

Proceedings held before the Planning Board  
Brighton at 2300 Elmwood Avenue, Rochester, New York on April 13,  
2017, at approximately 7:30 p.m.

PRESENT: William Price  
James Wentworth  
John Osowski  
Laura Civiletti

NOT PRESENT: David Fader, Daniel Cordova and Justin Babcock Stiner

Ramsey Boehner: Town Planner  
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

Mr. CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the April 13, 2017 meeting of the Town of Brighton's Planning Board to order. We will approve the minutes of the March 29, 2017 meeting with any corrections.

MS. CIVILETTI ABSTAINED DUE TO HER ABSENCE ON March 29, 2017

MR. OSOWSKI: I move to approve the February 15, 2017 minutes of the Planning Board with any corrections?

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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MR. CHAIRMAN: Mr. Secretary, were the public hearings properly advertised.?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of April 6, 2017.

MR. CHAIRMAN: I have a few adjustments to the agenda. Application 2P-02-17 will be adjourned to the May 17, 2017 at the applicant's request. Application 1P-NB1-17 is adjourned to the May 17, 2017 at the applicant's request as well as 3P-02-17. The remaining hearings will now be held.

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11P-03-16 Application of Alice Kanack, owner, for Final Site Plan Approval to construct a 4,485 +/- SF building addition and to add 47 parking spaces on property located at 2077 South Clinton Avenue. All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED to the April 13, 2017 MEETING AT THE APPLICANT'S REQUEST.

7P-NB1-16 Application of Alice Kanack, owner, for Preliminary Site Plan Approval to construct a 4,187 +/- sf building addition and to add 47 parking spaces on property located at 2977 South Clinton Road. All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED to the April 13, 2017 MEETING AT THE APPLICANT'S REQUEST.

MR. MARTIN: Good evening I am Ed Martin an engineer with Landtec here representing Alice Kanack when it was last presented to the Board. We appeared before the Conservation Board in January and received some pointed feed back on the landscaping plan and as you will note there have been some additional plantings and in some cases larger plantings and most importantly a variety of plantings because they wanted us to create a more natural look to the layout to the trees. I believe we have achieved that in the plantings before you. There

is a lot of behind the scene work that has occurred, We have submitted technical reports to both town staff and county agencies to obtain the necessary required permits. The plans of the project remains the same we have a one acre project with an addition that totals 4,485 square feet and a parking lot constructed to the north of the school and you will note that we have some lawn stabilized parking lots to the immediate north of the asphalt parking lot and we will talk about that shortly. Since our last presentation we did receive two area variances for setback from Havens Road and for the west property side setback.

Water supply will be provided by an existing six inch fire connection that goes out to South Clinton Avenue. A separate domestic service that is just south of that will remain in place and extensions internally will be provided to provide both domestic and fire supply for the addition. Waste water, we will be providing a sanitary lateral to the south of the school on the south side of Havens Road. The existing septic system will be abandoned in accordance with the County Health Department regulations. And storm water run off generated by the improvements will be routed northerly to the infiltration basin that is being constructed immediately to the north parking lot and you will note I believe it is on sheet three, we do not have any surface discharge above a two year storm beyond that we detain enough to comply with the Irondequoit Watershed bed and that is part of the technical report we provided to the town engineer. At the last presentation we had a lengthy discussion about the parking for certain events and the school has periodic concerts and during such time the parking on site will not be sufficient and Alice has obtained two written agreements with the adjoiners that will allow the overflow to park on those properties and Alice has committed to have the staff within the parking lot to direct traffic safely and I believe that pretty much summarizes the changes before you and I will be happy to answer any questions and lastly I should mention that Alice is in attendance tonight to answer any questions if necessary.

MR. CHAIRMAN/: Ramsey at this point is the town engineer satisfied with the drainage.

MR. BOEHNER: Yes, he is. He has some comments that need to be addressed but nothing he doesn't think can be worked out.

MR. CHAIRMAN: Is it right that all of the site lighting is attached to the building?

MR. MARTIN: That is right, sir, and we do show that on the site plan.

MR. CHAIRMAN: Any concern that the driveway alignment is slightly offset with the driveway across the street.

MR. MARTIN: Typically we try to align them exactly and in this case we are using the existing curb cut and we are eliminating a small portion of it and we are expecting the county to issue a permit shortly actually we will see.

MR. BOEHNER: You have reviewed it with the county?

MR. MARTIN: Yes, sir.

MR. CHAIRMAN: The site plan is showing and I am not sure what PR means

MR. MARTIN: Proposed method –

MR. CHAIRMAN: It does appear to be hanging over the right of way line. I would suspect that would need to be approved as a variance.

MR. BOEHNER: Yes, that is not something that this Board can approve. They will need to get the appropriate variance.

You will need to meet code requirements for it.

MR. MARTIN: Understood. Actually Mr. Chairman, that monument sign expands an easement line, and it is to the right of that right of way.

MR. CHAIRMAN: So that is an easement.

MR. MARTIN: Correct.

MR. BOEHNER: So that is a sidewalk easement.

MR. MARTIN: Correct.

MR. OSOWSKI: I was asking if most of your events that take up a lot of the parking are during the school year as opposed to the summer.

MS KANACK: Yes it is only two times a year we have off site parking at Christmas time and in June.

MR. BOEHNER: Ed have you done the design for gravel with top soil on top for overflow parking , how does that work?

MR. MARTIN: We have used it in the past but have not used this exact product bit the town engineer suggested that we use this. What we do is get rid of the top soil and layer that with geo tech style and then put a small amount of top soil on top of that so when you look at it it looks just like lawn..

MR. BOEHNER: Okay I thought it was just gravel. Okay.

MR. CHAIRMAN : Any thing else? Okay this is a public hearing , does anyone care to address this application? There being none we will move on.

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2P-02-17 Application of Bank of America, owner and Stonefield Engineering, consultant for Site Plan Modification to upgrade exterior lighting on property located at 2830 Monroe Avenue. All as described on application and plans on file. TABLED AT THE MARCH 29, 2017 MEETING – PUBLIC HEARING REMAINS OPEN. ADJOURNED TO THE MAY 17, 2017 MEETING AT APPLICANT'S REQUEST.

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4P-01-16 Application of Wegmans/Saunders Sawgrass LLC, owner for Extension of Site Plann Approval (2P-03-16) allowing for the construction of a 3 story, 55,000 +/- sf medical office building located at 158 Sawgrass Drive, known as Tax Id #'s 149.06-1-5 ?BR and 149.06-1-5./RH All as described on application and plans on file.

MR. SHELLY: Good evening my name is Fred Shelly from B&L Associates. I am here requesting a one year extension to the Site Plan Approval granted in April 2014. The application remains consistent with the approved site plan which consists of constructing a 3 story 55000, medical office building and necessary site improvements to include connecting to public sewers, water services and parking as well. This site also incorporates green infrastructure by retention and that is about it. This construction was not able to commence during the 2016 construction season due to the time required to obtain necessary site approvals the longest approval to obtain was the army corp of engineers wetland permits which were received in February of this year. We are in good shape with those. Other than that the applicant is sighted to get going this season.

MR. CHAIRMAN: So your request is for one year but you are anticipating commencing within this season?

MR. BOEHNER: Within this season?

MR. SHELLY: Yes.

MR. BOEHNER: Do you know who the tenant is?

MR. SHELLY: I haven't heard exactly but I know they are speaking to one and will be figuring the interior on site.

MR. BOEHNER: Okay.

MR. CHAIRMAN: The wetland jurisdictional will still be valid by the time you commence construction?

MR. SHELLY: That is correct. The wetland jurisdictional determination is good for a five year period. What they will do is incorporate the wetland banking process and purchase wetland credits off site as well as providing some on site wetland.

MR. BOEHNER: Have they bought the wetland credits at this point?

MR. SHELLY: Yes.

MR. BOEHNER: So they have the permit is that right?

MR. SHELLY: Yes.

MR. BOEHNER: So they are pretty far down the road?

MR. SHELLY: Yes.

MR. CHAIRMAN: Ramsey are they good with SEQR?

MR. BEOHNER: Yes, they just ran out of time.

MR. CHAIRMAN: Okay this is a public hearing does anyone care to address this application? There being none we will move on. Thank you.

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4P-02-17 Application of Kathryn Greene, owner for Site Plan Modification to connect the front parking areas of properties located at 2140 South Clinton Avenue and 2150 South Clinton Avenue. All as described on application and plans on file.

MR. FROMBERGER: Tom Fromberger as mentioned during our construction phase it was determined constructing the handicapped parking up in this location is better served at this time and as we went through that process we also noticed that the grade could be adjusted to accommodate the connection of those two lots. We also want to change a little bit from what was presented to you before which was two buildings setup as different tenants and now they are going to be operated by the Greene's so having that interconnection is good for their existing clients. We are also sensitive of the general confusion of coming to the site and I hope this interconnection will help during rush hour times. I have visited the construction site and noticed having two access points is a good feature for this site to have a connection to accommodate their needs. The original discussion stayed focused on just having one entrance across from here and with the timing with cars coming off from Westfall we have a gap distance, so again having two entrances is a good idea.

MR. CHAIRMAN: Tom, any chance that you have the original plan we approved?

MR. FROMBERGER: I do have that with me. The only difference is basically this connection. So this was approved as land banked parking and land banking over here.

MR. CHAIRMAN: So you are proposing to build one other parking space originally landscaped over here.

MR. FROMBERGER: Originally the handicapped spaces were over here so we are kind of creating a level area and by removing two percent we are sticking with the Town laws to impact this area.

MR. CHAIRMAN: Refresh my memory here, does this kick you into a requirement for a variance ?

MR. FROMBERGER: It doesn't we still meet the green space for both lots.

MR. BOEHNER: Yes, provided they provide a cross access easement between the lots they don't have to have the pavement setback.

MR. FROMBERGER: There is a cross access easement access that runs all the way around here for both lots. Green space was originally 35 point 8 percent.

MR. WENTWORTH: So your expectation is at rush hour that folks at 2140 would exit to the north and at 2150 would exit to the southern portion?

MR. FROMBERGER: That is correct. There is so little space between that connection and that exit and if you have a number of cars stacking up the two exits will be very helpful.

MR. CHAIRMAN: Everything else stays the same, construction details all the same?

MS. CIVILETTI: The handicapped spaces are still the same?

MR. FROMBERGER: Yes.

MS. CIVILETTI: Just moved them?

MR. FROMBERGER: Yes, we just moved them.

MR. OSOWSKI: There was a tree in the lower left hand corner of your cross connection and the Conservation Board asked if that could be replaced. Is that being replaced?

MR. FROMBERGER: Yes it is in the overall calculations.

MR. CHAIRMAN: Ramsey any more questions?

MR. BOEHNER: No I do not.

MR. CHAIRMAN: Okay anyone else? This is a public hearing, does anyone wish to address this application? There being none we will move on.

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4P-03-17 Application of Lac De Ville Office Owners Association, owner, for Site Plan Modification to expand the parking area to add 16 parking spaces on properties located at 1944-1996 South Clinton Avenue. All as described on application and plans on file.

MR. BRINGLEY: Good evening, my name is Bob Bringley from Marathon Engineers located at 39 Cascade Drive in Rochester New York, with me here tonight is Frank LaMare sitting in the audience because I didn't bring him up here. I will be brief. This is an application for Site Plan Modification basically for Lac De Ville Plaza, looking at the drawing to the north is Clinton Avenue, and this is an existing plaza that has been here for a number of years and it is very well maintained and landscaped but currently there is not enough parking on the site. So there is a request here to add 16 parking spaces currently right now there is 69 and with this application if so approved there will be 85. So it is adding parking to accommodate Mr. LaMare's customers and the tenants of the plaza. In addition to that we did go to the Zoning Board of Appeals and got a variance for green space coverage. So if you look on the project stats it will say 35 percent required prior to this application it was at 32 percent and it is now 28 percent but it is a good problem to have. The plaza is doing very well. It is fully occupied and Mr. LaMare has a lot of tenants and customers. So he has a need for additional parking so he can place them on the site. Any questions? I will be happy to address them.

MR. CHAIRMAN: Bob, I think we only have a couple of minor questions. The geometry of the parking that you have laid out along the front of the South Clinton frontage and the four spaces that have a bit of a twist and turn to the sidewalk what are you doing there?

MR. BRINGLEY: We have conformed the parking to the sidewalk and there is a hydrant in that space right now so we wanted to stay away from the hydrant there. We pulled that out 18 feet and placed the sidewalk there so we have a full drive aisle width and a full parking depth.

MR. CHAIRMAN: It is not the car count so much as the location and it feels on the location it is going to look weird and pulling the spaces closer to the building.

MR. BRINGLY: We can just take that little kink out as long as there is nothing on the east side. They would not permit us to do that other wise that is not an issue.

DR. LAMARE: Dr. Frank Lamare, I am the President of the Lac De Ville Office Owners Association. Our dental group owns 40 percent of the project there and there are other owners that own other units there. So I don't own the whole project I just have been present for a number of years in the association. But the point you make about straightening it out that is easy but if we were to have our preference it would be nice to have it all together for the fire hydrant and that becomes the issue we are working around and the other nice thing about this is there is an awful situation here with snow plowing and snow removal and what this is going to allow us to do is push the snow here and push the snow back in here on the lot. That will help us immensely.

We are landlocked and we need more handicapped parking and we have expanded it as much as we can. Thank you.

MR. CHAIRMAN: Thank you Bob, this is a public hearing is there anyone who cares to address this application;? There being none we will move on.

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4P-04-17 Application of Main Street Logistics, owner and MacKenzie Carlson and Lisa Chinappi, lessee for Conditional Use Permit Approval to allow for a bakery/coffee shop on property located at 125 White Spruce Blvd. All as described on application and plans on file.

MS. CARLSON: My name is Mackenzie Carlson and with me is Lisa Chinappi and we would like to open a bakery/coffee shop at 125 White Spruce Blvd.

MR. CHAIRMAN: What we would like to know when you are in there being very successful what kind of things will you be cooking, the ways you are serving it and is it plated or paper plates.

MS. CARLSON: We are going to have coffee and tea in mugs and paper coffee cups to go. We would also like to do salads and soups and sandwiches to eat on trays and plates and packaging to go.

MR. CHAIRMAN: And do you have indoor seats available and is there any outdoor seating.

MS. CARLSON: There isn't any space available for it in that area maybe one or two tables inside.

MR. CHAIRMAN: You do require a permit for outside just so you know that?

MS. CARLSON: We do know that.

MR. CHAIRMAN: You mentioned things that you are preparing are they delivered here?

MS. CARLSON: The distributors that I have worked with in the past deliver Monday, Wednesday and Friday. We prefer deliveries on Monday between 9 am and 1pm.

MR. CHAIRMAN: And this would be accessed right from the main drive aisle?

MS. CARLSON: Yes. We do have a side door but the fire marshal felt that is one that would be used for our use and we don't plan on using it but it can be used for deliveries.

MR. CHAIRMAN: And you say that you have talked to the fire marshal?

MS. CARLSON: Yes we were questioning him about putting in a hood even though we aren't doing any frying or grilling so we had questions about that and we don't have any requirement for an extra hood.

MR. CHAIRMAN: No requirement for a grease trap?

MS. CARLSON: No.

MR. BOEHNER: The Sewer Department may require one.

MS. CARLSON: There is one but we aren't going to be disposing of any.

MS. CIVILETTI: What is the location of the trap? Do you know?

MS. CARLSON: I believe it is behind the building where the garbage is. It's all the way on the other side of the building if you look on the large plan you will see it?

MR. BOEHNER: Your space is connected to it?

MS. CARLSON: There is a box in there but it is not connected to the floor or anything.

MR. BOEHNER: There is a grease trap connected and you need to keep that cleaned out. You may not use grease but you will be washing dishes.

MS. CIVILETTI: Have you had Health Department Review.

MS. CARLSON: Not yet they will be coming in next week to find out about sinks and things like that. Then we would like to update the plans for you.

MR. CHAIRMAN: Is the updated plan for the larger site plan or the larger floor plan?

MS. CARLSON: The larger floor plan the site plan is completely up to date.

MR. OSOWSKI: Where is the trash dumpster?

MS. CARLSON: The trash dumpster is behind the building.

MR. OSOWSKI: Is that a communal one for several places?

MS. CARLSON: Yes.

MR. OSOWSKI: Do you plan to provide a trash receptacle outside?

MS. CARLSON: We could do something on the sidewalk.

MR. OSOWSKI: I assume for take out the packaging is disposable?

MS. CARLSON: Yes and also the packaging will be earth friendly.

MR. WENTWORTH: You might want to check the accessible space in front of the sinks and bathrooms. It needs to be 30 by 48 but your 48 is being measured off the wall.

MR. OSOWSKI: Any beer or wine being served?

MR. CARLSON: No.

MR. CHAIRMAN: Any live music or live entertainment that you have outside?

MS. CARLSON: No.

MR. CHAIRMAN: Any speakers?

MS. CARLSON: No.

MR. OSOWSKI: On the doors on the restroom could you have those all swing out?

MR. WENTWORTH: Yes.

MR. OSOWSKI: It's an option.

MR. CHAIRMAN: Ramsey any questions? This is a public hearing does anyone care to address this application? There being none we will move on.

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4P-05-17 Application of Genesee Reserve Supply, Inc., owner, for Site Plan Modification to replace an existing 4,170 sf storage facility with a 10,000 sf storage facility on property located at 200 Jefferson Road. All as described on application and plans on file.

MR. FROSINO: Adam Frosino and I am with McFarland Johnson and I am the senior engineer for Genesee Reserve and Supply. Genesee Reserve and Supply is at 200 Jefferson Road which is actually cut back a little bit across the street from the right of way or

or park point near RIT. This project involves removal of a supplemental storage building and replacement with a more larger more efficient building. The existing building has served its life. It is structurally sound but it is not efficient and not functional at this point and Genesee Reserve Supply needs more room for its supplies. Genesee Reserve Supply is a commercial seller of building materials. It is not a store that is typical for residents to go to buy supplies from.

They did get approval from the Zoning Board of Appeals last week for three zoning variances from side setback the front setback and the side of the primary building. It will have a similar orientation and electric supply to it. We do not intend to have it sprinklered which will require a variance which we found out last week and we are going back to not have it sprinklered. The existing building is roughly 4,170 sf and 22 by 190 and the proposed new building is 50 by 200 about the same length but wider so they can store supplies on both sides and allow a fork lift truck to go inside and store on both sides.

MR. CHAIRMAN: What is the height of the ridge?

MR. FROSINO: The ridge is at 31 feet as you can see in the architectural drawing we also have an over hang to allow them to store outside under a covering as well. There is natural lighting and another key aspect is no one will be working inside. This is not a manufacturer but for employees to come in and pull materials out. The project architect is also here as well as a representative from Genesee Reserve if you have any questions. Going back to the site there is not too much work involved. The existing pavement is as close as we can get it to the existing building and it will remain the same to avoid disturbances and costs too. The existing drainage all remain the same everything is sheet flowed to two existing drainage structures. Increase of impervious is minimum to none. We did complete an engineering report and submitted it to the town engineer. There is no changes in parking or anything like that. It is not intended to expand their business it is just to provide better

storage for the supplies we already have there. I think that is about it if you have any questions.

MR. WENTWORTH: Ramsey, what is the allowable setback?

MR. FROSINO: I think it is 100 feet and because of the way the lot is shaped we are only providing a five foot setback and that is because the fire marshal wanted 20 feet between the two buildings per code and we did get the four feet from the Zoning Board of Appeals.

MR. WENTWORTH: For the five feet.

MR. FROSINO: Correct.

MR. BOEHNER: Did that answer your question?

MR. WENTWORTH: Yes

MR. CHAIRMAN: Do you have a gutter on the back side of the building?

MR. FROSINO: No, I don't believe so. No.

MR. CHAIRMAN: There is no requirement for storm water on the existing site.

MR. BOEHNER: There is nothing because it is an already developed area.

MR. CHAIRMAN: Are you proposing to take down any trees?

MR. FROSINO: No there are no trees in the area or on the property.

MR. CHAIRMAN: I guess we are questioning the need for a gutter on the back side?

MR. WENTWORTH: Are you planning on doing anything to the site from the property line up to the building or is that just going to be more or less existing soil.

MR. FROSINO: It is going to be the same as the existing. It will continue to be about the same. It slopes 20 feet.

MR. CHAIRMAN: We are just having a little heartburn about you shedding to that property line. Possibly you could consider either a gravel to dissipate at the base of the building or put gutters on the building.

MR. FROSINO: There is going to be gravel. It is not going to be paved on that side.

MR. CHAIRMAN: So between the building and the property line -

MR. FROSINO: It is all gravel. The L shape is going to tie into the existing pavement

MR. WENTWORTH: To be clear it will be gravel from the edge of the building and five feet away from the property line.

MR. FROSINO: Correct, they are not paving that area.

MS. CIVILETTI: What are you proposing to store in the building?

MR. CRIM: Jason Crim, Genesee Reserve, building materials mostly, roofing materials, water line, cultured stone, possibly lumber everything from A to Z, non combustible products, tile roofing.

MS. CIVILETTI: Is it stacked on the floor. Will there be any racking?

MR. CRIM: Currently it is all spread out, we do have some racking and we are going to see how our racking fits in there.

MS. CIVILETTI: What is the maximum height of the racking?

MR. CRIM: I would guess probably 16 feet and we have cross arms that are adjustable so we adjust that accordingly.

MR. WENTWORTH: Will you still have a concrete floor?

MR. CRIM: No it will be asphalt.

MR. WENTWORTH: What is the exterior wall material.

MR. CRIM: It will be painted steel.

MR. WENTWORTH: And that is going to meet the asphalt?

MR. CRIM: Yes.

MR. WENTWORTH: And the asphalt will be just above the grade outside?

MR. FROSINO: I think it would be pretty much level it will probably slope away.

MR. WENTWORTH: I just don't want you to have water sheeting into the building.

MR. FROSINO: No. Ultimately it is just like a pole barn.

MR. CHAIRMAN: Anything else? Okay thank you. This is a public hearing does anyone care to address this application? There being none we will move on.

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#### NEW BUSINESS

1P-NB1-17 Application of Jerome Koresko, Sr. Owner and Dr. Indra Quagliatat, contract vendee for Preliminary Site Plan Approval , Preliminary Subdivision Approval and Demolition Review and Approval to raze a single family house, combine two lots into one and construct two 7,000 +/- sf two story office buildings with related infratsturcute on property located at 1230 East Henrietta Road (Tax ID's 149.18-2-3 and 149.18-2-4) All as described on application and plans on file. TABLED AT THE January 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE MAY 17, 2017 MEETIN AT APPLICANT'S REQUEST.

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4P-NB1-17 Application of Woodstone Custom Homes, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval and EPOD (woodlot) Permit Approval to develop an eight lot residential single

family subdivision using Town Law 278- Cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID 3s 136-11-2-42 thru 52, 136.11-3-1 thru 44, 136.11-3-53 thru 71 and 136.11-3-75 thru 83. All as described on application and plans on file.

MR. HUGHING: Good Evening, my name is Carl Hughing (phonetic) from Parone Engineering here with Woodstone Custom Homes development and we are making application for an 8 lot residential subdivision. It is being done as a cluster development using Town Law 278 which is the Town of Brighton;s subdivision relationship. It is approximately a 12.2 acre parcel that is located near Willard Avenue, Midland Avenue and Eldridge Avenue and at the end of the proposal we intend to convey approximately a little over 7 acres to the Town of Brighton and 4 and a half acres is being used for residential lots. Four tenths of an acre is proposed for a dedicated right of way. As far as utilities to service the site there is an existing 6 inch water line and this will be extended to terminate in a street service for the new lots. Sanitary sewer will run from the existing sewer here and run up street to service those lots. There will be a storm drainage system that is at that terminate of the street there will be a couple of catch basin which will drain to the storm water management slope on the left hand side of the development.

We are here for Preliminary Site Plan Approval as well as EPOD Permit and Preliminary Subdivision.

MR. CHAIRMAN: In your proposed dedication of 7 acres to the Town the lot that has the storm water the way you proposed it how will that be maintained?

MR. HUGHING: The intent is to put it in an easement for maintenance and set up a drainage district for maintenance of that.

MR. CHAIRMAN: Would you be open to other ideas as far as having that on its own lot or part of the property that you are dedicating?

MR. HUGHING: Yes, I am sure the applicant would be open to that.

MR. CHAIRMAN: If these things reside on privately owned lots even though there is an easement they tend to become other things.

MR. HUGHING: We have had some discussions with staff about some other options for that maintenance agreement.

MR. CHAIRMAN: Okay, are you talking about a Conservation Easement here as well?

MR. SMITH: Jeff Smith from Parone. I think you are talking about this area from here to the property line and the reason for that is part of the New York State DEC regulations requiring us to comply with the storm water management and part of that effort is to provide run off reduction against water quality volume and it is required because of the impervious area that we are adding. One of the best practices that we are going to propose is to disconnect roof drains from those houses and connect them to a dry swail which will outlet at these areas right at the front edge of the conservation area.

One of the ways that you get credit for meeting that run off reduction is to distribute that equally into a natural area or area in a conservation easement and that is what we are proposing.

MR. BOEHNER: Would a drainage easement work just the same?

MR. SMITH: The regulation says conservation area it doesn't say easement but based on conversations we have had with the DEC on other projects they would prefer it in an easement or in some manner so they are assured it is not going to be disturbed in the future.

MR. BOEHNER: Who would the easement be to?

MR. CHAIRMAN: Who would enforce it?

MR. SMITH: That would be up to the town.

MR. CHAIRMAN: They are complying with the regulations?

MR. BOEHNER: That is something we are going to have to discuss.

MR. WENTWORTH: Would that still work if that were town land as opposed to private ownership.

MR. SMITH: It would still work.

MR. BOEHNER: I thought about that but the problem that starts happening is that the lots become smaller and your livable floor area is based on your lot size. And based on the information that was submitted in the application that would reduce their ability to build the houses to the sizes they may want to in the future. That is for them to talk about.

MR. SMITH: Ramsey you are correct. I looked into it the other night after the Conservation meeting and it reduced the potential house size to around 2700 sf instead of 3,000 sf on those lots and if we reduce the area in back to around the swale areas that are storm water management.

MR. BOEHNER: Do you have to have the houses at 3,000 sf?

MR SMITH: Well you know in fact they are going to be custom houses so it is difficult to say.

MR. BOEHNER: I understand.

MR. SMITH: We are still finding our way on this development because we started on a much larger scale and now we are on a much smaller scale. So we have spent a lot of money getting here so we are changing our price pointing the subdivision in response to that. We will have fewer lots and require more square footage to justify the cost of the lots. I have some details on the home that most likely will be one of our average level homes and the appearance of the landscaping as well as the slopes will be ample. I don't know whether that becomes overly restrictive it may but it will certainly be restrictive and limit us substantially. That issue was raised the other night at the Conservation meeting otherwise I don't mind having the lots smaller because the intent was to restrict the use beyond that but it reduces the potential of development.

MR. BOEHNER: The other issue I see with that is you have to watch out for alienation of parklands and what you are doing is your controlling drainage for the subdivision and what would be parkland. So it can become complicated pretty quickly.

MR. SMITH: We are not controlling drainage in the parkland and we are actually providing the same amount of flow in the same place. So its not really just from the subdivision.

MR. BOEHNER: That I understand but it is part of the drainage plan of the subdivision so I just think the town engineer and I need to look at that.

MR. CHAIRMAN: We understand that and what the thought process was behind it and we want it to be called in house control. We are not suggesting you move property lines we just want to be careful who is burdened with it.

MR. SMITH: As I stated to the Conservation Board unfortunately we are all up against new regulations And whether it is town land or private land it is not that much different.

MR. CHAIRMAN: The turn around that you are providing is for the fire and other maintenance vehicles.

MR. SMITH: That is the purpose of it yes. And also Ramsey may know we worked with the DPW substantially extending that turn around for snow removal and we had as much as 40 or 50 feet less than that and we increased that to make sure we can have proper snow removal and it would not go into the garden area.

MR. BOEHNER: What is the proposed height of the houses and are you proposing to have a basement. And one of the concerns that I have is that I believe it is my understanding that you maybe proposing to have a walkout. And I am worried about the rear end of the house where you have the walk out meeting the 30 foot height limit that you are proposing and that would need to be verified the elevations against the grading to see if you have 30 feet?

MR. SMITH: The history of this and our concerns for the water tables in this area and in some cases they are within two feet of the surface even in July and sometimes they are within four feet of the surface. And we responded very positively actually after we got into it and as you look at the topography of the design of the subdivision and we are living by code in terms of having an 18 inch differential between the initial level of the garages and houses and street so there is a positive five percent and if you read the national residential code the first 10 feet is supposed to be five percent and then after that 2

percent to the curb area which is what we are maintaining. And that provides positive drainage and it also provided us enough elevation to develop a walk out scenario here if we raise the floor of the house and if you look at many of the houses like my son lives in due to bed rock at a certain level they intentionally raise the floor levels so you step up on porches with three to four rise into the porches that goes into the house and sometimes you have basement windows and that is exactly what we plan to do. So it will be to some extent like a city home. And to illustrate we did provide and had our people who do renderings for us we simulated a house that would show you that is a full walk out at the lower level and you see the raised porch in the front. I will pass these out.

MR. CHAIRMAN: Ramsey while that is going on remind us what the definition of the building height and where we are measuring from ?

MR. BOEHNER: You are measuring side by side. Each side is measured from the average grade between the two corners of the house and so then you go up from there and if you have a gable roof you are taking the middle point of the gable roof under the code.

MR. SMITH: What you are seeing in that illustration and if you studied the topography on the subdivision plan essentially the garage is at what we are calling finish grade which has an 18 inch differential to the street of positive drainage. Most people look at that and consider that flat but it's a slope. In addition in order to get over to the rear elevation of the house and get out of that potential water level of the basements we are elevating depending on the lot two to three feet above that. That is what you see on that raised porch. And we will have a combination of raised porches where there might be a physically raised deck or there might be a wall masonry structure but the bottom line is we are raising the front and if you look at the garage and the floor plan for that garage you will see there are steps inside that garage to make us for that differential. Normally in new construction you would see one or two steps rising up into the house. In this case we have enough room to do that.

It is something you see on many sites actually so if you have a differential on a lot you can slide that differential and raise the finished floor and drop the garage and this is what we are proposing to do here. So all those homes on the lot essentially these two would be designed in that manner. We will not have to have a crawl in not have to have slab. We would have a 12 course basement that would allow a differential that would be a natural grade to the rear of the house where there is a five foot fall between natural grade where the street is now to the rear here.

So given this natural wall here all we have done is pick it up a couple feet if you will and the full walk out is usable space and therefore we can even suggest that at 2200 sf or 2400 sf ranch we will have the ability to have an addition space for recreation space or a basement. The only lot that would be different would be lot one which would – table is a little bit different back there so we would probably have a crawl space versus a full basement on that one lot. WE are encouraged by the fact that as we work with Parone we didn't really want – in general we prefer to keep our houses above the street level versus down to the garage level and have problems with drainage that way so by picking the finish floor levels with the garage levels by having that 18 inch overlay we are able to achieve that elevation rendering you are seeing this to scale so that the rear grass level there is a 12 course basement differential and we will be draining from the garage side of the house across the lawn as the topographically lines indicate down the side of the house to the back walkout.

MR. CHAIRMAN: The question on that becomes what is going to be the height of the building?

MR. SMITH: It will be 33 foot versus 30 foot because we are pulling that floor level up 3 feet to the maximum typically the number of feet is two feet but that rendering is in that 32 to 33 feet. We could make squattier houses but you see older houses that are 5-12 pitch and they look old and out of style. So these have more typical standard eight to ten or twelve pitch and to do that we have a rendering that looks like that we need that extra two to three feet raising the floor level.

MR. BOEHNER: I have a comment on that you will need to check the definition of basement and cellar in the code because the square footage of your basement maybe considered movable floor area.

MR. SMITH: A part of it can be considered –

MR. BOEHNER: I can't tell from this drawing you need to check numbers to measure if you are within livable floor area.

MR. SMITH: As you look at the topography the footer levels would be above grade and the mini walkout would meet current egress standards. In the international code every basement requires egress so there is not much difference between a walk out and an egress. So you better check code because we are faced with whether it is a daylight window in the basement, door in the basement that is one way but one way or another the basement has to meet egress standards. So I would take issue if the walkout is any different than the current code requirements.

MR. BOEHNER: That is not what I am getting at the basement by our code maybe counted towards your livable floor space.

MR. SMITH: Well it couldn't be unless there is an egress.

MR. BOEHNER: Yes, you would have to have the egress that you are going to provide and the egress by itself doesn't necessarily say it is going to count as livable floor area. It is going to be how much of the basement wall is exposed so it will be a question of

MR. SMITH: So it will be a question of any movement area has to have egress and it will be a question of the size

MR. BOEHNER: Yes, I am just talking about zoning code and you are talking about a building code? They are two different things.

MR. SMITH: I would suggest that anything within the Brighton code has to start with the international code other wise

MR. CHAIRMAN: That is enough you can have an argument about that some other place.

MR. BOEHNER: We will.

MR. CHAIRMAN: Are there other issues?

MR. BOEHNER: Yes, I want to talk about the sanitary sewer easement proposed to be provided for the Midland Avenue area, you had mentioned that in your application and I know you had discussions with the town engineer regarding that.

MR. SMITH: We did have a number of discussions with Mr. Guyon, about some alternatives for providing sanitary sewer and he suggested looking at trying to get a gravity sewer connection and he had asked us to provide a profile to show that we could actually get to the end of the street. We did that and he indicated that was good that we could do that but he would like to take a look at have the ability to have a lift station to pump up to the street which would require an easement between 7 and 8. We discussed an easement between seven and eight which would be an easement that would allow a shallow sewer or forced main type because we couldn't have one that deep between two lots. Realistically that maybe the most practical here and some towns particularly in the finger lakes area in part use forced main systems which are essential ejector pumps on each house and fairly inexpensive and that would lead to the sanitary system where we would make a connection..

The alternative which we had on the plans was behind our lots and only before that became town parkland because once it becomes parkland we have an issue of crossing it.

MR. CHAIRMAN: Lets talk about the audit, phase 1 A.

MR. SMITH: We did a phase 1 A.

MR. BOEHNER: That is something we would want to review as part of the conveyance of the land.

MS. CIVILETTI: Do you have a traffic assessment?

MR. HUGHING: A traffic assessment was done at the previous application and it was a much larger layout. The impacts are much less now. We did address it and we have a supplemental document.

MR. CHAIRMAN: In the larger application had you done a tree survey?

MR. HUGHING: Yes we did a tree survey and that was based on the previous layout. They located about 1350 trees and with this new layout we had to go out and locate some more of the trees because there was more impact and I think the total was closer to 1500. We did discuss that and went through it with the Conservation Board the other night and they had asked us to identify on that plan that we had which trees were being impacted.

MR. BOEHNER: And your mitigation would be the conveyance of the parkland?

MR SMITH: We had conversations with the Conservation Board and we are going to identify more specifically which trees are affected on which lawn and the number that total 14 or 1600 which by the way are mostly Ash and Poplar trees and we are talking about using Brighton guidelines for mitigation but given the size of the lots and setback etc of what we are proposing is a couple of trees in the front and potentially hardwood in the back and a few trees specifically on the lot areas and then some trees in the storm water management area which would be off the top of my head more ornamental trees and hard wood in front and hard wood in the back and then a mixture around the storm water management facility and they clearly said at the Conservation Board meeting that they understood that we weren't going to replace trees one for one because of the low value of what we were taking down. So we will go back once we have an inventory of what was on each lot.

MR. CHAIRMAN: Thank you. This is a public hearing does anyone care to address this application?

MR. COFFEE: My name is Jim Coffee and my with me is my wife Karen and we are representing the very last house adjacent to the wetlands. I want to make a few comments one is a more local perspective we have been there for over 30 years. Historically the town accepted Persimmon (phonetic) park and met certain conditions one of which was the town needed open space and the other was they considered it environmentally sensitive wetlands. It met the criteria of the town and the town recognized how important this was as an environmentally sensitive wetland. Let me move forward a little bit around 2002 or 2003 we met with Mr. Keef and Mr. Boehner and they asked the state to recognize that this land had been recognized by the federal government as an environmentally sensitive wetland to be protected and the state went along to the very last step and all they had to do was amend the plans. And apparently it was too expensive to do and it never got done. If it had gotten done this project would probably have never been proposed

because 100 feet of restrictions would have to have been added. On the local level, we are the last house on Midland Avenue and the developers were very concerned about the water table and imagine how concerned we are on a septic tank on one of the last little pockets in Brighton. We are very conscious about the water table and have been for 30 years and we adjust our lives according to it. If this project goes in I know they said it won't affect the water table but I have watched that water table for years and it does funny things.

My house is built over a spring and it puts out over 2000 gallons a day straight out into the wetlands. It has dried up in the last 30 years twice. And when it dried up the first time and then started again it came out in a different place and then when it dried up again it came out in a different place. The water table is a very real concern for us. We are a little pocket of seven homes and we worked with Mr. Keef in 2005 to see what we could do about a sewer district and it was too expensive for 7 homes if we were 25 homes we could have afforded it. One of my neighbors who is here tonight would have to pay \$45,000 to have a septic go in there and what they did was they worked with an engineer and they brought it in from Clinton Avenue that was the way to adjust that.

Mr. Smith was very forth coming because I remember asking him point blank would you bring sewers with this project and he said it was too expensive and Mr. Guyon's has shown me that we are lower and with gravity it can't be done. So I guess as you consider this project would you consider protecting us out on Midland Avenue and put in forced mains and the water table does shifts for us so I know you can't guarantee that. Another concern is that the wetlands go right into the lots these homes are going on and if anyone were to drive down Willard and look they are full of trees and you can't build housing without knocking all the trees down and I wonder if there are safety protections for environmentally sensitive lands. I don't know if they are allowed to do that. I just ask you to consider that. Thank you.

MR. CHAIRMAN: Thank you and we appreciate your coming out. Is there anyone else that cares to speak?

MR. SPORTS: Good evening I am James Sports resident at 39 Willard Avenue and we are directly affected by this. I would like to thank Mr. Smith and Mr. Parone for their help. As you may recall we were here a couple of years ago with the original plan with 20 some homes and really not much has changed in our objections here even though they have remodeled that mass of 24 homes to this. As we mentioned at that time and it ws brought up in another context this is a very environmentally sensitive area as Mr. Coffee has so confidently discussed as far as water table and drainage. But is also one of the last real environmentally sensitive areas left in the Town of Brighton, even though close to the City line, relative center area of Brighton, if we keep paving over all of Brighton the water people are going to say 50 years from now what were we thinking when we keep paving over these sensitive areas.

When I went to the town a couple of years ago because they failed to repave Willard Avenue and Eldridge after they did Holland and they finally came in and did it but what they did was some testing first and what they informed us was this is Pinnacle Hill up here, Pinnacle Hill is a glacier of fill and what they found was the reason we are having difficulty with that street being maintained was the underground flow from the glacier fill of Pinnacle Hill comes right down basically through my driveway and Casandra and a lot of houses have suffered a lot of wet basements and the land is unstable already and we are on the upper side of this. This area here is actually lower than what we are. So the question is this the best use of this land. Now very graciously Mr. Smith offered to transfer the balance of his property this area here to the Town of Brighton to be added to Persimons Park which would be great but was the question already brought up –

MR. CHAIRMAN: Direct your questions to the Board.

MR. SPORTS: So that is the first question does the Town even know that this is being offered to them and are they amenable to accepting the responsibility of this because there is responsibility in fact before this plan is approved I would challenge the Planning Board to put on their mud boots and take a walk through this land because it is extremely dense and it is an extremely swampy wet area. I will say that all the deer, raccoons, woodchucks and all the other animals that live there would love to have the land donated to the Town of Brighton there are a lot of residents there. I would also ask what improvements of Willard Avenue will Willard Avenue be expanded and widened as it was supposed to be in the first proposal. What amenities would there be if stores were brought in and how would they handle the elevations coming up. This is a very steep drop from Highland down to where the beginning lot 8 is and in fact the Town has to salt every day during the winter just that short section has a very steep incline and the rest of the street levels out. There is a very steep incline both by Willard, Howland and Midland. Of course as Mr. Coffee brought up there is the question of lot 6 and 7 in here actually encroach upon the designated Federal Wetlands what protection is there for that designated wetland.

One major change that was made affecting these lots is that all lots 2 through 7 now are proposed to actually be what would have been two street lights all the way from Willard to what would have been Midland to what would be allowed to extend through so there is a double street there as opposed to what was there. If you want to get an idea of what the area is like just walk down Howland Avenue and almost every house is completely flooded right now. And Howland is actually above these areas. There is just no soil drainage in this area at all in this whole area. I have been in my house for 38 years so I have a vested interest in this and the trees they won't have to do a tree study because the winds lately have ripped a lot of huge trees right out. The wind storm affected this area and that is how indicative of how a lack of depth of soil is. You will see that their root systems were holding onto nothing. And building the foundations of these houses up would create barriers water barriers which would make drainage even more extensive into the back than it already is.

The bottom line is quite a few of my neighbors both on Midland and Highland and Willard and some on Howland, the consensus is we are all absolutely opposed to this development. Thank you.

MR. CHAIRMAN: Thank you. Is there anyone else that cares to speak?

MR. PROGO: Good evening Members of the Board, my name is Nick Progo and I live at 41 Midland Avenue. On the picture my home would be the one directly behind lot 8. I wanted to get back to one of the points that Mr. Smith made about value and kind of bring a little bit more context to the Board with respect to the value of the neighborhood. You might look at people like Jim Coffee and say the old man has been there 30 years and he just doesn't want any change. I have been there only four years and part of the value that drew me to this piece of property is the privacy and nature aspect you don't find anywhere else, in any similar type location. You can't really see until you see the for sale sign and walk up and say this is amazing. How can I be 8 minutes away from my firm downtown and then come home and have it look like this. I have lost a lot of my packages actually and I live at 3 Midland Avenue and when the guy finally creeps down a hour and a half later he goes inevitably "Wow, I never know this place was back here. I feel like I am in Bloomfield I don't feel like I am in Brighton at all." It is a very unique neighborhood.

So when you talk about traffic and trees providing very little value right here you have to imagine my wife and son Levi who is four years old hiking around and seeing that sort of privacy it is just unbelievable. And from a Zoning standpoint or a legal standpoint I don't know how to address the Board on any of those. But what I would ask the Board to consider at some level is some sort of privacy if this has to go forward to maintain some sort of privacy. I would be willing to offer up a portion of my lot to try to maintain some sort of landscaping boundary here which would maintain the integrity of the privacy of the

existing encroachment. Because if I have to sell which I hope I never have to do, I want that next person to come down and have the same experience that I did to say what a gorgeous, gorgeous piece of land on which to raise my child.

So with that, I will say one other point I also share Jim's concerns being on septic as well. From a value standpoint that has a huge impact on our property having a wet basement, a thoroughly wet basement all through the spring that definitively is not under estimated. I thank the Board for your time.

MR. CHAIRMAN: Anyone else care to speak?

MS. JURASIN: : I am Auraua Jurasin (phonetic) and I live at 57 Willard Avenue. This is my home and this is my wooded area and this is my yard. So I share the concerns of the folks that have already spoken about the water. Water is a big deal in our neighborhood. People have been saying we have wet basements but we don't just have wet basements. I have never been to a place before where the water bubbles up through the bottom of the floor. Do you remember the opening sequence of the Beverly Hillbillies where the oil comes up in bubbles. Well anyways if it were crude we would be rich but its water. These past few days it has been so wet it has taken three days to stop coming up through the floor we are very close to whatever mysterious underground river there is that is flowing in that area. Then you have concerns about what happens when you disturb the delicate balance with such things as clear cutting and regarding and drainage activities nearby. What happens to the existing properties the nearly century old properties that are already there and have abided for that amount of time. I am concerned.

How many of you have actually been to the site? Okay you have seen it and if you have been in there during swampy period where there are mosquitoes have a verosity I didn.t think existed outside of Florida but yes its our home. I personally want to pose a query

is the applicant prepared to indemnify the property the surrounding properties. Again since their will be changes to the water tables and the impact it could have on our properties and our property values. Or perhaps the town has an obligation if there is a liability the Town wishes to consider as we look at what happened to that entire parcel.

Secondly as the mother of small children, five and seven, who play in our yard I have concerns about child drowning factors. What are the proposal to make that safe or is there a structure that can keep children and animals out which is a retention which is what that looks like to me. I do want to echo the neighbors on Midland the guys who say every day I can't believe I live here. This is beautiful because I have a panoramic view of the forest and the deer who come and live in my yard. It's a beautiful neighborhood and I just don't know if the value will be the same if the view is of mansions instead of wild life.

MR. CHAIRMAN: Thank you very much.

MS. GRANI: Barbra Grani and I just purchased the house on Highland Avenue last year and I would just like to speak on the water table. I have walked around all the neighborhoods and I really think that this warrants a study in terms of times of year, water depth and water flow and an engineering study before this is allowed to be approved. That is all I am asking and I just wish for you to please do your homework and make sure because once this goes through we can't change it. And I think we all know that water takes its own path and it will go to the lowest level. Midland is a low level. I am not personally threatened by a wet basement but I hear that people are and I know that is real and it is true and in walking through there at different times of the year please pay attention to that. Thank you.

MR. CHAIRMAN: Thank you for coming out. Does anyone else care to address this application?

MR. GREENE: My name is Jeremiah Greene. I live at 200 Howland Avenue. I bought the house right around three years ago and when I purchased the house there was a letter that I

received from the developer about very detailed information about what they were planning and Ramsey that was a very different plan. So I am coming here tonight to try and figure out what exactly was going on and I just challenge the Board and ask the Board whether or not there is going to be any sort of additional required community outreach describing the plan in detail with diagrams given out to any impacted residents in this area aside from the notification we received from the town and notifications that were posted in the newspaper I am not sure that vague wording reached everyone in the area. So I would like to see a little bit more outreach to the residences that are going to be impacted especially around Howland and Midland area and any of the other streets in the area before a decision is made here. Is there any sort of requirement here now?

MR. CHAIRMAN: You are at it.

MR. GREENE: This is it.

MR. CHAIRMAN: And final.

MR. GREENE: I would also like to challenge as some of the other residents said if you all did walk out there I don't think the shoes you are wearing now would be appropriate.

MR. CHAIRMAN: You can tone down the rhetoric to us. We are serving the residents of this town and we don't need you to come in here and challenge us.

MR. GREENE: I apologize for that I just –

MR. CHAIRMAN: You have done your homework and you know what you want and you know what the zoning is. And you need to understand this. We do our job by advertising these hearings and we have done our job and it is your job to come out not to challenge us.

MR. GREENE: I apologize for that. I didn't mean any disrespect.

MR. CHAIRMAN: It came off as disrespect.

MR. GREENE: And I apologize for that.

MR. CHAIRMAN: We are volunteers and we serve the interest of the entire town.

MR. GREENE: I appreciate that and I hope you take into consideration what everybody has said here today.

MR. CHAIRMAN: We will. Thank you very much. Anyone else?

MR. DUEKER: Leith Dueker I bought my home at 721 Highland Avenue a year and a half ago and while I may not have done my homework I wasn't aware of all of the developments going on. Many of my neighbors do and they are well versed in the considerations that are before the board today. Specifically the impacts you may well have, it seems to me that many of you maybe civil engineers and have background in consideration of drainage and how to build a home and how to build a neighborhood and that is all really important and I really hope this board is comprised of people that are smarter than me. When I look at development there is land and people who are paying for this land in terms of taxes and I have looked at the map and tried to figure out comparatively what they are paying for their land and I pay for an empty lot right next door. Right here and so in terms of financial impact that they pay for the land it is inconsequential. They want to develop land to build homes and by and far that is what we do here. I just think we need to make sure that if this is what is going to proceed that it is done in a responsible fashion.

I received notice on Saturday and that's my fault for not knowing what is going to happen today. I did receive notice in the mail that said this is what is going to happen. I said, "wow we have been talking in general for about a year and a half" as soon as I moved in and he says if anything happens I will let you know. I went next door and

said did you hear about this and so we walked around and I walk my dogs and it really is quite a neighborhood. And depending on what time of year it is really pretty or you get bitten by mosquitoes but it is going to be a real challenge to develop this land because it's grade is coming right down here which is probably why they put in the retaining water area. And I don't know who maintains that I think maybe you guys are alluding to the responsibility being upon you to maintain this which is not going to be cheap. I imagine anything that happens to that is going to be on our community.

MR. BOEHNER: There would be a drainage district for those houses.

MR. DUEKER: Would that include Jim's or other neighbors right in there because that is a real consideration and I just had my first born son a few months ago and that is literally right down the road. Now what I tell them it is a dead end street go ahead and play on that because you don't want to be playing on Highland Avenue. There is a big pond at the end of that and no guarantees of protection for my son. So all I am really asking you guys to do and I know you are volunteers who live in the same community as I do and your interest is putting yourself in my position saying if I was a new member of the community and I just moved into this neighborhood what are the smart questions that you would ask and not challenge you not to do it but if you are going to do it do it in a responsible fashion. So that is my only request.

MR. CHAIRMAN: We will keep the hearing open and we are going to take a five minute break. The public hearings are closed.

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(Five minute break)

#### NEW BUSINESS

4P-NB1-17 Application of 293 A Aiden Road, LLC, owner, for an Advisory Report regarding rezoning/incentive zoning for the construction

of 11 one-story duplex town homes, and a 4-story 80 unit apartment building, and a 2-story 9,600 sf commercial building on property located at 1201 Elmwood Avenue, known as Tax ID # 136.14-1-1.2 and 136.14-1-1.3. All as described on application and plans on file.

MR. DUBNER: Leith Dubner (phonetic). The property is comprised of approximately 27.5 acres, ten of those acres are in the Town of Brighton and the balance in the City of Rochester. The Brighton property is currently zoned RLB and the incentive zoning process will be RHD 2, high density residential. The property is encumbered by a significant number of both existing and non-existing easements. What I mean by that when New York State owned the property this was a zoned a psychiatric hospital and the remainder was the campus and the DDSO formerly developmental property from Westfall Road.

With that in mind when the state developed all of this land all of the utilities were incorporated in fact some of the senior utilities that exist on the site continue to serve the Monroe Developmental property and went across the canal. So the existing utility and easement map we had a request by the state to separate from the existing conditions map those easements that actually exist because it was confusing. We have provided the proposed easement that was actually accurate. The state never recorded the number of easements that they had proposed at the time they sold the property to a private buyer from whom we purchased the property. So that's been amended. We have them as an addendum on the website we provided. My point is look at the map on our website and we will submit hard copies and we have separated those from the city and we will be happy to share that with the Town of Brighton. The only one that affects the Town of Brighton is the trump sewer that runs along the property line and it is not on an easement. The county and the state never coordinated to create an easement and part of that is to grant an easement for that. In addition there is a storm drainage that serves the city and goes to the DDSO property along the southeast corner of the property.

So with that back ground what we are trying to portray in addition to the dual municipality and those existing easements and utilities a number of those utilities can't be done away with because they still service the psych center. And the irregular shape of the property we had some real challenges over the past seven years trying to get a design solution the way we would have ordinarily done had we not had those limitations. The process we have gone through to date and we have submitted those simultaneously to the city and the Town includes seven neighborhood informational meetings and they were attended by approximately 100 people and we have done mailings and emails and we have had good input from everybody along the way.

So this was the first concept we worked with Both the city and town staff and I am not going through the composition of it all but I will point out two things of what the proposal is. We were concerned from day one about the traffic impacts of our development and with that in mind we were looking for an additional means of access. So this plan predicated any additional access being required and as you can see we had Elmwood Avenue and Xavier Road traffic signal as a primary entrance to the site and through the course of time we were able to achieve an access easement for Science Parkway which is currently a cul de sac that terminated at the intersection of South Avenue just before East Henrietta Road. And that is a public roadway and will be connecting with our road way which will be private and that will have sidewalks as well. We are not only looking to have vehicular activity but also linkage activity for cycling and pedestrians. In addition to that in working with our neighbors at Breakstone and the Town and we became aware of a cross access easement that the town required when Brickstone was rezoned similar to out project of RHD 2 with incentive zoning so we integrated that in our design as well.

So we had those three points as well of vehicular access as well as an existing roadway access through the DDSO property to Westfall Road which terminates at Westfall Road and Sawgrass Drive. Let me clarify one thing while we don't have a legal agreement for that existing roadway we have had conversations with the State who still owns the property and their intent is to put the property up

for auction in the next two or three years and they have had preliminary contact with the Town and we offered to enter into an agreement and at this point in time and they are reluctant to do that because they felt that the buyer may not want to have that connection to our property and the DDSO property is wholly in the Town of Brighton and my inclination would be that the Town would look seriously at that development with that connection in mind as being beneficial to the Town on both traffic fronts. There is no assurance of that but it is our hope that that will be the case when it comes on the market and gets redeveloped.

It has taken some time to get all that accomplished and we found that our DEC Army Corp permit for the wetlands at the south east portion of our property is going to be expired this past January. So we had redelineation done last year and submitted it to the corp again and got a determination from the corp and the DEC and those documents are in our package as well. The net result is pure and simple the shape of the building that we had on that portion of the site previous to this while the wetlands did not decrease it shifted and of course shifted the one hundred foot buffer along with that caused us redesign the back of that building but it still has the same number of units and the same height but instead of the T there is an L shape because that storm water easement I mentioned to you earlier is right there. So our limit of development of this site in this configuration is right here. So the composition of this project in Brighton is a proposed two story commercial building which will be neighbor oriented services and maybe offices or retail and might be residential on the second floor and it is going to be a matter of what commercial use that would service the neighborhood that we can attract. And the intent is all the commercial area we are proposing will be neighborhood oriented servicing not only for our neighborhood but the City and the Town of Brighton.

Along the east property line we proposed 11 buildings that are one story duplex units very similar to the nature of what they have done with Brickstone and they will be compatible with that larger denser development. The city portion of the site at the south east end of the property we have proposed an eighty unit four story building

that would require incentives for its height above the 40 foot limit to 49 feet as well as a four story as well as a three story. And we then have other incentives related to the 11 one story duplexes which would have two car attached garages. They will all be two bedrooms similar to what was done at Brickstone we had to compress the space and we only have a one hundred foot strip along this portion of the Brighton property of which roughly 30 feet will have to go to the easement because we didn't have it installed completely parallel into our site. There will be incentives for commercial use as well. The commercial building will comply with the height so it won't need incentives for that. On the Rochester portion would you like me to go through that?

MR. CHAIRMAN: Just go over the incentives overall context.

MR. DUBNER: The entrance is at Xavier Road and Elmwood Avenue. We have a two story commercial building of 12000 square feet at that point the two story commercial building will have about 7,000 square feet here. We are trying to keep the scale down to a neighbor scale. This is a 110 room hotel proposed and we have been approached by a couple of national firms but we have not made a decision about the flag we would go with. The historic building as you can see is roughly in the position of the existing 17 foot tower and there is a study that we had one of the architects do that depicts the relative height of the existing tower to our proposed building we are talking about and that is 244 feet and our proposed building will be 130 feet.

MR. CHAIRMAN: You are not using any of the old building it all comes down?

MR. DUBNER: No, we have to abate it and dismantle it basically because of the nature and location of the asbestos in the building. We have to basically deconstruct. This is roughly where the two story commercial building will be in the Town of Brighton. So the building will be where the existing towers were and designed to be staggered from 6 stories facing Elmwood Avenue up to 12 stories at the

rear portion. These lines are indicating the six stories and the back portion the 12 stories has the roof top terraces both for the community space and the individual tenant. It will have a center court yard, swimming pool and cabana. And two levels below the building below the apartments will be a parking garage one grade below and the other at grade and the at grade will be these three sides of the building. Access below the building is on the west side and access for the ground level will be here and the reason we couldn't get both of those below grade is because we have a very sensitive geo-tech program where ground water was encountered and we have to keep it one level above for a total of 203 parking spaces within that building's garage and there are 320 units of apartments within the building and that will have a section of floor connecting to the community building which is also two story of roughly 18000 square feet .

So we have a variety for out tenants both for residents of this large building which we call building A and for the folks in the ranch duplexes and the other two buildings on our site. The community building will also have an outdoor swimming pool and tennis courts. The boiler house is in this location serves building A and the community building, and building C which is a five story 100 unit apartment building will be a little bit more contemporary in nature in the interior motif of the units . They will have a one level parking garage sub-terrarium for it with 60 foot parking spaces there and the remainder of the surface parking will be within the city portion and shared among all of those uses. The same is true for the commercial building in the Brighton portion, we basically used the off site parking of the zoning code to accommodate the necessary number of parking spaces in the hotel parking area and we fit them in around the commercial building because of the cross access to the Brickstone property. A view from Elmwood Avenue looking into the large building building A would be modifying the pedestrian cross walk signal at the main entrance creating a wider throat.

So we have a medium landscape area down the center for a drop off area which would be a two story spaced as you enter the building you can see through that space into the court yard and then you can step up to go towards the back portion of the

12 story portion here and there will be one of the commercial building on one side and the hotel on the other side. I think that covers what the elements are and the due diligence of the Town and City staff and administration history of the traffic concerns for this site in both the city and town neighborhoods so we finished a traffic impact study after some of our neighborhood meetings and once we developed that we expanded it to some alternative analysis and there has been some concern about the traffic light and it might be better repositioned at Goodman Street. WE located the light at Goodman Street and DOT informed us we couldn't have a light at both.

So on our website we have a comprehensive photo analysis that shows all of the city requirements what is required and what is proposed for the Town and the combination of the two. Once we did the traffic analysis with the alternatives we submitted that to DOT for their review. Their review was also studied by the city traffic engineers and their findings were that there wasn't a warrant for a traffic light. They felt it was acceptable to leave the traffic light where it is. One of the reasons we did look into moving the traffic light was looking at where that would occur immediately adjacent to Monroe County pure waters and sewer pump station which while not unattractive is not where you would want to put a major development in however indigent to that the geometry of that we are on top of the cross easement that the town required of us for vehicle and pedestrian to encourage our folks to walk on both the Brickstone property and vice a versa and in addition to that we didn't feel it was good to have the primary entrance to the project going on to a roughly 1800 foot straight run way of road.

We intentionally did our study in Rochester to do the counting and we submitted both to the city and Brighton fire department to find out what are the largest vehicles that use that and we designed all the road ways and parking lots to accommodate the emergency fire apparatus .

Lastly on the Brighton portion of the site we will be dedicating this conservation easement and all of the

wetland and wetland buffer to the Town of Brighton and areas contiguous to that and if DEC will let us link up our trail way through that wooded area to what is Brickstone now. And the last point Highland crosses along the front of our property and heads back down this portion and around ultimately through DDSO property and the DDSO property crosses over at Sawgrass Drive to the canal. I guess that is it a lot of background and detail and I will be happy to answer any questions you may have.

MR. CHAIRMAN: Thank you. We are missing a few of our members tonight and we agreed at our meeting ahead of this it is not to dwell on some of the procedure aspects of this at this time but we did want to start putting together the outline of our advisory report on this and so what we do on this case is go around to each member and use this time to ask questions or state what we would like and ultimately ask you to look at it as the application progresses and then we will start to assemble that advisory report and present to the other board members that will be back next month presumably and begin to get that document into the Town Board. With that James do you want to start?

MR. WENTWORTH: What is the total number of units that you are proposing for the parcel?

MR. DUBNER: The total number of units are 522 and 102 will be in the Town of Brighton and the remainder 420 in the City.

MR. WENTWORTH: The other question is the Highland trail along Elmwood is there provisions for future two way bike lane and then pedestrians? The City is doing one right now between Wilson Blvd and Hope and it is going to be on the south side of Elmwood as it approaches Mount Hope and the intention was to connect it in through Brighton eventually. That is what I have been told.

MR. BOEHNER: What is the width?

MR. CHAIRMAN: It is usually ten and then you have pedestrian parallel right next to it.

MR. WENTWORTH: The bike lanes are at least 4 feet each way and then ideally there is a 2 foot buffer at a minimum and then five foot pedestrian.

MR. BOEHNER: Okay.

MR. DUBNER: I don't know the answer to your question there is an existing sidewalk along the south side of our property that comes across our property and like the plan I see here Highland is crossing across the field in a southerly direction to the width of ten feet at that point.

MR. WENTWORTH: So we have five feet for green space buffer for storage and then a sidewalk so you would have 15 for that so 20 feet. I am just wondering obviously it doesn't sound like there has been any discussions with Brighton and probably not the city.

MR. BOEHNER: There hasn't been. The project is pretty far down the road and it's the easement widths are not wide enough for what you are talking about.

MR. DUBNER: In terms of frontage of our property there are sanitary sewer and utilities currently existing in the first 40 feet of our frontage, one of which is on a recorded easement today and as best as our engineers can determine they fall within that 40 feet and they meander for Highland across the trail and I think we will be clear of those utilities if they were to look at making it wider for the Track and that could be a challenge for everybody.

MR. WENTWORTH: Actually it wouldn't it happens all the time just tear it out and put it back in. We don't usually get this kind of connection to do early enough on. We just need to get everybody on the same page. I heard it was along the south side of Elmwood there is a lot of residential businesses and things that make it difficult and we are dead nuts up against the Hilton Garden Inn In college town but its working.

MR. CHAIRMAN: Take a look at the study and it may not be ten feet.

MR. DUBNER: Well any time you have a bike facility its either shared use or you segregate pedestrians from them and then the bikes need two way space.

MR. WENTWORTH: Otherwise it looks great and I love parcel A.

MR. DUBNER: Thank you.

MS. CIVILETTI: Visitor parking with the residential units in Brighton I think it jumps out at me if each unit has a two car garage it doesn't seem to be too many opportunities there other than a spot in front of the garages?

MR. DUBNER: The garages are side loaded except for one building and where there is shared common drive there is a bock u spot in between the buildings that has the depth of a parking space so we have the capacity to park two cars in the driveway as well as that back up space without encumbering a common portion.

MS. CIVILETTI: I guess I am a little disappointed with that understanding the utility and the municipality boundaries that you are dealing with the overall plan both town and city doesn't – it just seems fragmented to me and I guess it isn't part of our preview but that is my initial reaction to it.

MR. DUBNER: To be honest with you if we had a blank pallet we probably would have done things differently. The 100 foot strip that runs along the east property line in addition to the constraints of the Iola trump sewer on the front side and that is why we need an incentive for the setback there. Working with R G & E they mandated that we have the transformers ten feet away from the front wall of the building. Ramsey if you remember we had a staggered effect of those units previously and once we got down to the nitty gritty about our utility requirements we had to straighten those out. I don't think any of us can do that.

MR. BOEHNER: Will people be able to park on the road in front of those units?

MR. DUBNER: We would prefer not as a private road way in Rochester New York and with the weather Sawgrass Drive is a good example. We maintain the Sawgrass driveway in its entirety we plow at 5:30 because the staff at the surgery center arrives at 5:30 in the morning and we have a snow plow going on that early in the day not only that early but during the course of the day so you have a problem with saftety with people parking there all day.

MR. OSOWSKI: I was going to have the same question to have on street parking but have it like the Town of Brighton from November to April after 2 a.m. and 6 or 7 a.m. you can't park on the road to allow for snow plowing.

MR. CHAIRMAN: Anything else? I would say the mix seems good, the parking for Brighton is good, I am starting to understand why we don't have an entrance at Goodman and the traffic signal relocated . When you get down to the final details I know they involve the city but I think things like the sidewalks crossing driveways to the town houses in Brighton that the sidewalks cut right through the driveway and you have probably looked into the continuous curb and you

just drop curbs at the driveway rather than continue on. I guess you are including street lighting and street trees everywhere, parking seems to be behind things, other spots where it is not but for the most part it is. I think as you go forward to color the lines of the utilities that you are dealing with. So you have that first drawing that shows the existing conditions with the utilities and showing the lines or easements helps you to see why you put what you did where. I think as you go forward we will see why the buildings are where they are.

MR. DUBNER: We were requested by the city to separate the existing conditions from the easements and we have done that and you will be receiving that. One thing I didn't mention is the city is requiring bicycle storage and we have carried that on to Brighton as well.

MR. CHAIRMAN: Do you see parking spaces cut back on surface parking if that is a way we are going in the future?

MR. DUBNER: One of the things we are looking forward to is because of the walkability of this community we are going to find people who won't have a need for a car and again the means by bicycle travel will be a way to cut down on vehicular traffic.

MR. BOEHNER: Have you talked to RTS?

MR. DUBNER: We have and we have provided RTS with a traffic impact study and I am pretty confident that once the project gets more final RTS will come on site as they do for Sawgrass Drive. We are looking forward to the project and we appreciate your time. Thank you.

MR. CHAIRMAN: Thank you.

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## OLD BUSINESS

3P-02-17 Application of Gallina Cambridge LLC, owner, for Site Plan Modification to install a 45KW diesel sandy emergency generator on property located at 1892 Winton Road South. All as described on application and plans on file. TABLED AT THE MARCH 29, 2017 MEETING – ADJOURNED TO THE MAY 17, 2017 MEETING AT APPLICANT'S REQUEST.

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## PRESENTATIONS

NONE

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## COMMUNICATIONS

Letter from James Wentworth, University of Rochester, dated April 6, 2017, requesting adjournment of the South Campus Signage Plan to the May 17, 2017 meeting.

Letter from Jacqueline Menges, Project Expediters Consulting Corp., dated April 12, 2017 requesting adjournments of application 2P-02-17 to the May 17, 2017 meeting.

Letter from David Prizzi, Environmental Design & Research, dated April 12, 2017, requesting adjournment of application 1P-NB1-17 to the May 17, 2017 meeting.

Letter from Anna Marie Finnegan, Gallina Development Corporation, dated April 13, 2017, requesting adjournment of application 3P-02-17 to the May 17, 2017 meeting.

## PETITIONS

NONE

SIGNS

NONE

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11P-03-16 Application of Alice Kanack, owner, for Final Site Plan Approval to construct a 4,485 +/- SF building addition and to add 47 parking spaces on property located at 2077 South Clinton Avenue. All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED to the April 13, 2017 MEETING AT THE APPLICANT'S REQUEST.

7P-NB1-16 Application of Alice Kanack, owner, for Preliminary Site Plan Approval to construct a 4, 187 +/- sf building addition and to add 47 parking spaces on property located at 2977 South Clinton Road All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED to the April 13, 2017 MEETING AT THE APPLICANT'S REQUEST.

MS. CIVILETTI: I move to close the hearing.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: 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 entire building shall be sprinklered as proposed.
2. The project shall be reviewed by the Brighton Fire Marshal. All comments and concerns of the Fire Marshal shall be addressed.
3. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
4. Parking agreements with other properties shall be maintained to ensure that parking does not take place on roadways.
5. All existing trees to remain, including any to the south of the building, shall be shown on the site plan with species and caliper. Tree protection shall also be shown on the site plan for existing trees to remain. - 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.
6. Maintenance of landscape plantings shall be guaranteed for three years.
7. All Monroe County and NYSDEC comments shall be addressed.

8. The entire proposed sidewalk on South Clinton Avenue should be located within an easement to the Town of Brighton
9. The entire building shall comply with the most current Building and Fire Codes of New York State.
10. 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.
11. Meet all requirements of the Town of Brighton's Department of Public Works.
12. All Town codes shall be met that relate directly or indirectly to the applicant's request.
13. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
14. 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.
15. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
16. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
17. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
18. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to landscaping, storm water

- 19 mitigation, infrastructure and erosion control. The applicant's engineer shall prepare and itemized estimate of the scope of the project as a basis for the letter of credit.
20. Prior to the issuance of any permits, the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
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.
22. Any proposed signs shall require additional approval. Only business identification signage as allowed per the Comprehensive Development Regulations (CDR) is permitted. The signage must be reviewed and receive all necessary town approvals prior to installation. Please note the free standing business identification signage is not allowed by the CDR.
23. All existing trees to remain and proposed trees shall be shown on the site plan. Common name, species, planting height (evergreen), caliper (deciduous) and quantity shall be provided for each proposed tree.
24. If proposed a dumpster or exterior refuse storage area shall be shown on plans. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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4P-01-16 Application of Wegmans/Saunders Sawgrass LLC, owner for Extension of Site Plan Approval (2P-03-16) allowing for the construction of a 3 story, 55,000 +/- sf medical office building located at 158 Sawgrass Drive, known as Tax Id #'s 149.06-1-5 ?BR and 149.06-1-5./RH All as described on application and plans on file.

MR. WENTWORTH: I move to close the public hearing.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

SEQRA

The proposed project does not materially change the environmental impacts, identified by the Planning Board its original review and approval of the Project under SEQRA. The proposed project is consistent with the Planning Board's Findings Statement for the Project under SEQRA.

CONDITIONS:

1. Site Plan Approval shall expire on April 20, 2018. No further extensions can be granted.
2. All conditions of approved Planning Board application 2P-03-16 shall remain in effect and must be satisfied.
3. All buildings shall comply with the most current Building & Fire Codes of New York State.

4. 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.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town Codes shall be met that related directly or indirectly to the applicant's request.
7. All outstanding comments and concerns of the Town Engineer shall be addressed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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4P-02-17 Application of Kathryn Greene, owner for Site Plan Modification to connect the front parking areas of properties located at 2140 South Clinton Avenue and 2150 South Clinton Avenue. All as described on application and plans on file.

MS. CIVILETTI: I move to close the public hearings.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MS. CIVILETTI: I move that the

application be approved based on the testimony given and 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. A new or revised cross access easement shall be provided for the new connection between the properties. A copy of the filed easement shall be submitted to the town.
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 applicant's request.
4. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
5. The following comment of the Conservation Board shall be addressed.
  - The tree earmarked for removal on 2150 South Clinton Avenue should be replaced or replanted (if possible) elsewhere on the site.

6. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
7. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.]

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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.4P-03-17 Application of Lac De Ville Office Owners Association, owner, for Site Plan Modification to expand the parking area to add 16 parking spaces on properties located at 1944-1996 South Clinton Avenue. All as described on application and plans on file.

MR. WENTWORTH: I move to close the hearing.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move that the application be approved based on the testimony, given plans submitted and with the following Determination of Significance and conditions:

#### 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 Meet all requirements of the Town of Brighton's Department of Public Works.
- 2 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 3 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
- 4 Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
- 5 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 6 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 7 Two separate spaces located at the South Clinton access point shall be straight to be consistent with the other spaces and the depth of the medium should be reduced.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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4P-04-17 Application of Main Street Logistics, owner and MacKenzie Carlson and Lisa Chinappi, lessee for Conditional Use Permit Approval to allow for a bakery/coffee shop on property located at 125 White Spruce Blvd. All as described on application and plans on file.

MR. WENTWORTH: I move to close the hearing.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. OSOWSKI: I move the Planning Board approves application 4P-04-17 based on the testimony given, plans submitted and with the following Determination of Significance and conditions.

#### 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. Permits may be required from the Town's Sewer Department and from other jurisdictional agencies. The applicant shall contact the Brighton Sewer Department to discuss the requirements for a grease trap.
2. Prior to commencement of operations, an Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585 784-5220)

3. Hours of operation shall be limited to 6 a.m. to midnight unless further approval for extended hours has been granted by the Planning Board.
4. All requirements of the Building and Fire Codes of New York State shall be met and all required building permits shall be obtained.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. All requirements of Section 203-74.B3 ( restaurant regulations) , 203-74B.4 (outdoor dining regulations, 207-14.1 (waste container and grease/oil container standards), and 207.14.2 (supplemental restaurant regulations), as well as any other pertinent sections of the code shall be met.
8. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
9. Signs shall required separate review and approval.
10. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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4P-05-17 Application of Genesee Reserve Supply, Inc., owner, for Site Plan Modification to replace an existing 4,170 sf storage facility with a 10,000 sf storage facility on property located at 200 Jefferson Road. All as described on application and plans on file.

MR. CHAIRMAN: I move to close  
the public hearing.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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MR. WENTWORTH: I move the application be approved based on the testimony given and plans submitted and with the following Determination of Significance and Conditions.

#### 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. Cut sheets and a lighting plans shall be submitted to the Building and Planning Department for any proposed lighting. Planning Board approval may be required.
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 applicant's request.

4. All requirements of the Town and New York State regarding sprinklering of the building shall be met.
5. A building permit shall be obtained.
6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. All required variances shall be obtained.
8. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
9. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
10. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
11. The gravel shall be placed between the building and the property located to the south.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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4P-NB1-17 Application of 293 A Aiden Road, LLC, owner, for an Advisory Report regarding rezoning/incentive zoning for the construction of 11 one-story duplex town homes, and a 4-story 80 unit apartment building, and a 2-story 9,600 sf commercial building on property located at 1201 Elmwood Avenue, known as Tax ID # 136.14-1-1.2 and 136.14-1-1.3. All as described on application and plans on file.

MS. CIVILETTI: Tabled as presented based on the testimony given and plans submitted. Additional information is

Requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
2. All buildings shall comply with the New York State Uniform Fire Prevention and Building Code.
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 applicant's request.
6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. 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.
8. 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.

- 9 Maintenance of landscape plantings shall be guaranteed for three years.
- 10 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.
- 11 Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
- 12 All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshall shall be addressed.
- 13 Drainage and sanitary sewer districts shall be established or extended as part of the project subject to the requirements, review and approval of the Department of Public Works. Petitions accompanied by a map and description shall be submitted to the Department of Public Works for processing.
- 14 The storm maintenance facility shall be constructed on its own lot giving public access to the parkland to be conveyed to the Town at the developer's expense subject to the requirements, review and approval of the Department of Public Works.
- 15 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.

- 16 Fire hydrants shall be fully operational in accordance with the New York State Building Code during the construction of the buildings.
- 17 The indicated road improvements shall be constructed to specific Town standards at the expense of the property owner and dedicated to the Town of Brighton.
- 18 All County Development Review comments shall be addressed.
- 19 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 20 All easements must be shown on the subdivision map with ownership, purpose, and liber/page of filing with the Monroe County Clerks office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
- 21 A letter of credit shall be provided to cover certain aspects of the project, including but not limited to demolition, 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.
- 22 The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
- 23 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.
- 24 Erosion control measures shall be in place prior to site disturbance.
- 25 The proposed includes approximately 8.6 acres of open space – 7 acres of which will become dedicated parkland to the neighboring Persimmon Town Park and 1.6 acres will be placed in conservation

preservation easements. The Town Board must approve the conveyance of the proposed parkland and easements. The plans do not show the proposed location of the conservation preservation easement. Both the subdivision map and site plan must be revised to show the location of the easement. Prior to the parkland and easements being conveyed to the Town, the applicant must provide an Environmental Audit for the property.

- 26 The bulk area requirements must also be shown on the subdivision map. The bulk requirements must be revised to show the minimum/ maximum requirements for each lot.
- 27 The first floor elevations have not been provided on the site plan. The site plan shall be revised.
28. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on site plan must be submitted to confirm the proposed height of the structure complies with the 30' height regulation.
29. The cover letter submitted with the application states that a. The location of the proposed sanitary sewer easement will provide future access to sewers for Midland Avenue is not shown on the plans. The subdivision map and site plan must be revised to show the location of the easement.
30. A drainage district must be formed to provide revenues to insure the maintenance of the storm water management improvements. Additionally, easements must be provided to permit access and the ability to maintain the proposed stormwater management facilities. In lieu of an easement the large stormwater management facility at the southern end of the proposed roadway could be located on a Town owned parcel
31. The Brighton Consolidated Sewer District must be extended to encompass the proposed lots.

32. A 20 foot wide sanitary sewer easement should be provided between lots 7 and 8 to accommodate a future sanitary sewer extension to the east. Sewer service to the east will likely require a pump station on multiple grinder pump stations. It may also be appropriate to provide and easement that will accommodate a gravity sewer connection.
33. The following conservation Board comments shall be addressed:
  - a. The Board applauds the use of green infrastructure techniques throughout the subdivision.
  - b. Tree survey should include condition of trees and worthiness for protection. Also show those trees to be removed (possibly by showing the proposed tree clearing line on the tree inventory plt) and total number of trees to be removed.
  - c. The applicant is using cluster development to limit the unavoidable loss of a portion of the woodlot. However mitigation is still required and may include additional tree plantings on each individual lot; and
  - d. Clarify the conservation easement area that encroaches onto lots 2-7. Can this area be removed from the lots and added to the parcel conveyed to the Town? If not, what other means of protection are available?
34. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon, Town Engineer, to Ramsey Boehner, shall be addressed.
35. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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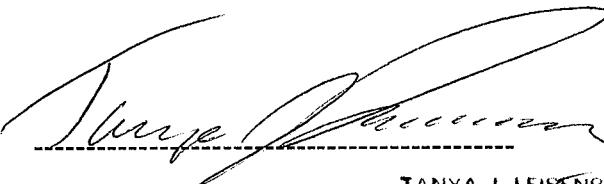
## C E R T I F I C A T I O N

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the April 13, 2017 meeting of the Town of Brighton's Planning Board at 2300 Elmwood Avenue, Brighton, New York, 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 1 day of May in the year 2017, 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 acknowledges to me that she executed the same.

  
\_\_\_\_\_  
Notary Public

TANYA J. LEISENRING  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01LE6312991  
Commission Expires October 14, 2018