

Proceedings held before the Planning Board of Brighton at 23002300 Elmwood Avenue, Rochester, New York on July 15, 2015 commencing at approximately 7:30 p.m.

PRESENT: Laura Civiletti, Acting Chairman
David Fader
Josh Babcock Stiner
Thomas J. Warth
Andrea Tompkins - Wright
John J. Osowski

NOT PRESENT: William Price, Chairman

Ramsey Boehner, Town Planner
David Dollinger, Deputy Town Att.

FIRE ALARM PROCEDURES WERE GIVEN

MS. ACTING CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the July 15, 2015 Town of Brighton's Planning Board to order. Before we get started I just want to let everyone know that we have two applications that have been postponed, application 5P-NB1-15 and 6P-NB1-15 to the August 19, meeting at the applicant's request. We have minutes from the May 20, 2015 meeting and the June 17, 2015 meeting and we are going to wait on the May meeting, 2015 meeting, do I have a motion to approve the June 17, 2015 minutes with any corrections including those I have submitted.

MR. SOWSKOSKI: I move to approve the June 17, 2015 meeting minutes with corrections.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UANIMOUSLY CARRIED

MS. ACTING CHAIRMAN: Mr. Secretary were the public hearings properly advertised as required.

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of July 9, 2015.

2P-02-15 Application of Brighton Corners, LLC, owner and S.E. Baker and Company, agent, for Site Plan Modification to construct a bank video teller drive-thru lane on property located at 1900 Monroe Avenue. All as described on application and plans on file. TABLED AT THE FEBRUARY 18, 2015 MEETING -PUBLIC HEARING

MR. ESSLER: Good evening members, my name is Carl Essler, Attorney from Bob Shank and King and I represent the applicant here S.E. Baker and Company on behalf of the owners of Brighton Corners LLC at 12 Corners Plaza. This is an application for Site Plan Approval to add a five star bank essentially into what has been a vacant bank space for quite some time. We have been with the Board already for a number of comments and suggestions and subsequent to the last meeting we have received ARB approval with just a couple of minor suggestions about the tubing involved in the drive thru teller. So essentially at this point we also provided the answers to the comments received from this Board and the County and other agencies so I think we have presented a complete package. With me I have Paul Sylvestry from Harter Secrest and Emory who is the bank's counsel. I have a representative from Costich Engineering Garth Wintercorn who helped us with our design and I also have David Cruz from SRF Associates who did a traffic engineering study for us.

MR. BOEHNER: Could you have someone give us a quick summary of the traffic study?

MR. ESSLER: Sure we can have the traffic engineer, David Cruz speak.

MR. CRUZ: Traditionally at the beginning stages of the project we went out and studied the operating Five Star banks in the region to get a sense of drive thru operations and drive thru volumes as well as full site volumes which we then used to estimate the trips that would be made to the site. In addition to that we also studied the proposed Five Star Site at the 12 Corners Plaza upon two occasions. We have been able to video the drive way along Linden Avenue. We have looked at cuing that was there occurring for vehicle entrances to the site or exiting the site and what we found were – if you turn to page 2- and in very few

times during the peak hour were there instances where the drive aisles were blocked by exiting or entering vehicles to the site. Based on that information as well as the design of the site under Five Star instructions the site we reduced the conflict points and simplified the drive thru points entering site. We also found that vehicles were turning left onto the site and they typically used the inside traveling lane on the east bound approach to the site of the driveway however during peak hours vehicles turned left into the site east bound and made it into the west bound turning lane and ultimately went onto Monroe. Currently Monroe County has a double yellow line and we put forth considering restriping a two way left turn lane which it was under a prior stripping project. As well as the spillback would be entering the site onto Elmwood Ave for many vehicles entering the site they were generally observed to be on the back south bound approaching the eastern drive aisle exiting the site.. There was sufficient storage space for one vehicle to wait on the curb side the outside lane on the north side of Elmwood Avenue to let vehicles that were entering the site and traveling behind them. And as I said there is no blocking on Elmwood, no impact on Elmwood and what we are proposing on full build out of the site we do not see a significant adverse impact by this project.

MR. BOEHNER: Did Monroe County review the stripping done?

MR. KRUSE: They had no comments on that but they agreed with the assumption and they provided no recommendations.

MR. BOEHNER: So they did not want the stripping?

MR. KRUSE: They had no comment on that and they agreed with our assumptions and provided absolutely no recommendations or anything.

MS. ACTING CHAIRMAN: Can you give us a real quick summary of the site plan?

MR. WINTERCORN: Garth Wintercorn, from Costich engineering. Sure we are the engineers on the project. We had a lengthy discussion on the circulation we presented at the prior meeting

and we had different alternatives and we came to a conclusion that it was my understanding that this pattern of drive thru provided the required stacking here for the best circulation pattern. There were a couple of other recommendations that the Board incorporated namely adding an additional sidewalk here for the east parking lot that aligns with the parking sidewalk in front of the existing plaza.

MR. BOEHNER: The sidewalk that you put in, do you see a problem with putting a cross walk down through there I see the signs but I see no stripping shown on the plans, do you have a problem with that?

MR. WINTERCORN: I don't see a problem with it.

MR. BOEHNER: I was thinking you should have a cross walk stripping since you have the signs. Did anyone talk about the vacuum tubing it was kind of hard to understand how that worked?

MR. ESSLER: You should have received some cut sheets the two main comments when we got the use variances from the Architectural Review Board was to try to locate it in a location where the length of the tube that comes out of the tower was minimized and we obviously have done and we can't get it much closer to the building and still provide stacking. And the other one was to paint the tubing itself in a color harmonizing with the building codes and we can certainly accomplish that.

MS. ACTING CHAIRMAN: Is there any proposal to have an ATM?

MR. ESSLER: The drive thru is going to be strictly used for that purpose - there will be an ATM on the inside of the main entrance and accessible the way many banks do, you have a card that you put into the door and you get inside the bank door. There is no ATM any way shape or form at the drive thru. There is only teller services and by the way it is 50 decimals and it is no way audible outside the drive thru and the teller is only there essentially during business hours.

MS. ACTING CHAIRMAN: Is there any changing to the lighting on the exterior of the building, is there any security related

lighting in terms of lighting levels?

MR. MCLAUGHLIN: Mitch McLaughlin, Operations Officer for the Five Star Bank. As far as the teller traffic the tube system handles only teller activity and it is not even commercial activity because you can't put coins in the tubing.

MR. BOEHNER: So your depository is inside by the ATM?

MR. MCLAUGHLIN: Yes there will be a night drop next to the ATM in the entranceway.

MR. BOEHNER: The vacuum what wall is it coming out of the bank?

MR. MCLAGHLIN: Basically it comes out of the back corner of the building. One of the concerns we had was one of the drawings had the tubing going up 90 degrees and another 90 degree and another 90 degree and we told them we would go up as quickly and straight to the building as we possibly could to -

MR. BOEHNER: Is that the side wall or the rear wall?

MR. MCLAUGHLIN: As close to the corner of the building along the sidewalk and all the turns would be on the inside. This is where it came up and did two turns and we agreed to come up and go straight into the building to minimize the exposure of the tubing. That was part of the architectural process.

MR. WENTWORTH: Could you tell us how much space is clear on the sidewalk between the structure of the tubing system and the ballards to the wall, from the video tower to this corner?

MR. MCLAUGHLIN: Slightly over five feet, that was actually part of the original discussion getting the drive thru lane a little bit further away from the building and getting rid of that drive thru window and it would allow us to do a better job of letting people know where they were going and getting rid of the drive thru window and also putting in the stop line for the drive thru teller as well to help keep traffic going into that plaza.

MR. WENTWORTH: The tubing system shows an option for electrical conduit to go down underground which are you choosing.

MR. MCLAUGHLIN: They will either follow the tubing on the way up or go underground we haven't got as far as attaching it to the building. If its on the tube it will follow the tube.

MS. ACTING CHAIRMAN: There is a few signage cut sheets in the back is that being reviewed as part of this.

MR. MCLAUGHLIN: No the ZBA has already moved on signage – Paul can explain exactly what that is all about.

MR. SYLVESTRI: Paul Sylvestri from Harter and Seacrest attorney for Five Star Bank I think the signage package in there is part of showing the ARB approval process which included signage, Five Star has applied to the ZBA for a variance for a second sign on the building and that would have been placed on the eastern side and that has been denied. So at this time the signage would meet the signage plan for the 12 Corners plaza and would be on the south facing wall.

MS. ACTING CHAIRMAN: How about the time and temperature sign?

MR. SYLVESTRI: That would remain it would be the same size and everything else and would be the Five Star Bank rather than HSBC.

MS. ACTING CHAIRMAN: This is a public hearing. Is there anyone in the audience who would care to address this application? There being none we will move on.

7P-01-15 Application of 2340 BHTL, LLC, owner and Aprinta Group, LLC, lessee for Conditional Use Permit Approval to allow for a 48,978 sf printing facility on property located at 2340 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. WEBSTER: Steve Webster principle in the corporation owners of 2340 Henrietta Town Line Road. The tenant that we are appearing for Aprinta is a screen printer. The history of the building to give us some hindsight was two other tenants one was the post office originally and it is now a sign company and I guess the previous sign company left the building for a couple of years and it is now in use. I think you have a presentation submitted by Tosha Engineers which gives you an outline of the usage and so I am glad to answer any questions that you might have. The engineer will be here shortly and he can answer any parking lot issues you might have.

MS. ACTING CHAIRMAN: Can you address a couple of general questions regarding changes proposed to the building.

MR. WEBSTER: There are no physical changes we just redecorated a couple of the offices.

MS. ACTING CHAIRMAN: You are here for three different applications for the same building. So I will ask questions for this one. These spaces are already divided within the building?

MR. WEBSTER: Yes.

MS. ACTING CHAIRMAN: So it looks like there is a partially overhanging some parking places is there an area where trucks pull in a crane and come in and pick up the sign and lift it up and put it back on the truck? It doesn't affect the parking but it is overhanging.

MS. ACTING CHAIRMAN: Is there signage proposed?

MR. WEBSTER: No there is none proposed just interior.

MS. ACTING CHAIRMAN: So there is no exterior signage?

MR. WEBSTER: We have none planned at this time no.

MS. ACTING CHAIRMAN: So if there were to be some in the future we would have an application?

MR. WEBSTER: Absolutely.

MR. WENTWORTH: Is there only one main entrance?

MR. WEBSTER: Well, we are talking about a printer right now and they have two entrances.

MR. WENTWORTH: Is one of those entrances accessible?

MR. WEBSTER: Accessible, yes.

MR. WENTWORTH: Is there an accessible entry into the building?

MR. WEBSTER: No.

MS. ACTING CHAIRMAN: So the ramp up to the loading dock shown in the building plans is that strictly for loading type activity?

MR. WEBSTER: Yes.

MR. BOEHNER: So if somebody in a wheelchair comes to the building how would they get in?

MR. WEBSTER: Good question, I don't believe it would be very easy for them to get in. I don't believe there is a ramp.

MR. BOEHNER: The issue is with the ADA. You may want to look at how would you meet ADA requirements because I don't know what kind of improvements you would need to get a Cof O but you may be made to make some accessibility?

MR. WEBSTER: Yes and the engineer did research that and there was no indication we needed to do anything.

MR. BOEHNER: Okay, You also have a private road and the ADA needs to know about accessibility.

MS. ACTING CHAIRMAN: Is there a proposal to restripe the lot and change the parking configuration?

MR. WEBSTER: Yes we are going to repave and restripe.

MS. ACTING CHAIRMAN: Will the restriped parking configuration be the same as the old parking lot?

MR. WEBSTER: Probably not, it may change a little bit but it should be approximately the same.

MS. ACTING CHAIRMAN: Are you expanding the paved area.

MR. WEBSTER: Yes, they are expanding the paved area. It's already stoned and but it's not paved.

MR. BOEHNER: What area is that? Because the application was not showing that it was going to be paved.

MR. WEBSTER: Well we are planning on paving it sooner or later.

MR. CLARK: Carl Clark, parking engineer just to clarify the existing area there now we are not expanding whatever is there is there.

MS. ACTING CHAIRMAN: Is that area being paved or will it remain as stone?

MR. CLARK: No it is not planned to be paved. We don't need any parking spaces for this relevant area. It is there and we will leave it there. We would rather not pave if we don't have to.

MS. ACTING CHAIRMAN: Ramsey any concerns about parking at all?

MR. BOEHNER: No we were fine with parking.

MS. ACTING CHAIRMAN: How about the actual process of the printing company what kind of material, chemicals do they store on site.

MR. WEBSTER: It is basically a screen printer so whatever chemicals would be used in that process. They have their own dumpster and ability to do away with any type of toxic chemicals. I don't think there are any there according to them.

MR. BOEHNER: What are the chemicals that are ending up going down the sanitary sewer because we have concerns about a special sewer permit.

MR. WEBSTER: They shouldn't be doing that and we asked them not to and there are none that go down the sewer but it is paint mainly.

MR. BOEHNER: Do you know of any hazardous or flammable materials ?

MR. WEBSTER: I think just the cleaner for their presses and things like that.

MR. BOEHNER: Is there anyone here from that business?

MR. WEBSTER: No, we asked them to try to be here but I guess they are not here.

MS. ACTING CHAIRMAN: Being unfamiliar with the screening and printing process I think we have some concerns about how the materials are stored or disposed of or handled. Ramsey is that something we can condition as we go forward with this

MR. BOEHNER: What is the waste you would have, we are going to have to start breaking this down.

MR. WEBSTER: There doesn't seem to be any directly related products that they are using they don't have that problem. Screen printing basically fills up the machine with ink and they print on uniforms and that kind of thing. So there goal would be to use up all the paint they don't throw it away. As far as I know there is no hazardous waste that is stored on site.

MR. BOEHNER: I am just curious on what they have.

MR. TOSHA: Carmine Tosha. There is a dumpster and anything flammable is handled differently. The fire marshal went through that process with them.

MR. WEBSTER: May I suggest something since they are not here obviously what we could do is make that a condition of approval contingent upon how exactly the process is and how it works we certainly can do that. I just don't want this to be delayed. They have been in the building and I am just trying to make it all legal and I am sure they know there business a lot better than I do and they can explain the way everything works and if it isn't done properly we will make sure they do it properly.

MS. ACTING CHAIRMAN: This is part of this review process and it is something that typically we document.

MR. WEBSTER: And as I said the fire marshal has been through the building and if he had any concerns I am sure I hope he would have brought it up to you.

MR. BOEHNER: Were you there?

MR. WEBSTER: Yes, and he approved everything with them.

MR. BOEHNER: So you know that first hand?

MR. WEBSTER: Yes.

MR. BOEHNER: That is important, you were with the fire marshal and you can say he didn't have any issues.

MR. WEBSTER: Yes.

MR. BOEHNER: I will need you to contact the sewer department and have them go over this -

MS. ACTING CHAIRMAN: Did you mention a dumpster and is it screened?

MR. WEBSTER: Yes, it is enclosed at the end of the property. We show the dumpster on the other side of the fence. The dumpster is all the way on the west side of the property.

MR. WENTWORTH: Is it near the loading dock?

MR. WEBSTER: Beyond the loading dock take a left and it is west of the loading dock way over near the end. It is west of the loading dock.

MS. ACTING CHAIRMAN: How about company vehicles?

MR. WEBSTER: They have none other than private vehicles.

MS. ACTING CHAIRMAN: How about noise or vibrations any generated by the operation of the business.

MR. WEBSTER: It doesn't seem like there is.

MS. ACTING CHAIRMAN: Any odors generated?

MR. WEBSTER: None that we are concerned with.

MS. ACTING CHAIRMAN: How often are deliveries made to or from the business?

MR. WEBSTER: I have never seen a delivery made so I can't say but I imagine they are quite infrequent. There may come in

a truck load of shirts and they would use that for the month. There is no traffic pattern that I can tell.

MR. BABCOCK-STINER: Is there a generator?

MR. WEBSTER: No.

MS. ACTING CHAIRMAN: Any outside storage?

MR. WEBSTER: No

MS. ACTING CHAIRMAN: This is a public hearing is there anyone who cares to address this application? Hearing none we will move on.

7P-02-15 Application of 2340 BHTL , LLC, owner and Envision Graphics, Inc. lessee for Conditional Use Permit Approval to allow for a 3,379 sf graphics and printing facility on property located at 2340 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. WEBSTER: Again they are a sign company, they produce usually graphics of any type of sign you could probably imagine, interior signs, building signs. Anything having to do with graphics.

MS. ACTING CHAIRMAN: We pretty much have the same list of questions. So skipping over the ones that pertain to the overall building and the place itself on the operation of their business, waste generated, noise odors?

MR. WEBSTER: They generate about two garbage bags a week of residue from signage, plastic that goes beyond the vinyl signs. There is nothing toxic there what so ever. It is primarily office space.

MS. ACTING CHAIRMAN: So the waste is primarily solid waste versus liquids and paint just plastic?

MR. WEBSTER: Always plastic and wrappers and some paper products.

MR. WENTWORTH: So they have no solids or chemicals?

MR. WEBSTER: Not that I know of. They may have something to remove signs from buildings but usually they go out and do that. Again there are no smells what so ever anyway.

MS. ACTING CHAIRMAN: Do these businesses share a dumpster?

MS. WEBSTER: Yes. It is shared by the tenants.

MS. ACTING CHAIRMAN: Anything disposed of in the sewer system?

MR. WEBSTER: No.

MS. ACTING CHAIRMAN: Did the fire marshal review the operation?

MR. WEBSTER: We walked through it, yes.

MS. ACTING CHAIRMAN: How about deliveries?

MR. WEBSTER: They do make deliveries but not coming there more outgoing.

MS. ACTING CHAIRMAN: Do they have a company vehicle.

MR. WEBSTER: They have one maybe two, one for sure.

MS. ACTING CHAIRMAN: What type of vehicle?

MR. WEBSTER A van.

MS. ACTING CHAIRMAN: Do people come in?

MR. WEBSTER: There are people who come in and order signage.

MS. ACTING CHAIRMAN: Any outside storage?

MR. WEBSTER: No, ma'am.

MS. ACTING CHAIRMAN: Okay, this is a public hearing, is there anyone in the audience who cares to address this application? There being none we will move on.

7P-03-15 Application of 2340 BHTL, LLC, owner and Webster Management Group, lessee, for Conditional Use Permit Approval, to allow for a 29,882 sf storage facility for a property management company on property located at 2340 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MS. ACTING CHAIRMAN: What do they have here.

MR. WEBSTER: They have everything and anything but there are no chemicals or flammable products, only plumbing supplies, sinks, toilets that type of thing that would be used for properties.

MR. BOEHNER: Furniture?

MR. WEBSTER: Yes.

MS. ACTING CHAIRMAN: Is it entirely for storage or do they have office space as well?

MR. WEBSTER: It would be entirely storage.

MS. ACTING CHAIRMAN: No office space?

MR. WEBSTER: Our offices are over on Elmwood Avenue.

MS. ACTING CHAIRMAN: Any outdoor storage?

MR. WEBSTER: No ma'am.

MS. ACTING CHAIRMAN: Any vehicle traffic?

MR. WEBSTER: In the morning picking up stuff during the day. We have six employees and three of them would be picking up stuff.

MS. ACTING CHAIRMAN: It would be car traffic?

MR. WEBSTER: Yes.

MR. WENTWORTH: No overnight parking?

MS. WEBSTER: No. I think they drive their own vehicles for the most part.

MS. ACTING CHAIRMAN: This is a public hearing is there anyone who would like to address this application? There being none we will move on. Thank you.

7P-04-15 Application of Anthony J. Costello and Son (Joseph) Development, LLC, owner, for Preliminary/ Final Site Plan Approval and Preliminary /Final Subdivision Approval to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed (Brewerton Neighborhood) and to resubdivide 26 lots into one on property located on Reserve View Blvd (" The Reserve" housing development). All as described on application and plans on file.

MR. GOLDMAN: Good Evening Acting Chairperson and Members of the Board, my name is Jerry Goldman and I am the attorney and agent for Anthony J. Costello and Son Development and we are here this evening on the Reserve project and the Brewerton Neighborhood. With us this evening on the application are Matt Tomlinson, the Project Engineer and Bill David, Vice President for Anthony J. Costello Development. As the Board will recall we were here

a couple of months ago related to the reconfiguration and the redesign of the Brewerton Neighborhood. The Brewerton Neighborhood is located west of the dedicated roadway servicing the project which is the Reserve Boulevard, the Reserve Boulevard starts at the top of the map versus parallel to the 590 expressway and comes down to the club house and Brewerton Neighborhood is located to the west of that dedicated road.

The original approval for this site was for 26 and what was approved was 26 single family residences and a request was made to the Town Board to allow for approval of 35 ranch townhome condominiums on this site as opposed to the 26 single family houses. We did appear before the Board on the referral from the Town Board on their consideration of the request. The Board had some questions and we did answer them and I will talk about the changes in the plan as it relates to the Planning Board issues. The changes which are being proposed primarily with regard to road configurations is the north south spur located in this area on the original plan. There is one in the cul de sac. It is no longer to be a dedicated road all the roads internal within the Brewerton Neighborhood are proposed to be private roads on the site. As a result of that there is less pavement on the site.

The roof tops themselves take a little bit more area where roughly it is 5 percent of green space on the site. Infrastructure will remain essentially the same. Our road configuration being the same as it is set forth in the dedication portion of it. It will allow dedicated utilities in the same location that we had before. The Town Board did grant our request to allow for the conversion for the change from the previously approved 26 single family residences to 35 ranch townhome condominiums. There really isn't a whole lot more to offer relative to this in our legal presentations but we would be available to answer any questions .

MS. ACTING CHAIRMAN: Is there an area for visitor parking?

MR. GOLDMAN: Matt do you want to speak to that?

MR. TOMLINSON: Matt Tomlinson. There is no designated visitor parking all of the units have two car garages with 60

foot wide driveways for a minimum of two vehicles within each driveway so there is four vehicles per unit. There is no designated visitor parking.

MR. BOEHNER: How is it working with the existing town homes are there any problems with parking on the street.

MR. TOMLINSON: No.

MR. BOEHNER: The issue being fire access.

MR. TOMLINSON: Yes, the same configuration as the townhomes.

MR. BOEHNER: And you are not having any problems?

MR. TOMLINSON: No.

MR. WENTWORTH: How wide is the road?

MR. TOMLINSON: Private roads throughout the development are 20 feet with 2 and a half foot gutters on either side so it is 25 foot of pavement.

MR. WENTWORTH: Gutters but no curbs?

MR. TOMLINSON: That is correct.

MS. ACTING CHAIRMAN: Proposed street lights are they consistent with the rest of the project?

MR. TOMLINSON: They are the street lights throughout the project and the remainder of the project including this neighborhood and they were approved I believe last month or two months ago to add the lights to the remainder of the neighborhood.

MR. BOEHNER: How is the grading change from the original?

MR. TOMLINSON: The grading change is very

minimal with the townhouses they have a big footprint per building but the street scape and the elevation relative to the road are essentially the same.

MR. BOEHNER: But there seems to be the grade raised higher at certain points?

MR. TOMLINSON: It is. In the original design the site was made to balance including the basement. Now that the buildings are slightly larger we don't want to have to truck basement spoil across the site that is already developed. There is people living in there. The roads are paved now and it is a little bit more difficult. So our effort has been to balance the site within the 7 acres that comprise this neighborhood. So 12 to 16 inches somewhere in that neighborhood has been raised up in that neighborhood. But the goal is to leave all the dirt including basement spoil right here in this neighborhood.

MR. BOEHNER: So does that rise in the middle of the lot?

MR. TOMLINSON: Correct and we are going to have a little bit excess of top soil here as well so it's balancing out so we are not moving dirt across the developed neighborhoods.

MR. GOLDMAN: From a visual point of view it should be pointed out that initially the neighborhood was likely going to have two story homes, and we are talking about ranch homes here so in terms of visual impact of it, it is substantially less in terms of the height of the buildings.

MS. ACTING CHAIRMAN: Any questions?

MR. BOEHNER: The roads are private.

MR. GOLDMAN: The roads are private yes.

MS. ACTING CHAIRMAN: This is a public hearing is there anyone in the audience that cares to address this application. There being none we will move on.

7P-05-15 Application of Linden Knoll, Inc. and the Friendly Home, owners for Site Plan Modification to configure and add parking spaces to properties located at 81 Linden Avenue and 3156 East Avenue. All as described on application and plans on file

MR. TOMLINSON: Good evening my name is Matt Tomlinson with Marathon Engineering and Steve Buckland from the Friendly Homes is here with me tonight as well. We have been before the Board both for Friendly Homes and Linden Knolls previously in the last couple of years both for parking and maintenance. This portion is kind of a continuation of it and Linden Knoll and Friendly Home has shared facility to a certain extent. They are two separate properties, two separate facilities as far as grounds and parking and that kind of thing. There is quite a bit of overlap. As part of what we are proposing with the frontage is to add 45 parking spaces to Linden Knoll and a portion between the two buildings. So a total of 45 spaces across the two parcels that are present here. This property is 81 Linden Avenue and Linden Avenue is here on both sides of the property 490 borders it along the east side. Allen Creek is along the west side and the Brighton Fire Station is right there on Linden Avenue as well.

The reason we are here we came two years ago to do the front parking lot in front of the Friendly and there was quite a bit of overlap and demand for parking. We added quite a few spaces for that and what Linden Knolls and Friendly Homes is running into is there is a lot of younger seniors that are living here. This is independent living facility and there is a 148 apartments at Linden Knolls and there are currently only 60 parking spaces designated for them on their own parcel. So this is a built up demand over a lot of time that we are looking to rectify here. There are 60 registered drivers with cars that live there. There is also 6 full time staff members. There is an average of 22 visitors a day whether that's kids, spouses or whatever it is and then there is also support from roughly 40 outside agencies that make visits throughout the week. So as you can see there is quite a bit of demand and not much bulk space and availability for parking.

So what we are proposing to do is reconfigure the existing parking. We are leaving the main access drive for Linden Knoll this is the current volume of that drive under existing conditions there is no parking in front and this loop comes around with additional parking along the back here. So we are looking at primarily to reconfigure the

parking here and have efficient use of the space with a very minimal increase in impervious area in that location. We have a few spaces in the front island and then adding that double stacking parking out in front. The double stack parking out in the front being where all vehicles come in would primarily be workers or people who are going park their cars and leave them so there is a low turn over to limit as much as possible the backing into the drive aisle. We are maintaining loading dock access for both facilities, there and there and in the package you did receive we did route the emergency vehicles and fire trucks through there and demonstrated that there is sufficient accessibility for that.

We have applied to the Zoning Board of Appeals for a front setback variance a 20 foot setback is required we are proposing 9 feet for four or five spaces in the front there. There were some large takings by the State DOT as part of the Linden Avenue overpass on 490 if that hadn't happened we wouldn't have to come for a variance. However because of the taking we are within that 20 foot setback. We have appeared before the Conservation Board and we are removing 9 trees as part of this proposal and planting 12 as well as some other plantings. They didn't really have any comments other than using some green infrastructure practices to treat the storm water which we are planning on doing. We have submitted a modified plan to the Town Engineer for his review. And other than that I would be glad to open it up to any questions from the Board.

MS. ACTING CHAIRMAN: Is there any lighting proposed?

MR. TOMLINSON: Good question I am glad you asked that. As part of their capital project they replaced all the parking lights on Friendly Home's property with LED low profile parking. They delayed this one for the new configuration and they are adding two poles that were in the existing islands up here and they were relocated and then the remainder will be replaced with the same light fixtures that they have in the main part on the other side.

MS. ACTING CHAIRMAN: So there will be new lighting along the spaces going out.

MR. TOMLINSON: Correct. There is lighting there now which provides adequate light levels and there would just be replacement of those fixtures.

MR. BOEHNER: How tall are those light poles?

MR. TOMLINSON: 16 feet.

MR. BOEHNER: Are they on a base?

MR. TOMLINSON: They are on a base. 16 feet includes the base that is the height of the fixture.

MR. BABCOCK-STINER: The configuration does that fit a large 40 ft fire truck?

MR. TOMLINSON: Yes, and they do infrequently get larger tractor trailer back in this area and again in the package we have provided a routing for the fire trucks.

MR. OSOWSKI: Are there speed bumps?

MR. TOMLINSON: There are not again this is a senior's facility and this is a dead in basically you come in and come out. As far as I know there is no issue with speed or that kind of thing. We are working with Linden Knolls to find out if we want to put in a cross walk or anything like that such as pedestrian signage.

MS. ACTING CHAIRMAN: How about a retaining wall?

MR. TOMLIINSON: What we are showing, there are no walls what we are showing around these pines is an effort to keep the pine trees. There is going to be a garden wall maybe a foot or 18 inches in height just for a couple of blocks to keep u; from grading over the root system.

MS. ACTING CHAIRMAN: Those are the only ones proposed?

MR. TOMLINSON: Yes.

MR. BOEHNER: Have you verified that a ladder truck can get through there?

MR. TOMLINSON: Yes, we used the Brighton ladder truck. We will work with the fire marshal if he has any comments.

MS. ACTING CHAIRMAN: Okay, this is a public hearing is there anyone in the audience who cares to address this application? There being none we will move on.

7P-06-15 Application of PEL Associates, owner and Brennan and Leigh Stimple lessee for renewal of a Conditional Use Permit (7P-02-14) allowing for a martial arts studio and approval to expand the use to include after school programs. All as described on application and plans on file.

MR. STRIMPLE: Brennan Strimple. Good evening.

MS. STRIMPLE: And my name is Leigh Strimple.

MR. STRIMPLE: We are owners of Rochester Phoenix Marshal Arts. We were here last summer in July and we applied for Conditional Use to get approved our Marshal Arts School in Brighton and we teach kids and adults varying styles of Marshal Arts. We were given Conditional Use probationary for a year to see how the space worked. How the parking flow went and how would parking work. So we are here tonight to report on that get renewed for that but also to talk about our after school program. We want to expand our offerings so kids will be able to get bussed directly from the Brighton School District, dropped off and then we would be able to take care of them watch them, train them, until the parents pick them up around 6.

MR. BOEHNER: Who regulates that?

MS. STRIMPLE: There is a separate application process that we would go through for that and we are more than willing to embark on that and one of the parents who has a kid who also goes there is also offering to help in that department as well.

MR. BOEHNER: Have you talked to them?

MS. STRIMPLE: Yes.

MR. BOEHNER: Can you meet all their requirements?

MR. STRIMPLE: Yes, this is one of the first steps. The biggest process is actually getting a C of O to get in there and since we have a Certificate of Occupancy for a public assembly which is one of the most stringent we should meet all their requirements.

MR. BOEHNER: Have you talked to the Town Architect about the after school program going in there and if there is other changes of use as a result of that?

MR. STRIMPLE: I talked to Paul. I haven't talked to Pat yet but as far as I understood we also have Tom who does the Planning thing for the whole Town. Robinson, Mr. Robinson and he is one of our students as well. We have talked to him and there shouldn't be any issues.

MR. BOEHNER: Okay we probably if this goes forward we are going to need to find out what the requirements are for the C of O because your C of O is for a Marshal Arts Studio and not an after school program. I have what you need to get a C of O for after school programs. It is probably going to go over to Patty.

MS. STRIMPLE: We also want to make sure everything is okay with the bussing because I know busses can't stop on Monroe Avenue because of traffic so they would have to go into the parking lot or go on a side street and either way we have an adult out there to transport the kids into the building to keep our kiddies safe.

MR. BOEHNER: That is going to be between you and the school district and the regulatory agency.

MR. STRIMPLE: Yes.

MR. BOEHNER: Have you talked to the school district because I don't think they are going to put a bus into that parking lot.

MS. STRIMPLE: Yes, we did awhile ago and they want us to get the program started and then they said they could talk to us about bussing.

MR. STRIMPLE: They said the main thing they need is the State approval because they can't drop kids off unless it is a State Certified after school program. Once that is done they said bussing wouldn't be an issue.

MS. ACTING CHAIRMAN: How many kids are you planning on accommodating?

MR. STRIMPLE: The maximum number we can have in any given day is 60 because we have three bathroom facilities with 20 kids per restroom, chances are we will not have that many that is if we are fully occupied. We are anticipating some where around 30.

MS. ACTING CHAIRMAN: Is there any kind of ratio of staff to student.

MR. STRIMPLE: There is depending on the age of the kid but the kids we are looking for on average it is about 15 kids per staff member.

MS. ACTING CHAIRMAN: How many kids are you planning on accommodating.

MR. STRIMPLE: With just us two we would get 30 kids. If we then added additional staff we could take up to 45.

MR. BOEHNER: I am worried about how the parking would work. I assume each kid would have a parent pick them up. I see your parking survey and from 4 p.m. to 8 p.m. on Mondays through Thursdays you have a minimum of 30 spaces while you are open and if you go up to 60 minutes I am not sure how that pick up would work..

MR. STRIMPLE: A lot of those kids would most likely be siblings and we try to urge that sort of thing also the pick up would not necessarily be at 6. Most parents they want their kids set up so when they get out of work they can pick their kids up. So pick up would

be any here from 5pm to 6p.m. Does your landlord know you are applying for this?

MR. STRIMPLE: Yes. We just switched landlords recently so we are no longer Gavin Reality we went with Meridith.

MS. STRIMPLE: We talked with her on the phone today.

MS. ACTING CHAIRMAN: Have you discussed the plan with other tenants in the building?

MS. STRIMPLE: We know they are moving out and we are not sure who is moving in there yet by the time we get this set up we would definitely have a new tenant. So Projanski's Fur we haven't talked to them. I think once we got it a little further along we would definitely talk to them. They are very friendly.

MR. STRIMPLE: They do close at 4 p.m. and all of our pick up would be after they closed. We actually anticipate this lessening parking load rather than increasing it.

MS. ACTING CHAIRMAN: Do you anticipate a change in your hours of operation overall?

MR. STRIMPLE: No.

MS. ACTING CHAIRMAN: You talked about volunteers, adult volunteers and 30 kids approximately 5 adults would stay with their children. How many total people would you anticipate other than the children on site for after school hours?

MR. STRIMPLE: The after school hours is very stringent, so we would actually have to be volunteers have to be fingerprinted and there would be back ground checks it isn't like they can pull anyone off the street. Maximum number of volunteers including ourselves including ourselves would be four.

MS. ACTING CHAIRMAN: So it would be you and two others.

MR. STRIMPLE: Yes. And we would not have adult classes at the same time as the kids being there. So those are the State regulations for child care.

MS. ACTING CHAIRMAN: What time would the adult classes be in the evening?

MR. STRIMPLE: 6:15 P.M.

MS. ACTING CHAIRMAN: Do you go to lunch?

MS. STRIMPLE: Probably after our last adult class.

MR. WENTWORTH: How long does the anticipated time frame to get approval from the State and the school district. So you guys are trying to get in there before school?

MR. STRIMPLE: Yes, we are trying to get it all setup for September.

MS. ACTING CHAIRMAN: What kind of outdoor activities are anticipating?

MR. STRIMPLE: The State is actually pretty lenient on that they want some sort of outdoor time but taking the kids for a walk on the street is more than qualified.

MS. ACTING CHAIRMAN: Is there any where on the property that you would have kids?

MR. STRIMPLE: There is a small sidewalk that if the brush was moved it would be pretty substantial but we have so much space indoors that for that type of play it's almost like outdoor play. So when they do go out side we will keep it pretty controlled for walks and things like that. Most of the parents their kids up for this are interested in after school karate and our marshal are programs. So it is not going to be a bunch of kids who just want to come in and just hang out or do arts and crafts. Most of them will be doing the things that we teach.

MR. WENTWORTH: I didn't catch the age of the kids?

MR. STRIMPLE: Kids anywhere from 4 to 12.

MR. BOEHNER: Your previous application said that you would have no more than 30 kids at a time.

MR. STRIMPLE: Yes.

MR. BOEHNER: Now you are saying you can have up to 60?

MR. STRIMPLE: For State regulations if we fully packed the program out we could have because of New York State regulations and because of the bathrooms we could have up to 60. We don't anticipate that. We anticipate some where around with our fingers crossed 30 to 40 a day.

MR. BOEHNER: If we were to cap it at 30 would you be comfortable with that? Reason being the last analysis we did for the uses that were there you had 30 kids and we haven't had any problems with that. I m a little worried about all that traffic and how this thing is going to work and yet we have 80 spaces in there but we don't know what the other spaces are going to be. I don't want to take all the parking away from the other uses. I see problems if that starts coming up and that is why I asked you.

MR. STRIMPLE: I do know some of the tenants that we are looking at one is a chiropractor, which was an appointment with one type of person. The other one was another salon.

MR. BOEHNER: And if that is a salon we are back to 30 kids that worked. The Planning Board might want to renew it if you find that the other uses concur and you know what you have there and if you want to increase your numbers you will have to come back to this Board and ask them to modify. It's kind of a see how it goes type of thing. It's not a big parking lot and we talked about this the last time.

MR. STRIMPLE: Okay.

MR. WENTWORTH: IS there access on Monroe Parkway in a parking lot?

MR. STRIMPLE: What is Monroe Parkway?

MR. BOEHNER: It is the side street between
where ours –

MR. STRIMPLE: No there is no access but
Orchard is very close that is right by the building. We see busses pull
right in there and stop all the time so it wouldn't impact.

MR. WENTWORTH: You are pick up to be
between 5 and 6 pm?

MR. STRIMPLE: Yes.

MR. WENTWORTH: What if the worse case if
someone shows up at 10 after 5 and you have cars backed up on Monroe.

MR. STRIMPLE: There are a number of side
streets that people could pull up on. I have seen people pull into one of
the additional lots that's in one of the other business and then walk over.

MR. WENTWORTH: Is there on street parking on
the side streets?

MR. BOEHNER: There is but we want to make
sure that they have enough parking so that they aren't parking on the side
streets at sunset and it is a very narrow street. It is not wide. That is why I
was thinking there should be a cap.

MR. DOLLINGER: What percentage is taken up
by the tenants . How many square feet is the entire building?

MR. STRIMPLE: The building is approximately
15,000 and we are 8,000.

MR. DOLLINGER: So basically you have half the
building.

MR. STRIMPLE: Yes.

MR. BOEHNER: They are the major tenant. The other one is the first shop and then one space in is vacant. Is that correct?

MR. STRIMPLE: It will be.

MR. WENTWORTH: I don't know if the after school program will work very well. Is it possible to schedule parents for windows of pick up times.

MR. STRIMPLE: Yes absolutely. We can tell parents when they should pick their kids up or what time they have. It's frequently done when parents miss their window they charge up to 20 dollars every 10 minutes for after times. So it would definitely be scheduled.

MR. WENTWORTH: How long would the windows be for?

MR. STRIMPLE: We can set a time on this.

MR. BOEHNER: So you have a way to manage that?

MR. STRIMPLE: Yes.

MR. BOEHNER: The question I have for you is how has it been going so far?

MR. STRIMPLE: It's been going well. We haven't had any – and this is only one week of surveys but we haven't had any issues with the parking, no real issues with the tenants. I think we had one person take a preferred persons space and they were told to move because they weren't happy. Not because the parking lot was full but it was their space.

MS. STRIMPLE: We are working with a lot of families, kids our youngest is about 4 and our oldest are in their 70's and we really love being here.

MS. ACTING CHAIRMAN: Are you having programs during the summer?

MR. STRIMPLE: We have a yoga class Monday and Wednesday morning and it goes from 9:30 to 10:30.

MS. STRIMPLE: We have a couple of marshal art classes during the day but again they are very small and we only have a couple of students.

MR. WENTWORTH: Do you see a lot of people parking across from Orchard?

MR. STRIMPLE: I have seen it on occasion less than five times and again I don't think it was because the lot was full I think they are confused.

MR. WENTWORTH: Help me here, the current other tenant is moving out?

MR. STRIMPLE: Mike Spitelli still has his business there, the laser spa which is 900 square feet is on a month to month lease and they are trying to be out by August.

MR. WENTWORTH: So there are two other tenants?

MR. STRIMPLE: Yes. There is two spaces and then there is Projanski's Fir but Projanski closes by 4 every single day, even when they are open they use one or two spaces max. The salon usage at peak time is always before 6, after 6 the parking dramatically goes down.

MR. WENTWORTH: How many spots are they using?

MR. STRIMPLE: There busiest time is during the day. I have seen 20 or 30 cars during the day towards the evening everything dies down.

MR. WENTWORTH: Half as much or a quarter as much?

MR. STRIMPLE: A quarter as much.

MR. WENTWORTH: How many restroom facilities did you say you have?

MR. STRIMPLE: We have three.

MR. WENTWORTH: All unisex?

MR. STRIMPLE: One ADA.

MR. DOLLINGER: How do you make a parking agreement?

MR. BOEHNER: It is not easily done. You need a strong property manager if they have a group of tenants that work well –

MR. DOLLINGER: We don't have the ability to turn down a C of O?

MR. BOEHNER: It depends on what was conditioned by the Planning Board. What I was going to recommend the class size should be limited to 30 students.

MR. DOLLINGER: What if we conditioned the balance of the parking to be used for other uses.

MR. BOEHNER: We could but I am not sure how we would work that out.

MR. DOLLINGER: The problem is the wrong mix of uses given this use could be a problem.

MR. BOEHNER: Yes. That is the problem and that is why I want them to have a cap and renew the Conditional Use Permit. I want to check what they can control.

MR. DOLLINGER: Is it possible to assign a certain number of spaces to try to limit the uses of the other tenants.

MR. BOEHNER: Yes, you could.

MR. DOLLINGER: You could say this is a 20 space use allowable for other uses and if they have a complaint they can come in and say we want relief. At least we then contain some kind of control over the other uses. We wouldn't want 4 to 6 salons in here. And we are protecting you in a way.

MR. BOEHNER: Yes, looking at what we tried to do last time. What is the total number of parking spaces on the site?

MR. STRIMPLE: 50.

MR. BOEHNER: We have 13 to 15 spaces for the salon with the spa based on the certificate of compliances that were issued. We have 12 spaces for the fir based on retail for a total of 27 to 29 spaces and it leaves you with 20 spaces for your use.

MR. STRIMPLE: Would Projanski come into play because of their closing at 4 o'clock.

MR. WENTWORTH: Can you get onto Sunset Drive around in back of the building?

MR. STRIMPLE: No.

MR. BOEHNER: Day Care Centers require one for each five persons based on maximum occupancy.

MR. STRIMPLE: That is 10 spaces.

MR. DOLLINGER: Let's say you had 15 spaces would that work for you?

MR. STRIMPLE: We could schedule the kids around that time. That is more than what is required by code. So that would be more than sufficient. It would definitely be time specific like using signs. And given lots of times you see siblings at these types of things I mean if everyone came in and picked up at once that would be sufficient parking.

MR. BOEHNER: If the Board could figure out some way to properly regulate it and you would have a big responsibility to manage it and make sure the kids are safe. That is what we are really

worried about. It's a big responsibility for us but an even bigger one for you.

MR. STRIMPLE: All right, one thing I would like to add is Marshal Arts teaches the kids discipline. We did a birthday party and you could see the difference between the kids who take lessons and those who don't. The kids who take lessons are very well behaved. So given a couple of weeks and especially if we see them on a much more regular basis they are very well behaved. They know what they can do and what they aren't supposed to do.

MS. ACTING CHAIRMAN: Okay. This is a public hearing is there anyone in the audience who would care to address this application.

MS. MASINA: My name is Elizabeth Masina and I live at 342 Village Lane here in Brighton. I am actually here as a parent to two of the students who are currently taking classes at Phoenix Marshal Art. Not only as a parent but I am a working parent as you make mention of the day care and personally I can't even tell you what a tremendous help the karate studio has been to my children in regards to having some discipline. So when I look at after school care for my kids and I have done everything from staying at home, to mothers to day care centers to everything, to see my kids thrive and to be in a safe healthy environment. To know that they are being well cared for and they are happy and they are liking it and they are making friends there why wouldn't I as a parent send my children there. And let's face it for myself ease, I want them to take classes and to fit in and for the opportunity to have them there for a short period of time prior to class and then get the benefit of the class and the experience of the discipline that's worth more than I can ever imagine. I understand the parking and the issues of the building and I want my children to be safe. I also have two students and hopefully three coming up as soon as she makes the age. And it will affect not only Council Rock one is in Council Rock and the other one is in French Road I have encouraged my son's friends their friends have started to take off and another working mom have made arrangements so we can pick up one day would be my day the other day will be her day. So you are looking at 3 or 4 kids being picked up at once. So I just wanted to voice my opinion.

MS. ACTING CHAIRMAN: Would anyone else care to address this application? Okay we are done and we will move on.

7P-07-15 Application of the Highlands of Brighton (URMC), owner for Site Plan Modification to construct an outdoor concrete courtyard on property located at 5901 Lac de Ville Blvd. All as described on application and plans on file.

MR. GUSTAFSON: Good evening I am Ben Gustafson of Cost of Hump Engineers and Architects, a civil engineer representing the Highlands of Brighton for this small patio extension. Looking at the existing patio area on the north side of the facility that serves some of the Memory Care patients, its an enclosed area fenced area a small patio area, approximately 20 by 20 now and we are hoping to expand it to about 37 by 37 add some improved fencing and landscaping and create a better area for the Memory Care patients to have some outdoor time as well. There is some security concerns based on some of the capacity of the patients so we applied for a height variance to the Zoning Board of Appeals and they granted that. So we have an 8 foot fence there.

We are improving the landscaped area. Currently there are rows of high evergreen area along the fence and what we are doing is having more variety, more flowering plants. Initially there was some none native species proposed and based on some initial feedback we have developed an alternate planting that uses all native species and provides the same sort of aesthetics some larger plants on the corners and along the sides and then some smaller plants to help it be open. The patio area is very central in the facility we have over 100 feet from any property line and its within our existing parking areas so there isn't going to be any obtrusive views or trees sticking out and encroaching any of the other properties.

MR. BOEHNER: Did you get an opportunity to talk with the fire marshal, and check the fire codes to make sure that is going to meet the codes. The size the exiting easy access and all of that -

MR. GUSTAFSON: That is a good question there is not an emergency access there now but whether that would require one I may look at that.

MR. BOEHNER: You may want to look at that it is beyond what these guys can do.

MR. GUSTFASON: Yes, we would have to add a gate with a push bar. Security is the concern because of some of the patients –

MR. BOEHNER: It is always a conflict with fire safety and the patient population that you are dealing with.

MR. GUSTAFSON: We will check with the fire marshal.

MS. ACTING CHAIRMAN: So is there currently no gate at all in the fence proposed?

MR. GUSTAFSON: No

MR. BOEHNER: So its a wondering garden is that what it is?

MR. GUSTAFSON: It is an all concrete patio out there right now. They are looking at doing things in the patio area. The concern is people tripping things like that. So it will end up being more like people just walking circling. We may end up putting in some furniture in the middle. Right now there is proposed a straight patio. It is graded away from the building. We did some storm water calculations and everything that goes into the planting beds and because we were increasing the impervious area we were making certain we weren't exceeding any lot coverage. It is very small point 3 percent and we are still well below the 60 percent.

MR. BABCOCK STINER: Are you adding any lighting?

MR. GUSTAFSON: No, there is an existing wall pack in the building and there isn't any intentions in replacing that.

MR. BABCOCK STINER: What is the sloping on the back?

MR. GUSTAFSON: Two percent away from the building, we are trying to keep it within the ADA at a 2 percent grade to make sure there is no steep slopes. We just want to make sure there is enough of a pitch for the water to run off.

MS. ACTING CHAIRMAN: The plant list on the submitted plan two of the plants don't have a type listed.

MR. GUSTAFSON: There is a typo error there. One is an emerald green arbor vitae type plant which is more of a buffering from the other three that are out in front there. That is one that we have on the alternate plant list as well. The alternate would be the large trees in the corner there and those are red maples. I have a list here as well if you want that.

MR. BOEHNER: We can update the plan with that.

MS. ACTING CHAIRMAN: Have you considered using an imperial pavement?

MR. GUSTAFSON: We did not for this site partly because we usually end up with a larger aggregate so we were looking for something as consistent on the surface as possible that was as easy to maintain as possible. We are addressing the storm water mainly through the planting beds.

MR. OSOWSKI: How will you do snow removal?

MR. GUSTAFSON: We will probably just blow it over the fence. That is why we didn't put tall landscaping all the way around. Obviously you will have to get in there with a shovel sometimes. I guess they wouldn't wheel a snow blower through the building. A little more arduous but also in the winter time they would have less patients walking out there. We also want to keep the water away from the doors.

MS. ACTING CHAIRMAN: The fence is stated as being a wrought iron fence.

MR. GUSTAFSON: It is wrought iron style but not a steel fence.

MS. ACTING CHAIRMAN: This is a public hearing is there anyone in the audience who would care to address this application? Okay we will move on.

7P-08-15 Application of Dave Pastore/Upstate Roofing and Painting, owner for Site Plan Modification to construct a 10 ft by 160ft accessory structure on property located at 1300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. MAROSA: My name is Andy Marosa with B & E Associates and I am here with David Pastore who is the CEO and President of Upstate Roofing and Painting and we are here tonight to request a Site Plan Modification to the Upstate Roofing parcel which is at 1300 Brighton Henrietta Town Line Road. The proposed improvements include a 10 ft wide by 160 ft long lean to structure that will be placed on the north west corner of the existing building. With the accessory structure we are also proposing some pavement improvement to the existing asphalt the only surface that is there. We are working within the existing impervious area. So there will be no additional run off volumes. We are also proposing some fence improvements not only from a security standpoint but to meet the Town of Brighton code requirements for screening of the open face lean to. We will face the parcel and into what is now the secured outdoor storage area.

We are requesting a variance from the Zoning Board of Appeals for the side yard setback. We are looking to maintain the existing facilities setback to the side property line. With that that also helps us with the existing lot line if you have been around the site this wooded area across the east parcel and the northern property line due to contain DEC regulated wetlands. We have delineated those wetlands and met accordingly with their 100 foot buffer. The proposed structure does not encumber that 100 ft buffer or the wetlands. And we have confirmed with the DEC regional office in Avon that the pavement improvements are exempt from permit coverage just because of the resurfacing it is considered a maintenance item to the existing surface.

MR. FADER: What are those structures?

MR. MAROSA: I believe those are storage containers. Do you want to speak to that?

MR. PASTORE: We have put trailers there. We also have back there a couple of dumpsters that have tires in them with nets over the top.

MR. FADER: What are they on?

MR. PASTORE: They are on the impervious millings.

MR. MAROSA: They currently sit on the impervious surface.

MR. BOEHNER: Within the wetland buffer?

MR. MAROSA: Yes, and that is okay with DEC to have the existing trailers.

MR. BOEHNER: You are going to be removing some of that asphalt. I am trying to understand.

MR. MAROSA: We are going to be milling out this area here which is what we will actually be resurfacing.

MR. BOEHNER: What about the encroachment to the land to the west? Is that going to be removed I am having a hard time understanding the plans?

MR. MAROSA: We did not at this time anticipate doing that. That was actually left over from the previous landowner who owned this parcel and this parcel. They had used these parcels together so what we have in green is what we are going to improve this orange line is what is existing today and we aren't going to disturb anything in there. So we don't need to obtain a permit from DEC.

MR. BOEHNER: So you are able to supply us with documentation per DEC that this is acceptable?

MR. MAROSA: Yes.

MR. WENTWORTH: Are you satisfied with this.

MR. BOEHNER: Well what I think is happening here is those wetlands – I think the site was in that condition when the wetlands came in. This has been here for a very long time so the wetlands came in so it is almost like the area is grandfathered in because it was there before the wetlands came.

MR. FADER: My concern is more and more things are going to appear there beyond what is there now and the stuff that was grandfathered is okay but do not put more there.

MR. BOEHNER: This is really for the DEC, the area is paved now and I imagine the equipment that is stored there some time there is more of it and sometimes there is less of it. And that is how it's been operated. I think DEC's big issue is that it's already paved. The damage is done. It's there now. If it wasn't there. It was the wetlands and the buffer area then they would be saying the same thing.

MR. FADER: Is there a point that the pavement will stop increasing.

MR. BOEHNER: I don't think they are proposing to increasing, the main man is listening to the conversation and he understands the state laws it is a violation. The wetland laws to expand the pavement.

MR. FADER: Well its been increasing for the past ten years.

MR. MAROSA: We haven't increased it. It was that way when we bought the building. .

MS. ACTING CHAIRMAN: How long have you owned the building?

MR. PASTORE: Since 1998.

MS. ACTING CHAIRMAN: So to get back to the proposal on the plan So the green outlined area that you have there that is going to be asphalt?

MR. MAROSA: That is right.

MR. BABCOCK STINER: So we know you are going to resurface?

MR. MAROSA: Yes.

MS. ACTING CHAIRMAN: How about the fence?

MR. PASTORE: The fence will be within that limit. There will be part of this drive aisle that resurfaced just for access to the back gate. Just to kind of maintain that surface for snow plowing reasons and the current millings are susceptible to pot holing during the wintertime.

MS. ACTING CHAIRMAN: So I see two gates indicated, one towards the front and then one on the back corner. Are both those gates intended to be utilized on a regular basis.

MR. PASTORE: The primary usage would be the one in the front the one in the back is to help us move snow out of the area. We are going to be parking vehicles within the fenced in area. So the rear gate is primarily to be able to clear snow out.

MS. ACTING CHAIRMAN: Do you intend to use the area in the back of that fenced area between the fence and what is delineated as the wetland buffer?

MR. PASTORE: We are planning on leaving the trailers where they are currently parked yes outside.

MS. ACTING CHAIRMAN: How many trailers are there?

MR. PASTORE: Half a dozen, the trailers that are tow behind plus the dumpster that house the tires.

MR. BOEHNER: The fence is that a solid fence?

MR. MAROSA: It is chain link with the privacy slats.

MR. BOEHNER: Do you guys have any concerns about that?

MS. ACTING CHAIRMAN: The plastic slats I am not in favor just because of the fact that they tend to break readily. Ramsey is that required?

MR. BOEHNER: It has to be a solid fence.

MS. ACTING CHAIRMAN: I think we would be looking for a more of a board on board kind of thing versus the plastic slats that don't last.

MR. BOEHNER: I think that was a request last time.

MR. PASTORE: Currently we have stockade.

MS. ACTING CHAIRMAN: What are you planning to store in the new structure?

MR. PASTORE: Primarily more of what is in there now. We store some roofing materials, lumber a lot of that storage is roof top safety equipment and then we park vehicles in there.

MS. ACTING CHAIRMAN: Is there lighting proposed in the area?

MR. PASTORE: Yes, there is.

MS. ACTING CHAIRMAN: What is the height of it?

MR. MAROSA: I believe the height is 16 to 20 feet.

MR. BABCOCK STINER: It shows 22 feet with the two foot base.

MR. BOEHNER: Do you know if they meet the dark sky requirements?

MR. MAROSA: The light fixture that we are proposing, yes they will be dark sky compliant

MR. BOEHNER: Did you check with the fire marshal to make sure the proposed improvements to the storage area –

MR. MAROSA: We are currently trying to meet with him.

MR. BOEHNER: Because they are going to want to get some access back there. Have you been having a lot of theft?

MR. PASTORE: We have had a number of thefts and the vehicles that we store back there are loaded with tools and equipment. Plus we do service the area go in and out in the dark sometimes especially in winter months. It is dark in the morning and dark in the evening when we get back. I stand corrected. I bought the business in 1998. I bought the building in 2006.

MS. ACTING CHAIRMAN: Have you made a Zoning Board application?

MR. MAROSA: We have for the August 5 agenda.

MR. BOEHNER: Have you applied to the Architectural Review Board?

MR. MAROSA: Yes for the July 28 agenda.

MS. ACTING CHAIRMAN: This is a public hearing is there anyone in the audience who cares to address this? There being none I believe that was our last public hearing.

NEW BUSINESS:

5P-NB1-15 Application of James and Sharon Cerrone, owners, for Preliminary Site Plan Approval to construct a 4,480 +/- single family house with an 898 sf attached garage on property located on East Avenue (between 2940 and 2980 East Avenue) known as Tax ID #138.05-1-70. All as described on application and plans on file. TABLED AT THE MAY 20, 2015 MEETNG – PUBLIC HEARING REMIANS OPEN – POSTPONED TO THE AUGUST 19, 2015 MEETING AT THE APPLICANT'S REQUEST.

6P-NB1-15 Application of Floyd and Susan Winslow, owners, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single family house and construct a new 1,925+/- sf single family house with a 625 =/- sf attached garage on property located at 315 South Landing Road. All as described on application and plans on file.

**TABLED AT THE JUNE 17, 2015 MEETING- PUBLIC HEARING
REMAINS OPEN – POSTPONED TO THE AUGUST 19, 2015
MEETING AT THE APPLICANT’S REQUEST.**

MS. ACTING CHAIRMAN: The public hearings are closed.

Presentations

NONE

COMMUNICATIONS:

Letter from David Crowe, DJC Architectre, dated July 10, 2015, requesting postponement of application 6P-NB1-15 to the August 19, 2015 meeting.

Letter from Greg McMahon, McMahon, LaRue Associates, dated July 14, 2015 requesting postponement of application 5P-NB1-15, to the August 19, 2015 meeting.

SEQRA Positive Declaration notice for the proposed redevelopment project for 10.1 acres on the northeast side of Monroe Avenue, between Clover Street and the access ramp of NYS Rt. 590, in the Town of Brighton.

PETITIONS

NONE

2P-02-15 Application of Brighton Corners, LLC, owner and S.E. Baker and Company, agent, for Site Plan Modification to construct a bank video teller drive-thru lane on property located at 1900 Monroe Avenue. All as described on application and plans on file. TABLED AT THE FEBRUARY 18, 2015 MEETING –PUBLIC HEARING REMAINS OPEN.

MR, BABCOCK STINER: I move to close the hearing for application 2P-02-15.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER: I move to approve the application based on the testimony given plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220).
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town code shall be met that relate directly or indirectly to the applicant's request.
5. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
7. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Maintenance of landscape plantings shall be guaranteed for three years.
9. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. A detailed plan of the security features shall be submitted to and approved by the Chief of Police. The bank's security director/officer should contact the Chief of Police.
11. The drive thru shall not include an ATM. The ATM shall be located in the building. The drive-thru shall be used only for bank teller services.
12. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
13. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by the Secretary of State pursuant to section one hundred and one of the Executive Law. An accessible ramp shall be shown on the plans.
14. Use of native and non invasive trees and shrubs is encouraged. The landscape plan shall be revised to address the following comment of the Conservation Board.

- a. The use of Cleveland Select Pear and Double Play Big Bang Spires, for which there are suitable native alternatives, is discouraged.
15. Any modifications or additions of the exterior lights, shall be submitted to the Planning Board for review and approval.
16. The site plan shall be revised to show a painted crosswalk for the walkway crossing the drive thru.
17. The site plan needs to be revised to show the location and details of the vacuum tube.
18. Details of the pedestrian crosswalk signage must be added to the plans.
19. All conditions of the Zoning board of Appeals and Architectural Review Board shall be met.
20. All comments and concerns of the Town Engineer as contained in the attached memo dated July 11, 2015 from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
22. The applicant shall consider installation of electrical conduits underground.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-01-15 Application of 2340 BHTL, LLC, owner and Aprinta Group, LLC, lessee for Conditional Use Permit Approval to allow for a 48,978 sf printing facility on property located at 2340 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. FADER: I move to close application 7P-01-15.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTIN UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. This Conditional Use Permit is granted only for a printing facility as described in the application and testimony.
2. Only domestic waste shall be discharged into the sanitary sewer system. No hazardous, unusual or flammable liquid or solid waste shall be sent to the sanitary sewer system as a result of this use.
3. A special permit may be required for sewer discharge. The applicant shall contact Steve Zimmer in the Brighton Sewer Department (585-784-5289) and shall obtain any required permits.
4. Parking lot striping and signage shall comply with all town and ADA requirements. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

5. The location of any newly proposed HVAC/mechanicals/generator shall be shown on the site plan. Plans for HVAX/mechanical/generator and proposed screening shall be submitted for review by the Building and Planning Department and may require additional review and approval.
6. Any proposed dumpster shall be enclosed with building materials that are compatible with the existing building. The plans for the dumpster/enclosure shall be submitted to the Building and Planning Department and may require additional review/approval. A building permit is required for the construction of the enclosure.
7. The proposed use shall comply with all applicable Performance Standards of #203-168(D)(4) of the Comprehensive Development Regulations.
8. There shall be no bulk storage of hazardous or flammable materials other than those described in the application and testimony. All hazardous or flammable waste shall be stored in fire proof containers and shall be collected by authorized waste haulers and sent to approved landfills or other waste collectors capable of receiving and properly processing such waste.
9. All quantities of chemicals to be used at this site shall be small and shall be stored inside the building in accordance with all federal, state and local requirements. All quantities of chemicals shall be stored as required by the Fire Marshal and in particular there shall be no outside storage of fuels.
10. Proposed activities shall only be permitted in designated indoors areas.
11. Outside storage shall be prohibited without further approval.
12. A Certificate of Occupancy is required for the proposed use. All building permits and reviews required by the Building and Fire Codes of New York State and the Town of Brighton shall be obtained.

13. Meet all requirements of the Town of Brightons Department of Public Works.
14. All Town codes shall be met that relate directly or indirectly to the applicants request.
15. Plans for any modifications to the exterior of the building shall be submitted to the Building & Planning Department and may require Architectural Review Board approval.
16. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
17. The applicant shall contact the Fire Marshall, Christopher Roth (585-784-5220). All outstanding comments and concerns of the Fire Marshal shall be addressed and all permits required by the Fire Marshal shall be obtained.
18. Required approvals shall be obtained for any proposed signage.
19. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220).
20. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
21. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

MR. BABCOCK STINER: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-02-15 Application of 2340 BHTL , LLC, owner and Envision Graphics, Inc. lessee for Conditional Use Permit Approval to allow for a 3,379 sf graphics and printing facility on property located at 2340

Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. FADER: I move to close application 7P-02-15.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRIED

MR. FADER: I move
the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

- 1 This Conditional Use Permit is granted only for a printing facility as described in the application and testimony.
- 2 Only domestic waste shall be discharged into the sanitary sewer system. No hazardous, unusual or flammable liquid or solid waste shall be sent to the sanitary sewer system as a result of this use.
- 3 A special permit may be required for sewer discharge. The applicant shall contact Steve Zimmer in the Brighton Sewer Department (585-784-5289) and shall obtain any required permits.

- 4 Parking lot striping and signage shall comply with all town and ADA requirements. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
- 5 The location of any newly proposed HVAC/mechanicals/generator shall be shown on the site plan. Plans for HVAX/mechanical/generator and proposed screening shall be submitted for review by the Building and Planning Department and may require additional review and approval.
- 6 Any proposed dumpster shall be enclosed with building materials that are compatible with the existing building. The plans for the dumpster/enclosure shall be submitted to the Building and Planning Department and may require additional review/approval. A building permit is required for the construction of the enclosure.
- 7 The proposed use shall comply with all applicable Performance Standards of #203-168(D)(4) of the Comprehensive Development Regulations.
- 8 There shall be no bulk storage of hazardous or flammable materials other than those described in the application and testimony. All hazardous or flammable waste shall be stored in fire proof containers and shall be collected by authorized waste haulers and sent to approved landfills or other waste collectors capable of receiving and properly processing such waste.
- 9 All quantities of chemicals to be used at this site shall be small and shall be stored inside the building in accordance with all federal, state and local requirements. All quantities of chemicals shall be stored as required by the Fire Marshal and in particular there shall be no outside storage of fuels.
- 10 Proposed activities shall only be permitted in designated indoor areas.
- 11 Outside storage shall be prohibited without further approval.
- 12 A Certificate of Occupancy is required for the proposed use. All building permits and reviews required by the Building and Fire Codes of New York State and the Town of Brighton shall be obtained.

- 13 Meet all requirements of the Town of Brightons Department of Public Works.
- 14 All Town codes shall be met that relate directly or indirectly to the applicants request.
- 15 An operation Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220).
- 16 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 17 The applicant shall contact the Fire Marshall, Christopher Roth (585-784-5220). All outstanding comments and concerns of the Fire Marshal shall be addressed and all permits required by the Fire Marshal shall be obtained.
- 18 Required approvals shall be obtained for any proposed signage.
- 19 Plan for any modifications to the exterior of the building shall be submitted to the Building and Planning Department and may require Architectural Review Board approval.
- 20 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 21 All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred and one of the Executive Law.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-03-15 Application of 2340 BHTL, LLC, owner and Webster Management Group, lessee, for Conditional Use Permit Approval, to allow for a 29,882 sf storage facility for a property management company on property located at 2340 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. BABCOCK STINER: I move to close application 7P-03-15.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRED

MR. WENTWORTH: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. This Conditional Use Permit is granted only for a printing facility as described in the application and testimony.
- 2 Only domestic waste shall be discharged into the sanitary sewer system. No hazardous, unusual or flammable liquid or solid waste shall be sent to the sanitary sewer system as a result of this use.
- 3 A special permit may be required for sewer discharge. The applicant shall contact Steve Zimmer in the Brighton Sewer Department (585-784-5289) and shall obtain any required permits.
4. Parking lot striping and signage shall comply with all town and ADA requirements. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

5 The location of any newly proposed HVAC/mechanicals/generator shall be shown on the site plan. Plans for HVAX/mechanical/generator and proposed screening shall be submitted for review by the Building and Planning Department and may require additional review and approval.

6 Any proposed dumpster shall be enclosed with building materials that are compatible with the existing building. The plans for the dumpster/enclosure shall be submitted to the Building and Planning Department and may require additional review/approval. A building permit is required for the construction of the enclosure.

7 The proposed use shall comply with all applicable Performance Standards of #203-168(D)(4) of the Comprehensive Development Regulations.

8 There shall be no bulk storage of hazardous or flammable materials other than those described in the application and testimony. All hazardous or flammable waste shall be stored in fire proof containers and shall be collected by authorized waste haulers and sent to approved landfills or other waste collectors capable of receiving and properly processing such waste.

9 Proposed activities shall only be permitted in designated indoors areas.

10. Outdoor storage shall be prohibited without further approval.

11. A Certificate of Occupancy is required for the proposed use. All building permits and reviews required by the Building and Fire Codes of New York State and the Town of Brighton shall be obtained.

12. Meet all requirements of the Town of Brighton's Department of Public Works.

13. All Town codes shall be met that relate directly or indirectly to the applicants request.

14. All County Development Review Comments shall be addressed.

15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. The applicant shall contact the Fire Marshall, Christopher Roth (585-784-5220). All outstanding comments and concerns of the Fire Marshal shall be addressed and all permits required by the Fire Marshal shall be obtained.
17. Required approvals shall be obtained for any proposed signage.
18. Plan for any modifications to the exterior of the building shall be submitted to the Building and Planning Department and may require Architectural Review Board approval.
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred and one of the Executive Law.
21. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-04-15 Application of Anthony J. Costello and Son (Joseph) Development, LLC, owner, for Preliminary/ Final Site Plan Approval and Preliminary /Final Subdivision Approval to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed (Brewerton Neighborhood) and to resubdivide 26 lots into one on property located on Reserve View Blvd (" The Reserve" housing development). All as described on application and plans on file.

15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. The applicant shall contact the Fire Marshall, Christopher Roth (585-784-5220). All outstanding comments and concerns of the Fire Marshal shall be addressed and all permits required by the Fire Marshal shall be obtained.
17. Required approvals shall be obtained for any proposed signage.
18. Plan for any modifications to the exterior of the building shall be submitted to the Building and Planning Department and may require Architectural Review Board approval.
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred and one of the Executive Law.
21. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-04-15 Application of Anthony J. Costello and Son (Joseph) Development, LLC, owner, for Preliminary/ Final Site Plan Approval and Preliminary /Final Subdivision Approval to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed (Brewerton Neighborhood) and to resubdivide 26 lots into one on property located on Reserve View Blvd (" The Reserve" housing development). All as described on application and plans on file.

15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. The applicant shall contact the Fire Marshall, Christopher Roth (585-784-5220). All outstanding comments and concerns of the Fire Marshal shall be addressed and all permits required by the Fire Marshal shall be obtained.
17. Required approvals shall be obtained for any proposed signage.
18. Plan for any modifications to the exterior of the building shall be submitted to the Building and Planning Department and may require Architectural Review Board approval.
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred and one of the Executive Law.
21. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-04-15 Application of Anthony J. Costello and Son (Joseph) Development, LLC, owner, for Preliminary/ Final Site Plan Approval and Preliminary /Final Subdivision Approval to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed (Brewerton Neighborhood) and to resubdivide 26 lots into one on property located on Reserve View Blvd (" The Reserve" housing development). All as described on application and plans on file.

5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town code shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
10. Maintenance of landscape plantings shall be guaranteed for three years. A letter of credit shall be provided for all landscaping.
11. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
12. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
13. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshall shall be addressed.
14. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
15. All County Development Review comments shall be addressed.

16. All easements shall be submitted to and reviewed by the Deputy Town Attorney. The approved easements shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
17. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
18. All easements must be shown on the subdivision map with ownership, purpose and liber page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for it's records.
19. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
20. The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted.
21. The applicant shall verify that all buildings comply with height requirements. The height of the proposed buildings shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted with the building permit application.
22. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
23. The applicant shall ensure that elevations and floor plans produced by the project architect and site and other plans produced by the project engineer conform to one another regarding the building footprint of buildings and the grading surrounding the building. The architectural elevations shall accurately reflect proposed grading and shall include corner ground elevations as shown on the approved site plan.

24. Elevations for each side of all buildings verifying compliance with all height requirements shall be submitted with the final application . The architectural elevations shall accurately reflect proposed grading and shall include corner ground elevations. In particular verification that the Loft Buildings meet the requirements of the Town Board Incentive Zoning Resolution with respect to the roof deck and parapet wall height.
25. The applicant shall ensure that the plans include the correct information for liveable floor area, gross floor area and area of the proposed garage. A Single Family Zoning Information Form shall be submitted by the project architect that confirms with the information shown on the plans
26. Any fences or walls including retaining walls shall be limited to a maximum of 3.5 in height in the front yard and 6.5 in the side of rear yards.
27. All comments and concerns of the Town Engineer as contained in the attached memo dated June 14, 2011 from Michael Guyon, Town Engineer to Ramsey Boehner shall be addressed.
28. Prior to filing of the Subdivision Map, all private roads shall be labeled as such and a note shall be added to the map stating that the private roads will not be built to town specifications and will not be dedicated to the Town of Brighton.
29. Prior to the filing of the Subdivision Map a Home Owner's Association shall be created in compliance with NYS Law and filed with the State. A copy of the filed documents shall be submitted to the Building and Planning Department and the Department of Public Works for their records.
30. The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton Architectural Review Board.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-05-15 Application of Linden Knoll, Inc. and the Friendly Home, owners for Site Plan Modification to configure and add parking spaces to properties located at 81 Linden Avenue and 3156 East Avenue. All as described on application and plans on file

MR. WENTWORTH:: I move to close application
7P-05-15.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRIED

MR. WENTWORTH: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
- 3 All Town codes shall be met that relate directly or indirectly to the applicants request.

- 4..The project and its construction entrance shall meet the NYS Standards and specification for erosion and Sediment Control.
- 5 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 6 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 7 Maintenance of landscape plantings shall be guaranteed for three years. A letter of credit shall be provided for all landscaping.
- 8 Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town”s Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 9 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 10 All outstanding Site Plan Comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
- 11 A lighting plan which shows the type, location and lighting contour shall be submitted.
- 12 All County Development Review comments shall be addressed.
- 13 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 14 Erosion control measures shall be in place prior to site disturbance.
- 15 All comments and concerns contained in the attached memo dated July10, 2015 from Evert Garcia, Engineer to Ramsey Boehner, shall be addressed.

- 16 All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
- 17 The proposed front yard parking setback variance shall be obtained from the Zoning Board of Appeals. If the variance is not granted, the plan must be revised to meet the setback requirement. The revised plan must be reviewed and approved by the Building and Planning Department.
- 18 The plans must be revised to correctly show the limits of the Watercourse EPOD.
- 19 A Drainage Permit must be obtained from the Department of Public Works.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-06-15 Application of PEL Associates, owner and Brennan and Leigh Stimple lessee for renewal of a Conditional Use Permit (7P-02-14) allowing for a martial arts studio and approval to expand the use to include after school programs. All as described on application and plans on file.

MR. FADER:: I move to close application
7P-06-15.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRED

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

- 1 Unless further approval is granted by the Planning Board, hours of operation and group class times and sizes shall be limited to those presented with this application and testimony. Group classes on Monday to Friday shall be limited to:

KIDS FROM 4PM TO 6PM
ADULTS FROM 6PM TO 9 PM
2. At all times, class size duration and timing shall be limited as necessary to ensure that the parking needs of all of the plaza tenants are accomplished.
3. The applicant shall work with the other tenants to schedule special events only at times that the plaza can accommodate the parking needs of all of the plaza tenants.
4. There shall be no outdoor storage or display of material goods.
5. The operation of the business shall be such that noise is prevented from intruding on adjacent residential properties. Undue disturbance of adjacent businesses shall also be prevented.
6. Participants shall not be allowed to wait outside either before or after activity periods.
7. No exterior air handling or other exterior noise generating equipment shall be installed without further approval by the Town.

8. The applicant shall contact the Town of Brighton Fire Marshal, Chris Roth, at 585-784-5220, to discuss the proposal and shall comply with any requirements of the Fire Marshal
9. All necessary building permits shall be obtained and all New York State building and fire codes adhered to.
10. All requirements of the Town of Brighton, Monroe County and New York State for the proposed use shall be met.
11. Only business identification signage as allowed per the Comprehensive Development Regulation is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.
12. This Conditional Use Permit is required to be renewed in one year from the date of this approval, at which time the board will re-assess the impacts of the business on the plaza parking and surrounding properties.
13. The class size shall be limited to 30 students.
14. Fifteen parking spaces shall be allocated for this section of use.
15. Consideration shall be given to staggering pick up times to help alleviate traffic congestion.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-07-15 Application of the Highlands of Brighton (URMC), owner for Site Plan Modification to construct an outdoor concrete courtyard on property located at 5901 Lac de Ville Blvd. All as described on application and plans on file.

MR. FADER:: I move to close application
7P-07-15.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRED

MR. OSOWSKI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

- 1 The style, height and location of the fence shall be as presented on plans and in testimony to the Planning Board and Zoning Board of Appeals.
2. A building permit shall be obtained prior to installation of the fence.
3. The plant list shall be revised to show plant types as presented at the meeting.
4. Any modifications or additions of the exterior lights shall be submitted to the Building and Planning Department and may require Planning Board review and approval.
5. All conditions of the Zoning Board of Appeals shall be met.
- 6 . Meet all requirements of the Town of Brighton's Department of Public Works.

- 7 All Town codes shall be met that relate directly or indirectly to the applicants request.
8. The project and its construction entrance shall meet the NYS Standards and specification for erosion and Sediment Control.
- 9 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 10 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 11 Erosion control measures shall be in accordance with the New Yoirk State Standards and Specifications for Erosion and Sediment Control. Erosion control measures shall be in place and shall be approved by the Town prior to disturbance.
- 12 Maintenance of landscape plantings shall be guaranteed for three years. A letter of credit shall be provided for all landscaping.
- 13 Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 14 The applicant shall verify with the Fire Marshal that the court yard meets the requirements of the NYS Fire Code.
- 15 All comments and concerns of the Town Engineer as contained in the attached memo dated July 13, 2015 from Evert Garcia to Ramsey Boehner shall be addressed.
- 16 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR.CORDOVA: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-08-15 Application of Dave Pastore/Upstate Roofing and Painting, owner for Site Plan Modification to construct a 10 ft by 160ft accessory structure on property located at 1300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. CORDOVA: I move to close application
7P-08-15.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRED

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

- 1 The accessory building shall comply with the most current Building and Fire Codes of New York State.

2. The proposed setback variance shall be obtained from the Zoning Board of Appeals. If the variance is not granted the plan must be revised to meet the setback requirements. The revised plan must be reviewed and approved by the Building and Planning Department.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicants request.
6. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
7. All County Development Review Comments shall be addressed.
8. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
9. The application letter prepared by BME Associates dated June 16, 2015 states "The proposed accessory structure is outside of the wetlands and buffer area as shown on BME drawing #2459=01, and per the Freshwater Wetlands Act, the resurfacing of the asphalt milled area is exempt from permit coverage. This has been confirmed with the NYSDEC regional office in Avon." Documentation regarding the NYSDEC confirmation must be provided.
10. The applicant shall verify with the Fire Marshal that the proposed improvements and storage area meet the requirements of the NYS Fire Code.
11. The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton Architectural Review Board.

12. All comments and concerns of the Town Engineer as contained in the attached memo dated July 11, 2015 from Michael Guyon Town Engineer comments and conditions shall be submitted.
13. The outside storage shall be screened with a solid wood fence.
14. Impervious surface will not be increased into the wetland buffer area

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

1384 UR Medicine for a building face sign at 4901 Lac de Ville Blvd.

- 1 All required variances shall be obtained.

1385 Medicine for a building face sign at 400 White Spruce Blvd

1. All required variances shall be obtained.
2. Unless a variance has been obtained, only signs complying with town requirements shall be located on the building.

1386 Brighton Token & Coin for an Awning Face at 1492 Monroe Avenue.

1. All requirements of the approved sign plan for 1492 Monroe Avenue shall be met.

MR. WENTWORTH RECUSED HIMSELF FROM SIGN APPLICATION 1384 AND 1385.

MS. ACTING CHAIRMAN: I move that sign applications be approved as presented with requirements.

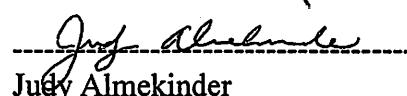
MR. OSOWSKI: Second.

UPON ROLL CALL VOTE

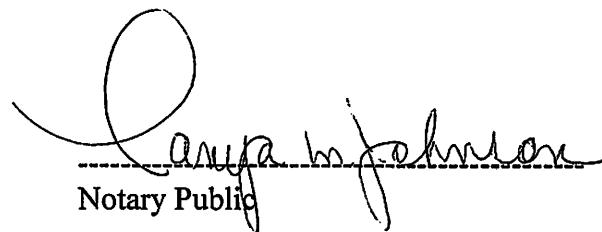
MOTION UNANIMOUSLY CARRIED.

C E R T I F I C A T I O N

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the July 15, 2015, meeting of the Planning Board of the Town of Brighton at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.


Judy Almekinder

On this 5th day of August 2015 before me personally came Judy Almekinder to me known and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledge to me that she executed the same.


Tanya M. Johnson
Notary Public

TANYA M JOHNSON
NOTARY PUBLIC STATE OF NEW YORK
MONROE COUNTY LIC. #01JO023769
COMM. EXP. 03/28/2019

ADDENDUM TO THE JUNE 17, 2015 MINUTES
OF THE PLANNING BOARD

PAGE 2 1st Line remove MS. ACTING

PAGE 5 SPELLING OF DECIMALS IS DECIBELS
REPLACE THROUGHOUT

PAGE 7 misspelled Kirk Certo change to Kurt Serti

PAGE 13 misspelled John Schrab change to John Sciarabba