

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on February 15
, 2017 commencing at approximately 7:30 p.m.

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

NOT PRESENT: James Wentworth

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 February 15, 2017
meeting of the Town of Brighton's Planning Board to order. We will
approve the minutes of the January 18, 2017 meeting with any corrections.

MR. PRICE ABSTAINED DUE TO HIS ABSENCE ON JANUARY 18

MS. CIVILETTI: I move to approve the January
18, 2017 minutes of the Planning Board with any corrections?

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

MR. BOEHNER: Yes, they were properly
advertised in the Brighton Pittsford Post of February 9, 2017.

MR. CHAIRMAN: I have a few adjustments to the agenda. Application 11P-03-16 and 7P-NB1-16, 1P-NB2-17 are postponed to the March 15, 2017 at the applicant's request as well as 1P-NB1-17 has been adjourned to the April 13, 2017 meeting at the applicant's request. The remaining hearings will now be held.

11P-03-16 Application of Alice Kanack, owner, for Final Site Plan Approval to construct a 4,485 +/- SF building addition and to add 47 parking spaces on property located at 2077 South Clinton Avenue. All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE MARCH 15, 2017 MEETING AT THE APPLICANT'S REQUEST.

2P-01-17 Application of Westfall Professional Park, owner, and John Standing, agent, for relief of conditions of approval (3P-01-95) requiring the permanent maintenance of landscape screening and requesting to replace it with a solid fence on property located at 880 Westfall Road. All as described on application and plans on file.

MR. STANDING: My name is John Standing representing Reality Performance Group and Westfall Professional Park and they are looking to find relief from the condition of approval to maintain a solid vegetative screening on the west end of the project and requesting to replace it with a 6 foot vinyl solid fence on property located at 880 Westfall Road.

MR. CHAIRMAN: Tell us about your application, you have already made application to the Zoning Board of Appeals.

MR. STANDING: Yes.

MR. CHAIRMAN: And what happened there?

MR. STANDING: They tabled it for now I guess they have questions about the style and fencing color which we have provided to the Zoning Board.

MR. CHAIRMAN: Do you have something for us to look at?

MR. STANDING: I actually have the fence style proposed and the color on two separate sheets.

MR. CHAIRMAN: While that is passed around you are talking about removal of all the arborvitae.

MR. STANDING: Correct. They have been replacing the arborvitae over the last 10 years because they have had a hard time keeping the arborvitae healthy. I have a letter from Rick Stafford and he doesn't think the soil is conducive and he is recommending removal or replacement of the arborvitae with vinyl fencing.

MR. CHAIRMAN: How far off the edge of pavement are you proposing to put the fencing exactly?

MR. STANDING: Exactly where the arborvitae are which I believe is 3 to 4 feet.

MR. CHAIRMAN: Is it plowing that is pushing snow towards the arborvitae and now it will be a fence.

MR. STANDING: They push it towards the back end of the property not into the fence.

MR. CHAIRMAN: So it goes the other way and not into it?

MR. STANDING: Correct.

MR. OSOWSKI: In the far north west corner of the parking area there is an existing fence. So will your fence be in front of that on your side so it will be totally blocked off?

MR. STANDING: I believe it is.

MR. OSOWSKI: Are your posts set in concrete?

MR. STADING: Yes. I have a proposal for the fence if anybody wants to take a look at it. Just a written proposal with the materials that are going to be used and the color choice, I do not have a drawing on it.

MR. BOEHNER: It talks about the footage being 36 inches?

MR. STANDING: Yes.

MR. BOEHNER: Two to one in height?

MR. STANDING: Yes.

MR. CHAIRMAN: Just out of curiosity, where did the beige color come from?

MR. STANDING: That is one of the doctors, one of the Board members picked out. I guess he wanted it to blend in a little bit more most of the railings around the building are beige.

MR. CHAIRMAN: Any questions? We do not typically act on an application until the Zoning Board of Appeals approval is granted. We will consider a different alternative to that if you want to stick around and hear the rest of the public hearings. We will then discuss your application and you are welcome to stay but you don't have to.

MR. OSOWSKI: Is this a 6 foot fence?

MR. STANDING: It is. We have sought a variance for the front yard where it can be no higher than 3 and a half. So we sought a variance for 6 foot throughout.

MR. CHAIRMAN: So that is two conditions you are asking for a change in the height of the fence and –

MR. BOEHNER: They also have a condition on the property when they came in to receive a pavement setback variance back in 1995 and a condition of that variance was in order to have less of a pavement setback they had to have a landscape screening that was to be maintained and what they are asking for is to have that condition removed and then the parking lot extends past part of the building so you note they need a height variance for the fence. So there is two things relief from the condition and to have part of the six foot high fence in the front yard.

MR. CHAIRMAN: So technically what we are approving is the relief of our condition from 1995 and you realize that the Zoning Board of Appeals could deny the fence height?

MR. STANDING: Yes, I do.

MR. BOEHNER: And you are left with doing the landscape screening.

MR. STANDING: Yes.

MR. CHAIRMAN: Thank you. This is a public hearing is there anyone in the audience who cares to address this application? Hearing none we will move on.

2P-02-17 Application of Bank of America, owner and Stonefield Engineering, consultant for Site Plan Modification to upgrade exterior lighting on property located at 2830 Monroe Avenue. All as described on application and plans on file.

MS. MENGES: Good evening my name is Jacqueline Menges on behalf of Bank of America. We are here presenting an exterior lighting upgrade at 2830 Monroe Avenue. This is a State regulated lighting standard for ATM's for security for 24 hour accessibility to our ATM machines. I believe all the members of the board received copies of the standards. And our plans and renderings show proposed lighting around the site.

MR. CHAIRMAN: Can we ask questions as you talk?

MS. MENGES: Of course. Let's start this over, tell me about this law that you are trying to comply with the standards that you are trying to comply with.

MS. MENGES: It's the New York Banking Law that regulates adequate lighting around 24 hour accessible ATM's for customers safety and it requires that they have minimum amount of foot candles around that machine for both interior and exterior for one in the drive thru on the north side of the building and one machine in the interior vestibule at the front entrance.

MR. BOEHNER: How is that accessible?

MS. MENGES: That is accessible by using your debit card to enter the doors and in doing so we are replacing all of the lighting on the site with LED fixtures that are more energy and cost efficient.

MR. CHAIRMAN: This happens to be my bank and I have been going there for 20 years and these laws have been in place for a long time. How is it – you probably not going to be able to answer these questions but why are they requesting this now?

MS. MENGES: It is a program that they have to replace every year about 50 branches that we work on and we go out and survey the existing lighting to see if there are any that are inadequate.

MR. CHAIRMAN: You did the survey and determined it was in non compliance?

MS. MENGES: It was non compliant and then also we wanted to retrofit to all LED fixtures.

MR. CHAIRMAN: Okay so under the law

what is the foot candle requirement, and how far from the ATM are you required to provide that foot candle light?

MS. MENGES: There are a few dimensions that we are working with this is in a five foot radius from the ATM machine we are required five foot candles and five foot lanes above grade. The second step from that is a 30 foot radius around the machine With 2 foot candles at grade and then the last is a 60 foot radius around each machine with a one foot candle five foot above grade.

MR. BOEHNER: Do you have to achieve that off of the property?

MS. MENGES: In New York State yes the law does not define any stoppage at the property line. They require you to go beyond the property line.

MR. BOEHNER: Even if they are residences?

MS. MENGES: Unfortunately yes.

MR. CHAIRMAN: Okay it appears that you greatly exceed these foot candles and you are saying these foot candles do not exist today? Under the ATM you have 12 plus foot candles. Sheet C 2 what does that represent?

MS. MENGES: Sheet C 2 is the overall lighting plan so those are calculations at grade.

MR. CHAIRMAN: Sheet C 3 what is the radius line is that the radius line from 60 feet?

MS. MENGES: Our 60 foot line would be the GX for one pole at the front of the property and then 60 feet also which is the adjacent building.

MR. OSOWSKI: It looks to me like some of them are mounted too high. It looks like somebody grabbed a fixture

and used the same fixture everywhere and didn't pay any attention to the lighting levels. It seems really excessive especially shining on the animal hospital next door. I know they keep animals there over night. I don't know if the lights are going to disturb the animals or not but it just seems like it is way over illuminated when you are driving down that street. There is going to be this big white spot off the Bank of America.

MR. CHAIRMAN: You are not the designer of this?

MS. MENGES: Correct.

MR. CHAIRMAN: You are expediting on behalf of Bank of America? We don't mean to offend but this is very difficult to understand. The drawings are very difficult to understand. Its difficult to understand what fixtures are going out over here. We can't tell whether they are able to tip up are there lights going on the adjacent building?

MS. MENGES: We are not having any lights going on the adjacent building. Those lights are existing lights on the hospital and we can not control them. We can not use those lights in our pictures and calculations either. Any lighting out of the Bank of America's control can not be calculations in our summary.

MR. CHAIRMAN: I am just wondering why would you put your neighbor's adjacent lights on your drawing? It looks to me those are proposed fixtures.

MS. MENGES: We understand your confusion.

MR. BOEHNER: What is C 3?

MS. MENGES: C 3 shows the lighting levels at 5 feet.

MR. BOEHNER: What are those circles?

MS. MENGES: The circles show a 50 foot radius around each ATM machine and you can have two foot candles at five feet.

MR. CHAIRMAN: Jackie one of the things that we are very concerned about is other banks that will start to follow suit with this replacement program and we have many banks on Monroe Avenue. We are going to take time to get this ready. The drawings are confusing. We don't have a sense of what we are going to see out here. I can semi appreciate the renderings but I guess I really can't. We are very afraid of the site being over lit. I think the foot candles are bearing out to be more than two times what the standard requirement is and so I think we are going to want know A, what are the foot candles with each required radius from the ATM drawings as the regulations. So we understand how these are compliant with the regulations. It is hard to understand and then move to the question of the color of the lights. What are the illuminations of these, 4,000, 3500, 3000

MS. MENGES: The illuminants are calculated at 4.000

MR. CHAIRMAN: 4,000 okay I think there is some general misunderstanding of just what 4000 looks like. Is that blue lighting going to light everything up like a car dealership or is it going to be yellow with the range of a high pressure sodium. What does it do to cameras to read through colors? I guess I would like a bit more about why these are going to be 4,000 and why does it need to be 4,000 versus 3,000.

MS. MENGES: This has come up on other projects as well and if we go to 3,000 we may need more light and have to put up more fixtures but it is definitely something we can address and look at. As I said I don't design the plans. I know your concerns and the concerns of the town ship but we do our best to be compliant everywhere. I know it is hard to read the plans but we have a tree on site that is in our radius and that tree alone is going to be blocking light and we are getting one foot candle in that area. So to get compliance everywhere some areas are going to be a little bit higher. We are putting in two poles around the tree.

MR. OSOWSKI: I would have Stonefield Engineering take a really hard look at this. It does not look well designed. It looks like fixtures that were used elsewhere and just placed at convenient spots around the building. Double poles were used where only one could have been. It is generally overdone.

MR. CHAIRMAN: That is our consensus that it is over designed and we understand the safety issue and this hasn't been touched in 20 years. Any other questions? We will be tabling this tonight and give you a list of questions. We would like to make sure the drawings are what the State standards are. So if there are these units of measure a five foot radius, 30 foot radius and 60 foot radius. I would like to see those from the ATM's and the drive-thru so we can see within those radius's what is the foot candle being proposed.

MR. BABCOCK STINER: So if you are not using the 60 foot standard that is fine show us whatever standard you are using.

MR. BOEHNER: I also think once you receive compliance and you have achieved that what is happening beyond that 50 foot radius. It is still very bright and if you cut off some of that light you can control it better and it won't be overdone.

MS. MENGES: I have two things I want to mention just so you know in going forward all the fixtures are full cut off and hopefully it will mitigate any light source and they are flat lens LED. So what is currently on site is a box light and these will all be focused down to the ground so you won't necessarily see it and then the last question just so I know these are all bronze and I wonder if that is acceptable to the Board.

MR. CHAIRMAN: Yes, and when you have the cut offs I think it all works. We are also concerns if any of the wall mounts or post ops have a hinge that would allow the fixture to be tipped causing a glare and we want to make sure that it doesn't have that ability so a store or a bank manager can call an electrician and say I want you tip that light up.

MS. MENGES: From my understanding they would all be flat mount.

MR. CHAIRMAN: Also there are some acronyms on here and perhaps you can state what they are on the tables.

MS. MENGES: Thank you.

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

2P-03-17 Application of C.T. Yang Corp., owner, and Ninet Rock LLC, contract vendee, for Final Site Plan Approval, Final Conditional Use Permit Approval and Demolition Review and Approval to raze an existing restaurant building and construct a 1,776, +/- sf Tim Hortons restaurant with drive-thru and outdoor dining and with extended hours on property located at 2830 West Henrietta Road. All as described on application and plans on file.

12P-NB1-16 Application of C.T. Yang Corp., owner and Ninety Rock LLC, contract vendee for Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze an existing restaurant building and construct a 1,776 +/- sf Tim Horton's restaurant with drive-thru and outdoor dining and with extended hours of operation on property located at 2830 West Henrietta Road. All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. BABCOCK STINER ABSTAINED FROM THIS APPLICATION

MR. GAMPERL: Good evening. My name is Robert Gamperl. I am here representing Ninety Rock, LLC, contract vendee for 2830 West Henrietta road. We are proposing to raise the existing structure on the site and replace it with a 1776 square foot Tim Horton's. A little back ground we met back in December and since then have made a round of a few of the Borads. We met with the Architectural

Review Board, we received conditional approval with them. We also met with the Zoning Board of Appeals in regard to proposed signage and have been granted a variances required for our use and design. We have received a determination from the Historic Preservation Commission that the existing structure on the site is not of value and I believe that was the determination and most recently we met with the Conservation Board and received praise for the amount of trees and green space we are providing on the east end of the site on the rear of our project.

We are here tonight to request both preliminary and final site plan and conditional use for restaurant use and the drive thru use and outdoor dining. The final request was for hours of operation and we anticipate to be open from 5 a.m. to 10 p.m to the public and then an hour on either end of that for operations. With that I will be glad to walk you through the site plan uses. I will introduce you to Andy Hartman our civil engineer of Berman Associates and Brian Genile the Architect of record for Bergman Associates and Chris Kenedy from Ninety Rock is also the operator for Tim Hortons. Would anyone like us to walk through the site plan?

MR. CHAIRMAN: No thanks I think we have gotten through the site plan issues. At this point Ramsey remind us on the four conditional use approvals. Those have no time restrictions.

MR. BOEHNER: They don't expire unless this Board puts a condition on it that they do expire. You can make them renew their conditional use permit if you like by town code. But generally speaking unless you do that they do not expire. I have some questions. You want hours of operation to be from 3 a.m. to 11 p.m. for staffing and deliveries?

MR. KENEDY: Chris Kenedy. Exactly. Hours of operation would be 5 to 10 p.m. and Tim makes everything fresh daily and those are extremes on either end. It will be a little less than that.

MR. OSOWSKI: We said 4 a.m. to 11 p.m. put you really mean 3:00 a.m. to 11 p.m.

MR. KENEDY.: Yes. We would like to put 3 a.m. in the application for comfort.

MR. BOEHNER: You will need to amend that .

MR. CHAIRMAN: Who comes in at 3:00 a.m. is it just staff or deliveries.

MR. KENEDY: Deliveries are usually mid day .

MR. CHAIRMAN: At this point I believe you have been to the Conservation Board. Please remind me why you are not able to get street trees across the front of the project.

MR. GAMPERL: Currently there is a handful that the utilities have decided to reshape. Those trees I don't think are desirable any longer and we are planning to remove all the trees along the front of the property and replace that with lawn coverer and then some ornamental grasses along the front for softening the landscape and then on the back of the site we are over planting with a variety of species in the back.

MR. BOEHNER: Those overhead lines run along West Henrietta Road.

MR. GAMPERL: It goes to right about here and that services this building to the north of us and it would impede any tree growth down the road. The overhead lines running to the south of the property they run around the whole length.

MR. BOEHNER: Got you.

MR. CHAIRMAN: Those are just grasses. How tall are those over head lines?

MR. HARTMAN: Six feet not very high.

MR. BOEHNER: I think you have existing photos.

MR. CHAIRMAN: Any other questions?

MR. BOEHNER: You have a record of the traffic study you did and that was reviewed by New York State DOT?

MR. GAMPERL: They are still in the process of working on it but there is no mitigation required.

MR. BOEHNER: I would ask that you make sure the driveway and sidewalks are okay before you get your permit.

MR. BOEHNER: Does the building have asbestos in it?

MR. GAMPERL: Yes.

MR. BOEHNER: And it will be abated before demolition?

MR. GAMPERL: Correct.

MR. FADER: When will you open?

MR. GAMPERL: As soon as possible no later than the third quarter of this year.

MR. CORDOVA: There is a sidewalk being put in is there any kind of signage being put in particularly on the driveway cross walk.

MR. HARTMAN: We can put in two white lines across it and to the front door.

MR. CHAIRMAN: There isn't any

connection for the sidewalk right now but there will be and you are going to set the standard.

MR. HARTMAN: We also have bike racks and those were not included in the original submittal we sent to you but for the record we will send it to you tomorrow.

MR. CHAIRMAN: All set thank you.

NEW BUSINESS

7P-NB1-16 Application of Alice Kanack, owner, for Preliminary Site Plan Approval to construct a 4, 187 +/- sf building addition and to add 47 parking spaces on property located at 2977 South Clinton Road All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE MARCH 15, 2017 MEETING AT THE APPLICANT'S REQUEST.

1P-NB1-17 Application of Jerome Koresko, Sr. Owner and Dr. Indra Quagliatat, contract vendee for Preliminary Site Plan Approval , Preliminary Subdivision Approval and Demolition Review and Approval to raze a single family house, combine two lots into one and construct two 7,000 +/- sf two story office buildings with related infratsturcute on property located at 1230 East Henrietta Road (Tax ID's 149.18-2-3 and 149.18-2-4) All as described on application and plans on file. TABLED AT THE JANUARY 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN ADJOURNED TO THE APRIL 13, 2017 MEETING AT APPLICANT'S REQUEST.

1P-NB2-17 Application of Crittenden Creek Development, owner, and Antonelli Development, LLC, contract vendee, for Preliminary Site Plan Approval, Preliminary Subdivision Approval and EPOD (Watercourse) Permit Approval, Preliminary Subdivision self storage units with a rental

office totaling 72,725 +/- sf and join four lots into one on property located at 1266 Brighton Henrietta Rown Line Road (Tax ID#'s 148.109-1-78-9-10) All as described on application and plans on file. TABLED AT THE JANUARY 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN ADJOURNED TO THE MARCH 15, 2017 MEETING AT APPLICANT'S REQUEST.

OLD BUSINESS

NONE

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Edmund Martin, P.E., requesting postponement of application 1P-NB1-16 and 11P-03-16 to the March 15, 2016 meeting.

Letter from J. Charlie Schalliol, Site Enhancement Services, dated February 2, 2017 regarding sign application 1445.

Letter from Jess Sudol, Passero Associates, dated February 7, 2017 requesting adjournment of application 1P-NB2-17 to the March 15, 2017 meeting.

Letter from David Prizzi, Environmental Design & Research, dated February 9, 2017 requesting adjournment of application 1P-NB1-17 to the April 13, 2017 meeting.

PETITIONS

NONE

2P-01-17 Application of Westfall Professional Park, owner, and John Standing, agent, for relief of conditions of approval (3P-01-95) requiring the permanent maintenance of landscape screening and requesting to replace it with a solid fence on property located at 880 Westfall Road. All as described on application and plans on file.

MS. CIVILETTI: I move to close application 2P-01-17.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and the following 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. A solid fence shall be installed and maintained.
2. All required approvals from the Zoning Board of Appeals shall be obtained.
3. Meet all requirements of the Town of Brighton's Department of Public Works.

4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. 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.
6. Soil erosion control measures will be implemented.
7. A Building Permit shall be obtained prior to the installation of the fence.
8. All comments and concerns of Michael Guyon as contained in the attached memo shall be addressed.
9. 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

2P-02-17 Application of Bank of America, owner and Stonefield Engineering, consultant for Site Plan Modification to upgrade exterior lighting on property located at 2830 Monroe Avenue. All as described on application and plans on file.

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 one week prior to the next Planning Board meeting.

1. Plans shall be revised to address the following:

A note shall be added to the plans that says:

All lighting shall be designed to illuminate 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 $\frac{1}{2}$ hour before the business is open to the public and to terminate $\frac{1}{2}$ hour after the close of business.

B All poles and fixtures should be located on the Bank of America property unless an easement has been granted by the neighboring property to encroach onto the property.

C Lights should use cutoff shields to prevent light overflow onto the adjacent properties or the right of way.

D Building mounted lights should be oriented and or shielded so that the elements aren't directly visible off-property.

E The plans shall be revised to reduce the impacts of the proposed lights in an effort to achieve minimum standards.

F The radius standards shall be clearly shown on the plans.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

2P-03-17 Application of C.T. Yang Corp., owner, and Ninet Rock LLC, contract vendee, for Final Site Plan Approval, Final Conditional Use Permit Approval and Demolition Review and Approval to raze an existing restaurant building and construct a 1,776, +/- sf Tim Hortons restaurant with drive-thru and outdoor dining and with extended hours on property located at 2830 West Henrietta Road. All as described on application and plans on file.

12P-NB1-16 Application of C.T. Yang Corp., owner and Ninety Rock LLC, contract vendee for Preliminary Site Plan Approval, Preliminary

Conditional Use Permit Approval and Demolition Review and Approval to raze an existing restaurant building and construct a 1,776 +/- sf Tim Horton's restaurant with drive-thru and outdoor dining and with extended hours of operation on property located at 2830 West Henrietta Road. All as described on application and plans on file. TABLED AT THE DECEMBER 21, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. BABCOCK STINER ABSTAINED FROM THIS APPLICATION

MR. FADER: I move that the public hearings be closed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER; I move that the Planning Board adopts the following findings based on the application submitted, testimony presented and the determinations, comments and recommendations of the Historic Preservation Commission, Architectural Review Board and Conservation Board.

- 1 The existing building, if currently designated as a landmark, has received required approvals from the Historic Preservation Commission and if not currently designated has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
- 2 The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered
- 3 The project is consistent with the Brighton Comprehensive Plan.
- 4 The project meets all Town zoning requirements or a variance has been granted by the Brighton Zoning Board of Appeals

- 5 The Brighton Department of Public Works has approved the proposed grading plan for the project.
- 6 The project complies with the requirements of the Town of Brighton's regulations regarding trees.
- 7 A restoration/landscaping plan has been approved by the Planning Board
- 8 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 9 of the Code of the Town of Brighton Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
- 9 The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- 10 The project does not have a significant negative impact on affordable housing within the Town.

MS. CIVILETTE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move 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:

- a. The restoration plan shall be revised to address disturbance on the entire parcel, including areas of pavement removal. All disturbed areas shall be restored to lawn.
- b. Prior to issuance of a building permit asbestos shall be abated in accordance with local and State requirements and certification of asbestos removal shall be submitted.
- c. The following comments of the Conservation Board shall be addressed
 - With the installation of a sidewalk along West Henrietta Road as shown on final plans, it appears the one street tree earmarked to remain may be severely compromised. It may be best to remove that tree, plan an additional tree to the rear of the property and continue the evergreen shrubs along the sidewalk north of the entrance, or plan a new street tree further back off the sidewalk in that same lawn area.
 - All other previous comments appear to have been adequately addressed.
- d. Cut sheets shall be provided that call out the specifications for the individual lights proposed.
- e. Hours of operation shall not exceed 3 am -11pm without further board approval.

- f. All requirements of Sections 203-84.B.3 (restaurant regulations), 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. Included in these requirements is that “a minimum of one aesthetically acceptable trash receptacle shall be provided on site adjacent to each driveway exit. At least one additional aesthetically acceptable, onsite, outdoor trash receptacle shall be provided for every 10 required parking spaces.” Also included is that Any use providing food capable of being immediately consumed which is served in disposable packaging shall have at least one aesthetically acceptable, on site outdoor, covered trash receptacle for patron use located near the primary entrance ... “ These requirements, along with the other requirements of those sections should be addressed.
- g. The drive-thru speaker is required to be less than 50 DBA at four feet from the speaker and not audible above daytime ambient noise levels at the property line.
- 8 All lighting shall be designed to illuminate 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 $\frac{1}{2}$ hour before the business is open to the public and to terminate 1@ hour after the close of business.
- 9 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 10 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 11 All Town codes shall be met that relate directly or indirectly to the applicant's request.

- 12 Meet all requirements of the Town of Brighton's Department of Public Works.
- 13 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
- 14 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 15 Maintenance of landscape plantings shall be guaranteed for three years.
- 16 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.
- 17 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 18 All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
- 19 Fire hydrants shall be fully operational prior to and during construction of the building.
- 20 All County Development Review Comments shall be addressed.
- 21 Erosion control measures shall be in place prior to site disturbance.
- 22 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.

- 23 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 24 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 25 Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
- 26 All requirements of NYSDOT shall be addressed.
- 27 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 28 The plans shall be revised to show cross walk stripping across the driveway entrance from the sidewalk to the front entrance to the building.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

1471 Metro Park Business Complex for a building face sign at 333 Metro Park
CONDITIONS;
7. Sans serif font shall be used to reduce distracting shadows on the corrugated surface.
7. The font size on the lower line shall be reduced to approximately two third the height of the upper line and the line shall be justified (made the same width as the upper line)
7. The height of the top of the sign from grade shall be shown on the plans and shall not exceed 20 feet.

1471 Rochester Eye Associates for a building face sign at 230' Lac De Ville Blvd (approved as presented by ARB)

1471 City Mattress for a building face sign at 2717 Monroe Avenue. (approved as presented by ARB)

1471 Light RX for a building face sign at 1892 Monroe Avenue.
Condition
7. Meet all requirements of the approved sign plan.

OLD BUSINESS

1448 Hyandai for a building face sign at 2525 West Henrietta Road. (approved as resubmitted)

1461 Sabragrill for a building face sign at 1855 Monroe Avenue. (ARB denied – the font does not match the plaza standard)

1461 U of R South Campus for four free standing signs at 200 East River Road.

Two free standing vehicular directional signs at 200 East River Road are approved as presented.

The South Campus sign plan is tabled.

MR. FADER: I move to approve signs 1465, 1466, 1467, 1468 as presented with conditions as stated.
1445 approved as resubmitted. 1461 denied. 1463 two free standing signs approved and the South Campus sign plan is tabled.

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 February 15, 2017 Meeting of the Town of Brighton's Planning Board at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.

Judy Almekinder

Judy Almekinder

State of New York,
County of Wayne

On this 27th day of February 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

LSA O CRIMES
Natalia Pupilo, State of New York
Oversigned in Dutchess County
No. O1466113781
Commissioner Expenses November 8, 2000