

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

Planning Board Members Present

Mark Anderson, Chairman
T.C. Lewis
James P. Brasley
Dwight Paul
Kenneth O'Brien
Craig Antonelli

Conservation Board Members Present

Chris Fredette
Robert Salmon

Town Officials Present

Thomas Beck, Commissioner, DPW
Tim Oakes, Town Engineer
Michael Doser, Director Code Enforcement & Development (CED)
Lori Stid, Planning Board Clerk

Absent

Robert Place, Town Attorney

Mr. Anderson called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Sign(s):

7278 Pittsford-Palmyra Road - Fitch Construction
(carryover from 2/6/13)

Ms. Meagher reviewed the sign application with the Board. The monument sign faces Route 31, and is a replacement sign. They are proposing two building mounted signs on the retail building and are proposed to be two small oval shaped signs. There are two buildings on the site, and they wish to have signage on the retail business to be able to direct folks to that building. There are a number of businesses on this road that have both building mounted and ground mounted signage, as well as a number of businesses that have graffiti and signage in the windows and does not look professional. She feels that what they are proposing is professional.

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

A man (unknown) asked if the signs are proposed to be lit. The applicant states that the building mounted signage will have gooseneck lighting and the ground mounted is lit internally (replacement sign). The man expresses concern that the lighting might shine into the eyes of a driver passing by.

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

On February 25, 2013 the Zoning Board deferred this application until ZBA meeting of 3/25/13, to allow time for the Planning Board to make a determination on the sign application that was submitted to the Planning Board.

Freestanding Sign

- a. 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.
- b. The proposed sign replaces the existing sign face (32 sq ft).
- c. HAC approved this sign at the their February 12th, 2013 meeting, with the condition that the sign be externally illuminated, and a catalog cut sheet of the lights be submitted to the appropriate board, a cut sheet needs to be provided for review.
- d. 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

- a. **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.**
- b. **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.**
- c. **HAC approved these signs on February 12, 2013.**
- d. **A sign permit to be issued.**

Proposed Building-Mounted Signs for the Warehouse Building

- a. **This has been withdrawn by the applicant**

Mr. Doser states that this applicant is scheduled to be heard by the ZBA on 3/25/13 for the following requests:

- 1. **Section 174-9 D of the Sign Code, to allow two building mounted signs on the main showroom building 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.**

Mr. Doser states that the catalog cuts for the lighting fixtures should be submitted to CED. The existing monument sign has been there for years and this is a replacement sign.

Mr. Paul states that the applicant has withdrawn proposed signage for the warehouse building. The monument sign is a replacement sign. The building mounted signage is not needed facing Route 31. Directional signage should be used instead. The sign on the east side of the building is appropriate, but should say entrance; not Fitch. Directional signage could be placed over the door facing Route 31 that says entrance. He is opposed to building mounted signage facing Route 31.

Mr. Anderson states that code allows either building mounted or monument. He supports the monument sign if it is not internally illuminated. This sign should be externally lit to be consistent with the historic district. Mr. Anderson states that if this applicant is allowed to have additional signage then there will be a proliferation of requests for multiple signs. He feels that directional signs are more appropriate. He does feel that the proposed signs are attractive. He does not support any building mounted signage.

Mr. Lewis agrees with Mr. Paul and Mr. Anderson. Mr. Lewis states that at the first meeting it was discussed that in the future perhaps one or two more businesses could be in the 2nd building. If that happens, what if they want signs? If they allow this to have three signs now as proposed and then two other businesses come in for the 2nd building, then they would be asking for five signs. The monument sign should name the plaza. The applicant has chosen to name the monument sign Fitch Construction, which makes it difficult for another business to come in there. He supports the monument sign to be externally lit and have directional signs in the parking lot.

Mr. Brasley disagrees. He supports the signage as proposed. This applicant went to HAC and they approved this signage. They really liked the proposed signage. He realizes that code only allows for one; however, there are two buildings on this lot. This applicant is upgrading what was an existing vacant building. He building mounted signs that they are proposing are very attractive and not very big.

Mr. O'Brien supports the monument sign and prefers to not have any building mounted signage. Directional signage should be used instead.

Mr. Antonelli agrees with Mr. Brasley. There are a number of buildings in this area that have hand painted signs that do not look very professional. He would prefer to have professional signage than to see a whole bunch of signs in the window as a number of other businesses do in the area currently. He supports the monument signage to be externally lit.

Mr. Paul asked if directional signage would need to come back to the Planning Board, and Mr. Doser states not if they are two square feet or less.

Mr. Anderson asked Mr. Doser about other businesses in the area that have signage in the window. Mr. Doser states that those are illegal signs and they could be ticketed as a violation under the Town Code to be brought to Town Court.

Mr. Paul made a motion to grant approval for Fitch Construction for sign application received by the Town on 1/23/13, as submitted, subject to the following conditions:

1. The applicant to replace the monument sign at the street and is to be externally lit as requested by HAC.
2. Applicant to provide cut sheets of external lighting for the monument sign to CED for their review and approval.
3. There is no building mounted signage approved.
4. Applicant to work with CED to develop internal directional signage that meets Code.

Mr. O'Brien seconds the motion.

Mr. Lewis asks if the sign hanging off the front of the building is a directional sign. Mr. Doser states the one that they are currently proposing is not a directional sign as it shows the name of the business; however, this site has two buildings, so it is not a typical directional sign.

Mr. Paul asks if a directional sign would need a variance. Mr. Doser states that typically a directional sign is at grade, and not hanging off of a building.

Motion fails 3 – 3, with Messrs. Brasley, O'Brien and Antonelli opposed.

Mr. Brasley made a motion to grant monument signage approval for Fitch Construction for sign application received by the Town on 1/23/13, as submitted, subject to the following conditions:

1. This is a replacement monument sign (previously Sunbeam Pool & Spa) at current location facing Route 31.
2. This signage is to be externally lit; not internally lit.
3. Applicant to provide catalog cut sheet for external lighting to Office of Code Enforcement & Development for review and approval.
4. Signage to read Fitch Construction, Inc. & 7278
5. This signage includes logo as submitted to the Town as part of the application.

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant building mounted signage, as submitted to the Town on 1/31/2013, subject to the following conditions:

1. Applicant to obtain necessary variances from ZBA.

Mr. Antonelli seconds the motion.

Mr. Lewis asks what happens if they get another tenants for the 2nd building, or perhaps 2 tenants. Mr. Brasley states that they will have to deal with that if it happens. Mr. Lewis states that he will vote against this, as if another business came in, they would be hard pressed to deny them to have signage on their building. He does not feel that Fitch needs three signs.

Motion fails 2 – 4, with Messrs. Paul, O'Brien, Anderson and Lewis opposed.

Mr. Anderson states that this application is on the ZBA agenda for 3/25/13. If the ZBA grants the variance, the applicant will still need to come back to the Planning Board for sign approval.

New Application(s):

Hickory Woods Subdivision, f/k/a Aristo – Shagbark Way Subdivision. BME Associates, as agent for Aristo Properties, Inc., contract vendee for property located off of Ayrault Road, between Shagbark Way and Folkside Lane and extending northwesterly towards Ayrault Road and Hogan Road (tax account #166.15-1-63) (± 42.3 acres of land) and owned by David M. Gray, requesting modification of concept subdivision approval, and preliminary and final subdivision approval, and preliminary and final site plan approval for two (2) single family lots and seventeen (17) for sale townhouse lots under the clustering provision of Section 278 of NYS Town Law.

Presenter: BME Associates, Peter Vars
Zoned: Residential B

Mr. Anderson states that on 12/5/12 the Planning Board granted concept subdivision approval for 6 single family lots and 13 townhouses under the clustering provision of Section 278 of NYS Town Law for a maximum of 19 lots. Six single family homes were proposed with 13 for sale townhouse lots. The applicant is presenting a revised plan tonight for two single family homes and 17 townhomes; still with a maximum of 19 lots. Tonight the Planning Board will only consider concept subdivision approval; not preliminary or final site/subdivision. The Town Board has not yet made a decision on the open space, and until that happens, the Planning Board cannot go forward.

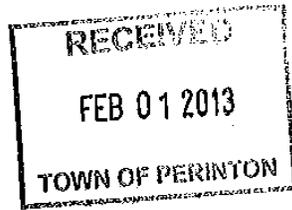
Mr. Vars presented the application to the Board, as per letter of intent and response to DPW comments, as shown below: (with him is Stacey Haralambides, Aristo)

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

February 1, 2013

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



**Re: Hickory Woods Subdivision
(Formerly Shagbark Way Subdivision)**

2342

Dear Board Members:

On behalf of Aristo Properties, we submit the following Preliminary and Final Site Plan, and Subdivision application for your review and approval. We request to appear at your March 6, 2013 public hearing. Enclosed are 15 copies of the following application materials for your review:

- Subdivision and Site Plans
- Planning Board Application
- Aerial Photo
- Authorization to Make Application Form
- Preliminary and Final Subdivision Review Checklist
- Site Plan Review Checklist
- Property Deed
- Five (5) copies of the Engineer's Report
- Subdivision Review Fee of \$385 (\$100 + \$15 x 19 lots)
- Site Plan Review Fee of \$495.25 (\$100 + \$15 x 17 townhomes x 1550 sq. ft. / 1000 sq. ft.)

The proposal is to subdivide the 42.3 acre subject property pursuant to the clustering provisions of Town Law Section 278. The proposal is for 19 lots consisting of two (2) single-family lots and seventeen (17) for-sale townhouse lots. The subdivision will occupy 6.1 acres, including Homeowners Association (HOA) lands.

The project is located just west of the Shagbark Way and Folkside Lane intersection, and is currently zoned Residential B.

The preliminary / final subdivision plan has been prepared per the concept plan reviewed by the Planning Board at your December 5, 2012 meeting. As a result of the concept plan review, the Planning Board approved a 19 lot density, supported the use of clustering, and supported the development of fee-simple for sale townhomes on the property.

TO THE BOARD OF PLANNING

The proposal calls for two (2) single-family lots and seventeen (17) for-sale townhomes. Two single-family lots (1-2) will be located on the south side of Shagbark Way. This represents a reduction in the number of detached single-family homes from the concept plan. The applicant is no longer proposing lots or homes at Willow Lane or Hill Crest Drive, and has eliminated the third single-family home on Shagbark Way. This third lot was eliminated to remove the challenge of providing dedicated / public road frontage to this lot by extending Shagbark Way. The reduction in single-family homes has been compensated by increasing the townhomes to 17 units, and thus the total project density remains at 19 units.

The seventeen (17) townhomes will be provided in five blocks and will be served by a private road, Shagbark Way. The private road will be the responsibility of the Homeowners Association, and an access easement over the road will be provided to the Town of Perinton. The proposed townhouse blocks on the east side of the private road will maintain a 50' buffer of HOA lands to the adjoining properties to the east, consistent with the concept plan layout. The proposed layout reduces the number of townhomes that would back up to the adjoining homes to the east from the original concept plan.

The 19 lots are proposed to be subdivided per the clustering provisions of Section 278 of Town Law. As such, certain lot standards are requested for the lots, and these standards are noted on the enclosed subdivision plans. For the two (2) single-family lots, the lots will meet the standards of the Residential B zone and be consistent with the surrounding single-family neighborhood. The applicant is requesting that a reduced front setback of 35' is established for these two lots. The reduced front setback will maximize the separation between the proposed homes and the LDD at the rear of the lots. Review of aerial photography and site visits indicate the requested 35' front setback is consistent with the setbacks of the existing single-family homes.

The lot standards for the townhomes include a minimum lot area of 3,022 s.f., a front setback to edge of the private road of 35', a minimum lot width of 40', and a side setback of 0'. The zero foot side setback is the standard necessary for townhouse development. Lands outside of these lots would be retained by HOA created for the townhouse community.

There are 36.2 acres of open space remaining. No further development or subdivision of these lands are proposed. This open space and HOA green space represents over 90 percent of the total project area. The open space areas are in key areas that provide the Town future passive recreation uses such as pedestrian trails that could link the existing neighborhoods off of Hogan Road, Ayrault Road, and Mason Road. The cluster plan will result in disturbance of only 4 acres for the 19 proposed lots.

The cluster plan proposes townhomes with a 50' permanent vegetated buffer adjacent to the existing homes on Folkside Lane and the two proposed residential lots. This buffer would consist of the existing vegetation and would be on lands controlled by the HOA.

Utilities to serve the site will be provided by extending public sanitary sewer and watermain from the intersection of Shagbark Lane and Folkside Drive. The proposed storm sewer and stormwater management facilities will be private and maintained by the HOA. The design of the stormwater management follows the Town of Perinton and the New York State Department of Environmental Conservation guidelines, including green infrastructure requirements. Stormwater will be collected and treated in bio-retention infiltration areas and a wetland pond. The flood conditions within the site were analyzed using the HEC-RAS program per the Town's request. The ponding elevations were utilized to establish LDD limits and to design the project.

The property does contain slope, stream, and ponding LDD areas. The LDD limits have been established within the proposed development site based on the actual topographic map, drainage calculations, and wetland delineations.

We look forward to presenting this application at your March 6 public hearing. Please contact our office if you require any additional information.

Sincerely,
BME ASSOCIATES

A handwritten signature in black ink that reads "Martin Janda". The signature is written in a cursive style with a long, sweeping tail on the letter "d".

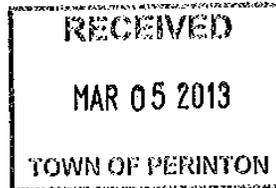
Martin Janda

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

March 5, 2013

Town of Perinton DPW
100 Cobbs Lane
Fairport, NY 14450



Attn: Tom Beck

Re: **Hickory Woods Subdivision (formerly Shagbark Way)** 2342
(Response to DPW Comments)

Dear Mr. Beck:

We have received your comments for the above-referenced project letter, dated March 1, 2013, and offer the following responses for your consideration:

General

1. The applicant is requesting a revised concept, as well as preliminary and final subdivision approval yet has not submitted a complete plan of the entire site. The previous approved concept plan included three building lots in the Shady Lane area which we believe are not part of the new plan. There was also a large section of property planned to be dedicated to the town whose boundaries most likely will be changing as part of this application. Until a complete plan is submitted we do not believe concept approval can be granted.

Enclosed is an Overall Development Plan which shows the entire property as requested for Concept Plan approval.

2. The existing right of way for Shagbark Lane, which extends into this proposed development, is not shown correctly and the DPW would prefer that the new right of way line be a straight line extension of the Folkside Lane right of way. The rest of the Shagbark right of way will be abandoned by the Town Board and become a portion of the proposed private drive. The road in this development will be privately owned and maintained by the homeowner's association.

The existing right-of-way for Shagbark Lane will be reviewed and revised as necessary. Our survey department has requested that the DPW provide BME Associates with the existing right-of-way description they have regarding Shagbark Way. The applicant acknowledges the Town's desire to abandon a

portion of Shagbark Way which enters the proposed site, by a straight line extension of the Folkside Lane right-of-way.

3. The applicant has acknowledged that an access and sanitary sewer utility easement over the private road and sanitary sewer will need to be provided to the Town. It will be necessary to provide Town owned or easement access through the development for access to the stream.

The applicant will provide Town owned or easement access through the development for access to the stream as requested.

4. The architectural elevations provided with this application show that some of the units will have a side or end load garage, these units are not indicated on the plan layouts. All end load garages need to be shown on the plan.

No end load garages are proposed with this project. The architectural plans will be revised to reflect this.

5. Two hydrants will need to be provided for this development. One hydrant should be located across from Building No. 3 and the second hydrant located in front of Building No. 18.

An additional hydrant will be added to the plans as requested.

6. A Letter of Credit is required for all site work. The applicant's engineer needs to provide a L.O.C. estimate for review by the DPW.

A Letter of Credit will be submitted under separate cover for DPW approval.

7. No accommodations have been made or proposed to limit stormwater from flowing back towards Hogan Road.

The HEC-RAS analyses indicates that berm is not needed as the flooding elevation is lower than existing ground in the area.

8. This project is located in a Pedestrian Zone and will require a contribution to the Sidewalk Fund for the frontage along Ayrault Road and Hogan Road. Please provide the actual frontage dimensions on the subdivision plat drawing.

The applicant acknowledges the project is located within a Pedestrian Zone and will require a contribution to the Town Sidewalk Fund. The actual frontage dimensions are shown on the enclosed Overall Development Plan.

9. A restrictive covenant should be provided, that encumbers the 50' wide buffer area along the common north/south line that separates single family properties from the HOA property, (east of units 15 – 19 and east of unit 3).

A 50' wide restrictive covenant will be provided along the common north/south line that separates townhome unit numbers 3 and 15-19 located within the HOA property from the single-family properties.

10. Some of the townhouse units display basement floor elevations which are above the current existing grade. Others are barely below existing grade.

The proposed basement floor elevations have been designed to be above the potential seasonal ground water table.

11. The elevation of the lowest allowed architectural opening for all of the units needs to be established by the developer's engineer, approved by the DPW and labeled on the plan with a note that this opening elevation shall be certified for each unit at the time of construction. Also, a document, signed by a licensed surveyor or engineer, certifying the elevation shall be submitted with the C of O application submitted for each unit.

The required corresponding notes will be added to the Grading Plan as requested. A letter will be submitted to the DPW upon completion of the foundation construction certifying the elevation for all of the townhome units. A note will also be added on the Instrument Survey.

12. The Perinton Town Board will need to accept the proposed open space land donation, prior to preliminary approval being granted for this development.

Acknowledged.

Grading

1. Show on the plans that the clearing limits are to be delineated with orange construction fence, and add a note stating that the clearing limits are to be approved by the DPW prior to commencing any site clearing.

The plans will show that the clearing limits are to be delineated with orange construction fence. A note stating that the clearing limits are to be approved by the DPW prior to commencing any site clearing will be added to the Construction Erosion Control Plan - Sequence of Construction Steps.

2. Label all the existing contours on the grading plan.

All existing contours will be labeled on the Grading Plan on future submissions.

3. It does not appear that the site balances requiring that imported fill be trucked onto the site. State on the plan the amount of material to be brought into the site and how much material is to be removed from the site.

A note will be added to the Grading Plan which states the volume of anticipated fill required to be imported onto the site.

4. Provide the soils information data obtained from the deep hole and percolation tests that were completed in December on the grading plans.

The soils information data obtained from the deep hole and percolation tests that were completed will be added to the Grading Plans as requested.

5. A note should be added to the plan requiring that each pond's berm be constructed using imported homogeneous clay material. A compaction schedule of each pond berm should also be added to the plans specifying the location and depths at which the testing is to take place.

The requested pond berm note will be added to the Grading Plan. A compaction schedule of stating that suitable material will be used. Pond berm will also be added to the Grading Plan as requested.

6. The Town of Perinton will not allow utilities to be constructed until the mass grading operation is complete and approved by DPW Staff and the Design Engineer. The 3rd bullet in 'Step 2' of the Construction Sequence should be revised to reflect this requirement.

The Sequence of Construction Steps will be revised to state that the Town of Perinton will not allow utilities to be constructed until the mass grading operation is complete, and approved by DPW Staff and the Design Engineer.

7. The Town of Perinton will not allow grading for the infiltration basin or the bio-retention area to commence until all upstream disturbed areas have been stabilized. A temporary sediment basin should be considered while the site is disturbed. The 2nd bullet in 'Step 2' of the Construction Sequence should be revised to reflect this requirement.

The Sequence of Construction Steps will be revised to address the Town's request to not allow grading for the infiltration basin, or the bio-retention area to commence until all upstream disturbed areas have been stabilized.

Sanitary / Storm

1. The top of rim elevation for Sanitary Manhole S-2 is labeled as 533.0 with an invert elevation of 532.31. The top of rim elevation appears to be incorrect and should be corrected on all drawings. Extend the profile to include the entire length of the sanitary sewer.

The top of rim elevation for sanitary manhole S-2 will be revised accordingly. The profile of the private drive will be extended to show the entire length of the proposed sanitary sewer.

2. The Manhole Details should show the minimum sump depth between invert and inside bottom of barrel to allow for constructing brick inverts on the sanitary manholes and poured concrete inverts in the storm manholes.

The proposed manhole details will be revised accordingly.

3. Portions of the sanitary and storm sewers are being constructed on fill. The plans display compaction requirements and testing sites only for road and house pad areas. Provide a compaction schedule on Profile Drawing No. 12, which specifies the location and depths at which compaction testing is to take place for the bio-retention and infiltration pond berms and areas where the sanitary and storm sewers are proposed to be constructed on fill.

A compaction schedule will be added to Profile Drawing No. 12, which specifies the location and depths at which compaction testing is to take place for the bio-retention and infiltration pond berms, and areas where the sanitary and storm sewers are proposed to be constructed on fill.

4. Sections through each of the storm water management facilities should be added to the plans.

Sections through each of the stormwater management facilities will be added to the plans.

5. Profiles for some of the storm sewers are missing and need to be added to the plans.

Profiles for all of the proposed storm sewers will be shown on future plan submissions.

6. A Kor N Seal boot is required to be used for the new sanitary sewer connection to the existing manhole. This needs to be stated on the plans.

The sanitary sewer manhole connection note will be revised to state that a Kor N Seal boot is required to be used for the new sanitary sewer connection to the existing manhole.

7. Anti-seep collars are missing from the utility plan for both pond discharge pipes. Details on how to construct anti-seep collars should also be included in the details.

Anti-seepage collars will be added to the plans on the pond discharge pipes. An anti-seepage collar detail will also be added to the Detail Sheet.

Road Construction

1. The private drive section does not conform to the Town's Design Criteria, in that the road does not have a center crown, nor gutters on both sides. The Town's Design Criteria requires that gutters, with a minimum width of 18", be provided on both sides of the private drive. Add a section view to the plans.

The private drive section will be further discussed and addressed with the Town's DPW.

2. The road in front of units 13 – 15 needs to be redesigned with a 20' wide road, gutters, and catch basins.

The private driveway in front of units 13-15 is just a driveway. The private drive ends just past the proposed turnaround.

3. The hammer head turn-around should be 20' in width and 70' in length, as measured in a straight line from the turn around edge of pavement to the opposite edge of pavement, with a 35' turning radius as per NYS Building Code.

The turnaround will be revised to conform to the NYS Building Code.

Stormwater / Erosion & Sediment Control

1. The applicant's submittal package does not contain a Stormwater Pollution Prevention Plan. The contents of this plan shall closely following the requirements set-forth in Town Code §119-6 (D) (5).

A Stormwater Pollution Prevention Plan will be submitted under separate cover.

2. The plan does not include a 2nd stage erosion & sediment control plan that shows what practices will be implemented following the mass grading operation.

Per our meeting with the DPW on March 4, 2013, additional steps will be added to the Sequence of Construction Steps which identifies the practices to be implemented following the mass grading operation. All proposed erosion measures will clearly be shown in bold on the Construction Erosion Control Plan.

3. The bio-retention/infiltration detail call out 18-inches of sand media (site source) to be utilized as the filter soil. Is there enough material on-site to accommodate these basin areas? 3rd party testing will be required for the sand media to ensure that it contains less than 10% clay and less than 20% silt/clay content. The Town will require that a homogenous material be used for both basin areas.

Based on the test pit data, it is anticipated that the site includes enough sand material to accommodate the basin areas. A note will be added to the plans which specify that 3rd party testing will be required for the sand media to ensure that it contains less than 10 percent clay and less than 20 percent silt/clay content.

4. The Stormwater Management Facilities will be owned and maintained by the Homeowners Association (HOA). An executed stormwater maintenance agreement between the Town of Perinton and the HOA, which describes the type and frequency of inspection and maintenance to be completed by the HOA is required prior to final plan signatures.

The applicant will submit a stormwater maintenance agreement between the Town of Perinton and the Hickory Woods HOA to the Town for approval prior to obtaining final plan signatures.

5. We recommend that the applicants engineer schedule a meeting with DPW Staff to discuss the details associated with stormwater calculations, specifically the Run-off Reduction Volume & credit taken, the P-value, sand media depth, storage volume and post development peak discharge rates.

We will schedule a meeting with the DPW staff to discuss the stormwater management details and calculations within the Engineer's Report.

CED Comments

1. Show side setback lines on the single-family dwelling lots. Identify the proposed "rear boundary setback" for townhomes.

The side setback lines will be shown on the single-family dwelling lots. The rear boundary setback for the townhomes will also be labeled on the plans as requested.

2. Install guest parking signs for all guest parking areas.

Guest parking signs will be shown as requested.

3. The development features adequate parking for the proposed development (51 spaces for 17 units; 3 per unit). Delete Site Note 7 indicating that townhomes require two spaces per unit. Guest parking area should be double-hairpin striped.

Note #7 will be removed as requested. A note will be added to the plans that the Guest Parking Area is to be double-hairpin striped and a striping detail will be added to the Detail Sheet.

4. Under §208-6, the Planning Board may modify applicable provisions of §208, including the following:

- a. The single-family homes (Lots 1 and 2 along Shagbark Way) display 35-foot front setbacks instead of 50-foot front setbacks, and 10-foot side setbacks instead of 12. Typical setbacks on neighboring properties located along Shagbark and Folkside are 50-foot in the front and 12-foot on the side. Though the Planning Board has the authority to grant setback concessions, consideration should be given to whether the arrangement of the proposed single family lots fit within the existing neighborhood.

The proposed 35' front setback for the single-family homes along Shagbark Way (Lots 1 & 2) is greater than the setback of the two existing homes to the east, along the same side of Shagbark Way. An aerial exhibit was provided to the DPW in a Concept Plan comment response letter, dated December 3, 2012, which displayed the proposed 35' setback as well as the actual location of the two existing homes to the east. A copy of that exhibit is also enclosed.

- b. The townhomes' proposed minimum lot size is 2,400 s.f., with 0-foot side setbacks and 15-foot rear setbacks. There are no front, side or rear setback requirements for townhomes, unless they front dedicated roads (which is not the case in this proposed application). However, there must be a 50-foot buffer maintained between townhome Lots 3 through 19 and the respective properties bordering them. The buffer area should be encumbered by a restrictive covenant.

A 50' wide restrictive covenant will be provided along the common north/south line that separates townhome unit numbers 3 and 15-19 located within the HOA property from the single-family properties.

If you have any additional comments, please contact our office.

Sincerely,
BME ASSOCIATES



Ryan T. Destro

Mr. Vars states that all 19 units will be clustered into a single approximately 4 acre piece of upland located in a singular area on the property. This plan is also better at blending the development with the Shagbark Way and Folkside Lane intersection (street layout). There will now be no single family lot extending beyond the Shagbark Way street line, which was a concern of the side lot view of the homes along Folkside Way. They have reduced the number of units that would be backing up to the common property line that is shared with the existing residences along Folkside Lane; there are now only four townhome units backing up to that shared property line, plus the side of one unit. The previously approved concept plan had two sets of three, for a total of six units backing up to the common property line. This plan will maintain the 50' rear setback or buffer area to the common property line to the east. The lot standards proposed for the 19 units are consistent with the lot standards that were reviewed and approved with the original concept plan.

Townhouse units

minimum lot area of 2400 sf

40' lot width

30' setback as measured off the edge of pavement

0' side setback, which is what creates the townhome unit

15' rear setback which is the rear setback that is established by the Residential B zone, however, the rear setback as measured to the common east property line will be 50'.

Single family lots

The two single family lots along Shagbark are proposed to be subdivided to conform with the Residential B subdivision criteria and be consistent with the lot standards that exist along Shagbark Way.

Minimum lot area is 14,400 sf that excludes LDD area that exists on the lot

Lot widths are at 90' wide

15' rear setback

Under cluster provisions that are asking for two modifications to the lot standards

10' side setback

35' front setback, which was established to maximize the separation of the homes from the LDD area and wetland area that exist to the south of those properties. This was reviewed with the DPW and the Conservation Board to maximize the separation. The 30' setback is similar that exists for the two existing homes immediately to the east of these homes.

They are providing adequate separation from the LDD and the stream corridors that exist to the south and the west of the units. They are also maintaining the 50' buffer to the common property line to the east with the Folkside Lane residents.

They are proposing a private road to serve the 17 townhouse units. The two single family homes will have access to Shagbark Way.

The existing ROW's for Shagbark and Folkside will be squared off at the request of the DPW.

At the end of the private road there is a turn-around provided, and will be 20' wide. There will be visitor parking provided as required by the Code. They will ask for an interpretation of the Code from Code Enforcement as there has been some discussion as to whether or not those visitor spaces are necessary, and if so, to what degree. Each unit here will be provided with a two car garage plus a driveway that is 35' long; it is realistic to park 4 cars easily. They would like to be able to remove or reduce the visitor parking. The private road will have an easement over it that will allow access over it to the Town of Perinton and emergency service providers and Monroe County Water Authority.

They have spent a lot of time with Town Engineer, DPW and Conservation Board reviewing drainage. All of the units will be constructed with basements. Some will be walkout. The elevations have been set so that they are a minimum of 2' above what has been established as a 100 year flood/ponding elevation of the stream corridors in the area. At the request of the Town Engineer, they did prepare an extensive drainage analysis modeling the stream all the way down to Ayrault Road to establish the elevation. The basements are above that elevation. There is no development or disturbance proposed within the ponding area that would affect its' ability to temporarily store stormwater. All of this information has been submitted to the Town and has been under review with the DPW. The stormwater management meets Town and DEC standards.

This plan proposes a large component of the open space to be dedicated to the Town of Perinton. He believes that the Conservation Board supports placing the ownership of the open space to the HOA that will be established and then placed within a conservation easement with language that would be subject to review by CED, DPW and Town Attorney. Mr. Haralambides is ok with that, as long as the Town Board and Planning Board support that. Ms. Fredette states that is the recommendation of the Conservation Board, however, it is a Town Board decision. Mr. Anderson asks Mr. Vars if he is proposing to change his request for concept. This is a Town Board decision not a Planning Board decision. Mr. Vars states that at this time he will not change the application request before the Planning Board.

There is the intent for a HOA to be established on this property. He described the land. The HOA will own and maintain the private road, and be responsible for the stormwater facilities. A maintenance agreement will need to be signed between the HOA and the Town of Perinton. The HOA will be responsible to maintain the buffer that is to be established between the townhomes and the Folkside Lane residents. It is more protective than if that were to be developed as single family homes, where a homeowner is governed by a 15' rear setback and would have no clearing restrictions. They could add a pool, and/or a shed. With the HOA, there will not be any accessory uses proposed or swimming pools proposed in these backyards and provides an additional level of protection to maintain the integrity of the 50' buffer which is important between the proposed development and the existing neighborhood.

The applicant acknowledges the need to make a contribution to the Town sidewalk fund for frontage along both Ayrault Road and Hogan Road.

The applicant will be meeting with DPW next week and will subsequently submit revised plans for preliminary and final approval.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Gardner states that the Conservation Board supports the clustering. The view shed will not change that much. They are dedicating almost 90% of the property as green space; whether to HOA or the Town, and this will allow the property to be permanently protected. The LDD has been protected. They would like to see final detailed plans for the stormwater management with plantings and cross section. They would like to see the LDD lines be monumented so that the HOA and residents can be reminded where the LDD is. They would also like to see the LDD line delineated on the construction drawings. He questions if there really is a need for the additional parking spaces, because if there is not a need, the Board would like to see parking reduced, especially close to the residential lots for neighbors on Folkside. They would like to see some landscaping added to the entrance and the bio retention area. They would like to see the 50' buffer from the property lines of the existing homes to the east to the building lots to allow no grading or tree removal, and no underbrush removal. There is some concern about how much fill will need to be brought in; estimated at 3,000 cy. If that much, that is a lot of trucks.

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

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

I. ARISTO – SHAGBARK WAY SUBDIVISION
Requesting Concept, Preliminary and Final Subdivision Approval

General

1. The applicant is requesting a revised concept, as well as preliminary and final subdivision approval yet has not submitted a complete plan of the entire site. The previous approved concept plan included three building lots in the Shady Lane area which we believe are not part of the new plan. There was also a large section of property planned to be dedicated to the town whose boundaries most likely will be changing as part of this application. Until a complete plan is submitted we do not believe concept approval can be granted.
2. The existing right of way for Shagbark Lane, which extends into this proposed development, is not shown correctly and the DPW would prefer that the new right of way line be a straight line extension of the Folkside Lane right of way.

The rest of the Shagbark right of way will be abandoned by the Town Board and become a portion of the proposed private drive. The road in this development will be privately owned and maintained by the homeowner's association.

3. The applicant has acknowledged that an access and sanitary sewer utility easement over the private road and sanitary sewer will need to be provided to the Town. It will be necessary to provide Town owned or easement access through the development for access to the stream.
4. The architectural elevations provided with this application show that some of the units will have a side or end load garage, these units are not indicated on the plan layouts. All end load garages need to be shown on the plan.
5. Two hydrants will need to be provided for this development. One hydrant should be located across from Building No. 3 and the second hydrant located in front of Building No. 18.
6. A Letter of Credit is required for all site work. The applicant's engineer needs to provide a L.O.C. estimate for review by the DPW.
7. No accommodations have been made or proposed to limit stormwater from flowing back towards Hogan Road.
8. This project is located in a Pedestrian Zone and will require a contribution to the Sidewalk Fund for the frontage along Ayrault Road and Hogan Road. Please provide the actual frontage dimensions on the subdivision plat drawing.
9. A restrictive covenant should be provided, that encumbers the 50' wide buffer area along the common north/south line that separates single family properties from the HOA property, (east of units 15 – 19 and east of unit 3).
10. Some of the townhouse units display basement floor elevations which are above the current existing grade. Others are barely below existing grade.
11. The elevation of the lowest allowed architectural opening for all of the units needs to be established by the developer's engineer, approved by the DPW and labeled on the plan with a note that this opening elevation shall be certified for each unit at the time of construction. Also, a document, signed by a licensed surveyor or engineer, certifying the elevation shall be submitted with the C of O application submitted for each unit.
12. The Perinton Town Board will need to accept the proposed open space land donation, prior to preliminary approval being granted for this development.

Grading

1. Show on the plans that the clearing limits are to be delineated with orange construction fence, and add a note stating that the clearing limits are to be approved by the DPW prior to commencing any site clearing.
2. Label all the existing contours on the grading plan.
3. It does not appear that the site balances requiring that imported fill be trucked onto the site. State on the plan the amount of material to be brought into the site and how much material is to be removed from the site.
4. Provide the soils information data obtained from the deep hole and percolation tests that were completed in December on the grading plans.
5. A note should be added to the plan requiring that each pond's berm be constructed using imported homogeneous clay material. A compaction schedule of each pond berm should also be added to the plans specifying the location and depths at which the testing is to take place.
6. The Town of Perinton will not allow utilities to be constructed until the mass grading operation is complete and approved by DPW Staff and the Design Engineer. The 3rd bullet in 'Step 2' of the Construction Sequence should be revised to reflect this requirement.
7. The Town of Perinton will not allow grading for the infiltration basin or the bio-retention area to commence until all upstream disturbed areas have been stabilized. A temporary sediment basin should be considered while the site is disturbed. The 2nd bullet in 'Step 2' of the Construction Sequence should be revised to reflect this requirement.

Sanitary / Storm

1. The top of rim elevation for Sanitary Manhole S-2 is labeled as 533.0 with an invert elevation of 532.31. The top of rim elevation appears to be incorrect and should be corrected on all drawings. Extend the profile to include the entire length of the sanitary sewer.
2. The Manhole Details should show the minimum sump depth between invert and inside bottom of barrel to allow for constructing brick inverts on the sanitary manholes and poured concrete inverts in the storm manholes.
3. Portions of the sanitary and storm sewers are being constructed on fill. The plans display compaction requirements and testing sites only for road and house pad areas. Provide a compaction schedule on Profile Drawing No. 12, which specifies the location and depths at which compaction testing is to take place for the bio-retention and infiltration pond berms and areas where the sanitary and storm sewers are proposed to be constructed on fill.
4. Sections through each of the storm water management facilities should be added to the plans.

5. Profiles for some of the storm sewers are missing and need to be added to the plans.
6. A Kor N Seal boot is required to be used for the new sanitary sewer connection to the existing manhole. This needs to be stated on the plans.
7. Anti-seep collars are missing from the utility plan for both pond discharge pipes. Details on how to construct anti-seep collars should also be included in the details.

Road Construction

1. The private drive section does not conform to the Town's Design Criteria, in that the road does not have a center crown, nor gutters on both sides. The Town's Design Criteria requires that gutters, with a minimum width of 18", be provided on both sides of the private drive. Add a section view to the plans.
2. The road in front of units 13 – 15 needs to be redesigned with a 20' wide road, gutters, and catch basins.
3. The hammer head turn-around should be 20' in width and 70' in length, as measured in a straight line from the turn around edge of pavement to the opposite edge of pavement, with a 35' turning radius as per NYS Building Code.

Stormwater / Erosion & Sediment Control

1. The applicant's submittal package does not contain a Stormwater Pollution Prevention Plan. The contents of this plan shall closely following the requirements set-forth in Town Code §119-6 (D) (5).
2. The plan does not include a 2nd stage erosion & sediment control plan that shows what practices will be implemented following the mass grading operation.
3. The bio-retention/infiltration detail call out 18-inches of sand media (site source) to be utilized as the filter soil. Is there enough material on-site to accommodate these basin areas? 3rd party testing will be required for the sand media to ensure that it contains less than 10% clay and less than 20% silt/clay content. The Town will require that a homogenous material be used for both basin areas.
4. The Stormwater Management Facilities will be owned and maintained by the Homeowners Association (HOA). An executed stormwater maintenance agreement between the Town of Perinton and the HOA, which describes the type and frequency of inspection and maintenance to be completed by the HOA is required prior to final plan signatures.
5. We recommend that the applicants engineer schedule a meeting with DPW Staff to discuss the details associated with stormwater calculations, specifically the Run-off Reduction Volume & credit taken, the P-value, sand media depth, storage volume and post development peak discharge rates.

CED Comments

1. Show side setback lines on the single-family dwelling lots. Identify the proposed "rear boundary setback" for townhomes.
2. Install guest parking signs for all guest parking areas.
3. The development features adequate parking for the proposed development (51 spaces for 17 units; 3 per unit). Delete Site Note 7 indicating that townhomes require two spaces per unit. Guest parking area should be double-hairpin striped.
4. Under §208-6, the Planning Board may modify applicable provisions of §208, including the following:
 - a. The single-family homes (Lots 1 and 2 along Shagbark Way) display 35-foot front setbacks instead of 50-foot front setbacks, and 10-foot side setbacks instead of 12. Typical setbacks on neighboring properties located along Shagbark and Folkside are 50-foot in the front and 12-foot on the side. Though the Planning Board has the authority to grant setback concessions, consideration should be given to whether the arrangement of the proposed single family lots fit within the existing neighborhood.
 - b. The townhomes' proposed minimum lot size is 2,400 s.f., with 0-foot side setbacks and 15-foot rear setbacks. There are no front, side or rear setback requirements for townhomes, unless they front dedicated roads (which is not the case in this proposed application). However, there must be a 50-foot buffer maintained between townhome Lots 3 through 19 and the respective properties bordering them. The buffer area should be encumbered by a restrictive covenant.

Mr. Oakes states that they have been working with the applicant and many of the concerns have been alleviated. The biggest concern was drainage, and there are some details that need to be worked out, but feel that this application will not cause a problem downstream and it is being built up high enough so it won't flood. The applicant did a lot of work up front to establish that. The initial concept plan that was submitted on February 1st was incomplete, and since then they have submitted an up to date plan that is complete (received on 2/5/13)

Mr. Beck agrees with Mr. Oakes. The DPW supports concept approval. There are a number of details to be worked out for preliminary. He states that the Town has a relatively large road project that is scheduled for this summer, and depending on construction schedule this could delay road improvement for Folkside Lane and Shagbark Way. The way the Code is set up for parking for a townhouse is for a one car garage and one car driveway; this proposal is for a two car garage. The Planning Board

may work with this and reduce parking requirements if they choose. Mr. Vars asks whose decision it is; the Planning Board or CED. Mr. Anderson states that the Planning Board could consider banking some parking, and if there were problems in the future, the HOA would have approval and could add it then. Mr. Vars feels that is a good idea.

Mr. Anderson states that the Planning Board did received comments from owner of 27 Folkside Lane, which is a part of the record and shown below:

-----Original Message-----

Sent: Saturday, February 23, 2013 2:34 PM

To: Lori Stid

Subject: Hickory Woods Subdivision/Shagbark

Hello Lori,

Unfortunately, I won't be able to attend the March 6th public meeting on the approval for the Hickory Woods Subdivision/Shagbark.

But I did visit the office a few days ago and was able to view the revised plans and have a lot of my questions answered. I was advised to email any questions to you, and that you would be able to then circulate them to the necessary parties. I attended the conceptual meeting and voiced some concerns at that time, and I also talked to Tim Oakes, and subsequently sent an email to Mr. Oakes. I would like to say that everyone has been very courteous, professional, and helpful.

My wife and I have lived in our house at 27 Folkside Lane for 22 years and we raised 5 children in this house. The feature that set this house apart from all the other houses we considered purchasing was the privacy and solitude that the lot offered with having the "forever wild" wooded area to the south and west of our property. All the data we researched in the Perinton office and "word of mouth" was that the area was too wet to develop. So recently when we found out about this project we were surprised to say the least, and when the DEC wetlands were delineated we were surprised again by how much it had shrunk from what we had learned previously.

Our property is unique in that we will be affected on two sides of our property not just one, so understandably we will be sensitive about protecting what little privacy we will have left as a result of this new construction. We are also unsure and concerned about whether our property value will be diminished as a result of losing the one feature that tipped the scale for us 22 years ago.

Our main concern is specifically the buffer between us and lots #16-19. At the conceptual meeting I asked if it was feasible to extend the buffer to the west for these lots only, and it was decided not to investigate this option. So now we are asking if some tall (evergreen) plantings could be transplanted into this buffer to help with the separation? The other proposed townhouse lots all have privacy to their rear, except for this section. I can only hope that the developers don't want to have prospective buyers look at the back of my house, any more than we want to look at the back of theirs.

I have also been wondering about the groundwater level in the area being developed, as you don't have to go very deep before a hole fills up with water. I am on higher elevation and I have a sump pump that runs frequently, so I figured that cellars couldn't be excavated in the townhouse site. I found out the answer to the high groundwater was that the townhouses will be built on concrete slabs, so I am curious if there is going to be any fill brought in to combat the high water table and subsequently raise the elevation of the buildings?

Real estate is definitely not my profession, but I wonder how many people are going to be interested in a townhouse for \$285,000 that's built on a concrete slab with no basement, and a view of the back of my house? I also have to wonder if the value of these townhouses will end up descending from what was originally proposed? It will also be interesting to see if families will be attracted to these townhouses or not?

My wife and I are slowly adjusting to the proposed changes. We want to coexist with this project, and our hope is that somehow it can be mutually beneficial. Thank you for any attention given to our concerns.

Regards,

Rick Slattery
27 Folkside Lane

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

Robin O'Shaughnessy, 44 Shagbark, inquired if the road for the townhouses is private; will that mean that school buses will not be allowed on it? Mr. Vars states that it is up to the school district. This private drive is 500' in length. Mr. Beck states that there are approximately 150 private drives in Town and many of them are longer than this proposal where the children already walk farther than that. It is up to the school district. Mr. Haralambides states that the target is empty nesters.

Ms. Boehme, residing on the corner of Shagbark and Folkside inquires about squaring off the ROW? Mr. Beck states that they are not talking about pavement; they are talking about the amount of land in the ROW that the Town owns. A gentleman feels that will help to control the traffic. Mr. Beck states that will be an intersection. A woman in the audience asks if there will be a stop sign there. Mr. Beck states that the Town will review this for a three way stop. A man states that currently no one stops here; it is a rolling corner. Mr. Beck states that when it is complete it will look like a "T".

Amy Hunter, 22 Folkside Lane states that she is generally pleased. Aristo is a good developer and this is a reasonable plan. She would like to see the buffer be 65'; not 50' and be true green space. She would like to see some green space added if some of the parking goes away. She feels that a stop sign would be helpful; the current yards get nicked already.

Mr. Vars states that the 50' buffer, as they talk about it, is measured from the back of the lot to the property line. The lots are bigger than the unit will be constructed. There are code issues and the buildings will be smaller than the lot. They may move the swale a little closer to the units. There needs to be a balance. They will have to do some grading for drainage. The 50' buffer is also important to the applicant. They will propose some supplemental plantings in that area. Mr. Anderson states that the HOA will prevent clearing from what the Planning Board approves, so any future HOA cannot come in and change it.

Martin Ripken, 152 Hogan Road inquires what the pricing if the townhomes will be. Mr. Haralambides states mid 200's. Mr. Ripken inquires what the backs will look like. Mr. Haralambides states they will be simple. Mr. Ripken states that the way the applicant is describing the drainage is incorrect; the water does not flow the way they are describing. The water floods the end of Hogan Road on a regular basis. He inquires if the ponds will handle the existing water issue. Mr. Vars states that the purpose of the ponds are to address the increase of impervious area of the development. Mr. Ripken states that there is a problem with the overall watershed as it floods the end of Hogan Road; it runs right through his backyard and does not run the way the applicant is showing. When he wanted to do some site improvements; the Planning and Conservation Boards encouraged him to build a pond in his backyard to acknowledge the water problem. Mr. Ripken would like this water problem to be fixed now while all the construction equipment and fill is being brought in. Mr. Oakes states that the DPW is aware of the water flowing down from the hill. That is one of the study areas that has been reviewed with this intensive study that has been prepared. This application will not cause any more water to head in the direction of Mr. Ripken's home than it does in any other direction. Water does head both ways and goes through the school property. He states that the Town is aware of this issue. Mr. Ripken feels that the Town should require the applicant to fix this problem. Mr. Anderson states that the goal of the Board is to not make the drainage any worse, and will try to make improvements, if possible. Mr. Ripken states that the best piece of the land is being used for the homes and the rest of the land is a swamp, and is not a big deal that they propose to donate it to the Town or even keep it green. Mr. Beck states that the engineering work that has been done shows that this project will not make his situation any worse; it is not going to make it go away.

Debi White, 3 Folkside Lane inquired if a traffic study had been done. Mr. Beck states no; the potential traffic volume increase is not a significant impact to Folkside or Shagbark and Ayrault Road, while it is a busy road, can easily handle any traffic increase from this proposal.

Mr. Antonelli likes the proposal. He likes the layout for the homes. This is the best spot. The applicant has shown consideration for the buffer. He would like to see some consideration for 27 Folkside. He would prefer banking the parking spots if they don't need them. There has been a lot of engineering work done on this already. He supports the proposal for concept.

Mr. O'Brien feels that this plan is an improvement to the first concept plan. He would like to see some consideration or 27 Folkside, as they will have the most impact by this development. He supports the concept proposal.

Mr. Paul supports the concept plan for a maximum of 19 lots. He would like to see some mitigation for the Slattery and Edwards residence. He inquires if it is possible to move any of the townhouse even 5' further west to increase the buffer; perhaps it might not be doable, he would like to know. He understands that it would impact the stormwater management facility on the west side of the development. If units, 3, 4, and 5 could move a little further west that may give the Slattery's less visibility. He supports eliminating parking if they don't need it. He would like to see the garage door softened. He supports

Mr. Brasley supports the concept plan for 19 lots. He asks if there will be parking allowed on the private drive. Mr. Vars states that he is not sure who could restrict it; the Town or the HOA. The road will be constructed to Town standards. The townhomes will have a frequency of driveway curb cuts. There is a couple hundred feet of single loaded road, in addition to the parking within and on the lots themselves. Mr. Brasley feels that 17 guest parking spots are too many and 0 is too few. He thinks that perhaps banking 3 – 5 spots will work if there is no parking allowed on the private road. He asks if there will be decks and patios allowed to be built afterward on these lots. Mr. Vars states that the 50' is measured from outside the block area. Mr. Haralambides states that they will be built with decks and will be in the footprint and will stay out of the buffer. He would prefer to see three single family homes on Shagbark instead of two; however, to keep the townhomes on a private road also make sense. He would like to see some more buffering to protect 27 Folkside, as he will be impacted on both sides.

Mr. Lewis asks who is benefitting by keeping the units together. Mr. Vars states that this plan is the true essence of clustering. It gets all of the development into one area by taking the density allowed for the entire area and clustering it into an area to minimize infrastructure and the development footprint. This only has one development footprint; not three as the first concept plan proposed. They recognize and will address buffering. From an impervious standpoint, 17 townhomes have less of a footprint than 13 townhomes and 4 single family homes. There will be less clearing with townhomes. If there were more single family homes; 2nd and 3rd generation owners may clear their land. Mr. Lewis preferred the first concept plan. Mr. Lewis read aloud portions of Mr. Slattery's letter to the Board. Mr. Vars states that these units will have basements. In some areas there will be excavations. These particular units at this location will be built at the existing grade and have walkout basements. There are water issues out here; they know this. There have been soil tests done, and test pits dug that were witnessed by the Town. There were also perc tests to understand the infiltration of the soils. The key to all of this is the extensive drainage analysis, which is the most intensive drainage analysis that BME has done on any subdivision in the Town of Perinton, and this was because of the concern that was raised by the Town. Chris Fredette states that she observed the test pits and they had to dig deep before they hit water. Mr. Lewis likes the layout of the townhomes. Mr. Lewis says that he is somewhat sympathetic to the neighbors; however, if they didn't want any development in this area, they should have purchased the land. There was discussion as to if they took out one of the townhouses and put a single family home in there to help the Slattery family. Mr. Vars states that if they did that, the single family lot is wider and has potential for a 70' wide structure and would be a two story home, as opposed to the single story ranches. There would be more mass and height. Mr. Lewis feels that 19 is the correct number for development. He prefers the Town to own the open space; he is not sure why the HOA would care enough to protect this land. He states that it appears that water flows west and north. He wants to make sure that Mr. Ripken understands that this development is not going to fix his issue; it won't make it worse, but it's not going to make it go away. Mr. Vars states that they are aware that a portion of the overall property does drain to the west to Hogan Road; this was identified to them by the Town Engineer early on in the process. This was one of the main reasons that the intensive drainage study was done. They followed the stream all the way down to Ayrault Road. The analysis that was done shows that this development would not cause the water to go over the hump, and will

not affect that current condition. It doesn't say that the problem doesn't exist; it just shows that this development doesn't affect it. Mr. Lewis wants to make sure that Mr. Ripken understands that this development won't make it any worse, but it won't make it any better either. Mr. Ripken feels that the Town should fix this at this time through this project. Mr. Anderson states that they can't burden the applicant with all of the drainage problems that currently exist that this development is not going to be adding to. Mr. Ripken realizes that it is not the developers' responsibility to fix this problem, but as good neighbors, they own this land, and they are going to have equipment back there already, and he feels that the Town should make them fix this now while the opportunity is there. This Board told him to build a retaining pond to fix this problem when he appeared before them, and the Board should impose the same on this applicant.

Mr. Anderson supports this infill project. It will change the existing neighborhood. This has been vacant land, and it no longer will be. This applicant has been sensitive to the concerns of the neighbors. The applicant has done some mitigation from the previous approved concept plan. He feels that putting a restrictive covenant on the buffer area will offer some protection. This is a good opportunity to improve the safety of the intersection. This does address the need for units like this for empty nesters. It is one of the goals of the Town Master Plan, which is to provide a variety of housing types so that people who have been living here all of their life will have options. He is sensitive to the Slattery home. It will now become a corner lot. He questions whether they could shift units 3, 4, 5, 6, 7, and 8 a little westerly to take some of the pressure off of the view scape of the Slattery's. He would like to see some of the parking land banked, so it is not adjacent to the Slattery property. He would like additional landscaping to be considered. Perhaps a single family home could be in place of one of the townhouse units. He would like to see the view from the Slattery's softened somewhat.

A woman in the audience inquired about fill and if the homes would be level with the street. Mr. Vars states that the homes will be about 2' above the road.

A woman inquired if headlights from traffic will be going into the new homes. Mr. Vars states that the builder doesn't want that either.

Mr. Brasley made a motion to grant concept subdivision approval for plans received by the Town on 2/1/13 and overall development plan received by the Town on 3/5/13 for two (2) single family lots and seventeen (17) for sale townhouse lots under the clustering provision of Section 278 of NYS Town Law for property located off of Ayrault Road, between Shagbark Way and Folkside Lane and extending northwesterly towards Ayrault Road and Hogan Road (tax account #166.15-1-63) (± 42.3 acres of land) and owned by David M. Gray, subject to the following conditions:

1. Subdivision will be a maximum of 19 lots as was previously approved for concept subdivision approval.
2. Applicant to respond at the time of submission for preliminary and final approval to the comments received tonight, including, but not limited to, drainage, view scape to the homes on Folkside Lane, maintenance of the 50' wide buffer between the rear yards of Folkside Lane and this proposed subdivision, quantity of guest parking spaces provided.
3. Applicant to consider a different layout that will limit the impacts to #27 Folkside Lane.
4. Before the applicant comes back to ask for preliminary approval, a determination is to be made between the applicant and the Town Board if the open space will be donated to the Town or if it will be a part of the HOA with a permanent restrictive covenant.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Anderson made a motion to defer preliminary and final subdivision approval and preliminary and final site plan approval for plans received by the Town on 2/1/13 and overall development plan received by the Town on 3/5/13 for two (2) single family lots and seventeen (17) for sale townhouse lots under the clustering provision of Section 278 of NYS Town Law for property located off of Ayrault Road, between Shagbark Way and Folkside Lane and extending northwesterly towards Ayrault Road and Hogan Road (tax account #166.15-1-63) (± 42.3 acres of land) and owned by David M. Gray, subject to the following conditions:

1. Until such time as a determination is made between the applicant and Town Board if the open space will be donated to the Town or if it will be a part of the HOA with a permanent restrictive covenant.
2. Applicant to address the concerns and comments of the Conservation Board and DPW.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

There being no further business before the Board, the meeting adjourned at 9:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk