

Proceedings held before the Planning Board  
Brighton at 2300 Elmwood Avenue, Rochester, New York on June 21,  
2017, at approximately 7:30 p.m.

PRESENT: William Price  
David Fader  
Justin Babcock Stiner  
James Wentworth  
John Osowski  
Laura Civiletti  
Daniel Cordova

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 June 21 2017 meeting of  
the Town of Brighton's Planning Board to order. We will approve the  
May minutes in July. Mr. Secretary, were the public hearings properly  
advertised.?

MR. BOEHNER: Yes, they were properly  
advertized in the Brighton Pittsford Post of June 15, 2017.

MR. CHAIRMAN: I have a few adjustments to the  
agenda. Application 6P-03-17, 4P-NB1-17, 5P-NB1-17, and 1P-NB1-  
17 will be adjourned to the July 19, 2017 meeting at the applicant's  
request. The remaining hearings will now be held.

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6P-01-17 Application of Paul Viele, owner, for Preliminary/final  
Subdivision Approval, Site Plan Approval and conditional Use Permit  
Approval to combine two lots into one and construct a 2,866 +/- sf storage  
building addition on properties located at 39 and 55 Southern Drive. All  
as described on application and plans on file.

MR. MCMANN: Good evening my name is Greg McMann from McMann and LaRue Associates. We are the engineers for Paul Viele who is also here tonight. This project on Southern Drive involves the construction of an addition warehouse space and the combination of two lots into a single lot. When combined lot is just a shade under three quarters of an acre. The existing warehouse is shown along the west property line of the project. The new proposed warehouse space is just to the east of that and there is an existing home with its driveway located on the property. There were two variances required and we have been to the Zoning Board on the variances for setback and for density and were granted those and again this is for Site Plan Approval and Subdivision the combination of two lots.

MR. CHAIRMAN: Can I ask a question about parking. Was your variance for the building within the setback or for the parking.

MR. MCMANN: The varianc was for the building setback.

MR. BOEHNER: Did you talk to Al?

MR. CHAIRMAN: Paul talked to all about the parking and the conversation Paul relayed to me was that they had talked to Paul and it was from what he understood from Paul was about a handicapped parking space.

MR. BOEHNER: Yes, and we didn't have enough information to determine if parking was being provided in total. Number one is that you don't have a handicapped parking spot and two we need a breakdown of employees because one thing on this says employee on site and then you have a square footage requirement of one space per four thousand. I think the only thing is that Paul was trying to get you to look at that and come in address it.

MR. MCMANN: Paul maybe you want to talk a little bit about how the business functions.

MR. VIELE: Paul Viele, property owner. The way I understood the application when Al filled it out was what was the maximum number of employees or employees that could be on site at any one time which would be one. But it is strictly warehouse space so there won't be anyone back there constantly. We take all the inventory over there and go back and retrieve it as necessary. There is nobody in that building.

MR. CHAIRMAN: So you have one employee that would be on the site at any given time.

MR. VIELE: Right, like tomorrow we have snow plows that we will shutter over to the ware house and bring it back over as we need it.

MR. BOEHNER: So if I understand this creates a problem that is added to this project that you will have to verify this and is the handicapped space in the loading area?

MR. MCMANN: We can add a handicapped space and strip it accordingly. We have the area to do that in. It is not an issue and we can designate where there is loading. Right now the material is brought right in to the warehouse.

MR. BOEHNER: So we will need a revised drawing to meet the parking requirement for that spot.

MR. MCMANN: Yes, it is going to add one handicapped spot labeled and the front of that building as a loading area.

MR. BOEHNER: I think based on the testimony I am hearing I think you need a total of 3 spots and you have two now -

MR. MCMANN: We have two on it now and we will add one space that will be stripped for handicapped parking.

MR. BOEHNER: You can do that by keeping it out of the front setback?

MR. MCMANN: That is correct.

MR. BOEHNER: Have you gone to Architectural Review Board yet ?

MR. MCMANN: No, that is in July next month.

MR. BOEHNER: Is this building going to be the same as the existing?

MR. MCMANN: Exactly.

MR. CHAIRMAN: You have made application to the Architectural Review Board?

MR. MCMANN: Yes.

MR. CHAIRMAN: All other conditions are the same you have not made any changes?

MR. MCMANN: No.

MR. CHAIRMAN: Any other questions?  
Ramsey?

MR. BOEHNER: All set.

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

Demolition Review and Approval. Site Plan Approval and EPOD (steepslope) Permit Approval to raze a single family house and construct a 5,648 +/- sf single family house with a 900 sf attached garage on property located at 250 Old Mill Road. All as described on application and plans on file.

MR. CLARK: Good evening John Clark DDS Engineers on behalf of Tim Fournier, owner of the subject parcel. With me to night is Jack Secrest the Architect on the project. The parcel is located at 150 Old Mill Road and its a 1.7 acre parcel. This is an existing home and existing driveway on the site. There are existing utilities that currently service the property and there are some steep slopes on the property in the back of the existing building. The existing drainage flows from the north east corner down to the south west corner. The soil on the site is sandy and gravelly. We are proposing to construct a new 5,600 sf residential home the home will be attached to where the existing utilities are moved and stubbed. I believe we can use the same system and just attached it to those utilities. All the requirements have been met and there are no variances to be sought after for the project.

There are some trees proposing to be removed. There are located in the back portion of the home in order to put the new house in and have the slope we are proposing to take down a few trees. The existing home will also be raised for the building and driveway and the utilities will all be taken out. The trees we have hired an arborist to come in and review the site. There are currently 129 trees on the site and we are proposing to remove 10 and an arborist report was submitted to the Conservation Board and I have a copy of this as well. The report states that all the trees being proposed for removal do have a blight and are compromised and the recommendation is for removal and during the Conservation Board meeting that was agreed to by the Board.

The home we had discussed the review that was done on the interior of the home and the report has been submitted to the Town. There was only one item that had any asbestos related to it and it was the black spray that is on the bottom of the sink, underneath the sink. So it was asbestos related and there is only about 9 percent content but obviously that sink will be removed and disposed of properly. I spoke

to Paul yesterday and submitted the asbestos and the geo tech report.

MR. BOEHNER: Okay so he just got those?

MR. CLARK: Yes. He understand there are steep slopes on the site and we are trying to minimize and impacts to those with removal of the existing home and the addition of the new home. We are providing one on three slopes. We did have a geo tech engineer come out and tested the soils and he concurred with our layout and slopes and does not have any concerns with the steep slopes that are presently proposed. The proposed drainage we are trying to do exactly what is out there today. Today there is a catch basin in the front yard to catch the drainage from the driveway and pipes it along the south side of the house and the back yard and the roof drains are all connected to underground pipes that also lead to the rear of the yard. That is the exact same drainage pattern we want to stick with. We will have a catch basin in the front to catch the run off from the driveway and all the roof leaders will be piped to the backyard. Right now we have them out letting to daylight in the back in the small rip wrap areas. And it is out understanding that we need to provide some green infrastructure so we are going to work with the Town Engineer to make sure that we get something in there that is satisfactory. Something that is subsurface we would like to do like a drywell, seepage beds something that is not a ponding effect.

The southern lot line there was a comment at the Conservation Board meeting about drainage perhaps moving to the southern property adjacent to us. So we fixed that along this property line. We have put in a defined swail along that property line that catches that run off that comes down that slope. We have introduced a couple of retaining walls in that area to help with the garage egress door in this location and we also needed to bring the grade up into the rear of the home to meet the height requirement to avoid a variance. There are a few decorative retaining walls back there and it also helps with providing enough room to make sure the water stays on our site.

So far we have attended work shops meetings with the Town back on May 11 and ARB on May 23 where we

received approval and the Conservation Board on June 13. I have not seen a formal comment from that meeting. I do know they had questions about lot lines to the south which we have addressed and the green infrastructure for the drainage pipes leading to the rear of the property. So we are certainly on top of those. We have not received any comments from the Town or the County as of yet and we understand a letter of credit will be needed and we certainly will provide that as soon as we get through all the comments. Preliminary and final approval fees have been paid. Steep slope fees have been paid and demolition fees have been paid. We are here seeking Preliminary and Final Approval. With that I will be glad to answer any questions?

MR. CHAIRMAN: Have you made application to the Preservation Board?

MR. BOEHNER: They are on the agenda. They were held over for further research at the last meeting and they are going to be heard tomorrow night. That is a thing that has to be resolved.

MR. CLARK: Understood.

MR. CHAIRMAN: Other than that this is the last thing you need for approval?

MR. BOEHNER: Depending on what happens you have to have ARB approval to issue the demolition approval.

MS. CIVILETTI: When was the existing structure built?

MR. CHAIRMAN: Back in the 1930's I believe.

MR. CLARK: I do have that information, 1952.

MS. CIVILETTI: What were the existing trees to be removed? You said they had some sort of blight?

MR. CLARK: I don't know exactly what the conditions are but there are some ash trees there about 5 or 6 and I believe there is an oak tree, a cherry tree and a pine tree. They do go into detail as far as what effects there are on those trees.

MR. CHAIRMAN: Have you started any kind of landscape design to look at how to provide additional trees for those that are coming down.

MR. CLARK:: There are 129 trees on the site.

MR. CHAIRMAN: And the 129 trees are all tied up in that rear property line versus the ones in the back yard.

MR. CLARK: We do have a tree survey plan now that will be resubmitted. So there is quite a few trees in this area And I am not sure what the future plans are for the area directly behind the house. They may not want trees in that area because they might want a pool one day. At this point he is not exactly sure what he wants to do. He won't know for a fact until he gets in there and sees what he has.

MR. BOEHNER: That is a comment of the Conservation Board to consider planting the few trees to mitigate the loss. Those are comments in our packet.

MR. CLARK: Again I am finding it hard to find a place to plant on a site that has 129 trees. It certainly meets code requirements. One of the trees he is trying to keep is a very large tree that is along the side of the house here and we want to maintain the grade along the northern portion. So there is a tree over there and he is very interested in keeping that there. It is a very large and attractive tree and he is looking to keep that one for sure. That is in the side yard. There is additional trees in this area and additional trees in this area. There is not a whole lot that you can see from the street as it is.

MR. CHAIRMAN: We find it hard to believe someone is going to build a 5,600 sf house without putting



landscaping in and all we are asking you to do is replant what you are taking out.

MR. CLARK: I can talk to him and see what he wants to do.

MR. CHAIRMAN: I might make it a condition.

MR. CLARK: So landscaping is flowers and bushes?

MR. CHAIRMAN: No, we are talking about the trees you are removing and trying to compensate for the loss of that.

MR. WENTWORTH: I have a question about the swail on the south property line. You have what looks like two feet between the western corner of the retaining wall and the property line and it looks like The inflexion point for the swail is between contours 452 and 458. Is the well on the neighbors property line.

MR. CLARK: We have changes that plan since the Conservation Board's comments. We have now adjusted that and pushed it further toward the new home. So now we have quite a bit more room and the revised plan shows the dedicated swail to achieve what they are looking for.

MR. WENTWORTH: You mentioned it but I didn't see it.

MR. OSOWSKI: How balanced is the cut and fill?

MR. CLARK: Right now we area trying to get it balanced as much as we can. We may have to bring some in. There is quite a slope and we are trying to push the house back on the property and it required a little bit more fill than we wanted.

MR. OSOWSKI: I see there is a generator pad. Do you propose to put in a back up generator?

MR. CLARK: Yes, I wanted to show it on the plans but I don't know his exact plans.

MR. BOEHNER: Make sure it is on the approved plans.

MR. OSOWSKI: What will be the fuel, diesel or natural gas?

MR. CLARK: I am not sure but it will have to meet town code.

MR. CHAIRMAN: Okay this is likely to be tabled is that understood?

MR. CLARK: Yes, thank you.

MR. CHAIRMAN: Thank you . This is a public hearing is there anyone who wishes to address this application.

MS. SPENCER: Sandy Spencer. I am a neighbor and I am wondering if there is going to be fill. That is my understanding. There was going to be fill put in. Is that what you all understand?

MR. CHAIRMAN: We did ask the engineer does this site balance that means are you going to bring in dirt Or are you going to cut from one part of the site and fill in another part of the site. His response was we are trying to make it balance. That doesn't imply bringing in dirt. What is your concern over bringing in dirt? It is a good question.

MS. SPENCER: Well it is a very small area And I think it is important to know how much dirt they are going to bring in. And my sense is to build a bigger house there, there is not much space

before there is a big drop off. My understanding is they are going to be bringing in a lot of fill. I am just asking about that. Are you bringing in fill?

MR. CHAIRMAN: I believe they will probably bring in some fill, When they come back we will have a better understanding. Thank you.

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6P-03-17 Application of Jerone Koresko, Sr, owner, and Dr. Indra Quagliata, contract vendee, for Final Site Plan Approval, Final Subdivision Approval and Demolition Review and Approval to raze a single family house, combine two lots into one and construct two 7,000 s +/- sf two stor y office buildings with related infrastructure 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. POSTPONED TO THE JULY 19, 2017 MEETING AT APPLICANT'S REQUEST.

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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 – POSTPONED TO THE JULY 19, 2017 MEETING 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. TABLED AT THE APRIL 13, 2017 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE JULY 19, 2017 MEETING AT APPLICANT'S REQUEST.

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5P- NB-1-17 Application of Brighton Volunteer Ambulance, owner, for Preliminary Site Plan Approval to construct a 6, 875 +/- sf building addition ( of which 3,960 sf is garage area) on property located at 1551 Winton Road South. All as described on application on file. TABLED AT THE May 17, 2017 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE JULY 19, 2017 MEETING AT APPLICANT'S REQUEST.

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6P-NB1-17 Application of Mamasan's Monroe , LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file.

MR. MCMANN:

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. TABLED AT THE APRIL 13, 2017 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE JULY 19, 2017 MEETING AT APPLICANT'S REQUEST.

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5P- NB-1-17 Application of Brighton Volunteer Ambulance, owner, for Preliminary Site Plan Approval to construct a 6, 875 +/- sf building addition ( of which 3,960 sf is garage area) on property located at 1551 Winton Road South. All as described on application on file. TABLED AT THE May 17, 2017 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE JULY 19, 2017 MEETING AT APPLICANT'S REQUEST.

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6P-NB1-17 Application of Mamasan's Monroe , LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file.

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MR. MCMANN: Good evening  
Greg McMann from McMann and Larue and also here this evening is Randy Peacock who is the project architect, and Adam Frosino with McFarland Johnson, traffic consultant on the application and the owner Bea Walters. We are here tonight for our application for Preliminary Site Plan Approval for a new restaurant to replace I guess what I will refer to as the existing Pizza Hut on Monroe Avenue where we are requesting Demolition Approval and Preliminary Site Plan Approval. At this time the intent is to demolish the existing restaurant and construct a new restaurant for Mamasans when they relocate out of the building they have sold across the street. This incorporates a drive-thru pick up window and a patio for outdoor dining. The patio is on the front and parking for the use and a number of seats. The site will utilize the existing sanitary sewer connection and there will be a new larger combination of water main

brought in to provide both domestic and fire protection for the new building. We have taken into account what maybe a future connection across the back of this property. We have indicated a cross access easement that will be provided to the Town for the eventuality of some day in the future. But at the present time this Site Plan authorizes the existing entrance out onto Monroe Avenue both to provide right and left turns out and right and left turns in and any concerns Adam can certainly address those. Again this is for a new building and the demolition of the existing structures. We have a drive-thru and pick up at the rear of the building and bringing the vehicles along the south side of the building and backing out very similar in layout to the Dunkin Donuts. I am not trying to compare building to building but traffic flow and parking it is a very long narrow lot and the layout is very similar to Dunkin Donuts layout. I will let Randy talk about the building.

MR. CHAIRMAN: Randy if you have a floor plan we are having a hard time understanding this whole concept and if you would have a floor plan and how Mamasan's functions as a drive thru. There are no examples that I am aware of and I want to understand how this will work.

MR. PEACOCK: Randy Peacock, 79 Lyndon Oaks. The intent is to operate this as a pick up for customers. She has a large volume of people who call orders for food that come in and pick up their food. Right now they have to pull up and walk in and pay for it and come out. The intent is to do this primarily to run this in that manner where you call and pull around and pick up your food at the window. I have spent many hours at Mamasans and it is rare that somebody comes in and their food isn't ready for them to pick up. So The possibility is vibrant for that. She would have somebody pull up to the window and Bea does want to reserve the possibility of putting a menu board in. So that she could offer some of her dishes as a take out.

She has done this in the past where she had a small business right at City Hall down town and it was a little tiny spot and they offered seven or eight dishes for a lunch menu where everything is precooked and you can pull up and it just gets served into a container and out the window. Initially she is not going to do this menu board she

wants the ability to do that as a means of augmenting this business. I just want to say Bea has been collecting signatures of patrons here and customers of the restaurant over the past several months asking them to sign an agreement to urge you to consider allowing you do this operation in this manner. There are people who come in to pick up food and they have signed this and they have comments and contact information on here. Everybody has addresses and I will be happy to leave this with you.

MR. BOEHNER: Are you submitting that to us?

MR. PEABODY: Yes. You may have them. The restaurant is going to run like a regular Mamasan's and Bea is looking at reducing the amount of service and staff that she has in the restaurant. It has become difficult to manage the service staff. So she wishes to reduce the size of Mamasons number one and number two she wishes to have the parking lot here and a small dinning room on the front and a small terrace there. The kitchen is all on this side of the restaurant so everything flows through the kitchen and it is set up so she can be the sole contact point at the entrance to the restaurant as well as running the cash register which she does now. And on this side here there is some storage and bathrooms.

MR. CHAIRMAN: So how many seats do you have as a comparison.

MR. PEABODY: There are 72 seats in the restaurant right now and Mamasons has 120.

MR. CHAIRMAN: So getting back to the operation side I guess we have your explanation of the operation of going in and picking up at the window but we didn't perceive the menu board and being able to pick up that quickly from Mamasan's when there is a pretty nasty cuing going on if somebody has ordered for twelve people.

MR. PEABODY: I don't think that will work. The intent here is to solve the problem of people coming to her

restaurant for a large number of orders at lunch time and they trickle through out the day up to dinner time. And at dinner time she has a flood of orders that come in via telephone and it is very convenient for people heading out eastward on Monroe Avenue and they are crossing the lanes to come in and pick up their take out and continue on their journey home.

MR. CHAIRMAN: So now we transition from the operation and the number of seats – well let's deal with parking first, Greg maybe you want to pop up and speak to parking. Are we at a point where 72 seats are we confined to 72 seat or is there some other way based on gross square footage.

MR. BOEHNER: We don't show that if we go by seats it meets the parking requirement if you are going to calculate it by area by the gross square footage of the building. I couldn't understand the math when I did the math there is something wrong. If you use the entire structure which includes storage area and offices or whatever is in that restaurant –

MR. MCMANN: Can we use area method with one space per 100 square feet of gross floor area .

MR. BOEHNER: Yes but you are going to need to double check that for me and make adjustments or add that to the list of variances that you need.

MR. MCMANN: We will double check that but we had come up based on our calculations we had come up with 42 spaces and we provided 42 spaces on this plan.

MR. BOEHNER: I was coming up with 44 and 45 and again I didn't have your numbers and that is something you will have to verify.

MR. MCMANN: We can take a look at this and I know we don't want to tie this in with the other project across the street but if some day there is this connection going across the back there will be a net gain in parking spaces on this property. Understanding also



That those parking spaces aren't necessarily dedicated for business that they are built on but again there is that potential that may help in the future. What I am trying to deal with right now is the property as it exists.

MR. BOEHNER: And I am just trying to clarify this.

MR. MCMANN: And we can certainly do that.

MR. BOEHNER: What variances are you applying for?

MR. MCMANN: That was a discussion we were going to have after this meeting. I believe a fence variance. Now we previously obtained a variance for the fence when we were going to rehab the old building. And I mentioned that when we were discussing that on the phone with staff and they were considering whether that variance still held or were we going to have to apply for that.

MR. BOEHNER: I can check your expirations dates, I know some have expirations and some of them are going to before you get the project off the ground. You will need to check those dates and determine if you want to add that to your variances you need to go for.

MR. MCMANN: We are going to need existing coverage of the site right now which is 70 percent and code has it as 64 percent and with this project it is going to be 71 percent. So we will be coming in for a coverage variance and we will also be coming in for a rear setback for parking.

MR. BOEHNER; Is that one foot?

MR. MCMANN: Yes.

MR. BOEHNER: How about side setbacks. Is it 4.3' on the one side and 4 feet on the other side.

MR. MCMANN: Yes, right now the drive-thru lane is 4 feet off the property line.

MR. BOEHNER: We will need a setback variance for that too.

MR. MCMANN: I believe there were four variances that I listed.

MR. BOEHNER: You will have to check that and figure out the parking too.

MR. MCMANN: We have to look at that and assemble that. We also need to obtain Architectural Review Board Approval and Randy has got to check with Paul and see where we stand with that.

MR. BOEHNER: Have you applied?

MR. PEABODY: I have not applied yet. I guess I want to check with Paul.

MR. BOEHNER: We can double check for you.

MR. MCMANN: We are early in the process here but we are going to be following this meeting by applying for the e variances and getting on board for the Architectural Review Board.

MR. BOEHNER: I just want to make sure we are on the same page here double check with Rick and check the parking just to make sure, you don't want to have to go back twice and check the dates for the approvals for the fence and you are suppose to see if you can still utilize that and when you are there you may want to ask for another extension for that.

MR. CHAIRMAN: Greg, let's just remind ourselves of the conditions on the prior approvals for the existing building and also the curb cut depending on what happens whether it is a right in and right out or that curb cut gets closed. I believe that if you pursue that as a condition as it is today without the adjacent project - but I think you are here to talk about traffic.

MR. MCMANN: Yes Adam can talk about traffic and he stands with the State DOT. I know as far as what the future might bring that the owner is certainly willing to go along with a right in and right out. As far as closing that entrance that is a problem.

MR. CHAIRMAN: Wasn't that a condition of the last approval?

MR. BOEHNER: It was either right in and right out or eliminating it entirely.

MR. CHAIRMAN: We are trying right now - I think from the stand point of reconfiguration. This is where the conversation gets touchy. We are going to approach this as if nothing else happening.

MR. PEABODY: That was a huge concern this last time around there was a caveat that you could ask to have this curb cut closed. We are looking at a presedent of purchasing the property and building another building here and closing the Pizza Hut. So there is probably a million and a half dollars into putting in a business on Monroe Avenue and somebody comes in and says you can't have a curb cut any more and nobody wanted to move forward with that hanging over them because it was a huge concern about the liability without having that access off the street. They have trucks coming in and delivering products to the restaurant and having the ability to curve back out even with the right out it works better rather than trying to turn around that big truck in that parking lot to back out.

MR. CHAIRMAN: We can appreciate that.

MR. FROSINO: Adam Frosino from McFarland Johnson Engineering. So our office performed a traffic analysis for Mamasans restaurant relocation. We looked at two alternatives showing that without the adjacent development full access with a single lane in and a single lane out operates almost identical to what is out there today. The important thing about that is that the two way left turn out lane that is out on Monroe Avenue that is out there today can be utilized by the driveway with a left turning out you are able to use that safety zone and then turning into the development also has a spot to get off the main line.

MR. BOEHNER: So you don't find the traffic congestion too bad for the drive-thru fast food restaurant.

MR. FROSINO: I'll go back a step and explain how we developed our traffic. A kit if tunes we use the IT Manuel to develop trip generation rates. Usually we use the best guess scenario but for this scenario it worked out really well when we have a relocation of a business we like to use actual traffic generated by the business and with a reduction in seats we didn't take any credit for that obviously. But there is a potential that traffic may actually decrease and then on top of the typical restaurant traffic the IT Manuel showed that if we use the drive thru facility there is two ways of calculating the fast food restaurant one with a drive thru and one without. And if you look at the nationwide statistics you have a range of 15 to 30 percent in increased trip generation as a result of having a drive thru. So we used that and went to the conservative end and used 30 percent of all the traffic currently generated by the Mamasans restaurant and drew all of the traffic by that 30 percent. So my previous statement about the results of how the impacts will be identical is assuming the 30 percent growth in travel.

MR. BOEHNER: So you did not use the ITE Trip generation numbers for a fast food restaurant.  
You made up your own numbers.

MR. FROSINO: Right.

MR. BOEHNER: Did you discuss this with DOT?

MR. FROSINO: DOT is in the process of reviewing this and we were told they would be getting back to us.

MR. BOEHNER: Because what you are creating is a full fledged drive way with 220 stacking line and your saying that one p.m. traffic in that area there is t adequate capacity and there is not a congestion problem out there as the work is proposed right now.

MR. FROSINO: I won't say there is not a congestion out there today but as a result of this development I am saying the development of this restaurant is not going to impact it and that is for this scenario without the adjacent development. The traffic entering and exiting with left hand turning lanes work there in two ways. The analysis shows the corridor to be safe and we don't see any risk of subsequent problems with the current scenario with the drive way and current amount of traffic proposed for this driveway.

MR. BOEHNER: What happens if it is done and we gave approval and it turns into a congestion problem.

MR. FROSINO: I would assume they would have to come back to the Planning Board.

MR. BOEHNER: Under what guidance? What happens if this changes to a MCDonalds?

MR. FROSINO: Let's play that scenario, the Town requires specific permits to change the use to McDonalds.

MR. BOEHNER: Not if you are operating under a Conditional Use Permit that runs with the land so you don't have to come in for a Conditional Use Permit. That is why I am trying to figure out how you will handle this drive thru with another business scenario. You will see a lot different stacking configuration. And that is why I am trying to understand. This is a drive thru at a pretty vulnerable spot and I am trying to get my arms around it. Have you talked to the State and where are they? That review is important and what they have to say about this.

MR. FROSINO: I have been nagging them to get a response by this date and they have drafted a letter but we are not prepared to issue an answer at this point.

MR. CHAIRMAN: We went from talking about the methodology on the traffic study under current conditions with a drive thru to Conditional Use Permits. What you are saying is you took the counts and I am assuming they are p.m. peak counts or lunch time counts of Mamasan's and you say you factored in or considered those numbers by 30 percent.

MR. FROSINO: That is correct.

MR. CHAIRMAN: So rather than just fundamentally using ITE traffic analysis for drive thru restaurants and that square footage you used Mamasan's actual numbers but pumped those by 30 percent?

MR. FROSINO: Correct.

MR. CHAIRMAN: So we would just want DOT to confirm that methodology that that methodology makes sense when you talk about the level of service after that. So I have a question for Ramsey. Ramsey I think the traffic report goes into DOT. It doesn't come from the Town. What is the obligation of DOT to review this under any scenario other than a SEQR referral. And I understand you are a nice guy and you have an application in and you sent it into DOT but what commits DOT to review your project just because you say you have a project. I would be more comfortable if it were referred by the Town. I am trying to get a firm basis for a good decision. So we can make those people happy.

MR. BOEHNER: You coordinate with the State that would be the only reason.

MR. FROSINO: Just so you know we did submit it to DOT two months ago.

MR. BOEHNER: If you do a coordinated review you can enter into a dialogue with DOT and ask them to comment.

MR. CHAIRMAN: That is a formal way of that interaction between the Town and DOT to be formalized versus okay we have a letter in the file that says that but that request didn't come from The Town. We need the process on this thing because of the sensitivity of Monroe and I think referring it under unlisted action under SEQR we have other steps to go through. I don't think this is going to add time as far as establishing lead agency. It all goes into the same package. So let's continue our discussion. What about the scenario with the development process ?

MR. FROSINO: So the second scenario reviewed obviously was a signal and an easement that would allow access to the drive in back to the access signal. With that scenario we would look at how to use that right in and right out as an access point and it would show that has no impact on Monroe Avenue traffic however the traffic that would be accessing the signal does have some increase in delays for the side street approach based on the fact that with the proposed adjacent development which is very sensitive it favors the DOT Monroe Avenue. So there is longer delays for the side streets and the additional left turn traffic turning out would trigger increased delays. And whether that is considered an acceptable delay I think this corridor is rather unique in that it creates a delay.

MR. CHAIRMAN: Is that a delay for through traffic or to your customer.

MR. FROSINO: It is more to the customer.

MR. BOEHNER: You are figuring that with the right in right out scenario?

MR. FROSINO: Correct.

MR. BOEHNER: Did you run a scenario with it closed?

MR. FROSINO: We did not that would just further exacerbate the situation. We are literally talking about adding 15 or 20 cars to that approach. Those cars have to wait. There are only so many cars that can get through on a cycle.

MR. BOEHNER: Do you have any concern about cars making a right hand turn out and in at that proposed signal, any conflict of having that right in right out and having people merge into traffic.

MR. FROSINO: Typically right in and right out don't you don't want them immediately adjacent to the signal but it is a fairly safe outlet. There is not many conflicts in movement. So my judgment is that it is a better alternative with the right in and right out at the proposed signal.

MR. CHAIRMAN: Did you have any information from across the street so you were able to add that in?

MR. FROSINO: That is a good point, our base point for the second scenario was for the build out scenario across the street and all of our background analysis was identical to what the other applicant submitted as their build out.

MR. BOEHNER: When you put the trip generation together and the numbers that you put together for the existing restaurant was that for lunch time and also p.m. peak?

MR. FROSINO: Correct. We looked at mid day, lunch time and p.m. peak and obviously at times the traffic was very heavy on Monroe Avenue and resulted in using peak times for the adjacent applicant as well.

MR. CHAIRMAN: Do those actually align or does Mamasan peak a slightly different time than the adjacent development.

MR. FROSINO: They align. We counted



A slight variation and we just used a a peak time that was 15 minutes off but they were close not an hour earlier or later. I think Greg described it well there are a lot of people coming in on their way home and call ahead to get their dinner. Their peak aligns with the roadway peak for cars.

MR. WENTWORTH: What about the Conditional Use Permit and if in the future this use is not there any more and the property could easily be converted into a fast food property. How are we going to be with traffic at that point since the conditional use rides with the property?

MR. FROSINO: Conditional use is based on the conditions presented by the applicant. What are you applying for just that the use is a restaurant?

MR. BOEHNER: You don't break it down by Chinese, Italian. X amount of seats, X amount of outdoor dining, hours of operation those are the typical things that conditions have to be met. Once you grant Conditional Use Permit I can't come in and say you serve different kinds of food you don't have the right to be there.

MR. FROSINO: Do you have the ability to put conditions on the Conditional Use Permit.

MR. BOEHNER: Up to a point, you can't tell someone how to operate their business.

MR. FROSINO: Can you tell somebody what level of intensity can be on their property?

MR. BOEHNER: The problem you have you can not tell them how successful they can or can not be and you also don't have the ability to have access to those records and you have to look at the enforcement of the matter also.

MR. FROSINO: Generally looking at the seats and square footage you are technically saying this particular configuration could do a volume of acts or a volume of tenants.

MR. BOEHNER: There isn't a condition that would allow us to define that some how because you have a drive thru lane and they are still proposing to meet code with that and they don't have a drive through window because they are going to have a full fledged menu. So it is difficult to control what she wants versus what could be happening on that property.

MR. FROSINO: We had a discussion on that and we said it has to be a drive up window because it's a drive up window.

MR. BOEHNER: You have to have a traffic analysis and give us the data. It isn't about design analysis and you can't say you don't need 120 stacking I only need 80 or 100 our data shows we may never need that. And I am not sure how to get at that.

MR. DOLLINGER: I want to look into it a little bit better. I was shocked about the Conditional Use Permit running with the land.

MR. BOEHNER: Either it works or it doesn't .

MR. DOLLINGER: I will look into it.

MR. BOEHNER: I do need to know what the State has to say about this because that has a lot to do with the design and layout of this. They could come back and say this could be a McDonalds or Dunkin Donuts for all I know or they could come back and say it has to be closed off and it they do is there a modification that can be made so it is not so intense.

MR. FROSINO: We should get a comment letter some time next week from the State.

MR. CHAIRMAN: And it could come back confirming some of your conclusions or they can also look at our way and say run it with more nationally accepted standards for fast foods.

MR. WENTWORTH: If they don't say that would you be willing to run the numbers and look at a comparison?

MR. PEABODY: Can I say something, Tim Horton's ran through it and they said they can't take it, particularly with the parking because the site is not wide enough for Tim Horton's. Their standard is to have perpendicular parking in the front of the building so the side is not wide enough for Tim Horton. They looked at it for 3 or 4 months and said it doesn't meet their standards. The property is just not wide enough and they went back and said why don't you buy the property next door and make it a little bit bigger for us.

MR. CHAIRMAN: We are trying to resolve this for this application. You see it from your side to get the leverage that you want but if the Condition Use does run with the property we can see your property owner seeing that as an advantage some where in the future and saying I have a restaurant approved property here. So we might ask you to run the numbers just to be thorough on this. We will do some work in regards to legal usage and the issues surrounding the Conditional Use. I think that Randy was saying you can shorten up the drive way so it can only be a pick up. Therefore if you were going to use it for something else he would have to come back for that approval.

MR. BOEHNER: I was going to ask you and it is something you don't have to answer it now. Is there a way you can make it only a pick up window.

MS. WALTERS: Bea Walters, owner. Hi you all know me. I have been in Brighton for 14 years and I love being here and I love that you guys support me. I want to work and be with you. When I broke my hip I said maybe I will change the operation, how we operate and the work would be okay with my situation. And I think talking about the drive thru window my food is not like McDonalds and the proof is this didn't fit them and Kentucky Fried Chicken wanted it bigger. So I know none of them want to come to my place. When I was lying in the hospital they approached me and said it was not right for them. So I feel that property is not fit for Dunkin Donuts or anyone else.

I assure you I will run this corporation and I will build it the way I want it.

MR. CHAIRMAN: We appreciate your point of view. And we do have to look at a broader context that is all we are trying to do.

MS. WALTERS: I just want to make a little money to pay taxes and everything else. I am one person as a property owner. I hope my customers will take on more orders to go. You never know but they may say I want to sit down. But if something changes I hope we are able to add on a menu board and be able to give them their order right away and be faster for them. Thank you.'

MR. BOEHNER: I have one more question will this restaurant wait on or service tables?

MS. WALTERS: I have a difficult time getting employees. It is just my husband and I. I use to wait on tables now with my hip broken it might be 50/50 as to how I am able to wait on tables and with the drive thru that is a way to save time and money. It costs to get people to work for me. I have a hard time to get people to work for me today and with my hip I can't walk very fast and my husband has to clean tables and that is why I am thinking of closing earlier. Thank you.

MR. CHAIRMAN: Thank you. As a summary here we have to look at the legal aspects of the Conditional Use. And the issues with that. Adam we will ask you to run a traditional ITE on traffic. Greg and Randy I think there are variances to apply for and during that time frame we will coordinate a review on the traffic. So we can get through SEQR. We are confident on the traffic. I think we have heard the answer tonight and I think it sounds like your option is to close the curb cut but I am not sure what we are going to do. So I think we have a path to move this forward.

MR. PEABODY: Thanks a lot we appreciate your time. Is there anybody who wants to speak to this? Okay we will move on.

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OLD BUSINESS

3P-02-17 Application of Gallina Cambridge LLC, owner, for Site Plan Modification to install a 45KW diesel standby emergency generator on property located at 1892 Winton Road South. All as described on application and plans on file. TABKED AT THE MARCH 29, 2017 MEETING – ADJOURNED TO THE JUNE 21, 2017 MEETING AT APPLICANT'S REQUEST.

MR. GALLINA: Rob Gallina representing Gallina Cambridge LLC for a Site Plan Modification to install a 45K diesel standby emergency generator at 1892 Winton Road. My latest response was to the town engineer about a memo dated March 13, 2017. So I believe you all have copies of that. I provided Gallina Cambridge's response to that memo in addition to a letter from Kessler Incorporated (phonetic) from the manufacturer rep stating that the noise level is now in compliance. A sheet was originally submitted along with pictures of the enclosure put up to assist with those decimal levels to conform with the Town Code.

MR. CHAIRMAN: When you asked Kessler to help you with the readings, is the person who signed for this a professional engineer.

MR. GALLINA: I can't answer that.

MR. CHAIRMAN: A couple of basic things, when you do these things they want it to be done by a professional engineer with equipment that is identified and calibrated properly. I think the only thing that is a little bit surprising is the effort that you went through to build a wall and it didn't yield a lower density. You built the wall and it is right at the maximum density.

MR. GALLINA: We are prepared to do some kind of sound installation to further relieve that obviously we are so close we didn't take that step.

MR. CHAIRMAN: Our understanding from this point there have been no complaints from any of the adjacent neighbors to the sound. I will tell you with regards to approval we will probably build in something that says that 72 decimals needs to be maintained over time. We will ask you to add another layer on the inside or put boards back up but we are going to make sure you maintain that. And that will be triggered by the neighbors.

MR. WENTWORTH: In two of the photos you are putting it on a line to verify that is an accurate reading and that is kind of hard for us to know if that is correct.

MR. GALLINA: We took it off both corners.

MR. WENTWORTH: We are taking your word for it because you don't have a professional licensed engineer saying that is the way it should be. So I am just concerned about that.

MR. BOEHNER: How tall is that structure?

MR. GALLINA: Six foot.

MR. BOEHNER: It is not a fence it is an enclosure and enclosure is not under the same conditions as a fence. Why didn't the board run all the way down to the ground?

MR. GALLINA: There is a bit of a grade change there and we had to run it on a level plain so the generator sits on a pad. We proposed for it to be higher as opposed to following the grade of the slope.

MR. CHAIRMAN: Does anyone care to address this application. Thank you very much.

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PRESENTATIONS

NONE

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## COMMUNICATIONS

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated June 12, 2017 stating that the Commission will not schedule a public hearing to consider landmark status for 2735 Monroe Avenue.

Letter from David Prizzi, RLA, Environmental Design and Research dated June 15, 2017 requesting postponement of applications 1P-NB1-17 and 6P-03-17 to the July 19, 2017 meeting.

Letter from James Wentworth, RA, University of Rochester, dated June 19, 2017 requesting postponement of the U. of R. Campus Sign Plan to the July 19, 2017 meeting.

Letter from Thomas Fromberger, MRB Group requesting adjournment of application 5P-NB1-17 to the July 19, 2017 meeting

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6P-01-17 Application of Paul Viele, owner, for Preliminary/final Subdivision Approval, Site Plan Approval and conditional Use Permit Approval to combine two lots into one and construct a 2,866 +/- sf storage building addition on properties located at 39 and 55 Southern Drive. All as described on application and plans on file.

MS. CIVILETTI: I move to close the public hearing for application 6P-01-17.

MR. OSOWSKI: 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 Architectural Review Board approval shall be obtained.
2. Plans shall be revised to show handicapped parking. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by the Secretary of State pursuant to section one hundred one of the Executive Law.
3. Warehouse parking space requirements (1 per 4, sf plus 1 per employee on largest shift) shall be met along with parking requirements for the residence.
4. The following comments of the Conservation Board shall be addressed:
  - Consider planting a few native trees on site to help mitigate the loss of greenspace.
  - Encourage the use of green infrastructure techniques.
  -
5. There shall be no outside storage without further approval.
6. All subdivision filing requirements of the Town of Brighton's Department of Public Works shall be met.



7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. Meet all requirements of the Town of Brighton's Department of Public Works.
9. The project and its construction entrance shall meet the New York State Standards and Specifications for erosion and Sediment Control.
10. 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.
11. 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.
12. Maintenance of landscape plantings shall be guaranteed for three years.
13. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
14. The parking lot shall be stripped as per the requirement of the Brighton Comprehensive Development Regulations.
15. Fire hydrants shall be fully operational prior to and during construction.
16. All County Development Review Comments shall be addressed.

17. Erosion control measures shall be in place prior to site disturbance.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
19. The applicant shall contact the Brighton Fire Marshal. All outstanding comments and concerns of the Fire Marshal shall be addressed.
20. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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6P-2-17 Application of Tim Fournier, owner, for Preliminary/Final Demolition Review and Approval. Site Plan Approval and EPOD (steepslope) Permit Approval to raze a single family house and construct a 5,648 +/- sf single family house with a 900 sf attached garage on property located at 250 Old Mill Road. All as described on application and plans on file.

MS. CIVILETTI: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determinaotn 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. The existing house shall be reviewed by the Historic Preservation Commission.
2. The following comments of the Conservation Board shall be addressed.

- Representation by the design engineer would have been beneficial to help explain details of the project including stormwater discharge.
- It appears stormwater from the site is directed toward the property to the west.
- What kind of ground cover and other techniques will be used to help stabilize the steep slope.
- Verify that the site meets the minimum number of trees required by code.

3. The Steep Slope Environmental Protection Overlay District boundaries shall be shown on the plans.
- 4 Staging and soil stockpile areas shall be shown on the plans with required erosion control
- 5 Corner ground elevations shall be provided on the site grading plan and on the architectural elevations.
- 6 The houses on either side shall be shown on the site plan with finished floor elevations of both.
- 7 The site note for lot width shall represent the measurement across the lot at the 60' required front yard line.
- 8 The geotechnical engineer shall be retained to confirm his initial findings from grading or footer excavation. Any changes in the geotechnical engineer's assessment shall be provided to the Town and any requirements of the town based on the assessment shall be met.
- 9 The project shall be submitted to Monroe County for review. All comments and conditions of Monroe County shall be addressed.
- 10 Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.

- 11 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 the appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
- 12 The applicant shall review the site plan, architectural elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Architectural elevations showing the height of the structure in relationship to proposed grade as shown on the approved site plan, and including ground elevations at the house corners, shall be met.
- 13 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-3 are met.
- 14 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 15 Meet all requirements of the Town of Brighton's Department of Public Works.

- 16 The project and its construction entrance shall meet the New York State Standards and Specifications for erosion and Sediment Control.
- 17 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.
- 18 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.
- 19 Maintenance of landscape plantings shall be guaranteed for three years.
- 20 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.
- 21 Fire hydrants shall be fully operational prior to and during construction.
- 22 The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
- 23 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.

24 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.

25 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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6P-NB1-17 Application of Mamasan's Monroe, LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file.

MR. CORDOVA: I move that the application be tabled 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. An operational permit shall be obtained from the Town Fire Marshal( Chris Roth 784-5220)
- 2 The entire building shall comply with the most current Building & Fire Codes of New York State.
- 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 the 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 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.
- 12 The parking lot shall be striped as per the requirements of The Brighton Comprehensive Development Regulations.
- 13 All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshall be addressed.

- 14 All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
- 15 All County Development Review Comments shall be addressed prior to final approval
- 16 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 17 All easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
- 18 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.
- 19 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-3 are met.
- 20 The proposed building shall be sprinkled in accordance with Town requirements.
- 21 Prior to any framing above the deck, and instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.



- 14 All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
- 15 All County Development Review Comments shall be addressed prior to final approval
- 16 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 17 All easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
- 18 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.
- 19 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-3 are met.
- 20 The proposed building shall be sprinkled in accordance with Town requirements.
- 21 Prior to any framing above the deck, and instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.

- 22 Erosion control measures shall be in place prior to site disturbance.
- 23 The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimension provided on those plans agree with one another.
- 24 Elevation drawings showing the height of the structure in relationship to proportions grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 25 The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
- 26 The location of the HVAC shall be shown on the site plan.
- 27 All new accessible parking space signage to be installed or replaced shall have the logos 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.
- 28 The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton's Architectural Review Board.
- 29 The Conservation Board is concerned that the quantity of plants shown in plans material list property reflects with the plants shown on the plan, verify new proposed plant counts. The site plan should be revised.
- 30 All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day 1/2 hour before the business is open to the public and to terminate 1/2 hour after the close of business.

- 31 Paragraph 201.16B(1) of the Code of the Town of Brighton states, "Where deemed appropriate and feasible by the Planning Board, Zoning Board of Appeals, or authorized official, across access easement shall be required to connect the parking areas between two or more adjacent lots. Cross access easements shall be considered when reviewing proposals for new development, changes of use or any site modifications". A cross access easement shall be provided. A sketch plan should be provided showing cross access to the adjacent parcels. The sketch plan shall be reviewed and approved by the Town Engineer. The approved easement shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
- 32 Paragraph 201.16 B (3) of the Code of the Town of Brighton states, "Where appropriate along highways containing strip development, the Planning Board, Zoning Board of Appeals or authorized official may identify existing curb cuts that are to be removed or replaced with cross access easements prior to approving an application for a proposed development or a change of use". When the secondary access to Monroe Avenue becomes available as part of a future access management plan for Monroe Avenue, the Planning Board requires that the existing Monroe Avenue access drive be modified to a right in and right out configuration or be eliminated entirely. All requirements of the NYSDOT shall be met.
- 33 The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 34 The location of HVAC and vents shall be shown on the site plan.
- 35 All requirements of section 203-84B.3 (restaurant regulations), 203-84.B.4 (Outdoor Dining Facilities), 202-14.1 (waste container and grease/oil containers standards), 207-14.2 (supplemental restaurant regulations), and 207-14.3 drive through standards as well as any other pertinent sections of the code, shall be met.

- 36 The dumpster shall be enclosed with building materials that are compatible with the existing bildng and located in the rear yard.
- 37 The location and screening of any grease recycling container shall be submitted to the Building and Planning Department for review.
- 38 A traffic report prepared by McFarland Johnson, dated April 28, 2017 was submitted with the application. A copy of the traffic study should be sent to NYSDOT for their review and comment.
- 39 The Planning Board will seek SEQRA Lead Agency status and coordinated the review of this project with all involved agencies.
- 40 The gross square footage of the proposed building must be provided along with the square footage of the proposed patio.
- 41 An asbestos survey shall be submitted.
- 42 The site plan must be revised to list all proposed variances.
- 43 A demolition restoration plan must be submitted.
- 44 It does not appear that the project provides the required number of parking spaces. Gross square footage of the proposed building as a restaurant should be used to calculate the required parking. The zoning table on the site plan must be revised.
- 45 All required variances shall be obtained from the Zoning Board of Appeals.
- 46 All comment and concerns of the Evert Garcia as contained in the attached memo dated June 20,2017 to Ramsey Boehner, shall be addressed.
- 47 A letter or memo in response to all Planning Board and Tonw Engineer comments and conditions shall be submitted.

48 The ITE Traffic report shall be revised to include an analysis based on ITE trip generation.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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3P-02-17 Application of Gallina Cambridge LLC, owner, for Site Plan Modification to install a 45KW diesel standby 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 JUNE 21, 2017 MEETING AT APPLICANT'S REQUEST.

MR. OSOWSKI: I move to close the public hearing on application 3P-02-17.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

#### DETERMINATION OF SIGNIFICANCE

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

## CONDITIONS

1. A building permit shall be obtained for the generator and the enclosure. All work shall comply with the New York State Uniform Fire Prevention and Building Code.
2. An electric inspection shall be conducted by an inspection agency approved by the Town of Brighton. An electrical completion certificate shall be submitted.
3. The equipment shall be installed per the manufacture's installation instructions and shall comply with NEC and NFPA 17.
4. The generator shall be used only during power disruptions. Testing of the generator shall be done during daylight office hours.
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 comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
8. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
9. All Monroe County review comments shall be addressed.
10. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
11. The decimal level on the generator shall be maintained so that it does not exceed 72 decimals 23 feet from unit..

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

## SIGNS

1477 Staria Bake & Brew for a building face sign at 125 White Spruce Blvd.

Approved as recommended

1478 for a building face sign and Directory signs at 333 Metro Park.  
Conditions

1. All ZBA conditions shall be addressed prior to permit being issued for the building face for directory signage.
2. All existing signs shall be removed. From the building
3. Directional signs shall be revised to be no more than 16 feet in area and single sided or a variance shall be obtained.

1471 Jewish Senior Life for a Monument Sign and Wayfinding signs at 2021 Winton Road South.

APPROVED AS RESUBMITTED

MR. OSOWSKI: So moved.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

## CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the June 21, 2017 meeting of the 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

Judy Almekinder

State of New York  
County of Wayne

On this 30<sup>th</sup> day of June 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.

Lisa D. Grimes

Notary Public

**LISA D GRIMES**  
Notary Public, State of New York  
Qualified in Ontario County  
No. 01GR6117761  
Commission Expires November 1, 2020