

**Minutes of the Town of Perinton
Planning Board Meeting of April 16, 2014**

Planning Board Members Present

Mark Anderson, Chairman
T.C. Lewis
James P. Brasley
Kenneth O'Brien
Craig Antonelli
Norm Gardner
Sandra Neu

Conservation Board Members Present

David Belaskas
Barbara Wagner

Town Officials Present

Robert Kozarits, Town Engineer
Michael Doser, Director Code Enforcement & Development (CED)
Lori Stid, Planning Board Clerk

Absent

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW

Mr. Anderson called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures. He states that the Bumpup Subdivision has withdrawn from tonight's agenda and will be rescheduled at a later date.

Sign(s):

7216 Pittsford-Palmyra Road – Bobcat of the Finger Lakes

David Prince presented the application to the Board. The sign will be 21' from the property line. The New Holland "lollipop" sign will be coming down, as well as the New Holland sign on the building.

Mr. Anderson asked for questions or comments from the audience. Bill Wilcox, 361 Loud Road, inquired if all of the New Holland signage would be removed. The applicant states yes. Mr. Wilcox feels that Egypt will look nicer without the lollipop sign.

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

Reference Code: Commercial Section 174-9 (D) (3) states: On a property containing one business, in lieu of a building-mounted sign, a monument-style sign may be permitted by the Planning Board. Said sign shall be no larger than 32 square feet in size and no higher than five feet above the surrounding grade. The style, lighting and size of the sign shall be approved by the Planning Board.

1. **The applicant is proposing to install a freestanding monument sign. – (3'8" x 9 ') 30.7 sq. ft. with a 2' brick surrounding the bottom of the sign.**
2. **There is a preexisting building-mounted sign, and a preexisting "lollipop" sign (New Holland); the applicant is proposing to remove that sign.**
3. **The applicant received HAC approval on May 12, 2009.**
4. **The sign application as submitted will required a variance; the applicant is scheduled to appear before the ZBA on April 28, 2014.**
5. **The CED Dept. recommends approval with the following conditions:**
 1. **The existing New Holland "lollipop" sign be removed.**
 2. **The sign is not to be internally illuminated (HAC condition).**
 3. **The base brick to be constructed of gray stone (HAC condition).**
 4. **A sign permit must be issued within six months.**

Mr. Doser inquired how the sign will be illuminated. The applicant states externally illuminated. Mr. Doser asks why they did not go forward with this sign back in 2009 when HAC approved it. The applicant states that the recession hit.

Mr. Anderson inquires how it will be lit. The applicant states from the ground shining up at the base of the sign. Mr. Anderson states that he can support the proposal, and is pleased that the "lollipop" sign is being removed. He cautions the applicant that this Board will not look favorably upon any additional signage being proposed in the future.

Mr. Anderson states that the following variances are being requested:

1. **Section 174-9D, to allow a ground mounted monument sign (second sign) on the property in addition to the existing building mounted sign instead of one sign, and to allow said sign to be 5'8" in height instead of 5 feet.**
2. **Section 174-10 (A), to allow a proposed monument sign to set 21 feet from the front property line instead of 25 feet.**

He reviews with the applicant why they feel those variances should be granted. The applicant states that they are ordering the smallest signs that they are allowed to purchase as a franchisee owner. The telephone pole/utilities are in the way which is why they are asking for a setback variance. They also have heavy equipment that goes through there and he was concerned that the sign would get damaged.

Mr. Lewis inquired why they feel that they need a 2nd sign on the building. The applicant states that DJM Equipment Inc. is the corporate name. Mr. Lewis does not support the 2nd sign on the building.

Mr. Brasley would like to see the house # on the signage (7216). He supports the sign and the variances.

Mr. O'Brien doesn't particularly care for the color on the BobCat sign.

Mr. Antonelli feels it will be an improvement to have the proposed sign in the location they are proposing it to be as the existing New Holland sign sits 11' off of the road currently.

Mr. Gardner supports the sign and the variances as submitted.

Ms. Neu supports the sign and the variances as submitted.

Mr. Wilcox inquires why the lighting isn't down lit. Mr. Anderson states that each sign is situational and the Code does allow it. It would be a hardship for the applicant.

Manuel Lopes, 67 Blackwatch Trail inquires when equipment is considered a sign. Mr. Doser states that he doesn't believe the Code addresses that and he would have to look into it.

Mr. Brasley made a motion to grant sign approval for sign application submitted to the Town on 3/26/14, subject to the following conditions:

1. New Holland "lollipop" sign is to be removed from the site.
2. New Holland building mounted sign be removed from the east side of the building.
3. DJM Equipment Inc sign on the building may remain.
4. The ground mounted sign shall be externally illuminated with spotlights from the ground up.
5. The base of the ground mounted sign shall be gray stone.
6. Applicant is to obtain the three variances being requested from the ZBA (scheduled for 4/28/14).
7. Applicant to obtain a sign permit within 6 months and no later than October 16, 2014.

Mr. Antonelli seconds the motion.

Motion carries 6 – 1, with Mr. Lewis opposed.

Mr. Anderson states that the Planning Board will write written recommendation to the ZBA supporting the variance requests. The applicant already has the C of A from HAC from 2009.

New Application(s):

775 Pannell Road - re-subdivision of Lot 3 of the Bumpus Subdivision. Shelley Associates, P.E., L.S., P.C., as agent for Sorbello Brothers, LLC, owner of property located at 775 Pannell Road (tax id #195.01-1-13.13), requesting preliminary and final subdivision approval to re-subdivide Lot 3 of the Bumpus Subdivision into 4 lots.

Presenter: Shelley Associates, P.E., L.S., P.C.
Zoned: RT 2-5

withdrawn - to be rescheduled

Discussion(s):

Recommendation to Town Board – proposed rezoning of 21 properties (approximately 16.11 acres) in Bushnell's Basin Hamlet from Residential B or Commercial to Mixed Use District Zoning.

Mr. Doser states that the Town Board held an order for hearing on 2/12/14 and a public hearing on this proposed rezoning on 4/9/14.

He reviewed the proposal as per proposal submitted to the Town Board on 2/5/14, which is a part of the record.

Mr. Doser stated that the Town is proposing to rezone 21 properties (approximately 16.11 acres) in the Hamlet of Bushnell's Basin to Mixed Use District zoning. Currently, 14 properties are zoned Commercial and seven properties are zoned Residential B. The rezoning complies with the 2011 Town of Perinton Comprehensive Plan. He reviewed where these parcels are.

The intent of the Mixed Use District zoning is to foster a combination of appropriately scaled land uses and activities that support the goals and objectives contained in the Town's Comprehensive Plan as well as other land use and design plans. Also, the intent is to provide areas within the Town for locating a mix of commercial, office, civic and residential uses serving the day-to-day convenient shopping and personal service needs of the neighborhood areas and to assure the compatibility of such areas with

nearby residential development. Mr. Doser also stated that the intent is to create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving, and shopping and that it is the intent of the Mixed-Use District to ensure that typical, strip commercial development is avoided and that future private development will actively and positively engage the public realm.

The Town has met with owners of the prospective properties on December 5th and briefed them on the proposed rezoning plan. They were positive about the rezoning and felt that it would enhance the Hamlet of Bushnell's Basin.

He overviewed a PowerPoint presentation which explained what mixed use is, the demographic trends driving mixed use, why it fits in Bushnell's Basin and what the key zoning requirements are of mixed use. He states that this is a highly traveled area in the Town. The Commercially zoned properties are undersized by today's District standards. This is why so many of these parcels ask for variances. There is little chance that Residential B properties would develop as single family homes on a street with approximately 17,000 vehicle trips per day. This will limit the large scale retail developments seen in commercial zoning. He reviewed the lists of uses. Properties that comply under the current zoning standards are permitted to continue as used. If they propose to expand, they would be required to receive site plan approval and comply with the new zoning requirements. If there is an existing single family residential use, this may expand without site plan approval as long as the use remains solely single family home. Property owners may market their properties for sale under the current permissible operating uses and if the uses are not exercised and lapse for a period of one year, then future uses must abide by the zoning standards. Lot sizes may be between 10,000 sf or 43,560 sf., with a minimum of 80' width. 25% green space is required. Setback requirements are 10' to 30' in the front. They want buildings to frame the road. Side and rear setback is a minimum of 15'. You can have common wall buildings, so they would be excluded from the side and rear setback requirements, but would have to comply with NYS Fire Building Code for fire separation. Buildings cannot exceed 10,000 sq feet in size. This will right away eliminate large scale commercial. Uses cannot exceed 2500 sq ft in space. Anything that is proposed to exceed this threshold may be approved with a Special Permit from the Town Board. There has to be some rationale. Height is 22' to 35'; ideally, two stories. Property dimensional requirements may be modified by the Planning Board, except for lot acres exceeding one acre and that would come under the Town Board's discretion. They are looking for parking to be located in the side or rear yard of the property. Shared parking is allowed.

Mr. Brasley asked if all the properties they are proposing to rezone tonight are in the historic district. Mr. Doser states yes; in Bushnell's Basin.

Mr. Anderson inquired if the Planning Board could impose a larger buffer beyond 50'. Mr. Doser states that he is not sure and will need to look into that.

Mr. Lewis inquired if the 50' buffer would remain between uses. Mr. Doser states yes. Mr. Lewis states that the owner of Lot 1 (Chappel) has bought three additional lots. What if he combined them into one lot and proposes to turn the whole thing into mixed use. Mr. Doser states that the Town is looking for buildings to be up close to the road and parking behind. Mr. Lewis inquires if the rear third of those lots could be kept residential. Mr. Doser states that perhaps the zoning line could be moved to provide some extra buffer.

Mr. Lewis inquired if a 3rd floor would be allowed. Mr. Doser states yes; the Planning Board would have to approve that.

Mr. Anderson asked if they are looking to reduce the height of buildings in a mixed use district. The architecture may be such that you want a peaked roof. It is not uncommon in historic areas to see different building heights.

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

Judith McNulty, 647 Thayer Road, feels it is very unfair to the properties on Great Oak Lane to have mixed use adjacent to them. The buffer should be much larger than 50'. These property owners never expected to have mixed use in this area. These people will be looking at a parking lot from their back yards.

Manuel Lopes, 67 Blackwatch, feels that traffic is too high in this area already. He cautions that the Town of Victor has tried to do this and are having a difficult time filling vacancies. He doesn't feel that two lanes of traffic accommodate the high traffic in this area.

Mary Jane Pia, 8 Pine Needles Drive, would like the Board to consider not including the residential properties in this proposed rezoning. She feels that variances could be obtained with the current zoning. She doesn't feel that very many people knew anything about the 2011 Comprehensive Plan and what it proposed to accomplish. She states that this is a known school vacation week and many neighbors are out of Town and are unable to attend this meeting tonight. She feels that the late night use next to residential will be a big problem with sound and privacy to the residential neighbors and will affect their quality of life.

Ms. Neu feels that the buffer should be increased for the residential buffering.

Mr. Gardner feels this is a good idea. He feels strongly that the Town should hold any applicant's to the standard and not allow them to vary from that like we did on CVS on Fairport Road. Mr. Gardner inquired if there is any rationale for the depth of proposed zoning lines for the residential lots. These are specific lots and the Town could come up with a concept development for these lots. Mr. Doser states that these properties were previously owned by the Hegedorn family and have sold these three parcels recently to Molly Branch and Ed Schill who now own these four properties (pointing). Molly Branch is the acupuncturist (pointing).

Mr. Antonelli feels that Lot 4 will be affected the most as far as residential. There will be two lots adjacent to mixed use and how will you buffer that if you don't combine all of those lots. There is a big elevation difference between Great Oak Lane and Hitching Post area.

Mr. O'Brien doesn't think that changing the zoning where it is Residential B really changes anything. Changing the zoning doesn't prevent that from happening. Development will happen and should be looked at on a case by case basis. Putting an artificial line on paper doesn't make sense. He isn't sure how changing the zoning will work. The fire hall is the fire hall and Tim Horton's is a Tim Horton's. They are not going to put apartments above it. In the short term it is hard to envision the impact of this proposal; perhaps long term.

Mr. Brasley supports the proposal. He feels that the zoning line should line up with the property lines. A 50' buffer already exists. He doesn't feel that there will be a big impact to neighbors. The lots are too small to have big uses on them. This will provide more opportunity for these parcels to be developed.

Mr. Lewis supports the proposal and feels it will take decades to see a change. Mr. Lewis inquires if any of these properties are designated as historical homes. Mr. Doser doesn't think they are designated as historic homes. Any proposals would have to be reviewed by HAC.

Mr. Anderson supports the rezoning. It reflects more modern type of planning. It allows for more creative development. The planning Board will be able to impose sensible buffering. He would not support a parking lot being 50' from Great Oak Lane. When zoning lines don't follow property lines it becomes confusing.

The Board supports the code's intent of combining commercial, office, civic, and residential uses to serve the needs of neighborhood areas, provide a pedestrian / bike friendly environment, and avoiding strip commercial development. The proposed code will provide the Board with a variety of planning tools / standards and options to guide development of new and existing parcels to achieve a more varied built environment, and enable a more neighborhood centric built environment. In addition, by integrating residential uses, the code also provides additional housing options for our Town residents.

The rezoning of the 21 parcels, in conjunction with the existing Mixed Use district parcels, will provide a logical, cohesive block of mixed use zoning within the heart of the Bushnell's Basin hamlet. Key discussion points included:

While the board recognized the benefits of Mixed Use zoning, implementation of the desired intent will be a long term endeavor. Most of the parcels are currently developed and there will be limited opportunities in the short term to plan development consistent with code's guidelines and intent. Therefore, as parcels are developed, the Town must be vigilant in applying this code in order to implement the parcel by parcel planning process of achieving the Town's goals. The rezoning will provide more development opportunities for property owners to enable a vibrant offering of uses, and flexibility to address changing demands.

The Board supports rezoning of the existing Residential B to Mixed Use as proposed. Intense development adjacent to existing residential uses is a concern, however, the Board felt it had the planning tools including waivers of dimensional requirements to plan sensitive development which meets the desires of the developer without causing hardship on existing home owners. The Board does not support having both Residential B and Mixed Use zoning districts on the existing Residential B parcels to address buffering to adjacent homes. Effective development planning becomes very complicated when addressing two different zoning codes on the same parcel.

Mr. Anderson will write memo to Town Board regarding the comments of the Planning Board for this proposal.

Magnolia Manor Subdivision- Section 4 (f/k/a Packard-Waymon Subdivision - 5th 90 day extension with the extension to run from 4/16/14 to 7/16/14.

Mr. O'Brien made a motion to grant 5th 90 day extension with the extension to run from 4/16/14 to 7/16/14.
Mr. Brasley seconds the motion.

Mr. Lewis is opposed and feels it is time for the extensions to cease and the applicant should come back to the Planning Board for subdivision re-approval when they are prepared to go forward.

Motion carries 6 – 1 with Mr. Lewis opposed.

Minutes – 4/2/14

Mr. Lewis made a motion to approve the minutes of 4/2/14 as submitted.
Mr. O'Brien seconds the motion.
Motion carries 6 – 0, with one abstention of Mr. Antonelli, due to absence.

There being no further business before the Board, the meeting adjourned at 8:52 PM.

Respectfully Submitted,

Lori L. Stid, Clerk