the road would be located. Ms. Meagher states that the sign already exists today, and they are only changing the name of the business.

Mr. Anderson asked for questions or comments from the Conservation Board.

Mr. Leone states that the Conservation Board issued comments, as follows:

The Conservation Board met with Wendy Meagher, representing Fitch Construction, on October 16, 2012. The Board indicated the proposed changes to this site will enhance not only this property but the Hamlet of Egypt as well. Concerns discussed and solutions are as follows:

Storm Water Management-

Some sections will continue as are presently on the site. New provisions are the installation of two dry wells in the front portion of the property will infiltrate a portion of rainfall, with an overflow to the existing storm sewers. The proposed loading docks will have catch basins with filter fabric and sump designs and will be piped to the existing wetlands.

Parking and Traffic-

Parking will be increased from the existing 15 spaces to 27 spaces. The original concept of a second curb cut to enable trucks to back into the loading dock has been changed to a hammerhead driveway to eliminate the need for the curb cut.

Lighting-

There are no significant changes proposed for lighting on the site, as only some wall lighting is proposed.

Landscaping-

Some trees will be removed as per drawings. The two berms will be re-landscaped, some shrubs relocated and new ones added. The warehouse will have some of the relocated shrubs placed across the front.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that CED feels that the site plan proposal is a big improvement to the property. The design architecture fits within the hamlet of Egypt with gable rooftops and gable architecture. The applicant will be pursuing a number of variances from the Zoning Board of Appeals on 2-25-13 (see below)

1. **Section 208-42 D, to allow the front setback for a proposed sunroom display addition to set 57 feet from the front property line instead of 85 feet, and further to allow an additional proposed sunroom display addition to set 14 feet from the west side property line and to allow a proposed loading dock to set 12 feet from the east side property line, both instead of 30 feet.**
2. **Section 174-9 D of the Sign Code, to allow two building mounted signs on the main showroom building and two building mounted signs on the warehouse building (total 4 signs), in addition to the existing freestanding sign.**
3. **Section 174-6 D of the sign Code, to allow a proposed sign to extend 5'6" from the building face instead of 18".**
4. **Section 174-10 A of the Sign Code, to allow the existing freestanding sign to have a 0' front setback instead of 25 feet.**

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

General

1. **Property is in a commercial zone, which requires 85-foot front setback, and 30-foot side and rear setbacks. Front parking setback shall be the same as a building (85 feet, as identified in §208-16C(2), but the Planning Board should consider the quality of screening in the front setback area to enhance site and achieve attractive onsite pedestrian environment.**
2. **The front property line shown is incorrect, missing an approximate 20' taken by NYSDOT. This needs to be shown, and the applicant needs a front setback variance, because the proposed structure is approximately 57 feet from right-of-way instead of 85 feet. The proposed parking setback is approximately 27' from the road right-of-way.**
3. **Applicant needs a side setback variance because proposed addition along west elevation is 14 feet from property line instead of 30 feet.**
4. **Elevations featuring gable rooftops and residential-like architecture fit the character of Hamlet of Egypt, as defined by the 2003 Hamlet of Egypt Subarea Plan and Guidelines.**
5. **The property is in the Egypt Historic District, so the proposed project requires the applicant to pursue a Certificate of Appropriateness from the Historic Architecture Commission.**
6. **The applicant is adding about a quarter acre of impervious surface to the site, producing some additional runoff. The existing privately constructed wetland to the rear of the property minimizes additional flow rates and provides treatment. To provide additional pretreatment and detention, the applicant is planning to construct shallow infiltration areas in the front with an overflow pipe to the existing storm pipes draining to the rear. We have discussed this with the applicant's engineer and will work out the remaining details prior to signing of the plans.**

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that a SEQR determination is required for this unlisted action. A certificate of appropriateness was granted by the HAC for the elevations. Any approval should be made subject to the applicant obtaining the necessary area variances for two side setback reductions and a front setback reduction.

Mr. Anderson states that he supports this project. The buildings have been vacant for a number of years and this will help upgrade the hamlet. The building modifications are appropriate and will fit in nicely with the Hamlet. The building modifications are appropriate and fit in with the historic nature of the Hamlet. He believes that more landscaping is needed. He feels that some streetscape trees should be adjacent to the sidewalk. He doesn't want to hide the building, just enhance. He would like to see a number and type for the landscaping shown on plans. There was a discussion about adding landscaping in the ROW. Ms. Meagher states that there was a taking by the State. Mr. Beck states that they could try to work with the DOT and ask if they could add landscaping in the ROW. Ms. Meagher states that she is not sure where they could do that. Mr. Anderson would like to see more added and expanded, while being sensitive to the fact of not hiding the building by trees. Mr. Anderson asked how the dumpster is shielded. Ms. Meagher states that it ramps down so workers can walk out the door and is inset. She states that the dumpster is 6' and the dock area is -4', so you can see some of it, but it is in the back of the warehouse. MR. Anderson states that Code requires dumpster enclosures. Ms. Meagher states that it is recessed for the safety of workers, and is a big part of their operation. Mr. Anderson states that there needs to be an enclosure and he would like to see a profile of the dumpster and enclosure and elevations of it.

Mr. Lewis states that if those numbers are accurate, then a 2' high enclosure should work. Mr. Lewis doesn't understand why the LDD line is shown that was delineated by DEC. Mr. Beck states that wetland mitigation was previously done and he would like the line to be left on as it doesn't hurt anything.

Mr. Lewis asks if there is an entrance for the warehouse. Ms. Meagher states yes, but they don't use it or want it marked, as they don't have any parking back there for the public and they don't want the public back there. Mr. Lewis asks what the use of the ware house is. Mr. Cerrone states it is used as a warehouse. Mr. Lewis asks if a future tenant may go in there. Mr. Cerrone states that he is not sure; possibly. It will depend on how much this business grows. Mr. Lewis would like to see where the entrance is to that building shown on the site plan, not just the elevations. Mr. Lewis asks how many spots are there for the new tenant, if there is one. Mr. Cerrone states that it is parking for the employees now. Ms. Meagher states that Code says they should have 47 spaces. They are trying to optimize the parking spaces in the front. They are able to get 12 more out. Mr. Lewis states that they don't want to create parking if they don't need it. How do they justify 29 spaces? Mr. Cerrone states that there are employees, vendors and customers. It is unsafe now. They want parking towards the front of the building to keep customers on that side. They want to keep truck traffic and customers separate. Mr. Lewis asks who will park in front of the warehouse. Mr. Cerrone states that employees and vendors will.

Mr. Brasley welcomes the business into the Town and supports this request. They are occupying a vacant parcel in the historic district. Fitch Construction has an excellent reputation. This is good location for this business. He attended the HAC meeting and they support the project. The Town is trying to improve the historic district one parcel at a time. He is ok for additional parking in the front. There is a wetland in the back and it is more important to protect that. The building next door, Just Solutions has parking in the front, so does Chakara. By allowing more parking in the front, it will not change the character of the neighborhood. The improvements to the architecture are so significant, that it will outweigh any detriment from front yard parking. He asks about lighting. Ms. Meagher states that they are not proposing any lighting; it already exists. Mr. Brasley states that he would like to see some vertical elevations for the retaining wall. Having a dumpster enclosure is not negotiable; it is required. He like the idea of some limited additional landscaping in the front yard. They are asking to add parking in the front, and further landscaping will enhance.

Mr. Paul supports the request. He understands the parking in front of the warehouse, as they will need it for truck turn around anyway. To use it as parking for some employees is appropriate. A dumpster enclosure detail is needed. Cross sections would be helpful so that they can understand the elevation change. Screening could be minimal on the east side of the dumpster to make it work. Additional landscaping along the front of the building is appropriate in this district. Low landscaping would fit well and make it more attractive. Variances for setbacks are appropriate. He would like some clarification to the dimension to the ROW and have that be added to the plans, as that will affect the ground mounted sign.

Mr. Antonelli supports the request. He is ok with the parking up front; the applicant indicates that they need the parking. They do need to have a dumpster enclosure. He supports adding landscaping in front. It will help the business and make the business more appealing.

Mr. Salmon states that the Perinton Conservation Board has met with the applicant's representative, reviewed the initial drawings, drawing revisions and supporting documentation provided by the applicant. As a result of the following findings the PCB recommends a negative SEQR determination for this application.

1. Stormwater controls on the site that are existing will continue to discharge into the wetlands. The proposed two new dry wells will infiltrate a portion of the storm water with the balance discharging into the wetlands. New catch basins for the loading docks will have filter fabric and a sump design, and the outflow discharging into the wetlands.
2. Green space on the site is proposed to be 69% vs. the required 35%. This takes into account the increase in parking from 15 spaces to 27 spaces as well as the impervious surface created for the loading docks and driveway re-configuration.
3. Lighting changes will be minimal, with only the addition of some wall lighting.
4. Landscaping changes will incorporate use of some of the existing shrubs, some of which will be planted across the front of the warehouse, and the balance used on the Berms.
5. There will be no new curb cuts, and truck traffic to the loading docks will be controlled by the hammerhead design

6. The proposed changes to the existing façade, siding and the addition of the sunrooms are viewed as attractive improvements to the site.

Mr. Anderson made a motion to grant a Negative Declaration of SEQRA for the reasons as stated by the Conservation Board.

Mr. Paul seconds the motion.

Motion carries 5 – 0.

Mr. Brasley made a motion to grant preliminary site plan approval to add 4 bump out additions (877 square feet) for sunroom displays to the existing commercial building, additional parking (12 parking spaces) in the front, and loading dock & dumpster enclosure on the east side of the existing warehouse building, for plans received by the Town on 12/20/12, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. The applicant is to successfully obtain any variances needed from the Zoning Board of Appeals.
3. Any variances granted are to be listed on the final plans submitted for signature, as well as the date the variances were granted.
4. Applicant is to coordinate with the DPW and show some additional landscaping in the front yard; perhaps some trees close to the sidewalk or some additional low shrubs on the final plans submitted for signature;
5. Applicant is to show additional detail on the final plans submitted for signature for the concrete retaining wall on the east side of the east building; specifically the vertical elevation changes.
6. Applicant to provide the necessary dumpster enclosure detail on the final plans submitted for signature showing how they meet the Town code requirement for dumpster screening.
7. The applicant is to show existing building entrances on the final plans submitted for signature.
8. Applicant to clarify the dimensions on the final plans submitted for signature of the new right of way along Pittsford-Palmyra Road showing the recent taking of property by the State Department of Transportation, and clarify the dimensions for the new right of way to the closest point of the front yard parking and the closest point of the building.
9. Applicant to add parking detail showing double hair striping as required by Town Code on final plans submitted for signature.

This project conforms to the Egypt Planning report that the Town prepared in 2003; this is an adaptive re-use of an existing building and an improvement of the architecture in an historic district. This application adequately protects the fragile environmental wetlands in the rear.

Mr. Lewis seconds the motion.

Motion carries 5 – 0.

Mr. Brasley made a motion to grant final site plan approval to add 4 bump out additions (877 square feet) for sunroom displays to the existing commercial building, additional parking (12 parking spaces) in the front, and loading dock & dumpster enclosure on the east side of the existing warehouse building, for plans received by the Town on 12/20/12, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. The applicant is to successfully obtain any variances needed from the Zoning Board of Appeals.
3. Any variances granted are to be listed on the final plans submitted for signature, as well as the date the variances were granted.
4. Applicant is to coordinate with the DPW and show some additional landscaping in the front yard; perhaps some trees close to the sidewalk or some additional low shrubs on the final plans submitted for signature.
5. Applicant is to show additional detail on the final plans submitted for signature for the concrete retaining wall on the east side of the east building; specifically the vertical elevation changes.
6. Applicant to provide the necessary dumpster enclosure detail on the final plans submitted for signature showing how they meet the Town code requirement for dumpster screening.
7. The applicant is to show existing building entrances on the final plans submitted for signature.
8. Applicant to clarify the dimensions on the final plans submitted for signature of the new right of way along Pittsford-Palmyra Road showing the recent taking of property by the State Department of Transportation, and clarify the dimensions for the new right of way to the closest point of the front yard parking and the closest point of the building.
9. Applicant to add parking detail showing double hair striping as required by Town Code on final plans submitted for signature.

Mr. Paul seconds the motion.

Motion carries 5 – 0.

Sign(s):

7278 Pittsford-Palmyra Road - Fitch Construction

Ms. Meagher states that there is an existing monument sign in the front that is internally lit; they are proposing to replace the face of that sign on each side. They are proposing two small oval building mounted signs for the building (main showroom). One will sit above the front entrance and the other will hang above the new entrance along the side. They are on the ZBA agenda for signage variances. This application to the Planning Board also included asking for signage for the 2nd building (warehouse building); she is asking to have that request removed. They are no longer asking for any signage for the warehouse building.

They do not have a tenant in mind, and are aware that if they do obtain a tenant, they would need to come back to the Planning Board, HAC & Zoning Board of Appeals for any tenant signage for that building.

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

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

The Perinton Code Enforcement and Development Dept. has reviewed the agenda for your February 6, 2013 meeting and offers the following comments regarding the sign applications for Fitch Construction for that meeting:

Fitch Construction proposes to replace the existing freestanding sign with a new sign, add two building-mounted signs on the main building and two building-mounted signs on the existing warehouse building for future tenants. The CED comments are as follows:

Freestanding Sign

A variance was granted on 12/22/84 to allow the existing freestanding sign to have maximum height of 7 feet (instead of 5 feet); the maximum area to be 32 sq ft; and to set 15 feet (instead of 25 feet) from the front property line.

The proposed sign replaces the existing sign face (32 sq ft).

HAC approval is scheduled for February 12, 2013.

The CED Dept. has no concerns with the replacement sign. A sign permit is to be issued.

Proposed Building-Mounted Signs for Main Showroom Building

The total area of signage allowed on this building is 90 sq ft. The applicant is proposing two signs: one elliptical sign (6'10" x 3'8" or 25 sq ft) on the south elevation and one e sign (4'2" x 2'2" or 9 sq ft) on the east elevation. The total area of signage proposed is 34 sq ft.

The two signs proposed for the main showroom building will require variances to allow building-mounted signs in addition to the monument sign, and to allow the proposed sign on the east elevation to extend more than 18 inches from the face of the building.

HAC approval is scheduled for February 12, 2013.

A sign permit to be issued.

Proposed Building-Mounted Signs for the Warehouse Building

The total area of signage allowed for this building is 60 sq ft. The applicant is proposing two signs (future tenant signs) on the south elevation and on the west elevation. Both signs are proposed to be 6'10" x 3'8" or 25 sq ft). The total area of signage proposed is 50 sq ft.

The building's approved use is warehousing. The proposed signs indicate "future tenant." The CED Dept. recommends denial of this sign approval for this building until the tenant and use is identified.

Should approval occur, variances are required to allow building-mounted signs in addition to a monument sign.

HAC approval would also be required.

Mr. Doser states that the applicant just withdrew the request tonight for warehouse building signage, so those comments do not apply at this time.

Mr. Paul states that he has talked with the applicant. He feels that the monument sign is fine; it is a replacement sign. It is internally lit and he is fine with that. The applicant is entitled to a sign; whether it is building mounted or a monument sign is their choice. The monument sign is well placed with the property address number on it. He feels that this is sufficient to identify the business at this location. He is opposed to the building mounted sign on the south elevation as it is redundant. The proposed sign on the east side entrance for the sales area is appropriate. It would help customers find the entrance to the sales building versus the warehouse. There is no signage proposed at this time for the warehouse, and he views this more as a directional sign.

Ms. Meagher states that they want to keep customers away from the warehouse and don't want them parking over there. They want to make sure customers come in the correct door.

Mr. Lewis states that they should remove the one at the street then; they don't need both. Ms. Meagher states that they want that sign at the street as the building sits back. They are really looking at the signage on the building as more directional in nature for safety and to direct customers.

Mr. Anderson feels that the signage is attractive; however, he has a concern with the monument sign given that it is internally illuminated. Would the applicant consider external illumination? Ms. Meagher states that they prefer to put money into the architecture of the building and not the monument sign that already exists. Mr. Lewis states that they could choose not to turn the internal illumination on.

Mr. Anderson states that they are trying to get away from the internally illuminated signage in Town. It is visual pollution. He asks if they could tone it down and mitigate it somewhat.

Mr. Paul states that they could remove the goosenecks from the building and put them over the sign, and remove the building mounted sign on the south elevation and put a sign over the front door that says entrance. He doesn't think that they need two signs facing the south side of the street, which other businesses have not been able to achieve.

Ms. Meagher states that this proposed signage is not out of character for the neighborhood. There are a number of businesses that have both a monument sign and building mounted signage. The ones that don't have building mounted signs have painted signs all over their windows, which looks worse than having a professional attached sign. The road is very dark and to be able to advertise in the interim, until they are able to replace the sign at the road, is not unreasonable to ask for.

Mr. Lewis states that they don't need two signs on the building that say Fitch, and if they don't want to get gooseneck lighting for the monument sign, then they should turn off the internal illumination.

Mr. Brasley states that if this were a new building in the historic district, it would be important to have the monument sign be externally illuminated, but this sign has been here for at least 20 or 30 years. Externally illuminated sign at the street would be ideal, but it is not necessary. As long as the applicant is willing to provide more landscaping in the front, then the Town should not burden them with too much. He supports the building mounted signs as they add to the historic character. The applicant has withdrawn their request for signage for the 2nd building, and he supports the application as proposed.

Mr. Antonelli agrees with Mr. Brasley. He supports the signage as requested, with the removal of warehouse signage, as long as they obtain ZBA approval.

Mr. Place states that it will take 4 votes to pass any motion. He reminds the applicant that they are short two members at this meeting. Mr. Paul doesn't feel that they will be able to pass any motion tonight based on the comments of the various Board members.

Mr. Cerrone states that the ground mounted sign has been there for years being internally illuminated. This is what attracted him to purchase this building. He has already backed off of having a logo.

Mr. Paul made a motion to grant approval of a sign application, as submitted, to the Town with the following conditions:

1. The monument sign is accepted as submitted.
2. The building mounted sign on the south elevation of the building is to be omitted.
3. There is no building mounted signage for the warehouse building; the applicant has withdrawn that request.
4. The hanging sign on the east elevation of the existing sales room is accepted as submitted.

There was no second to the motion

Mr. Brasley made a motion to grant approval of a sign application, as submitted, to the Town with the following conditions:

1. There is to be no building mounted signage for the warehouse building; the applicant has withdrawn that request. If the applicant wants any signage on the warehouse building in the future, they will have to return to the Planning Board once they have an established tenant.
2. Applicant to obtain any necessary variances from the Zoning Board of Appeals.

Mr. Antonelli seconds the motion.

Motion fails 2 – 3, with Messrs. Brasley and Antonelli in favor, and Messrs. O'Brien, Anderson, and Paul opposing.

Mr. Anderson states that the next time the Planning Board will meet in March 6, 2013. Mr. Anderson states that he encourages the applicant to have discussion with Dwight Paul as to signage. They are tentatively expecting the 6th member to be back for the first meeting in March, as he has been out with some surgery. A new member will also be appointed at some point in the future also.

Discussion: Recommendation to Town Board regarding proposed code changes to Section 208 of Perinton Town Code Section 208 – Agriculture Code.

Director of Code Enforcement and Development Doser stated that he is proposing changes to Section 208 of the Code of the Town of Perinton regarding Agriculture. The proposed changes are based on the recommendations of the recent Farmland Protection Plan that was accepted by the Town Board in 2012. Mr. Doser further stated that Perinton has a strong and proud agricultural heritage and that the purpose of the additions and revisions is to further define and support agricultural activity in the Town. Specifically, the proposed code changes address the definition of farm to include definitions as identified by New York State Agriculture and Markets law. It would also add definitions for agricultural products, agricultural structures, and agricultural activity and farm operations. Mr. Doser stated that residential developments that border farms would be required to properly buffer the development from the farm to minimize residential access to the farm. The proposed code would also allow agriculture and agricultural structures to be present in Residential B and Residential Transition 125 and Residential 25 and Residential Sensitive zoning districts. And lastly, he stated that proposed code would add the retention of productive agricultural land as a consideration in Open Space preservation and exempts agricultural structures from site plan approval.

The Board reviewed the proposed code changes as were presented to the Town Board on January 9, 2013, and asked Mr. Doser a number of questions regarding proposed changes. In general, the Board supports the proposed code changes and Mr. Anderson will write a memo to the Town Board in support of the proposed code changes.

ZBA – 2/25/13

The Board reviewed the applications scheduled before the ZBA on 2/25/13.

Meagher Engineering, as agent for 7278 Pittsford Palmyra Road, LLC, (David Cerrone), owner of property located at 7278 Pittsford Palmyra Road (Fitch Construction), requesting the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-42 D, to allow the front setback for a proposed sunroom display addition to set 57 feet from the front property line instead of 85 feet, and further to allow an additional proposed sunroom display addition to set 14 feet from the west side property line and to allow a proposed loading dock to set 12 feet from the east side property line, both instead of 30 feet.

Said property being located in a Commercial District.

The Planning Board recommends approval of the aforementioned variances because the requests are minimal and they follow the approved site plan. The applicant has worked hard to not disturb the existing wetlands in the rear of the property and they have compromised to reach this optimal solution. The applicant is also occupying a long time vacant building and making it more aesthetically pleasing.

- 1. Section 174-9 D of the Sign Code, to allow two building mounted signs on the main showroom building and two building mounted signs on the warehouse building (total 4 signs), in addition to the existing freestanding sign.**
 - 2. Section 174-6 D of the sign Code, to allow a proposed sign to extend 5'6" from the building face instead of 18".**
 - 3. Section 174-10 A of the Sign Code, to allow the existing freestanding sign to have a 0' front setback instead of 25 feet.**
- Said property being located in a Commercial District.**

The Planning Board recommends deferral of the aforementioned variances until ALL Planning Board members can review the application. The Board members that were present had mixed views on these items and could not reach a final determination. This was due to the lack of 2 Planning Board members at the meeting. Once the Planning Board can fully review the application and reach a determination in either direction, they would then be able to comment accordingly.

Mr. Antonelli to write recommendation to ZBA.

**Edwin Summerhays, L.S., as agent for Anne M. Talarico, Executrix of the Estate of Leonard H. Talarico, owner of property located at 10 Thayer Woods Drive (Lot 2 Thayer Woods Subdivision), requesting a variance of the Town of Perinton Zoning Ordinance Section 208-38 C and 208-38 I, to allow a proposed single family dwelling to set 57 feet from the front property line instead of 70 feet as per original approved subdivision zoning (Residential AA).
Said property being located in a Residential Sensitive District.**

The Planning Board recommends approval of this variance. This lot was approved back in 1982, and it contains more than 5 acres, so the applicant is permitted to construct a residence on this lot. The Planning Board granted final site plan approval for this lot at our 01/16/2013 meeting, and the house pad location shown on the approved plan is consistent with the applicant's request for a 57' front yard setback. Approving the front setback variance will minimize the disturbance of LDD on the lot, because there are much greater slopes at the rear of the lot than at the applicant's proposed house pad location.

Mr. Brasley to write recommendation to ZBA.

Minutes: 1-16-13

Mr. Lewis made a motion to approve the minutes of January 16, 2013, as submitted.

Mr. Brasley seconds the motion.

Motion carries 4 – 0, with one abstention of Mr. Antonelli, due to absence.

PB meeting – 2/20/13

Mr. Anderson states that the Planning Board meeting of 2/20/13 has been cancelled.

There being no further business before the Board, the meeting adjourned at 8:55 PM.

Respectfully Submitted,

Lori L. Stid, Clerk