

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on August 16,
2017, at approximately 7:30 p.m.

PRESENT: William Price, Chairman
Laura Civiletti
David Fader
Justin Babcock Stiner
James Wentworth
John Osowski

NOT PRESENT: Daniel Cordova (resigned)

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 August 16, 2017 meeting of the Town of Brighton's Planning Board to order. We do have the minutes of the July 19, 2017 and we will do them at the September 2017 meeting. Mr. Secretary, were the public hearings properly advertised.?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of August 10, 2017.

MR. CHAIRMAN: Before we get started I would like to announce postponement of a couple of items on the agenda. Application 6P-03-17 and 1P-NB1-17 is postponed to the September 20, 2017 meeting.

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 story 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.

8P-01-17 Application of Cox Building Property, LLC, owner and Lisa Tung, lessee, for Conditional Use Permit to allow a tea, coffee, and refreshment delivery/ takeout store on property located at 2829 West Henrietta Road. All as described on application and plans on file.

MS. TUNG: Lisa Tung, good evening Ladies and Gentlemen, tonight I want to present to you an application for a Conditional Use Permit to operate a specialty franchise, specialty shop in Brighton Commons. The address is 2829 West Henrietta Road., Rochester New York in the Town of Brighton. The style is an oriental style boutique with a more advanced style of tea . You get a lot of choices The sweetener you want, different types of jasmine tea any type of tea you want. It is actually a franchise across the whole United States. We plan to service the youngsters here in the colleges, RIT and U of R and MCC and probably more of the Asian community than other nationalities.

So the permit is actually because of the limited parking spaces that this building allows for which is 17 spaces which requires us to seek a special permit. The concept that we are delivering to you guys is that it is going to be a delivery store so rather than like Starbucks or Tim Hortons, it is more of a delivery store to the colleges and individual homes if they want. So 95 percent of our business would be delivery services. There will be an occasion where people come in to order tea and they are also able to call it in and order on line but 95 percent of our business will be delivery, and there will be no tables and chairs for anyone to sit and have tea. It is really like a fast pace environment. A lot of the teas are usually cold unlike Starbucks and Tim Horton who have hot drinks pretty much. We have two other business down the road where we offer delivery to people with their Chinese food and from our experience in the past and we have only had it for the past six years what we offer is truly delivery.

So I would say we occupy no more than five or three even parking spaces so when we say delivery people assume it is

for a restaurant. So that is why this concept is a little bit different from Starbuck and Tim Hortons and unlike any other tea places there are places to sit and drink tea but we don't have that service. We don't serve any other types of food except beverages. Operating hours are from 11 to 10 with the exception of Fridays and Saturday 11 to 11. We will also be utilizing the ordering engine where they will come in and pick up the orders and deliver it to the people's site and we give them a portion of our cut and that is basically how it works. For the web site we have one driver for everything and the rest is contracted out to the on line engineers. So there will be employees we will be hiring as well. We will have one barista here that will make tea at all times and maybe a cashier as a helper that will actually cash people out and help out with making the tea and it will be delivered as requested.

MR. BOEHNER: Will you be selling any type of food products?

MS. TUNG: At this time we don't anticipate selling any type of food products. There are so many types of teas I don't think we have the possibility of selling anything else.

MR. BOEHNER: So you will only be doing beverages?

MS. TUNG: Yes, just tea and coffee and smoothies and they come up with lots of teas and they have a tea of the month. So they are very strict on what you can and cannot offer in the store. So anything that we wanted to sell would have to be approved for sale by the main company.

MR. BOESCHNER: Will you be serving any alcohol at all?

MS. TUNG: No.

MR. BOEHNER: Any entertainment proposed?

MS. TUNG: No. we will have music playing in the back ground but that is pretty much it.

MR. BOEHNER: Have you heard back from Monroe County Development Review or have you submitted to them?

MS. TUNG: Yes, but I have not heard back from them. As I mentioned for the owners of the ship this is a dream come true. About five years ago we fell in love with this type of franchise and we approached the franchisee's and receive a franchise so we were able to make that dream come true.

MR. BOEHNER: What type of packaging will you be using will it be disposable packaging?

MS. TUNG: Yes, it is going to be all plastic no glass will be required and they all have to be ordered through the owner company.

MR. BOEHNER: Will you be providing trash recyclables outside?

MS. TUNG: Yes.

MR. CHAIRMAN: On the larger plan it shows the overall building can you tell us where you are at?

MS. TUNG: There is a cellular store and then there is us and then there is a nail saloon next to it. There are only three stores.

MR. CHAIRMAN: Will you be removing a wall, it looks like there is a storage room?

MS. TUNG: Yes, we will not be removing any walls it is only the front of that building that we will be using. The storage room will be maintained as storage for us. So we will not be using

the back of the building just the front. It is a total of about 1,000 sf and about 700 sf would be used and the 300 sf in the back would be just storage for stuff that we order the dramaturgies.

MR. BOEHNER: Where will the HVAC and exhaust be located? Will they be going through the roof?

MS. TUNG: I don't think there is a need for that.

MR. BOEHNER: If there is going to be exhaust fans we will have to go through that?

MS. TUNG: That will be fine whatever the requirements are after the approval we will meet with the Town of Brighton's requirements.

MR. WENTWORTH: In your detailed floor plan that is a new door and it seems like it needs to go the other way against the wall.

MS. TUNG: Okay.

MR. BOEHNER: How will you be handling trash and will there be a dumpster and will it be enclosed?

MS. TUNG: Yes, the dumpster will be placed in the back of the building and it will be enclosed.

MR. BOEHNER: Do you know what I mean by enclosed?

MS. TUNG: Yes.

MR. BOEHNER: It will be enclosed with fencing or a suitable material and with a gate on it?

MS. TUNG: Yes.

MR. BOEHNER: Where will that be located and will it cause any problems with circulation?

MS. TUNG: No it is going to be in the back of the building.

MR. BOEHNER: The biggest issue I am seeing for the application is that you don't meet the parking requirement and you are going to need to go to the Zoning Board of Appeals for variance for parking. I want to make you aware of that and that is not something this board can grant.

MS. TUNG: So once I get approval from here I can go there?

MR. BOEHNER: No you need to make that application first and number two we need to hear back from Monroe County before we can take action on the application.

MR. CHAIRMAN: The conditional use is for the restaurant and a conditional use goes with the property not necessarily you or your operation. So we have to look at it as if it is a restaurant use but I think you have justification for the variance for the reduction in parking but you have to apply to the Zoning Board of Appeals for the waiver of the parking requirement. So we are asking you to get a variance for parking and to hear back from Monroe County. Basically you will have to come back to us one more time.

MS. TUNG: So now what do I do?

MR. CHAIRMAN: We will table this tonight for you to go to the Zoning Board of Appeals and then come back here. This is a public hearing is there anyone who cares to address this application? There being none we will move on. Thank you.

8P-02-17 Application of New Monroe Real Estate LLC, owner for Site Plan Modification to install additional parking lot pole lighting on property located at 825 White Spruce Blvd. All as described on application and plans on file.

MR. WHILAND: Good evening, my name is Terry Whiland I am the facilities coordinator for Monroe Real Estate which presently owns 14 animal hospitals and the busiest one is at 825 White Spruce Blvd and also in the back of it they have an educational part. So our parking is adequate enough because of going through Zoning Board and everything else. We are seeking to put in 4 additional pole fixtures for lighting of the parking lot for safety of the employees at night time. We are a 24 hour operation and Paul White had asked me to send in some information and I gave him all the information in regards to - they are going to be very similar shoe box type units and the problem is the lighting is approximately the same and over the years they have come up with newer and better ones and they will have the same brightness we presently have there and one of them is a double pole with double lights on the poles on the very north end of the property line. So we are just requesting four additional poles. Our employees are parking out in front most of the time now and we want them to park in the back because they are walking around to the back of the building to get in.

MR. CHAIRMAN: We all understand why you want to do it and the only thing is the fixtures that are going to remain You are not changing anything in there?

MR. WHILAND: No, those were changed about three years ago and we had them all retrofitted.

MR. CHAIRMAN: Are those all LED?

MR. WHILAND: They are all LED.

MR. CHAIRMAN: And you are going to match those as best you can? The color of the lights are going to match what you put in three or four years ago?

MR. WHILAND: Yes. They will be 4000K

MR. BOEHNER: So they are matching the existing lights?

MR. WHILAND: Yes.

MR. BOEHNER: How tall are the existing lights?

MR. WHILAND: 14 foot.

MR. BOEHNER: Are they on a base?

MR. WHILAND: The base is at ground level. We don't have concrete ones off the ground.

MR. BOEHNER: The lighting contours you are showing are existing or are they the original lighting contours? The contours do not reflect the changes in the lights. Are these contours based on the existing lights or are they based on the ones approved years ago?

MR. WHILAND: This is an old map of 2015.

MR. BOEHNER: So we don't know the contours of the retrofitted lights?

MR. WHILAND: The new ones pretty much match the existing ones that are there now.

MR. BOEHNER: These contours don't match what was on the lighting map either. When you look at the spec sheet and you look at the contours it doesn't match up to this plan. The lights that they are proposing don't match up with what is shown on the plan. What we have on the plan is we know what the height is, that it is 4,000 K and that the existing lights are now 4,0000 K but what we don't have is the contours. This plan just wasn't updated properly.

MR. CHAIRMAN: We just want to have a map that reflects the contours that the product you are going to use is going to generate. We will give you a list of comments and ask you to update the drawing with today's ate on it. We won't ask you to come back. This is a public hearing is there anyone who wants to speak? There being none we will move on.

8P-03-17 Application of Jewish Senior Life Owner, for Preliminary/Final Site Plan Approval and EPOD (woodlot) Permit Approval to clear, fill and grade portions of an 18.8 acre lot located at the western end of Meridian Centre Blvd, known as Tax ID # 149.12-1-32.1 (lot #3). All as described on Application and plans on file.

MR. GOLDMAN: Good evening Mr. Chairman and Members of the Board, my name is Jerry Goldman and I am the attorney and agent for the Jewish Senior Life on their application this evening and the primary presenter this evening is Andy Spenser who is the project engineer, also with us this evening is Debbie Macabe who is the chief financial officer of Jewish Senior Life as well as Mark Plantell who is the director of the facilities at the Jewish Senior Life. What we are here for tonight is as the Chairman pointed out is preliminary and final approval and EPOD (woodlot) Approval to allow us to implement a wetland maintenance plan on what is locally known as lot 3 of the Jewish Senior Life campus. For those of you that are familiar with the Jewish Senior Life campus runs from Winton Road is a westerly direction. The main facility of the Jewish Home is located on the front parcel to the west of that is the Summit Wolf Center for independent living and west of that is a lot that is currently zoned single family residential and which is, as the Chairman pointed out, is 18 acres and that particular site has wetlands on the site.

A delineation was done roughly 7 years ago or thereabouts and It was determined that those wetlands were jurisdictional determined with the Army Corp of Engineers. Since that time there has been some encroachment upon our review of that delineation and Federal delineations are good for five years. So it became time for Jewish Senior Life to implement a wetland maintenance plan to provide for the quality of the wetlands existing and to avoid further

encroachment of the wetlands onto the remainder of the site.

Fortuitistic for us, the plan that we are talking about involves bringing some fill onto the site and fill is available as a result of the construction on the Jewish Home parcel that we referenced out front. For those of you that have been down Meridian Center there is a large pile of dirt located on that site at this time. So as a part of that we met with Tim and talked about the process of the procedure that was involved in doing it obviously there is a fill permit that would be involved. But also we need to deal with the fact that as a part of the Summit Wolf incentive zoning which occurred in the mid 90's the campus was defined as not only the Wolfe property but also the entire holdings of Jewish Senior Life which included what we refer to as lot 3.

So the Town at the threshold level reviewed it and had to be satisfied that anything that we were doing was not inconsistent with the SEQR Findings that was done in the mid 90's. That evaluation was done and to the extent that there was literally nothing dealing with lot 3 in the environmental findings themselves, we are here tonight on a free standing environmental review of which you are a part and of which this Board was gracious enough without the benefit of having full plans in front of you to declare your intent to be lead agency for the review which is incredibly important to us. And we really want to thank you for that because its seasonal consideration, we have to go through our approval process and understand that not all lead agency consents have not gone through so we will not be a decision this evening but the fall is the optimal time to conduct all of these activities.

So we are literally on the clock assuming we can get through our process at the September 13 meeting and moving forward to try to get permits and try to do the activities we need to do on the site and then do future activities hopefully in the fall and be able to stabilize the site at this time. One of the primary issues that Andy talked about at length is our plan to mitigate the impact on the EPOD woodlot for which we need a permit. BMA has worked very hard on a concept which addresses the concerns dealing with buffers, trees and maintenance and everything else and he will speak more at length about that. This application has gone through a couple of steps already. We visited the

Conservation Board and got input from the last week. I shouldn't say we I wasn't there. In addition this has gone through Monroe County Planning and they returned solely with comments but nothing of specific importance relative to the site. So we are here tonight trying to frame ourselves so we are able to complete this process and get moving on the fall stabilization and wetland plan. So with that I am going to turn it over to Andy and I will be available to answer any questions the may have.

MR. SPENCER: Andy Spencer with B & E Associates. I want to bring you through a little bit of the history of the site and what the plan is. As part of the wetland delineation jurisdiction delineation was made this past February, 2017 of the wetlands being demonstrated on the plans you have in front of you. One of the pieces of encroachment that occurred over the course of the 7 years to today was a connector in the zone right here and all of a sudden it grew larger. What this is, is a color rendering of the maintenance plan you have in front of you. The areas depicted on the exterior here remain as existed . This is part of the woodlot EPOD and on the town map shows it as this part right here but there are trees through out the entire area.

As part of this we did an extensive tree survey and identified 1168 trees and approximately 250 of those trees are around buffer areas here and in the wetlands themselves. So you see 1168 trees but those are not the ones that are going to be removed. For wetland maintenance what we have determined is to try to raise the interior grading up here so we do not have any further encroachment on the wetland around the side in the south east here and then northeast here. What we are proposing is moving approximately 19,000 cubic yards of material to raise the interior of the site roughly two to three feet. It is not a very large grade differential. It is top soil material common to lot 1,2, and 3. We are not removing top soil on the site and it literally is a true removal to transport that material onto the site based upon the grading plan you see before you. We have done a fair amount of work regarding how to maintain the existing hydrology of the wetland and the grading plan that we proposed to retain that same amount of drainage to the north end and southeast end of the site.

We did meet with the Conservation Board last Tuesday and had a discussion with them and some of the comments we received from them was that they did want to see some mitigation for the removal of the trees. The interior of the site is create a grassland meadow. In fact it will be a grass centric plan very similar to the landscaping that is in the Town park. And one of the thought processes that we had is to provide some additional plantings along the reserve area about 50 feet in width here. And what we are proposing is to plant 150 tree species. We would like to propose planting trees of four to five foot bare root specimens and also have a deer collar on the plantings to protect the tree. We have had a lot research done and they were successful in large tree reforestation projects and they were successful in replanting fruit trees and that collar will stand up about four or five foot in height and deer can't get at the trees and we found that the trees grow exponentially within a period of two or three years and they grow ten to twelve feet high.

MR. BOEHNER: Then what happens to the collar?

MR. SPENCER: After a period of two to three years and once the tree is established we take those collars off and basically the collar has a slice on it which stretches and contracts and makes it able to take it off.

MR. BOEHNER: How did you come up with 150 trees when you have 900 coming down? Is that because you have established a good solid buffer along the park edges or was it a budgetary concern. The number sounds low and normally we look for 7 to 8 foot trees with 3 and ½ inch caliper trees in our mitigation. Is there a room issue or is there someplace else you can mitigate off site in the Summit. I don't understand how you came up with this number because mitigation is a big part of this.

MR. SPENCER: Let me run through some numbers for you. We have 1168 trees on the site of those we have approximately 422 Green Ash trees, 105 American Elm trees, and 52 American Beech trees. Those three trees the Green Ash succumb to the Ash disease, and if you look at the listing of the trees on that plan the majority are poor to very poor, and we are going to lose all of those Ash trees. The American Elms on the site are five to ten inch in diameter and

that is the age that they succumb to the Elm disease. The American Beech there is a bark fungal disease that is now taking the Beeches and they are succumbing to that. They are slower in that process but there are a number of Beeches that are in fair condition but not great. So out of 1168 trees we will loss approximately 580 of them from disease and they will be gone. The first to go will be the Elm trees and then the Ash and the Beech trees. Of the remainder of the trees on the site the majority are Poplars and there are some silver maples, hickory, willow and a couple of varieties of oaks. Part of looking at the numbers we have about 589 trees remaining and 250 are in this zone here and we will be removing about 900 trees and of those 589 are going to die anyways. And what we are trying to propose is to mitigate for the 589 trees by planting 150 trees around the buffer area here and we also propose to plant 150 shrub materials to act as a buffer along this edge and to the existing wetland right here. The tree species that we are looking to plant are mainly the oak, maple and hickory, the shrubs are going to be 18 inch bare root with a collar on them some dogwood, elderberry and sumac as the main species.

Part of the mitigation is to establish the native grass material again very similar to the top part in here and putting trees in the buffer too.

MR. CHAIRMAN: Let's go back to the basic question, does the Jewish Senior Living have any intention in the future of building on this property for anything?

MR. SPENCER: Right now, the intent is to utilize this as open grass land, there is an intent to put some trails out there. There is no intent to develop on the property.

MR. CHAIRMAN: At one point you did say after the clearing that the root systems would be grubbed out, are you planning to strip the top soil?

MR. SPENCER: No the top soil we plan on placing that on top we are not stripping off any top soil.

MR. CHAIRMAN: So you are not planning on stripping off the top soil so you are going to take the fill from lot 3 and putting on a top layer?

MR. SPENCER: We are going to take the root material out and remove any invasive species and transport it.

MR. CHAIRMAN: Are you going to spread top soil on top of that soil?

MR. SPENCER: No.

MR. CHAIRMAN: You are just going to seed and fill in the top soil?

MR. SPENCER: The material you are talking about on lot one is top soil? As part of the project four tower property we have used as much we can use on that site.

MR. CHAIRMAN: So you are not just moving a bunch of clay over here?

MR. SPENCER: No we are not the majority of it is a top soil material.

MR. CHAIRMAN: I was just curious if in the future you were going to have to strip all that out again if you were going to build on that but at this time that is not the intent?

MR. SPENCER: No.

MR. CHAIRMAN: So you are going to leave that stuff out and the intent is not to build on this land?

MR. SPENCER: Yes.

MR. FADER: There are a couple of good trees in diameter that you have on the eastern side?

MR. CHAIRMAN: Let's talk about that, we completely understand how you came up with the grading plan but I am wondering when you are out there and you find a decent mature tree can you keep that and modify your grading plan as you go. So instead of 2 or three feet of fill instead of one to two feet. You are massaging the plan as you go and are able to save some of the species as you come across them.

MR. SPENCER: We did take a look at this and one of the challenges of the site is it is so flat right now. We have very little contour out there. The whole reason to bring the material over here is to maintain the level as it is today. So if we start to create areas where we create an impression, if we have existing trees that create some lower depression what is to say that area becomes a wetland in the future as well. To address this whole maintenance of the adage we need to raise everything so we can drain all of the water off consistently.

MR. CHAIRMAN: If you are not going to use what is the concern of it becoming a wetland?

MR. GOLDMAN: Let me address this.

MR. SPENCER: I have an answer to.

MR. GOLDMAN: To answer the Chair's question there is no present development plan for the site. Everything we have done is to maintain the flexibility for consideration for whatever options may be available in the future which includes potential development in accordance with the current zoning, potential development in accordance with any other application or perhaps leave it in its current state and that is the concept behind the wetland mitigation. We have already gone down from 18 acres of development to 10 acres and we don't want to lose a whole lot of flexibility. It is designed to create flexibility and I can tell you there is no current development planned with regard to the site but the options are very important and that is why we have structured this entire application, this entire program toward future flexibility. Remember if this is developed ultimately the town gets another chance to revisit the site and the issue of plantings of trees and the planting of a buffer and the like.

Our intention was to create a good buffer along the park, was to create a solid grass land area with low plantings and make it aesthetically pleasing at this point you can make that a condition. But the fact of the matter is if there is any future development we are back here anyways and if there is a desire to see more plantings and the like that is something we will have to deal with as part of the subdivision approval application.

MR. BABCOCK STINER: Back to the loss of trees and the mitigation you said there are 900 trees that are being taken and you are proposing to put in 150. I understand the 500 or so are of a species that most likely won't be here, but they are here now and so you are talking about removing 900 trees and replacing them with 150 and we are sitting here basically with 150 trees on site that could be developed in the near future, that doesn't sit well with me. I can't imagine that you are proposing the development on this now that the loss of 900 trees I wouldn't be happy with that. I understand that this is not being developed right now but you are filling it in and putting in grade and you are not putting any trees back in there. If you were telling me right now you were developing this for development I would not be happy with 900 trees being removed and 150 replaced.

MR. GOLDMAN: We clearly understand that and that is not what we are talking about doing. We are talking about establishing the buffer at this point, establishing the grass lands and providing flexibility for and when future development comes along with the flexibility of adding on the trees that would be appropriate on the site. I can venture to say this board is not going to forget these numbers if there were to be development planned.

MR. BABCOCK STINER: So what is the argument for not putting the trees in now.

MR. GOLDMAN: Because it impacts the flexibility of what we may or may not be able to develop on that site. They may be in a different place depending on the nature of what we are talking about. If it were to be larger independent living buildings is one thing, if there were to be cottages which would kind of be like in accordance with the zoning as it currently is some thing like the Highlands

in Pittsford, something like that. Then it would be a totally different landscape plan. If we do replace these trees in kind and in number right now we are going to inhibit the flexibility in terms of development. I think it is a legitimate concern of the Board and I think it is an appropriate comment to put in there to say when development occurs that is something To be addressed in the future.

MR. BABCOCK STINER: Again so if no development occurs we are still out a loss of trees 150 replacement is just not enough.

MR. GOLDMAN: Are we discounting the rest of the planting plan.

MR. BABCOCK STINER: You are replacing these with 150 trees that are typically lesser in size and caliper then we typically require. So you are not close to a one on one. You are not close to anything of a typical size we would require and you are telling us that we should wait until it gets developed in the future to ask for more trees. I just don't – it doesn't sit well.

MR. SPENCER: Can I address the size of the trees one of the things that is duly noted in a reforesting project, when you plant a larger number of trees in an area of this nature when you plant a larger specimen of tree typically you don't get into a ball root situation. Based on the size and caliper of the tree is the number of years it takes to Acclimate the tree to the site. You get into the situation where you plant a 3 or 4 inch caliper tree you are looking at 3 or 4 years of maintenance, watering, fertilizing to get the tree acclimated to the site before they put down new roots and start to grow. If you are able to put in smaller plants you find that they acclimate so much quicker and they out perform some of the larger trees. So with that a smaller tree is not a negative in this type of situation where you have some smaller trees and some larger trees. That is why we are proposing that size at this point.

There is also a secondary point to Ramsey's

question there is a cost associated in putting in larger trees. Larger trees can be 300 to 500 to a 1,000 dollars a tree. Smaller trees are not that expensive so there is a cost differential between those two and we have to look out for our client and not putting in 100,000 dollar landscaping in this. We don't feel it is necessary to achieve what is necessary.

MR. FADER: Back to my question, why can't you leave some of the larger trees?

MR. SPENCER: One of the reasons that we proposed the grading that we have we are trying to make sure the drainage is at the front and center of the site and goes off to the edges of the site to maintain that wetland area. That wetland area if start taking pockets of trees in different areas you are inundated with water and then they sit there you have to have them drain out appropriately and we find ourselves increasing the amount of wetlands on the site. We do not want to get into that type of situation.

MR. BABCOCK STINER: Conceptually that makes sense and you are talking about a top soil that is going to perk well it is not clay based.

MR. SPENCER: The soils in this area are very, very similar.

MR. FADER: What if it were graded in such a way that there wasn't buckets of water around the trunks

MR. SPENCER: It becomes a very tricky situation trying to grade things at grade and surrounding grades at two or three feet and again drainage from that point over to where we want it to go you have to rely on all the existing drainage that is there today and we can't add anything on from this point to that point. The soils are very, very similar across the entire site and one of the reasons that the wetlands are here is because we are dammed up on three different sides, dammed from 590 on the north side, you have raised area on the south side, and you have drainage that comes from the middle of the town park and drains to the east and all of this water is captured here today and it continues to

get captured. The drainage comes through this from both sides to the north and the south and it goes off to a catch basin over here. What we are finding is with the amount of rain we had this summer we have a lot more standing water that is dammed up.

MR. GOLDMAN: That is the issue.

MR. SPENCER: This site is valued at about a million dollar package and they pay taxes on this site and the more of this property is lost they have less value whether it is developed or sold and the whole reason for this as a proposal is to keep the flexibility of what could be done on this site.

MR. CHAIRMAN: Did you look at the option of just a very geometric berm in a more consolidated area rather than spreading it out to a larger area? Say five feet high?

MR. SPENCER: Yes we did and one of the reasons we came back to this as the solution was because we then have consideration of how to drain from behind the berm and where does that go. If we were to try and stop the wetlands in this area right here we would end up with a two or three foot wide berm and the natural drainage comes to this point and goes to the north and south drainages and turns and goes around the edges and then we have to go into openings in that area to release the water. So we did look at other things and one of the things that we also considered is what does this look like. If we were to come in and put materials on here we would be looking at 6 or 7 feet high bunches of trees and the aesthetics might not be as attractive.

MR. WENTWORTH: Would you consider planting more trees on the grass land along your buffer to increase the width of the buffer?

MR. SPENCER: I think we could give some consideration to that Yes. If it was a better number there was a discussion about the number of trees. I would be glad to listen to that and discuss that. Please don't forget if you want to plant shrub material and

these are large materials silky dogwoods , the elderberry shrubs, which do not exist on site right now and which could create a secondary level of vegetation it would be better to plant those around the wetland itself and create a bit of under story which would create a habitat out there for birds, bees and insects that they prefer over wetland wooded areas and the grass land would be a habitat as well. There are about 2,000 trees out there.

MR. CHAIRMAN: That is not all green ash.

MR. SPENCER: Actually there are number of maples, oaks and hickory that are all in this area right here. The ashes are down in this area and you can see them by the tree survey. It is predominantly ash in here and cottonwood down here with scatterings of hickory. The majority of the groupings are the ashes, the cottonwoods and the hickory and the beeches are spread out a bit.

MR. BABCOCK STINER: If all goes well your expectation on cutting the trees is by what date?

MR. SPENCER: Well, if all goes well the overall operation may take anywhere from six weeks to eight weeks to complete. We may take a week to two weeks to get approval for the materials and removal of the tree, And then roughly potentially 3 weeks or 4 weeks to actual move the materials form lot 1 to lot 3 so it will be a 5 or 6 week period depending on the weather that is a ball park figure.

MR. BABCOCK STINER: So the trees would be cut by when?

MR. SPENCER: By October would be the time frame.

MR. WENTWORTH: Have you looked into the long ear bat?

MR. SPENCER: Actually we have as part of

the additional information to the EAF we provided supplemental information on the long ear bat, the frogs and turtles.

MR. WENTWORTH: Have you done a sample study for the bats?

MR. SPENCER: No, no study was necessary, and what we received back from New York State was that it was not necessary because there was not indication of breeding sites in this area.

MR. BOEHNER: Lets talk a little bit about the trucking of this material. This is all going to be done on internal roads it is not going to be on public roads, right?

MR. SPENCER: Right.

MR. BOEHNER: How many trucks are you talking about?

MR. SPENCER: I don't know the answer. I am sorry.

MR. BOEHNER: Is it 1,000 or 2,000?

MR. SPENCER: I can find that information out. Please note for the approval of lot 1, that material is going to have to be moved off site and that same number of trips would have been taken on Meridian Center Blvd. onto Winton Road to wherever that went. On this particular project we are not going out onto any public roads and there will be signage and protection for pedestrians in there and it will be done during lit hours all the same consideration will be had.

MR. CHAIRMAN: What are you doing with the trees? Are they being chipped up or hauled off?

MR. SPENCER: At this point we are

looking at trying to chip some of them and we are going to move some of the larger pieces that can not be chipped.

MR. CHAIRMAN: So some of that material is going to go out on the public roads?

MR. OSOWSKI: Do you see any amendments to make sure it is favorable for growth and the grasses and everything that you plant?

MR. SPENCER: We don't because typically it is top soil a top soil matrix that is being stripped off of lot 1 and deposited.

MR. CHAIRMAN: We understand your sense of urgency and I am not sure we are in agreement with your mitigation and you can sit here and deliberate but from our standpoint you can come back next month and you are losing time and I think you need to come up with numbers that we think are reasonable from our stand point. If you come back in a month you are losing time and we should be doing this now.

MR. SPENCER: We want to.

MR. CHAIRMAN: Whose the one making the decisions on the dollars here because we are not happy with 150 trees.

MR. GOLDMAN: It is not a decision that is made by any one person. We would have to go back to the facilities committee of the organization to figure that out.

MR. BOEHNER: I guess what I am hearing is similar to what the Conservation Board is saying one of the things you need to take away is a substantial buffer needs to be created between this project and the park and 150 trees seems like a very low number. We don't have a plan in front of us and I don't know what other supplemental plans you are planning to do but I think you have heard a lot from the

Board and from the Conservation Board and we are trying to be supportive of what you are trying to do but they also want you to do a good job with mitigation so we can keep this thing going and as the chairperson said this is the time to be doing this.

MR. SPENCER: If I may, we would like the opportunity as part of the proposal of the mitigation plan to do this in the field and design it in the field not have to design the plan with some number of trees knowing that it will be in a certain area and if there are trees along this area here we don't want to touch or harm them we can plan for those as we go not try to design something on the plan and I would like to make that as a proposal. That way in the field we can determine where the best place would be to put some shrubs underneath and put some trees where we have a gap and let's say that is an ash and that may come down immediately adjacent to that but do that determination in the field not on a two dimensional drawing.

MR. CHAIRMAN: We have this whole place cleared and the trees are gone and the benefit is to you guys because you are moving your soil and yet we are pulling teeth to get you to plant 10 trees. I don't want that to happen. And that is where I was going if you are out there and you see a specimen tree that doesn't interfere with your drainage pattern and can be left there then there should be the flexibility to save that. So I think we need some criteria.

MR. BABCOCK STINER: If you have 250 in that buffer if you move over another 50 feet you can put another 250 trees that would be roughly 12 to 15,000 dollars.

MR. CHAIRMAN: You don't tie yourself down to 400 or 500 you leave that number flexible. We understand the overall drainage concept and let's some trees within that 100 ft buffer you leave those contours in and it doesn't affect your drainage goals but you have to go 6 inches higher over another acre then I think – coming into this I wanted to add that flexibility to savings some of the things. We understand if you save that is it going to become a wetland I don't know but I guess I can understand your theory there. If we assume the goal of

this project in addition to disposing of your fill is to do the best we can for the environment and the adjacent park. Let's come up with a guideline for which trees get removed and say for the way we treat this when you are actually out there we will watch those lines and watch the grade.

MR. BOEHNER: I am going to say normally we do have a plan that says these are where we need to fill and as James says at the U of R, we go out into the field and move things around all the time. We do go out there but we do it based on a plan. So there is that flexibility and we do provide for that but we do have to have a plan to work from. We need to know what are we proposing here. So there is a balance there.

MR. CHAIRMAN: So how do we keep it moving forward is what you want to hear. WE have to talk about what you are adding to the plan and a somewhat typical two typical area plantings one is shrub which is predominantly adding to the existing mature trees and the second be the planting of trees that are in the grass lands and the intent is to stabilize and enhance the buffer to the park.

MR. BOEHNER: Are there some areas where there are more buffer and less buffer. That is what I am getting at there is some areas that it is prime for more landscaping.

MR. SPENCER: Yes, there is an area to the north right here is where we can put in a lot more trees and down here where we may only need some trees we can provide some of that under story. One of the things we want to try to do with that buffer is to create an under story of shrubs that will preserve the character of the park.

MR. BABCOCK STINER: If we clear this all out and say 10 years from now you put in housing yes there is a buffer but now is the opportunity to plant trees that will grow and fill in that buffer. I understand and respect your need for flexibility for the future but I am leaning more towards bulking up that buffer another 50 feet. feet is not much when it comes to trying to mask it all but I don't think we are there.

MR. CHAIRMAN: I think you understand what we are talking about. Jerry do you hear anything that causes you heartburn?

MR. GOLDMAN: Well yes, relative to the point – again if the idea is to totally screen the park. I think personally we might like to see something other than a solid vegetative buffer. I don't know that that is the ultimate goal. We need to work together and work towards trying to get a more than adequate buffer at this time. But again Like I said there will always be that opportunity to come back and supplement this at a time in the future.

MR. CHAIRMAN: If the goal is to provide a planting with the grasses and provide a better habitat in the grass lands knowing that has not been disturbed and hasn't been filled. So that is probably where you have the best opportunity for some of your trees, shrubs and grasses.

MR. BABCOCK STINER: With all due respect telling me you can come back when you develop this at a later date. There is nothing to prevent mitigating that now. If you decide to build something there but if nothing happens it does not mitigate for the impact today. I just am not buying that one.

MR. GOLDMAN: I understand your feelings and perhaps we need to provide a little bit more background relative to what is there. We have a quantitative number and we have been playing around with the 900 number and 500 of them are going to disappear anyway one way or another so why are we talking about 900 any more.

MR. BABCOCK STINER: But they are there today and there are trees you are going to be taking down. I am not oppose to filling this in and stopping the spread of - I have no problem with that. I do have a problem that you ar not mitigating that removal today. You are telling me that I have to wait for some potential future project to mitigate for what you are doing today.

MR. GOLDMAN: We are providing mitigation it may not be up to the level of where you want it to be and I think that is the challenge we have to work with.

MR. CHAIRMAN: Are you opposed to doing this in the field.

MR. BABCOCK STINER: I don't have a problem with that but if he comes back with 150 trees I am going to have a problem with it. That wouldn't fly with me.

MR. CHAIRMAN: With 150 trees and the shrubs and we manage to save a 100 of those trees by meandering that line and I am not saying you can save that many but –

MR. BABCOCK STINER: Can we make that 150 a larger number and add in some potential for some savings so potentially we are looking at a larger number than 150 that is gotten to by either new trees or seedling trees. I don't have a problem with that.

MR. OSOWSKI: You are cutting 900 and you are telling us there is almost 600 dying of disease so that leaves 300 so if 300 went back in that's a one for one.

MS. CIVILETTI: I think it is a good suggestion to replace the number of trees being replanted. I then think we are getting to a reasonable compromise.

MR. GOLDMAN: I guess I do have to add a bit of history to this. This is a piece of property that has sat dormant for a long period of time. We are going to improve with grass lands and everything else. They are paying a monstrous amount of taxes this is a not for profit and unfortunately this is not the purpose right now so this is fully taxable. And to that extent this has been a substantial burden and we are trying to balance on our part what we can do here within the parameters of what makes sense. So its all part of a broad consideration.

MR. CHAIRMAN: With regard to if you had to truck that material off site somewhere you would be facing a financial burden but you still have to put it in a truck to get it over here. So it is not a huge savings but an addition of 150 trees that arguably are 25 to 50 dollars a piece probably isn't going to move it a bit too far from a financial standpoint.

MR. SPENCER: I want to find where you are finding those trees?

MR. CHAIRMAN: Bare root. I guess that is probably whole sale. We aren't talking about hundreds of thousands of dollars we don't want to bankrupt you. Maybe you are saving a little bit by not cutting as many trees down hopefully there is a balance there.

MR. FADER: Are you going to put in other things other than grass?

MR. SPENCER: At this point it is a mixture, it's a vexcue (phonetic) mixture, predominantly a mixture of vexcues and grass materials. It is a grass land it is not meadow with other materials in it. One of the reasons we are recommending grasslands is it is an easy maintenance that comes along with it. We would be open to some other mixtures we would hope to maintain the grass style if possible.

MR. CHAIRMAN: I think you understand this and we are going to have to think about whether we should table this or not.

MR. BOEHNER: You have to table this for a determination of significance that still needs to be done and we should probably look at this plan but we can talk about that later.

MR. GOLDMAN: I don't know how much more you are going to deliberate this beyond this. Obviously we are going to be developing more information to be ready for any other guidance that is always welcome.

MR. CHAIRMAN: We will give you our comments thank you for your time. This is a public hearing does anyone care to address this application? Hearing none we will move on.

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 SEPTEMBER 29, 2017 MEETING AT APPLICANT'S REQUEST.

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. TABLED AT THE JUNE 21, 2017 MEETING – PUBLIC HEARING REMAINS OPEN

MR. MCMANN: Good evening my name is Gregg McMann from McMann and LaRue and also with me to answer any questions is Randy Peacock, the architect, and Bee Walters, the owner. We made our initial presentation in June and since that time we have received comments from town staff and town engineer and we have responded to those comments. We have also made application to the Zoning Board of Appeals for variances and we are on their agenda for September 6th and we are looking forward to moving that ahead. I can certainly get into any specifics and I think one of the main discussion points we had at the June meeting had to do with traffic . As a result of this our traffic engineer named Carla Johnson and she took those

comments from town staff and revised the traffic report. There were a couple of major changes in the traffic report. They had taken the traffic counts at the current Mamasans location and increased those by 30 percent in the initial report that you had before you in June. We had discussions about BIT for a fast food restaurant. So they did that and they revised the report and took into account those trip generations and also they had only looked at in the first report the p.m. peaks which reflects the current operation and she is not open a.m. now and the Saturday peak. And there was a question about a.m peaks and what becomes of that.

So they cranked in a.m. peak and p.m. peak and the Saturday hours. In quick summary what they found is the worst case scenario is the Saturday peak hours, weekday a.m. p.m. peaks are about the same. There is virtually no impact on Monroe Avenue from those fast food scenarios. All of the impact is on vehicles exiting the site whether it is the current exit where they have a driveway to turn left or right and you can enter from the right. and under that scenario it is the exiting left turns and the entering left turns does not impact Monroe Avenue. Under the whole foods scenario the traffic light and again with the am pm peaks had little effect and the Saturday peak increases that cue from exiting from the traffic light from a level of service C to a level of service E for exiting traffic and again there is no impact on the people traveling on Monroe Avenue it is on the customer, the exiting customer. So that complete report was provided to the town.

MR. BOEHNER: Was that report submitted to the DOT for further investigation?

MR. MCMANN: Yes, the initial report was submitted to the DOT and the revised report was submitted to the DOT. DOT did generate a letter to the town and to us which basically stated they agreed with the initial report under the current conditions and it was fine the way it was. Under the whole foods scenario their requirement was that entrance was to be closed off. We subsequently contacted the DOT and we had a meeting with the four of us along with McFarland Johnson and met with representatives of the DOT and after much discussion they indicated they were willing to look at a right in and right out scenario. McFarland Johnson prepared a sketch and they submit that

to the DOT and we haven't gotten any response back from them and there were no guarantees that they would step back from the closing of the entrance but they understood the owner's concerns and we would take a look at that right in and right out and possibly have just a right in and those sketches were provided and we are awaiting some comment on that. But as we stand here right now –

MR. BOEHNER: You submitted the supplemental revised report?

MR. MCMANN: Yes. McFarland Johnson submitted that.

MR. BOEHNER: Right now they have that curb cut closed.

MR. MCMANN: Yes, that is their current stance as I say we will see. They did say they had a willingness to review the right in and right out. We had a long discussion with them and they understood the owner's points and our points and there was a lot of good that went back and forth and we are awaiting some response from them.

MR. WENTWORTH: Just to clarify DOT is considering right in and right out for only the whole foods scenario?

MR. MCMANN: For only the whole foods scenario as far as they are concerned the whole food as it is right now the entrance can remain and function as it is even with the supplemental study. What they find is leaving that site under certain hours how long do you want to await to make that left turn and more often than not I make the right turn and go up to Clover Street make a right and do a U-turn and come back to the traffic light. So again depending on the time of day again the most difficult time under current conditions it's going to be that Saturday 10 a.m to 2 p.m that Saturday peak hours when Monroe Avenue is at its highest traffic count. Well not for Mammason's but for some future fast food restaurant in that building. The left turn can be a discouraging turn and they don't feel any need to restrict that it is going to be self restricting and how long you are willing to wait.

MR. BOEHNER: One of the things I was curious about is if they read the supplemental and if they find that in the short term you need to be right in and right out and in the long term when the traffic signal is installed and improvements are made to the south side that they then want to close it off. So I am curious to hear what they want to say. So that information is important and I am glad that you submitted it and got the ball rolling.

MR. MCMANN: Yes, they have copies of everything.

MR. BOEHNER: Did they give you a time fame?

MR. MCMANN: No, there has been some staff retirements there but they said they would make a good effort to take a look at it.

MR. CHAIRMAN: We have gotten through the hard discussion here and I think everybody is aware where DOT is .

MR. PEABODY: We understand we have to live with what DOT tells us. And whatever happens here we will agree to do whatever DOT says now and in the future. We want to go ahead now and Bee is on borrowed time now at her current location. She is in danger of having to be out of business for a while. So she really wants to move to get this building underway, so we were hoping that you could do the SEQR and make a determination tonight then we would ask for preliminary site plan approval with a condition that if whole foods happens we will have to abide by what DOT requires.

MR. BOEHNER: If the DOT does require the elimination of the curb cut we then have to start looking at the geometrics of the parking lot and the traffic circulation. If that comes we do have to talk about the overall layout of the site because you are not coming off of Monroe you are coming off of that traffic signal and will you be able to make that turn into the driveway.

MR PEABODY : We are hoping at the very least they will still have a right in and the only problem is the right out because you are so close to where the stop line is but again if this is ever going to happen we don't know. So we would ask that we move it along and condition that.

MR. BOEHNER: I have to say I am an officer for the town I don't feel comfortable in making a declaration to the board without hearing back from DOT on the supplemental and what we are going to do with that curb cut.

MR. PEABODY: We will do whatever DOT requires. So if DOT requires right in and right out or whatever they require we are going to have to have a right in and a right out because we can't use the light right now obviously. And if it ever came to pass that there was a whole foods approval and whole foods went in and the light went in then we would do whatever DOT says. We might quibble with DOT but whatever ends up we will have to live with it.

MR. CHAIRMAN: Minus the variances you need you are going to this months meeting?

MR. MCMANN: It is just for setback on September 6th and also there was one space short on parking And there is the drive thru with menu board and speaker. There was pavement closer than 10 feet to the side and rear lot lines

MR. WENTWORTH: So this gets to be a logistical challenge if the DOT does what they are suggesting then If in the future with the whole foods light access will be from the back of the site to get into the drive thru you are going to have to make a sharp U turn.

MR. BOEHNER: Have you run that?

MR. PEABODY: Yes, and you are not going to run a delivery truck in there but for a typical vehicle a

passenger vehicle or an SUV they will be able to make that turn.

MR. CHAIRMAN: So we will discuss SEQR approval and in the end if we gave you SEQR preliminary and final I know what you want but –

MR. PEABODY : It was our understanding that the Zoning Board needed you as lead agency.

MR. BOEHNER: They do. They need a negative declaration. You don't have to have preliminary approval for the Zoning Board. On the asbestos report what did you find?

MR. MCMANN: There was no asbestos in the building.

MR. BOEHNER: I am just asking for the record. The other thing is you gave a demolition plan but you did not give a restoration plan. The asphalt comes out and then its seeded is that what you are going to do?

MR. MCMANN: The containment would have the building removed and the asphalt would stay to be used as a work pad until its replaced and the entrance would stay we aren't going to touch anything in the DOT right of way. So demolition would be removal of the building and if we didn't build for a year – it's a demolition sequence here removal of the building and filling in any excavated area and seeding that-

MR. BOEHNER: I show the existing pavement to be removed.

MR. MCMANN: If demolition were to occur following site plan approval then everything would come out but if it were the demolition and we did not proceed than it would just be the building coming down.

MR. BOEHNER: Right now I have a plan that shows the asphalt coming out.

MR. MCMANN: We are not going to demolition the building unless we have approval.

MR. BOEHNER: It happens people come in and get a demolition approval separate from the building permit. I need to know what is going to happen if the building doesn't go through.

MR. MCMANN: I have seen that on residential where someone tears the house down and then there is a time before they build a house.

MR. CHAIRMAN: Anybody else?

MR. OSOWSKI: Are two handicapped spots enough?

MR. MCMANN: Yes.

MR. BOEHNER: Is it a two story building?

MR. MCMANN: Only on the rear portion of the building there is an office and a storage area for paper goods or whatever.

MR. BOEHNER: And your gross square footage calculated that area?

MR. MCMANN: Yes, it did. After our last meeting we went back and calculated everything.

MR. CHAIRMAN: Any other question, there being none thank you.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated August 9, 3027 stating that the Commission will not schedule a public hearing to consider landmark status for 88 Cheswell Way.

Letter from James Wentworth, RA, University of Rochester, dated August 14, 2017, requesting postponement of the South Campus Sign Plan in the September 13, 2017 meeting.

Letter from Zina Lagonegro, Manager of Zoning City of Rochester, dated August 14, 2017 with attached Notice of Environmental Determination for the proposed redevelopment of 1201 Elmwood Avenue.

PETITIONS

NONE

8P-01-17 Application of Cox Building Property, LLC, owner and Lisa Tung, lessee, for Conditional Use Permit to allow a tea, coffee, and refreshment delivery/ takeout store on property located at 2829 West Henrietta Road. All as described on application and plans on file.

MR. BABCOCK STINER: I move that the public hearing be closed.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER: I move the Planning Board approves application 8P-01-17 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. According to the description of the use and the plans submitted, the use is classified as a restaurant per the Brighton Comprehensive Development Regulations. There is not sufficient parking available on site to accommodate the number of spaces required by the zoning. A variance must be obtained.
2. A site plan shall be submitted showing the location of the proposed dumpster and showing a code-compliant accessible parking space and access space.
3. 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.
4. Prior to commencement of operations, an Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Rothe 585-474-5220.
5. Hours of operation shall be limited to 6:00 a.m. to midnight, unless

further approved for extended hours has been granted by the Planning Board.

6. All requirements of the Building and Fire Codes of New York State shall be met and all required building permits shall be obtained.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All Town codes shall be met that relate directly or indirectly to the applicant's request.
9. All requirements of Sections 203-74.B.3 (restaurant regulations), 204-74.B.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.
10. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
11. Signs shall require separate review and approval.
12. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

8P-02-17 Application of New Monroe Real Estate LLC, owner for Site Plan Modification to install additional parking lot pole lighting on property located at 825 White Spruce Blvd. All as described on application and plans on file.

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move that 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. Proposed lights shall not exceed 4000K
2. Proposed lights shall be dark sky compliant.
3. A lighting plan accurately showing the light distribution contours for the existing and proposed lights shall be submitted.
4. Cut sheets for all proposed and existing lights, with accurate details, shall be submitted.
5. Accurate profiles of all existing and proposed light box styles shall be submitted.

6. The new lights shall be consistent with the existing lights.
7. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
8. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

8P-03-17 Application of Jewish Senior Life Owner, for Preliminary/Final Site Plan Approval and EPOD (woodlot) Permit Approval to clear, fill and grade portions of an 18.8 acre lot located at the western end of Meridian Centre Blvd, known as Tax ID # 149.12-1-32.1 (lot #3). All as described on Application and plans on file.

MR. FADER: I move that the public hearing be kept open.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. FADER: 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:

CONDITIONS:

1. The SEQRA Lead Agency determination needs to be made.

2. The following comments of the Conservation Board shall be addressed:

The Board understands the applicant's desire to limit the encroachment of the existing wetland and maintain the parcel's viability for development. However, the woodlot in question, arguably not of the highest quality, does provide needed habitat and carbon mitigation

The applicant needs to provide tree mitigation for the loss of more than 1,100 trees. This mitigation could take the form of a substantial buffer along the western upland edge. This buffer should be a mixture/blend of native tree species with under-story native evergreen plantings. By planting the buffer now (as part of the fill project) it could be well established if/when the parcel is developed, helping to provide immediate screening between the new development and the town nature trail. The buffer will also help mitigate the loss of habitat.

3. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
4. The plans shall be revised to clearly show all trees to be removed.
5. All trees to be saved shall be protected with orange construction fencing at the drip line.
6. A detailed tree mitigation plan shall be submitted that includes 300 trees and 150 shrubs.
7. Native habitat seed shall be used in the grass land area.
8. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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. TABLED AT THE JUNE 21, 2017 MEETING – PUBLIC HEARING REMAINS OPEN

MR. FADER: I move that we keep the public hearing open.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: 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:

CONDITIONS

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585 484-5220).
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 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 tress 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 dumper.
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 regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.

- 14 All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
- 15 All County Development Review Comments shall be addressed 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 applicants 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 on-site maintenance of a project record, and Section 56-3.5(a) regarding 10 day notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requiremens of Section 56-5 are met.
- 20 The proposed building shall be sprinklered in accordance with Town requirements.
- 21 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.

- 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 dimensions provided on those plans agree with one another.
- 24 Elevation drawings showing the height of the structure in relationship to proposed 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 replace 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.
- 28 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.
- 29 The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton's Architectural Review Board.
- 30 The Conservation Board is concerned that the quantity of plants shown in plant material list properly reflects with the plantings shown on the plan, verify new/proposed plant counts. The site plan should be revised.

- 31 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 terminate ½ hour after the close of business.
- 32 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.
- 33 The location of HVAC and vents shall be shown on the site plan.
- 34 All requirements of Sections 203-84.B3 (restaurant regulations), 203-84.B4 (outdoor Dining Facilities, 207-14.1 (waste container and grease/oil container 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.
- 35 The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard.
- 36 The location and screening of any grease recycling container shall be submitted to the Building and Planning Department for review.
- 37 The site plan must be revised to list all proposed variances.
- 38 A demolition restoration plan must be submitted.
- 39 All required variances shall be obtained from the Zoning Board of Appeals.
- 40 The applicant shall submit the revised Supplemental Traffic Letter of Findings dated June 27, 2017 (Revised July 31, 2017) to the New York State Department of Transportation for review and comment on the Supplemental Traffic Letter.

- 41 Paragraph 201.16.B.(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, a cross-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 cross access 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.
- 42 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 replace 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 eliminated entirely. All requirements of the NYSDOT shall be met.
- 43 The applicant will be required to provide a letter of credit for the work associated with the removal of the aforementioned Mammasan's driveway. The letter of credit will be held until the construction of the proposed Whole Foods traffic signal is completed and access to Monroe Avenue from the project site is eliminated. The applicant shall enter into an agreement with the Town regarding the removal of the driveway onto Monroe Avenue once the traffic signal is installed and functioning.
- 44 The 2016 Background data presented in the Intersection Level of Service Table coincides with the March13, 2017 Traffic Impact Study for the Whole Foods project. However, the 2018 Bacground with Whole Foods information does not seem to coincide with the 3/13/17 study. Since the traffic model for the Mamassan's project

provides LOS designations identical to those shown in the Whole Foods traffic study it is reasonable to expect that the model would provide very similar LOS designations due to the addition of the traffic generated by Whole Foods alone. Please explain the discrepancy.

- 45 All easements and concerns of the Evert Garcia as contained in the attached memo dated August 13, 2017 to Ramsey Boehner, shall be addressed.
- 46 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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SIGNS

1481 Bank of America for a building face sign at 2830 Monroe Avenue.

The Bank of America building sign with the white face is approved as presented in the drawing with revision date of 6/27/2017.

- Note that this recommendation is for the illuminated wall sign only.

1482 Eli Estate Jewelers for an Awning Sign at 1492 Monroe Avenue
Approved with Conditions.

1. The written consent of the landlord shall be obtained and submitted with the application for a buiding permit to install the sign.
2. The sign shall be centered on the storefront in the same manner that Manuel Jewelers was.
3. All requirements of the approved sign plan shall be met including the following:
 - a. The sign shall be installed by a licensed sign and awning installer approved by the plaza owner.
 - b. Sunbrella Mediterranean Tweed Fabric #4653 shall be used.
 - c. Lettering shall be Benjamin Moore Acrylic Latex Brilliant White.
 - d. The canopy shall not be illuminated.
 - e. The font used shall be FRriz Quadrata with initial letter height of each word 14" and remaining letters 12", Bottoms of letters shall align.

1483 Farash Tower and Greenhouse Building Signs for four Building Face Signs at 2021 Winton Road South.

CONDITION

1. All required variances shall be obtained.

1483 Movies 10 for two building face signs at 2609 West Henrietta Road.

1463 U of R South Campus for four Freestanding Signs at 200 East River Road.

Postponed at applicants request.

SIGNS (cont.)

MR. FADER: I move to approve signs 1481, 1482, 1483 and 1484 as presented above with conditions and 1463 is postponed to Sept 13, 2017 at applicant's request.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

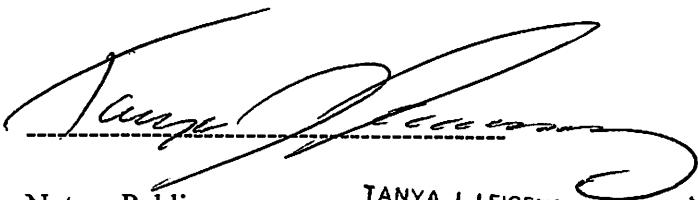
C E R T I F I C A T I O N

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the August 16, 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

On this 30 day of August 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