

**Minutes of the Town of Perinton
Planning Board Meeting of December 17, 2014**

Planning Board Members Present

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

Absent

Craig Antonelli

Conservation Board Members Present

Jerry Leone

Town Officials Present

Robert Place, Town Attorney
Thomas Beck, Commissioner, DPW
Robert Kozarits, 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.

Sign(s):

Kitchen & Bath Works – 2829 Baird Road

Chris Landry presented the sign application to the Board. It is to replace an existing sign. He is the business owner.

Mr. Anderson asked for questions or comments from CED.

Mr. Doser states that CED issued comments as follows:

The applicant is proposing to replace a previously approved sign (Fairport Computers) with a new sign. The proposed sign is 33" x 143.5" (32.8 sq. ft.). The CED Dept. feels the proposed new sign will enhance the look of the plaza and has no concerns with this replacement sign.

A sign permit to be issued within six months.

Ms. Neu feels that the red background against the red facia of the building doesn't work well and a background color that is more of a contrast would work better. She likes the sign. Perhaps white background with red lettering would work. The applicant is ok with that.

Mr. Gardner is supportive of the sign application as submitted.

Mr. O'Brien is supportive of the sign application as submitted.

Mr. Brasley asks if this business is relocating from somewhere else. The applicant states that it is an existing business in Penfield with modest space. They are new to the Town of Perinton. Mr. Brasley supports the sign application as submitted, and if the applicant wants to switch the colors of the sign he is ok with that also. He welcomes the applicant to the Town.

Mr. Lewis is supportive of the sign application as submitted. He agrees with Ms. Neu, but he can still support the request. He asks what the purpose of the screws is. The applicant feels that it is a classic look.

Mr. Anderson welcomes the applicant to the Town. He is supportive of the sign application as submitted. This plaza has a sign package and in general it fits but it doesn't allow logos so that is the reason the applicant had to come in to the Board meeting. He agrees with Ms. Neu as far as coloring. Mr. Anderson states that if the applicant wishes to change the coloring of the proposed sign as discussed tonight, other than what has been submitted, the applicant may have that reviewed administratively.

Ms. Neu asks what the actual address is. Is it Fairport Road or Baird Road? The applicant states that the landlord says it is 1220 Fairport Road (store #2).

Ms. Stid states that Town staff states that 2829 Baird Road is the legal address.

Ms. Neu made a motion to grant sign approval for sign application submitted to the Town on 11/26/14, subject to the following conditions:

1. Applicant to obtain a sign permit within 6 months.

Mr. Anderson seconds the motion.

Motion carries 6 – 0.

New Application(s):

821 Moseley Road – 3 Lot subdivision. Thornton Engineering, as engineer for Jeffrey Seidel, JB Sterling Co., contract vendee of property located at 821 Moseley Road (tax id#180.09-1-1), and owned by Fairport Municipal Comm., requesting preliminary and final subdivision approval for a 3 lot single family residential subdivision on a 2.846 acre parcel of land.

Presenter: Glenn Thornton, Thornton Engineering, LLP
Zoned: Residential A

Glenn Thornton presented the application to the Board. They are proposing a 3 lot subdivision. The parcel is at the end of Waterworks Lane. It is the old Fairport Waterworks property and Mr. Seidel is in discussion to purchase this parcel from the Village of Fairport. This parcel has about 58’ of frontage on the street. They are proposing to create 3 flag lots. To access the three lots they are proposing a common drive and private individual driveways for each home location. They meet lot size outside of LDD. They are not disturbing any steep slopes other than the steep slopes that were created when there was work done on the Waterworks property and the land was graded. This is the area they are proposing for the common drive. The common drive and the individual driveways will be at the maximum grade allowed by the Town. Storm sewer will be brought in by existing storm sewer that ends at the O’Shaughnessy property. Mr. Seidel has negotiated an easement with the neighbor to allow the connections of the storm sewer, storm lateral and sanitary laterals. They can connect to existing water main because the water authority has an easement they can connect into. They plan to dedicate the storm sewer to the Town.

Mr. Anderson inquired if the parcel is on Moseley Road. Mr. Beck states that the Town’s records show Moseley Road as legal address; the parcel used to have frontage on Moseley and it doesn’t anymore.

Mr. Anderson asked for questions or comments from the Conservation Board. Mr. Leone states that they have met with the applicant a couple of times and are prepared to provide a SEQR recommendation tonight.

Mr. Anderson asked for questions or comments from CED.

Mr. Doser states that CED issued comments as follows:

CED Comments:

1. Please label and identify setback lines.
2. Because there are three houses on the private driveway, the driveway width is required to be 20 feet to accommodate fire apparatus.
3. The length of the driveway requires a fire apparatus turn-around. The CED Dept. recommends a hammerhead turnaround as identified in Appendix D of the Fire Code of New York State.

Mr. Thornton states that he met with the Town Engineer this morning and reviewed the comments and feels they can work through them all.

Mr. Anderson asked for questions or comments from DPW.

Mr. Kozarits states that DPW issued comments as follows:

DPW Comments:

General

- | | |
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| 1. | Descriptions for Access and Utility Easements need to be provided for review by the DPW. The portion of the storm sewers serving the proposed residences needs to be on an easement to the Town. Also, any easement required for sanitary or storm sewer on the O’Shaughnessy property must be conveyed to the Town of Perinton (not Jeff Seidel). |
| 2. | The existing easement to Fairport Municipal Corporation off Moseley Road shall be abandoned. |
| 3. | Provide 30’ wide storm sewer easement to Town of Perinton at existing MH1. |
| 4. | Provide the Town with a Letter of Credit estimate for review. The approved amount shall be secured prior to obtaining final signatures on the plans. |
| 5. | The developed runoff for this site should remain the same as the pre-developed condition. The developer’s engineer needs to provide the calculations to verify this. Of particular concern is the increase in runoff rate and velocity from the proposed rear yard and side yard swales towards the LDD steep slope area in Lot 1. |
| 6. | Show all existing and proposed easements on the subdivision plan. |
| 7. | Clarify the removal limits of the existing paved driveway. |

Utilities

1. **Proposed drainage structure CB2 should be an inlet manhole and drainage structures CB1, 3 and 4 should be upsized to 3’x3’ inlets. CB1 & 2 should be relocated to the property line and pipe rerouted so a single pipe connects to existing manhole MH1.**

2. **Add a note to the plans that the top of the existing storm manhole (MH1) being connected to shall be reset and mortared.**
3. **The material type of the existing sanitary sewer needs to be determined prior to making connections. Add a note to the plans stating connections shall be made using Inserta Tee fittings.**
4. **Label the existing watermain and storm sewer on Lots 2 and 3 to be removed.**

Grading/Erosion Control

1. **This project is in the Irondequoit Creek watershed, which requires that a Basic SWPPP be prepared. Contact the DPW for a template of the SWPPP required in Irondequoit Creek watershed.**
2. **Due to the steep slopes in the rear yards, provide at least two rows of silt fence parallel to the contours along the south westerly portion of the site grading limits.**
3. **Provide permanent rip rap (light stone fill) and temporary stone check dams in the driveway swales. Add a note to the plans that states all remaining swales shall be stabilized immediately.**
4. **If walk out units were developed on Lots 1 and 2, additional level space in the rear yard could be provided.**
5. **The Construction Sequence on DWG. S-2 indicates the basement excavation spoil material will be used to accomplish the mass grading. However, basement excavations will only be allowed after a building permit is issued, which is after the mass grading and majority of site work is complete. Please revise the construction sequence accordingly.**
6. **Due to the steep grades on this site, erosion and sediment control plans should show swale runoff directed to temporary sediment basins.**
7. **Adjust grading for Lot 3 to move swale closer to side and rear lot lines rather than through center of back yard. We also recommend relocating the topsoil pile to the front portion of Lot 1 rather than the back corner of Lot 3**
8. **Town requires 6" topsoil for all lawn areas - please add a corresponding note to the site plan.**

Mr. Kozarits asked about the easement along O'Shaughnessy property. What is the intent for where the sanitary sewer crosses? The Town has a 30' easement over the sanitary sewer and then there is 30' of space between the property line and the Town easements. Who will maintain that portion up to the sanitary sewer? Will the homeowner be allowed to get access across that portion of the property that is not in the Town easement? Mr. Thornton said that they plan to have the homeowner have access to that portion over to the existing sanitary sewer. They are prepared to provide the Town with an easement for both the sanitary and storm lateral connections if desired. Mr. Kozarits states that they could locate the cleanouts at the easement line. Mr. Thornton says that whatever the Town prefers. Mr. Kozarits states that there is a concern about runoff and not making it worse. They would like to see calculations for both pre and post conditions. Mr. Thornton states that they can provide all of that.

Mr. Beck had no additional comments.

Mr. Anderson asked for questions or comments from Attorney Place. Mr. Place states that a Park Fund contribution determination is required. Mr. Place inquires how the private drive will be maintained. Mr. Seidel states that there will be an agreement for each owner to have as part of the maintenance. Mr. Place states that something will need to be filed for all three lots before the mylar is signed off, such as a tract restriction or a covenant. He will want to see this language before he signs off on the mylar.

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

Pete Comerford, 53 Waterworks Lane, wanted to see where the driveway will be for ingress and egress to the site permanently and during construction. Mr. Thornton states it will not be on the private drive. Mr. Comerford inquired if the easement from the O'Shaughnessy's granted ingress/egress rights. Mr. Thornton states it is not for access rights. Mr. Comerford has some concern about runoff and the topography being disturbed from the way it is now. Mr. Anderson states that they work to ensure that the drainage/runoff is no worse than what exists today and perhaps is better.

Mr. Anderson supports the proposal. He feels that there are a good number of lots given the LDD and access. There are a lot of technical details that need to be worked out. He wants to be sure that all of the easements are in place so that the plan doesn't change. Currently on the private drive for Waterworks there is a hammerhead that goes onto his property and that will be cut off. Is that sufficient for equipment to get in and turn around? Mr. Beck states that the DPW will look at that. Mr. Comerford states that there is a fence that surrounds the entire property. There is a gate (pointing). This area is used as a turnaround now for garbage trucks and it couldn't be any smaller and work. Mr. Anderson inquires if the chain-link fence will be removed and Mr. Seidel states yes. Mr. Anderson is prepared to go to preliminary and defer final until the details have been worked out with the DPW.

Mr. Lewis asks if the O'Shaughnessy's exit their garage to a private drive and then go east out to Moseley Road? Mr. Thornton states yes. Mr. Lewis asks what the purpose is of the large extension to the west. Mr. Thornton states that he doesn't know how much traffic came up Waterworks Lane into the waterworks property. There was a discussion of the private drive and easement locations for ingress and egress. Mr. Lewis expressed concern about maintenance for the private drive. Mr. Thornton states that the agreement will address that.

Mr. Brasley feels this is a good infill project. The lot number and size work. He would like to see detail on the stormwater calculations and easements and proposal for the shared drive. He is prepared to go to preliminary and defer final.

Mr. O'Brien supports the proposal. He feels that there is technical detail that needs to be resolved but he is prepared to go to preliminary.

Mr. Gardner states that the number of lots and size are appropriate. He cautions that the driveway should be lowered if possible. He understands it meets code, but will be an issue for future homeowners. It would be good if the house pad could be lowered. He would rather see a 10% slope on the southeast corner of the site than to create this driveway issue. He advises that they bank the turn at the end of the driveway.

Ms. Neu supports going forward for preliminary tonight.

Mr. Anderson asks the Conservation Board for a SEQR recommendation. Mr. Leone states that the Conservation Board recommends a Negative Declaration of SEQRA based on the following findings:

1. Access will be provided via a cul-de-sac driveway constructed to the Town standards, including a turn-around for emergency vehicles. This configuration will avoid the traffic conflicts that could potentially be created by connecting the two sections of Waterworks Lane to create a through road.
2. The acreage in each parcel exceeds the Town's requirement for acreage outside of LDD and panhandle area. The only impact to LDD will be road construction, which is a permitted impact.
3. No zoning waivers will be required.
4. Due to concerns about potential soil or groundwater contamination associated with the site's prior use as a water treatment plant, the applicant submitted soil samples from approximately 15 deep and shallow test holes for laboratory analysis. No alalytes were detected above guidance values.
5. The project provides redevelopment of a currently abandoned municipal property.

Mr. Anderson made a motion to grant a Negative Declaration of SEQR for the reasons as cited 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 for each of the three lots in an amount to be determined by the Commission of Public Works to support the Town's Parks and Recreation programs and goals as identified in the Town Comprehensive Plan.

Mr. Lewis seconds the motion.

Motion carries 6 – 0.

Mr. Brasley made a motion to grant preliminary subdivision approval for a 3 lot single family residential subdivision on a 2.846 acre parcel of land, for plans received by the Town on 11/14/14, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. There shall be a maximum of three lots.
3. Applicant shall provide stormwater calculations as requested by the DPW to the satisfaction of the Town Engineer and the Commission of Public Works.
4. Applicant shall provide proper easements to the satisfaction of the Town Attorney for access, utilities, driveway maintenance and driveway snow removal.
5. Applicant shall provide a hammerhead turnaround for fire apparatus access.
6. The access drive shall be widened to 20'.
7. The applicant shall review the proposed grading, especially at the exit of the access drive out onto the intersection of Waterworks Lane and Crow Hill Drive; perhaps lowering the slope at that access point and also the entire overall access drive.
8. Applicant shall provide earthworks calculations.
9. Applicant shall provide information to the satisfaction of the Town Attorney for proposed language for maintenance of the private road.

Ms. Neu seconds the motion.

Motion carries 6 – 0.

Mr. Anderson made a motion to defer final subdivision approval for a 3 lot single family residential subdivision on a 2.846 acre parcel of land, for plans received by the Town on 11/14/14, subject to the following conditions:

1. until such time as the conditions of preliminary approval are satisfied.

Mr. O'Brien seconds the motion.

Mr. Lewis feels that the project should be renamed as it is really not a Moseley Road address. There was a discussion on if there would be a separate name for the private drive or if it would be a Waterworks address. Mr. Beck encourages the applicant to have this discussion with John Beck in CED.

Motion carries 6 – 0.

Discussion:

Mr. Anderson states that they have already made their comments to ZBA (there were no comments).

There being no further business before the Board, the meeting adjourned at 8:15 PM.

Respectfully Submitted,

Lori L. Stid, Clerk