

**Minutes of the Town of Perinton
Planning Board Meeting of April 3, 2013**

Planning Board Members Present

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

Absent

Craig Antonelli

Conservation Board Members Present

Chris Fredette
Jerry Leone

Town Officials Present

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

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

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 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

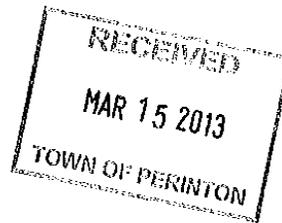
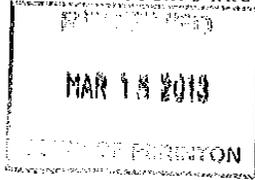
Mr. Janda presented the application to the Board, as per letter of intent and response to DPW comments, as shown below. With him are Stacey & Nick Haralambides.

BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

March 15, 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 revised Preliminary and Final Site Plan for your review and approval. We request to appear at your April 3, 2013 public hearing.

The comments obtained from the March 6, 2013 Planning Board meeting, as well as the Town of Perinton DPW comments, dated March 1, 2013, and Conservation Board comments, dated March 1, 2013, were addressed on the revised plans. Some of the plan revisions include the intersection with Folkside Lane, private road and emergency turnaround geometry changes, and a revised pavement section per the DPW comments. Concrete gutter was added to the east side of the proposed road with additional storm inlets.

The swale behind units 16 through 19 was moved to the townhouse rear block/lot line to preserve more trees in the 50' buffer between the units and existing lots along Folkside Lane. This existing wooded area will also be supplemented with additional evergreen trees, including both sides of Mr. & Mrs. Slattery's property, as shown on the Landscaping Plan. The entire buffer was proposed to be placed within a deed restricted area to prevent any potential disturbance of it.

The ±36 acres of proposed Open Space will be retained by the Homeowner's Association and will be placed in a deed restriction which will be provided to the Planning Board attorneys for review.

Numerous easements will be provided to the Town of Perinton to allow for access to the site for emergency vehicles; to the existing tributaries and proposed pond areas.

We look forward to presenting this application at your April 3 public hearing. Please contact our office if you require any additional information.

Sincerely,
BME Associates

Peter G. Vars, P.E.

PGV/blr

Encl.

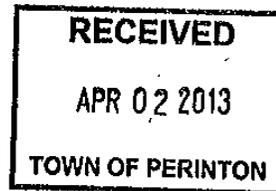
c: Aristo Properties

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

April 2, 2013

Town of Perinton DPW
100 Cobbs Lane
Fairport, NY 14450



Attn: Tom Beck

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

2342

Dear Mr. Beck:

We have received your comments for the above-referenced project letter, dated March 28, 2013, and offer the following responses for your consideration:

General

1. We have met with the applicant's engineer and have come to an agreement regarding the construction of a berm to mitigate the flow of runoff from this site towards Hogan Road. The DPW is also investigating the feasibility of constructing a weir on the outlet stream to the pond located on the Roundtree HOA property. If constructed, it will be completed by the DPW, at the time of site work for this project.

As agreed upon at our meeting on March 21, 2013, the applicant will construct a ±2' high berm centered on the high point of the existing south-north swale.

2. The Concept Plan, dated 3/5/13, which was approved by the Planning Board on 3/6/13, needs to be included with these plans.

The Concept Plan will be added to the plan set, as requested.

3. The applicant's engineer needs to provide a description for the abandonment of the existing Shagbark and Folkside right-of-ways, reflecting the revisions shown on this latest submittal.

A description for the abandonment of the existing Shagbark Way and Folkside Lane right-of-ways will be submitted under separate cover.

4. The lot numbers on the most recent plan submittal have changed from the ones presented and reviewed for the last Planning Board meeting. All references to lot numbers need to correspond to the most recent submittal.

All lot number references will be updated accordingly.

5. The Drainage Access Easement needs to be extended to the streams. A Drainage Easement on both streams needs to be provided to the Town. The easement needs to be a

10 LIFT BRIDGE LANE EAST
FAIRPORT, NEW YORK 14450

minimum of 40' wide, centered on the stream, but also to the determined flood elevation. The Access and Utility Easement, over the private drive, should specify "Sanitary Sewer" vs. "Utility".

6. The lowest architectural open should be established and a note placed on the plans for all units.

The lowest architectural opening elevation will be noted on the plans for all units, as requested.

7. The applicant should acknowledge that all remaining lands outside of the developed area will be owned and maintained by Hickory Woods Subdivision Homeowner's Association, and a Restrictive Covenant for conservation purposes be placed on these lands. The conditions of the Restrictive Covenant need to be reviewed by the DPW and Town Attorney.

A note will be added to the Subdivision Plat and the Site Plan which will state that all remaining lands outside of the developed area will be owned and maintained by Hickory Woods Subdivision Homeowners Association, and a Restrictive Covenant for conservation purposes will be placed on those lands. The conditions of the Restrictive Covenant will be submitted to the DPW and Town Attorney for review.

8. The Egypt Fire Department has requested that the hydrant shown near the corner of Building #17 be relocated to the front of Building #15.

Two hydrants are proposed on the plans. A perpendicular dead end hydrant is shown on the plans at the end of the main near townhouse lot #14. That hydrant will be able to service lot #15 and the surrounding townhouses. Therefore, the hydrant located closer to townhouse lot #17 could remain where it is currently shown to service the adjacent lots.

Sanitary/Storm

1. The existing sanitary manhole being connected to carries high flows. The proposed invert elevation for the new connection should be raised to 529.83 to avoid a possible surcharge into the new invert. The actual core location needs to be coordinated with the DPW at the time of construction. This note needs to be added to the plans.

The requested note will be added to the plans.

2. The flow arrow on the existing sanitary sewer on Folkside Lane needs to be reversed.

The flow arrow on the existing sanitary sewer on Folkside Lane will be revised.

3. The discharge pipe from each outlet control structure needs to be labeled on Utility Plan with the type of pipe, length, and percent slope.

The outlet control structure discharge pipes will be labeled on the Utility Plans.

4. Provide an end section at the outlets of each discharge pipe.

End sections will be added to the plans at the discharge of each ponds outlet pipe.

5. Provide a removable screw-in style plug at the discharge of all under-drain pipes in each of the outlet control structures.

A removable screw-in style plug at the discharge of all under-drain pipes for each of the outlet control structures will be proposed and labeled on the plans, as requested.

6. The top of berm elevation for the Infiltration Basin shall be raised to 534.5 and the top of berm elevation for the wet pond shall be raised to 534.0.

The top elevation of the berms will be raised, as requested.

7. The north and west bank of the forebay and the east bank of the wet pond are shown to have 1:2 or steeper side slopes. Every effort shall be made to lessen the side-slopes of these bank areas.

The banks will be sloped at a 1:3 slope and a shallow wetland bench will be provided.

8. The Utility Plan calls for 2'x2' square concrete structures to be installed as outlet control for each of the basin areas; however, the details for these structures indicate that they should be 3'x3' square concrete structures. Please clarify the sizing of these structures.

The 24"x24" label on the Utility Plan refers to the size of the grate on a 3'x3' concrete outlet structure. The labels will be revised to more clearly reflect that.

9. The Bio-retention / Infiltration Area detail needs to be revised to clearly show that the sand layer is to be 18" thick and the topsoil layer is to be 6" thick; for a total media section of 24". Also indicate that the topsoil layer shall be a 50/50 mix ratio of topsoil and sand.

The Bio-retention / Infiltration Area detail will be revised to clearly show that the sand layer is to be 18" thick and the topsoil layer is to be 6" thick; for a total media section of 24". The detail will also be revised to indicate that the topsoil layer shall be a 50/50 mix ratio of topsoil and sand.

10. The bioretention/infiltration area will be performance tested following their construction to verify that each area achieves the design percolation rate of 6"/hour. Money will be retained in the L.O.C. until testing has been completed and the facilities are operating as designed.

Acknowledged.

Road Construction

1. A blow up grading plan for the reconstruction of the entire intersection of Shagbark Way and Folkside Lane needs to be provided. The work limits and work details need to be defined.

The requested grading detail will be provided, as requested.

2. The Private Drive Section specifies 30" gutters where the plan view specifies 18". Please clarify.

The Private Drive detail will be revised to show that 18" wide concrete gutters are proposed as allowed by the Town of Perinton on Private Drives.

Erosion / Sediment Control

1. Provide inlet protection at catch basin D-1.A.

Inlet protection for catch basin D-1.A will be added to the plans.

2. Provide a typical erosion control plan detail for the single family homes as well as for a townhouse cluster. The erosion control plan should reference this detail.

A typical single family home erosion control detail, as well as a typical townhouse cluster erosion control detail, will be added to the Detail Sheet, as requested.

3. Provide a detail of the proposed sediment trap, including its outlet control.

A sediment trap detail will be added to the plans which shows the outlet control.

4. Step 2 of the Sequence of Construction shall be revised to reflect that no part of either the Infiltration Basin or the Bio-retention Area should be constructed until after the mass grading operation is complete and the lawn areas have been stabilized with permanent seed and mulch and the road box has been stoned. This step should also be revised to reflect when the temporary sediment traps, check dams and inlet protection should be installed.

Step 2 of the Sequence of Construction will be revised as requested to reflect that no part of either the Infiltration Basin or the Bio-retention Area shall be constructed until the mass grading operation is complete, and the lawn areas have been stabilized with permanent seed and mulch and the road box has been stoned. The step will also be revised to reflect when the temporary sediment traps, check dams, and inlet protection should be installed.

Items Acknowledged but Outstanding

1. 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.

An executed stormwater maintenance agreement by the HOA will be provided to the Town of Perinton for review under separate cover.

2. 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.

989.61' Ayrault Road
78.66' Hogan Road
1068.27 LF x \$15.00/LF = \$16,024.05

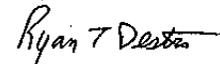
The applicant will provide a check to the Town of Perinton in the amount of \$16,024.25 for the Sidewalk Fund requirements, as required.

3. 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 provided to the DPW for review under separate cover, as requested.

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

Sincerely,
BME ASSOCIATES


Ryan T. Destro

/RTD

Encl.

c: Stacey Haralambides; Aristo Properties

Mr. Janda states that concept approval was granted on 3/6/13, with 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, viewscape 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.

The Planning Board deferred 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.

The open space will provide approximately 36 acres of open space which will remain in the ownership of the HOA and will be provided with a permanent restrictive covenant. They met with the DPW and will try to address some potential drainage flows from this project site towards Hogan Road to address the concerns of Mr. Ripken. The viewscape to the homes on Folkside Lane, was addressed by revising grading behind the townhouse units to save more trees, and therefore will provide more substantial buffer between the townhouse units and the eastern property line. The buffer was also supplemented by additional evergreen trees which are shown on the landscape plan. There are a total of 27 evergreen trees proposed to provide additional screening to the existing residential lots. They met with Mr. Slattery (27 Folkside Lane), and have agreed to provide additional landscaping in

that area at the request of Mr. Slattery. The number of the townhouse guest parking spaces was reduced based on Town staff recommendation to 6 spaces in two different locations, which will bring the total number of parking spaces to 74 (including 4/townhouse unit, 2 in garage and 2 on driveway). The determination regarding the open space was made and will be retained by the HOA with a permanent restrictive covenant.

Mr. Anderson asked for questions or comments from the Conservation Board. Ms. Fredette thanks the applicant for their willingness to address the concerns of the Conservation Board. She states that a lot of the existing evergreen trees that are there currently have lost their lower branches. They would like to see some shade tolerant evergreens be planted in this area; perhaps hemlocks or red cedars so that they will keep their foliage all winter and are tolerant. Deer have eaten all of the underbrush, so there won't be tree seedlings.

Mr. Anderson asked for questions or comments from CED. Mr. Doser states that CED has no concerns with this application.

Mr. Anderson asked for questions or comments from DPW. Mr. Oakes states that they have met with the applicant numerous times and all of their concerns have been addressed. They issued comments as follows:

General

- 1. We have met with the applicant's engineer and have come to an agreement regarding the construction of a berm to mitigate the flow of runoff from this site towards Hogan Road. The DPW is also investigating the feasibility of constructing a weir on the outlet stream to the pond located on the Roundtree HOA property. If constructed, it will be completed by the DPW, at the time of site work for this project.**
- 2. The Concept Plan, dated 3/5/13, which was approved by the Planning Board on 3/6/13, needs to be included with these plans.**
- 3. The applicant's engineer needs to provide a description for the abandonment of the existing Shagbark and Folkside right-of-ways, reflecting the revisions shown on this latest submittal.**
- 4. The lot numbers on the most recent plan submittal have changed from the ones presented and reviewed for the last Planning Board meeting. All references to lot numbers need to correspond to the most recent submittal.**
- 5. The Drainage Access Easement needs to be extended to the streams. A Drainage Easement on both streams needs to be provided to the Town. The easement needs to be a minimum of 40' wide, centered on the stream, but also to the determined flood elevation. The Access and Utility Easement, over the private drive, should specify "Sanitary Sewer" vs. "Utility".**
- 6. The lowest architectural open should be established and a note placed on the plans for all units.**
- 7. The applicant should acknowledge that all remaining lands outside of the developed area will be owned and maintained by Hickory Woods Subdivision Homeowner's Association, and a Restrictive Covenant for conservation purposes be placed on these lands. The conditions of the Restrictive Covenant need to be reviewed by the DPW and Town Attorney.**
- 8. The Egypt Fire Department has requested that the hydrant shown near the corner of Building #17 be relocated to the front of Building #15.**

Sanitary/Storm

- 1. The existing sanitary manhole being connected to carries high flows. The proposed invert elevation for the new connection should be raised to 529.83 to avoid a possible surcharge into the new invert. The actual core location needs to be coordinated with the DPW at the time of construction. This note needs to be added to the plans.**
- 2. The flow arrow on the existing sanitary sewer on Folkside Lane needs to be reversed.**
- 3. The discharge pipe from each outlet control structure needs to be labeled on Utility Plan with the type of pipe, length, and percent slope.**
- 4. Provide an end section at the outlets of each discharge pipe.**
- 5. Provide a removable screw-in style plug at the discharge of all under-drain pipes in each of the outlet control structures.**
- 6. The top of berm elevation for the Infiltration Basin shall be raised to 534.5 and the top of berm elevation for the wet pond shall be raised to 534.0.**
- 7. The north and west bank of the forebay and the east bank of the wet pond are shown to have 1:2 or steeper side slopes. Every effort shall be made to lessen the side-slopes of these bank areas.**
- 8. The Utility Plan calls for 2'x2' square concrete structures to be installed as outlet control for each of the basin areas; however, the details for these structures indicate that they should be 3'x3' square concrete structures. Please clarify the sizing of these structures.**

9. **The Bio-retention / Infiltration Area detail needs to be revised to clearly show that the sand layer is to be 18" thick and the topsoil layer is to be 6" thick; for a total media section of 24". Also indicate that the topsoil layer shall be a 50/50 mix ratio of topsoil and sand.**
10. **The bioretention/infiltration area will be performance tested following their construction to verify that each area achieves the design percolation rate of 6"/hour. Money will be retained in the L.O.C. until testing has been completed and the facilities are operating as designed.**

Road Construction

1. **A blow up grading plan for the reconstruction of the entire intersection of Shagbark Way and Folkside Lane needs to be provided. The work limits and work details need to be defined.**
2. **The Private Drive Section specifies 30" gutters where the plan view specifies 18". Please clarify.**

Erosion / Sediment Control

1. **Provide inlet protection at catch basin D-1.A.**
2. **Provide a typical erosion control plan detail for the single family homes as well as for a townhouse cluster. The erosion control plan should reference this detail.**
3. **Provide a detail of the proposed sediment trap, including its outlet control.**
4. **Step 2 of the Sequence of Construction shall be revised to reflect that no part of either the Infiltration Basin or the Bio-retention Area should be constructed until after the mass grading operation is complete and the lawn areas have been stabilized with permanent seed and mulch and the road box has been stoned. This step should also be revised to reflect when the temporary sediment traps, check dams and inlet protection should be installed.**

Items Acknowledged but Outstanding

1. **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.**
2. **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.**

**989.61' Ayrault Road
78.66' Hogan Road**

$$1068.27 \text{ LF} \times \$15.00/\text{LF} = \$16,024.05$$

3. **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.**

Mr. Beck also thanks the applicant for working through this process.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that a SEQR determination, sidewalk determination and park fund determination are required on this application.

Mr. Anderson asked for questions or comments from the audience. Marge Boehme, 28 Folkside Lane, inquires what a restrictive covenant means. Mr. Place explains what that means; no clear cutting, no structures, they can maintain trees that fall down. No grading or clear cutting. This document is filed in the Clerk's Office. She inquires who pays for the taxes on this land. Mr. Place states that it will be a part of the HOA. The land will be rezoned as open space. Mr. Anderson reviewed the benefits of a 278 application.

Rick Slattery, 27 Folkside Lane, states that his home will have the most impact by this proposed development. He thanks the Planning Board, Town staff and the developer. He states that the Town provided easy access to information. He feels that this proposal is the best alternative if there will be development in this area. He feels that the three-way stop will be a positive improvement for the neighborhood and it should help to make the neighborhood quieter.

Mr. Anderson states that the Town received a letter on 3/18/13 from Martin Rifkin, 152 Hogan Road, which is a part of the record as shown below.

March 18, 2013

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

Dear Members of the Planning Board,

Thank you for giving me the opportunity to speak at your meeting concerning the Hickory Woods Sub-division project. I am taking this opportunity to follow up with a letter, "for the record". I mentioned that I would like to see the Planning Board recommend to the developer that he be a good neighbor and work to improve the water flow issue that causes significant water to flow across my yard and down to the end of Hogan Road. While the water flows across my yard, it poses more of a problem for the town and any residents that have to drive through or detour around the high water during major water events. I believe that the site map that shows the water flow is incorrect as the map indicates water only flowing one way, towards the High School. The town Engineer spoke up and said that the water actually flows both ways as he himself has observed. So, if the engineering that was conducted resulted in incorrect conclusions, the matter deserves another look. You need accurate information to make informed decisions and I am raising a red flag that puts into question the validity of the engineering maps you are looking at. Another troubling point is my conversation with town personnel after the meeting when it was mentioned that the current water flow in the area is not clearly understood. If that's true, how can you make assumptions on how the project will affect it? Additionally, I don't feel very confident that anyone can be certain that the project won't "make it any worse". What if it does? What responsibility does the developer have after the fact to remedy the situation? What steps can be put in place to objectively measure that it isn't any worse? I really don't think it is in either parties best interest to create a situation where it comes down to someones opinion if the problem is better, worse or unchanged. I have a proposal, how about the developers build a pond somewhere on the 40+ acres they want to dedicate to the town. That may be a good option to investigate.

As I mentioned at the meeting, I don't expect that the land remain unchanged. After all, if I didn't want any neighbors in my backyard, I would have bought the land behind me! I also don't expect the developer to come to my land and redirect the water around my property. I do however expect that you put contingencies into the plan that protects the mutual interest of the Town and the land owners that could potentially be affected.

Mr. Anderson thanks the applicant for working with the Town and the neighbors. Infill projects are very difficult. This project will provide a variety of housing types, which is called for in the Comprehensive Plan. The Town is aging and there is a demand for single story homes. This plan addresses some of the stormwater issues. He acknowledges how this plan will help to alleviate some of the existing drainage towards Hogan Road. The three-way stop will be a big improvement to help slow people down and will help to better define that intersection. The applicant has been sensitive to buffering to the existing neighbors. There is a very large deer population in the area and he feels that the Conservation Board has some good ideas for evergreen.

Mr. Lewis had questions regarding the berm to help to alleviate some of the drainage that currently goes towards Hogan Road. Mr. Janda states that it will be about 60' long and 2' high. He shows the location on the plans. Mr. Lewis wants to be clear that this berm will not alleviate all drainage towards Hogan Road. Mr. Lewis had questions regarding the evergreen trees. He asks where they are proposing the evergreen trees to be behind units 13 through 17. Mr. Haralambides states that they will determine in the field where the bare spots are. Mr. Lewis states that the Conservation Board is recommending red cedar and hemlock. Mr. Janda states that they would like a recommendation of five kinds so that they can pick from that. Mr. Lewis asks if the townhomes will be one or two story. Mr. Haralambides states that they will offer a 2nd story, but he doubts they will sell. The one story will appear to be a two story with dummy dormers.

Mr. Brasley is pleased with the changes. The architecture of the buildings are not for review by the Planning Board. These homes may or may not be one story; there is nothing to preclude the developer from building two story townhomes. The Town is not restricting the developer to only one story. He feels that 6 guest parking spots are much more appropriate than 17. There is a big turn-around next to one of the parking areas, and he inquires how people will know that it is a turn-around and not a parking spot. Mr. Beck states that they will have to post a no parking sign. Mr. Brasley states that regarding the proposed trees between the backyards of Folkside Lane and this new neighborhood, the drawing shows 28 trees, but the developer has stated 27 trees. Mr. Janda states that 27 is accurate. Mr. Brasley states that they should correct the drawing to show 28. Mr. Brasley states that the Conservation Board recommends red cedar and hemlock, and he would like to see more than a vague note on the plans of evergreens. He would like that note to read red cedar and hemlock – 50% each. If the applicant wishes to propose something else they may. Mr. Brasley asks where the restrictive covenant location runs on the plans. Mr. Janda showed the line on the drawings.

Mr. Place asks if some of the lands that are retained by the HOA not going to be covered by the restrictive covenant. Mr. Janda states only the lands around the units. Mr. Place asks the applicant to submit a sketch showing this information. Mr. Brasley asks about the memo from Egypt Fire Dept. asking for a hydrant to be relocated. Mr. Beck states that this issue has been resolved.

Mr. Paul is pleased with the progress that has been made. He thanks the applicant for working with the town and the neighbors. He is prepared to go forward.

Mr. O'Brien supports the project and is prepared to go forward. He compliments the Slattery's for their approach to the issues. He states that he wishes Mr. Ripken were in attendance tonight to understand what the proposed berm will do. This berm is not going to solve the Hogan Road problem, but it will help to prevent water from this development from going there.

Mr. Gardner feels that this is a classic example of using a 278. He understands the concerns of the neighbors; however this application has done a great deal to protect the existing neighborhood. He is not sure that 18 is enough trees for the buffer. He feels that if more is needed, they should be added. He thanks the applicant for putting the LDD monumentation on the plans. He would like to see similar monumentation added to the plans for the restrictive covenant piece. A pile of rocks will not change the view shed, but will give the HOA and others the understanding that this area is critical for the development.

Mr. Leone states that the Perinton Conservation Board (PCB) has had numerous meetings and field trips with applicants and their representatives regarding this application. As a result of the following findings the PCB recommends a negative declaration for purposes of SEQRA for this application.

The project has taken significant measures to avoid or minimize environmental impacts from development of the parcel. Measures include:

1. Preservation of approximately 90% of the site with HOA-owned Open Space.
2. The project will provide a significant wildlife corridor.
3. There will be no significant change in overall viewshed of the area.
4. Green infrastructure stormwater management measures will be utilized to manage stormwater quality.
5. There will be no development within LDD limits including no development in any Federal or State delineated wetlands or steep slopes.
6. There will be no development within areas identified as having flood potential.
7. Measures were taken between Concept Plan and Final plans to reduce the number of lots and move building pads farther from LDD limits.
8. Care will be taken to preserve the existing vegetative buffer and to add some additional landscaping (i.e. shade-tolerant evergreens) between the new townhouse units and existing homes on Folkside Lane.

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

Mr. O'Brien seconds the motion.

Motion carries 6 – 0.

Mr. Anderson made a motion to require the applicant to make a contribution to the Town Park fund, given that this development does not provide for either active or passive recreation facilities for the Town.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Anderson made a motion to require the applicant to make a contribution to the Town sidewalk fund, given that this project is located in a ped zone, in an amount to be determined by the DPW.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant preliminary subdivision approval and preliminary 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, for plans received by the Town on 3/15/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant to identify the limits of restrictive covenant areas for the review and approval of Town Attorney and DPW.
3. On drawing 2342-10, the minimum amount of evergreen trees quantity is to be corrected on the planting list from 28 to 27, and the types of trees are to be shade tolerant evergreens as recommended by the Conservation Board, specifically, hemlocks and red cedar; approximately 50% of each. If the applicant chooses to use a different evergreen, they shall review that with the Conservation Board.
4. Applicant to add a no parking sign to the emergency turn-around next to town house lot#10.
5. Applicant to include on the final plans the concept plan that was approved on March 6, 2013.
6. Plans are to be modified to include the berm that will help to mitigate runoff towards Hogan Road.
7. Plans to include monumentation for the restrictive covenant areas behind the townhomes.

Mr. Gardner seconds the motion.

There was discussion as to requiring the applicant to show more evergreen trees, not less, as per condition #2, and Mr. Brasley preferred to leave the motion as is.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant final subdivision approval 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, for plans received by the Town on 3/15/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Applicant to identify the limits of restrictive covenant areas for the review and approval of Town Attorney and DPW.
3. On drawing 2342-10, the minimum amount of evergreen trees quantity is to be corrected on the planting list from 28 to 27, and the types of trees are to be shade tolerant evergreens as recommended by the Conservation Board, specifically, hemlocks and

red cedar; approximately 50% of each. If the applicant chooses to use a different evergreen, they shall review that with the Conservation Board.

4. Applicant to add a no parking sign to the emergency turn-around next to town house lot#10.
5. Applicant to include on the final plans the concept plan that was approved on March 6, 2013.
6. Plans are to be modified to include the berm that will help to mitigate runoff towards Hogan Road.
7. Plans to include monumentation for the restrictive covenant areas behind the townhomes.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Discussion:

Minutes

3/6/13

Mr. Lewis made a motion to approve the minutes of 3/6/13, as submitted.

Mr. Paul seconds the motion.

Motion carries 5 – 1, with one abstention of Mr. Gardner, as he was not yet on the Board.

3/20/13

Mr. Brasley made a motion to approve the minutes of 3/20/13, as amended.

Mr. Paul seconds the motion.

Motion carries 6 – 0.

There being no further business before the Board, the meeting adjourned at 8:17 PM.

Respectfully Submitted,

Lori L. Stid, Clerk