

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York postponed to
September 27, 2017 from September 13, 2017 at approximately 7:30 p.m.

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

NOT PRESENT: Justin Babcock Stiner

Ramsey Boehner: Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the September 27, 2017 meeting of the Town of Brighton's Planning Board to order. We do have the minutes of the July 19, 2017 and the August 16, meeting. Do I have a motion on the July 19, 2017 meeting.

MS. CIVILETTI: I will move approval.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. CHAIRMAN: Do I have a motion on the August 16.2017 meeting.

MR. FADER: I will move the approval.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRIED

MR. CHAIRMAN: Have the public hearings been properly advertised?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of September 21. 2017.

MR. CHAIRMAN: And they were advertised prior to that as well?

MR. BOEHNER: Yes, they were.

MR. CHAIRMAN: We will start those hearings now the first application is Application 6P-03-17.

6P-03-17 Application of Jerome 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 SEPTEMBER 27 MEETING AT APPLICANT'S REQUEST.

MR. PRIZZI: Good evening my name is David Prizzi from the Environmental Design & Research and I am the Landscape Architect for the owner Jerome Koresko Sr. and the contract vendee, Dr. Indra Quagliata. I will be relatively brief. You have all seen the drawings and the few comments at this point we have addressed all the comments in writing. The Monroe County Water Authority didn't like our original design and that is the major change. We will go over that quickly and then answer any of your comments. In our original plan the water service was coming off of East Henrietta Town Line Road on the west side of the road and we presented that several times with no comments and then they said we aren't going to let you do that. So we went through several meetings with Monroe County Water authority we wanted it to go through the Brighton Henrietta Town Line Road where the right of way is along Clay Road and coming down there we had the fire hydrants and the hot box was relocated to the dumpster location previously it was in the front yard and we are connecting both buildings for water service.

I believe we sent in all of the details and engineering plans for that.

MR. CHAIRMAN: What challenges do you have in implementing that? Do you have the right of way?

MR. PRIZZI: We have the right of way to work in and the dedication to the hot box . The biggest challenge is getting a permit from the DOT.

MR. CHAIRMAN: The water authority made you change it for their purposes and you had to go to DOT?

MR. PRIZZI: That is correct . We haven't sent it to DOT yet but we have discussed it with them and they don't want to see it again until the Board approves it.

MR. CHAIRMAN: Your sanitary is still where you originally proposed it .

MR. PRIZZI: That is correct. We have exhausted everything we know how to do and they are not allowing us to gravity feed it to that adjacent sewer on MCC property.

MR. CHAIRMAN: Okay alright, we have one other question we would like to ask you about relative to the lighting. Your plans I think you are proposing to use 4,000 K as the light force. We would like to recommend 3,000 K. We are pushing 3,000 K and that is something we are pretty consistent about.

MR. BOEHNER: The lighting plan was at 4,000 K is that right?

MR. PRIZZI: Correct.

MR. CHAIRMAN: It is not going to require you to increase poles or diminish spacing you will be able to do that?

MR. PRIZZI: Yes.

MR. CHAIRMAN: Any other questions?

Short and sweet guys. This is a public hearing does anyone care to address this application? So you don't have to wait around the condition will be that you secure the right of way from DOT and the Water Authority on that. I think we have seen it enough and that is all we can do at this point.

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. TABLED AT THE AUGUST 16, 2017 MEETING - PULCI HEARING REMAINS OPEN.

MR. GOLDMAN : Good evening Mr. Chairman and Members of the Board. My name is Jerry Goldman, attorney and agent for the Jewish Senior Life and we are here for Preliminary and Final Site Plan Approval and EPOD Permit Approval dealing with Lot 3 on Meridian Center of the JSL campus. With us tonight and the principal presenter is going to be Andrew Spencer of B & E Associates who is the project engineer also with us tonight is the Chief Financial Officer and Director of Facilities from JSL who can relate to any questions on that aspect of the project. The last time we were here was in August and just to briefly summarize where we were an what our application is. What we are looking to do is to establish a wetland maintenance plan designed to avoid any further encroachment of the current wetland into the remainder of the site and to also increase the viability of the existing wetland. So it provides benefits on both sides.

I think we had a good discussion at the last board meeting and I think a lot of what it came down to at that point was to deal with the mitigation and what trees are going to be removed on the site. Additional work has been done since our last meeting. At the last

meeting the condition of approval stated a detailed mitigation plan shall be submitted and shall include 300 trees and 159 shrubs and we will go into a lot more depth into that but we have met that requirement of the tabling motion and in fact the discussion is going to focus on as much of the quality and nature of the trees and the prospects for us of trying to make sure that we actually put in place something that is going to be viable and sustainable on this particular site.

One of the steps that the Board is going to have to take is to deal with SEQR to the extent that the coordinated review and I don't think anyone has objected so the Planning Board has the ability to make a determination of significance under the SEQR before designation on the site. And one thing before I let Andy come up and deal with all the details relative to this matter our intention is to move fill dirt which is located in lot 1 of the JSL campus where the main building and green houses are located to provide the wetland maintenance plan that we are talking about. We are at very, very late stage and perhaps in the next month we will be able to do that. We would urge if at all possible that we come to a conclusion this evening to allow us to perform all of that work within the fall of this year. With that I will turn it over to Andy.

MR. SPENCER: Andrew Spencer with B & E Associates the basic conversation we had last meeting And the conversation we had with the Conservation Board meeting as well, we met with them two weeks ago to review the plan. What we have done is to position and prepare and provide a landscape plan showing plantings of 300 trees along the western southern border of this lot 3 here along with 150 shrubs throughout different sections of the site. This is as detailed we wanted to get with the plan knowing what the outside conditions are. We want to come in and place something 5 to 10 feet from what already exists today and if we do determine that there are more trees on the site I do want to be able to move things around. So these are generalized locations of where the tree species will be going. The tree species that have been selected are anything from red maple to hickory, swamp oak, white oak and red oak.

Our shrub materials will be a combination of choke cherry, silky dogwood, northern spike bush, elderberry and smooth and stubby sumac. The intent of the shrub plantings is to create a secondary level of plant material. We want our trees on the upper story and sum of the shrub material into the existing wetlands on the site and also provide screening along this edge. The shrub material is going to be anywhere from 6 to 10 to 15 feet in height which will provide a barrier to the park area adjacent to the west. I know one of the concerns at the Conservation Board meeting was the number of the materials that are being provided. I would like to review with the Board the overall site with the overall tree survey and we had to identify 919 trees within the site and of those 919 trees we have approximately 579 which constitute the green ash, American ash is dying off because of the disease that is going around and we have indications that it is on the site today. And we are going to lose those trees over the course of the 3 to 5 years regardless of anything that is done. A number of the American Elm are getting up to the see producing age and that is the time that the Dutch Elm disease affects those trees and those trees will also be lost and the American Beech has a fungus that is affecting that plant material and it is a matter of years before those are lost on the site.

There are 579 trees that will be lost regardless of whether they are taken down by us now or by disease and fungus. And so what remains is 340 quote unquote good trees on the site and those good trees are silver and red maples, eastern cotton wood which is the most predominant of the good species, some bass wood and hickory species and we are sparing the cotton wood we don't want any more of the cotton wood. That covers the numbers we are proposing 300 trees and 150 shrubs and we think that is a fair replacement rate to the number of trees that will be removed on the site. A secondary commentary that came from the Conservation Board and we did discuss it the last time we went and that is the size of the material and what we would like to propose is 4 to 5 foot bare root material installed with a deer collar on it to prevent some of the deer brows in the area.

One of the reasons we are proposing a smaller tree is it takes a lot less time for a smaller bare root material to acclimate to the site and start producing good top root. If we were to plant ball and burlap material for every inch to an inch and a half you are

looking at a years worth of maintenance and that maintenance means watering, fertilizing and looking over that material and it has been shown in a number of studies through cooperative extension and the national forest service that planting the smaller trees that they will triple in size within a three to five year period. Instead of the ball and burlap material that is going to force most of its growth into the root system so you don't see any development on the top until much much later.

The other comment the Board had last month was the treatment of the overall area. We are proposing an indigenous grass veracious segment in the area that will include a pollinator species, native grass material and food and forage for the small animals on the site. I think this is a much better situation than what exists on the site today which is an awful lot of invasive species, such as thorn roses and honey suckle which will allow for much better quality forage.

I think that covers the things we talked about previously and I will be happy to answer any questions you may have at this point.

MR. BOEHNER: Are you planting less deer resistant plantings?

MR. SPENCER: Yes within the meadow area there are definitely some trails of deer browsing we are hoping to change that with seed that is quite popular in this area to prevent attracting deer browsing.

MR. BOEHNER: Andy one of the big things with this is the maintenance in its early years to make sure it survives in a health manner. Is your client up to making sure this is done because one of the things that I am going to recommend is that a landscape architect verifies that the plantings were installed according to the plans. And then there is a three year guarantee on the maintenance and then annually get a report saying how they are doing, are they surviving and healthy and if not they are to be replaced. So it is a responsibility to get this thing going and if so are they aware of that.

MR. SPENCER: They are aware that there is maintenance.

MR. BOEHNER: Okay and that is kind of why you designed it the way you designed it.

MR. OSOWSKI: Will the tree stumps all be removed from the trees that you cut down.

MR. SPENCER: In our discussion with the contractor some of them will be removed the trees and branches anything above ground will be removed. Some of the low grade materials may be removed but an awful lot of it may stay in place and we will put top soil on top.

MR. BOEHNER: I am sorry the stumps will be ground up.

MR. SPENCER: No, it will be brought up to grade and filled in.

MR. CHAIRMAN: They cut them pretty low though. They can cut pretty low?

MR. SPENCER: Yes.

MR. BOEHNER: You have notes that say something is going to be removed.

MR. SPENCER: Yes, some will be removed. I can check my notes on that.

MR. CHAIRMAN: Okay, this is a public hearing is there anyone who cares to address this application?

AUDIENCE: (not heard) I live at 2169 South Clinton . I would ask that they plant disease resistant plantings and

stock. I planted two trees on my own property recently and cutting down some beautiful trees that are so rare these days and it seems they should be aware of those disease resistant trees.

MR. CHAIRMAN: I understand what he is saying and I know there are cultivars that have been developed in the last 3 to 5 years. Is there any chance that some of these were nursery grown?

MR. SPENCER: I can't 100 percent guarantee that that didn't happen but they are natural seedlings that were dropped. Most of the trees are up to that 6 to 8 inch diameter.

MR. CHAIRMAN: I want to thank you for coming out. I think the one thing we have worked with the applicant on is more or less the freedom to identify good trees that are out there and leave those and adjust the new plantings to what is going to stay. So we will take your comment into consideration. Does anyone else care to address this? Hearing none we will move on.

9P-01-17 Application of Ken Kellerson and Frank Maehr, owners and High Performance HVAC for Conditional Use Permit Approval to allow a heating and cooling service business on property located at 2350 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. MAEHR: My name is Frank Maehr owners of High Performance HVAC. This is for a Condition Use Permit at 2350 Brighton Town Line Road. It is a great location for us and is very central. 99 Percent of our work will be done in the customers homes. WE have some small stuff that happens at 2350 Brighton Town Line Road but it is a small space. It is a three office staff. We have five technicians who are usually out by 9 o'clock and the main traffic occurs prior to 9 A.M. After that it's a random vehicle here or there.

MR. CHAIRMAN: There is no retail walk in none of your parking is for the general public coming to your business.

MR. MAEHR: Occasionally we will get a sales man or a solicitor that kind of thing. We don't buy or sell retail.

MR. BOEHNER: What is meant by light fabrication?

MR. MAEHR: We have small custom pieces of sheet metal that would be modified. I am not sure we do enough of it that we would be called light fabrication much less in such a small work area. Basic office hours and although I own the place I am there more often than everybody else, everybody is there 7:45 to 5:00 And we don't expect anybody in and out of the place. Again as we discussed all the parking spaces are for our use we don't share our space with anyone else.

MS. CIVILETTI: Do your technicians have company vehicles.

MR. MAEHR: Yes they do.

MS. CIVILETTI: Do they drive their personal vehicles there and then take the company vehicles?

MR. MAEHR: It is a variety. The guys that are on call take the vehicles home. At our current location we always kept the vehicles at the shop over night. We have found that works for us but it is a national organization so everybody does it differently. We find the life of the vehicle is longer when they can drive their personal vehicles to work and then get into a company vehicle.

MS. CIVILETTI: How many company vehicles do you have or plan to have at this location?

MR. MAEHR: Over night right now I have

five. I take one home and one guy goes on call so that usually means there is 3 on site which they could technically fit inside if we had to. The building is set up well for deliveries. We do get deliveries but we are not getting 50 deliveries a day but the place is well suited to get deliveries. There is a dock door as well as a loading ramp. I can count on one hand in the last year when someone needed a loading dock. Trash there is a nice enclosure that our trash will fit into and it was put there for the dumpsters. We don't produce any solid or liquid wastes and if ever does come to be we will not dump it down the drain. And then we do have a mascot called Harold and when he is around people look at him but he is not going to create any traffic for the place. He is called Happy Harold. He is a very big guy he is 6 feet tall people have thought in the past he was a handy man.

MR. BOEHNER: Is he an employee?

MR. MAEHR: Happy Harold is Happy Harold. He doesn't get a lot of attention and I tell him I don't want to see him unless he has the head on. That is Happy Harold, he is funny. He has been great for our business. I designed the suit and had it made up out of Canada and the kids love him.

MR. CHAIRMAN: No changes to the site, no site lighting changes, no parking or paving nothing you're just taking space?

MR. MAEHR: Yes just taking up space and hooking up computers and eventually I would like to put up a sign but I would like to get through this first.

MR. CHAIRMAN: Where are you currently?

MR. MAEHR: Chili Boulevard in Gates and we have been there for five years.

MR. CHAIRMAN: Questions?

MR. OSOWSKI: Do you store the HVAC on site or do you get those from the whole saler?

MR. MAEHR: No we buy them fresh we have some items that our suppliers want to give us but this is a nice size space for us. Right now we have a storage container but we are not going to need that anymore.

MR. OSOWSKI: No out door storage?

MR. MAEHR: No.

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

9P-02-17 Application of Amitas Properties, owner, and Shelaneia Daniel, lessee, for determination of the number of off street parking spaces required, pursuant to Section 205-12, for a combined retail and sewing/textile teaching facility to be located at 1984 Monroe Avenue. All as described on application and plans on file.

MS. TURMAL: My name is Sara Turmal and I am Director of Marketing and Communications and I am here on behalf of Amitas Properties who is the owner and Shelancia Daniels who is the lessee. So our application is regarding off street parking spaces and the changing of the property to a retail and sewing textile teaching facility. There was some concern from the Board that we wouldn't have enough parking spaces for the facility with changing the designation. From our original proposal that I believe you all have it mentions the maximum size of 15 students and 3 teachers and we have lowered that to 8 students and two teachers. We have 10 parking spaces and we want to make sure we have enough parking spaces for all of the parents.

The average age of the students is 14 and we don't anticipate the students needing parking. Another thing that we found is that our classes were originally scheduled to go from 2 to 3, 3 to 4, and 4 to 5. We realized there would be some overlapping of parents picking up and letting off students. So we have scheduled our class time for 30 minutes intervals so we shouldn't have any trouble with parents getting in and out of the parking lot. Some of our programs we work with other organizations and groups in the city to have their children driven out to our property. So in that case there would be vans that would be able to pull in and drop the kids off and pick them up and we don't anticipate any issues with that. And we have been talking to the Brighton Central School about the program for the middle school after school is out and having them bused. And the plan for them now is to have the bus pull up right up to the entrance on Monroe Avenue and stop there and drop the kids off. We do do some retail and people can come in but not during the class periods so we won't have customers coming in. I think that is everything can I answer any questions for you.

MR. CHAIRMAN: Can you tell us a little bit about Creativity Shelves, is this a franchise.

MS. TURMAL: This is a non for profit organization that was started in Houston a few years ago and this is an off shoot in the Rochester area. It was started to teach kids how to sew because kids aren't learning these practical skills in school any more. We learned that kids are also learning self determination, problem solving and things like that also.

MR. CHAIRMAN: Are you using the whole building?

MS. TURMAL: We are yes. We have space down stairs for sewing machines and some clothing storage.

MR. WENTWORTH: Are you planning to change any of the interior?

MS. TURMAL We aren't but we do

hope to make it wheelchair accessible in the future.

MR. WENTWORTH: Does the accessible bathroom exist?

MS. TURMAL: Not at this time.

MR. OSOWSKI: Will there be a walk over from Brighton Middle School?

MS. TURMAL: We don't have any scheduled right now but we have talked about doing that since we directly across the street from Brighton Middle School. So they would have to walk down Monroe and cross over at the Elmwood intersection.

MR. BOEHNER: I just want to confirm the classes will be held staggered with a half an hour in between and the maximum size for students is 8 and 2 teachers and the retail would be closed during classes.

MS. TURMAL: Yes.

MR. BOEHNER: That is all I have.

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

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 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. Tabled at the January 18, 2017 meeting – Public Hearing remains open postponed to the September 20, 2017 meeting at applicant's request.

(heard with application 6P-03-17)

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

MR. BOEHNER: We did receive a letter postponing this to the October 18 Planning Board meeting I did not have it on this agenda but he would still like to speak to this Board. You may speak to them but it is adjourned to the October 18 meeting and that is up to the board if you want to hear what he has to say.

MR. CHAIRMAN: Go ahead.

MR. KANOUGH: Good evening and my name is Allen Kanough and I am the attorney for MAMAsans on Monroe Avenue. Randy Peacock is our architect and Greg McMan is our engineer. I want to address two points when we were here in August we were hoping you would make a negative declaration but you didn't but on the item 43 indicates 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 and the big issue is if Whole Foods is actually approved and constructed then there would be this traffic light that we could use as an egress and we have a cross easement and all And right now Mamasans possession ends at the end of the year and she doesn't want to be out of business for too long and she wants to move forward and at least have a right in and a right out on Monroe Avenue and she would like to continue with that. And we had gone to the DOT and asked them to consider whether they would allow that and we felt we

would have an answer by now but we still don't. Randy was at the meeting and he felt the boards had not made a determination that we would have to remove the driveway onto Monroe Avenue once the traffic signal is installed. So I think item 43 is in error and should be corrected and we are pledging that whatever the decision of DOT is we have to abide by.

MR. BOEHNER: David you are going to have to come back next month and I think you need to resubmit to NYSDOT with a revised traffic study. My understanding is that they were going to reconsider that requirement and that is why we are sitting here waiting to hear from them. If they come back with something different based on the latest analysis I would assume this board would give it reconsideration but we have yet to hear from them.

MR. KANOUGH: I understand but we did not hear this Board pass a resolution saying we shall enter into an agreement to remove the driveway. We did not hear that and I don't understand how you can send a letter saying the Board made a resolution to remove it.

MR. BOEHNER: It happened.

MR. KANOUGH: The Board passed a resolution to remove the driveway?

MR. BOEHNER: It is a tabled matter and what that table does is it is telling you what is coming your way but that also said for you to go back to NYS DOT to get the traffic study resubmitted and to get some comments. And if you can get that condition changed which is what you guys said you were working on in talking to your engineer we are giving you the time to do that.

MR. KANOUGH: Right and we did submit the traffic study but you haven't approved SEQR.

MR. BOEHNER: We haven't approved the application either. So its tabled.

MR. KANOUGH: But how can you make this determination. It should come off. It is improper.

MR. DOLLINGER: What letter are you referring to?

MR. BOEHNER: It is the tabling and the latest communication from NYSDOT they said the curb cut should be eliminated. We talked about it at the meeting and we directed to them to go back to the DOT with a revised traffic study.

MR. DOLLINGER: And this was in the tabling motion wasn't it?

MR. BOEHNER: Yes.

MR. KANOUGH: So Randy was here and he said he didn't hear that.

MR. DOLLINGER: We may have simple tabled it but are we telling them that if there is a light they have to discontinue using that curb cut?

MR. BOEHNER: Yes.

MR. KANOUGH: To me that is a substantive decision and we can't make a substantive decision until SEQR is done.

MR. BOEHNER: It is a table and we are telling you just we tell you a number of things in that letter as far as you may be doing in the future.

MR. KANOUGH: Most of them are administrative things. This is a substantive decision and you can't make a substantive decision.

MR. CHAIRMAN: This condition was written up and although we didn't specifically or go down as saying or we didn't specifically discuss this in the open hearing –

MR. BOEHNER: It was discussed at the hearing –

MR. CHAIRMAN: I remember it being discussed that the DOT had at the time we were reviewing it did say they would have to close and we said if you can get that changed them we are bound by what DOT says whether that is a right in and right out or whatever that combination is.

MR. DOLLINGER: I think this is a statement by the Board and I think the Board can change it .

MR. BOEHNER: Yes they can.

MR. DOLLINGER : It is just a statement by the Board and I think what they are trying to do is reiterate and alerting you to the fact that DOT basically said that when the light is available the right in and right out should go away and that's the whole point and I am sure you are not surprised by the whole concept. It is the whole point of that access point. I am agreeing with you that this should not be taken as a final decision by the Board I intend to agree with that. This is a statement in the tabling resolution that you should be thinking about this as you are planning your project because the fact is this is what we are thinking and unless you can change the DOT findings this is what is going to happen. I guess there is a determinative statement in this tabling when it says it should be required when it should say something more along the lines that it is the Board's intention. The Board understands that unless the DOT changes this is what the Board is going to want.

MR. BOEHNER: That is what was discussed at the meeting.

MR. DOLLINGER: It was discussed at the meeting and that is what we talked about.

MR. KANOUGH: I understand that and we agree with that but we don't want –

MR. DOLLINGER: It got into the letter that way but really we can change that in the final application –

MR. BOEHNER: Because we have not done the final approval.

MR. DOLLINGER: Exactly it's just –

MR. KANOUGH: Can the Board find that that is not a final determination –

MR. DOLLINGER: It is not a final determination so that would be my response it's a tabling motion not a determination.

MR. KANOUGH: Thank you for that clarification.

MR. DOLLINGER: And it may still wind up that way –

MR. KANOUGH: I understand. The other issue is the SEQR required to make a determination you are kind of waiting for a decision by DOT and what we are saying is there are two possibilities. Do you say yes or do you say no. For example for zoning we know what it is going to look like right now before Whole Foods signal goes in and then if the Whole Foods signal goes in the we will handle the access in addition or not. What we are saying is and you can't wait for all the determinations of the agency and then SEQR. You have to do SEQR up front.

MR. DOLLINGER: This like doing the cart before the horse – and I understand what you are saying and it probably will have a minimum impact and all that stuff but you have to be done with all the reviews before you can have SEQR

MR. KANOUGH: I understand what you are saying -

MR. BOEHNER: That's a pretty substantial problem you have for this property the access in and out -

MR. DOLLINGER: And I get it but isn't that a decision you have to make at the end. I know it is all going one way or another.

MR. BOENER: We aren't asking you to get approval from the DOT we are asking you to get a review on the traffic analysis. What is what we are asking for. That is all we are asking for we are not asking for you to get the final permit.

MR. KANOUGH: I understand and as long as DOT says there is not going to be any significant impact we keep on going. We would ask you to make a negative declaration because in this scenario we don't feel it is a significant environmental impact . Thank you.

MR. BOEHNER: Thank you.

MR. CHAIRMAN: I am not going to ask for comments from the public at this time since it is for tabling.

9P-NB1-17 /Application of 1925 South Clinton Avenue, owner, for Preliminary Site Plan Approval, Preliminary Subdivision Approval and EPOD (woodlot) Permit Approval to construct a five building 77,000 +/- sf office and commercial development on property located at 1915-1925 South Clinton Avenue Known as Tax ID #'s 136.15-1-7, 136.15-1-8 and 136.15 -1-9. All as described on application and plans on file.

MS. CHAMPION: Ashley Champion from Nixon Peabody, Paul Gallucci from the Demarco Group and Garth Wintercorn from Costich engineering. Its been awhile since last year before we were before this Board. The first step in this process was for incentive zoning and it was before the Town Board and it was referred

to this board for report and comment. During that process we had several appearances before this board and we submitted about 9 different concept plans for the proposed rendering and it was commented on each and it all culminated in a positive recommendation to the Town Board on the incentive zoning treatment on outlining again some of the more preferred approaches for the potential development plan. Right now our application plan is hopefully nearing its final stages for incentive zoning before the Town Board and hopefully next month we will be getting the Town Board's SEQRA determination of significance for a negative declaration and also incentive zoning approval adopting any of the incentive zoning regulations that will apply to this property.

So rather than waiting until that was all over we are appearing before this board since it has been so long since we have been before this board. So we are showing what we are thinking as far as the preliminary site plan which is corresponding with the proposed incentive zoning currently before the Town Board which we hope will be adopted and also consistent with the concept plans that were reviewed by this board and given preference last year.

MR. GALUCCI: Paul Galucci with the Demarco Group and I thank you for that overview. If you recall February and March of 2016 we were at the beginning stages of the project and as Ashley mentioned we are looking for advisory review from this board to the Town Board. I think it is fair to say there was an evolution of the preferred plans. The two plans that were recommended from this Board to the Town Board were called CN 105 and that is this one right here which had access on the Rue De Ville access opposite the existing Lac De Ville Plaza and we had buildings fronting on South Clinton and we had a scenario with two buildings in the back. We discussed at length with the Board activity to the north and south at the Town public meetings and we heard from the residents at the Gables that access connected to a signal is very important to them. This was CN 105. CN 107 was pretty much identical to that as you can see with the access points and connectivity and we discussed with the two buildings in the back having one medical office building in the back and this was CN 107. So the two plans that this board preferred of the 9 versions that we did were these two. I will leave CN

105 because the direction that we are heading is shown to the left here and this is what the engineered application has with the two buildings in the back. At the time we were doing the advisory review we only had one tenant at that time and it was Doodle Bugs and they have committed and they are under lease with us and we have done developments with them elsewhere and they are committed to doing this site. Since that time we have had another tenant whom we have executed a medical office use.

So we have actually programmed the first floor of one of these two buildings in the back to fit their needs. They want about 9,000 square feet of program space with potential to expand up to 16,000 so that building right now is known as 33,300 square feet. So now we come before this Board with two perspective tenants and the rest of what we show is still spec in nature we have explored and looked at different uses with the Town Board of which there are thresholds. This plan is compliant within those thresholds and the maximum build out on this plan is 77,000 square feet. That is still under what would be allowable under present zoning of 78,300 square feet. So we are under the present zoning under our incentive zoning application.

The site plan and I will just walk around it a little bit connection and signalized access point to the left of the plaza directly opposite of Rue De Ville and we concluded a traffic impact study with Monroe County DOT. We have also worked with the Town's traffic consultant which is Fisher's Associates and have addressed some of their comments. Our final traffic impact study comments were sent back to the Town on September 9th and we believe we have satisfactorily addressed all of the concerns of the Town and Rue De Ville. The County has asked that we put infrastructure in place to signalize this at some point in the future. We are proposing sidewalks across the front of the site that will connect into the project and as we discussed during the advisory stage we will be going the gables to the south of us and to the plaza to the north of us. Again we have Doodle Bugs to the north east of the us and we have a two story medical use building in the back and two stories to the south west of the property and then retail and a restaurant.

Parking is all designed so it will be shared. One of the aspects was bringing the building up to the right of way and keeping the parking behind and eliminating the contact points and trying to have decent cuing and access points and we have done that rather nicely. In our mind it reduces the amount of people who would drive to a building and then want to make a visit to another point in the project and would drive over to the building on the site. The pedestrian traffic is depicted on this map as you can see with the sidewalk connections off of the right of way goes around the buildings and traverses east to west across the property in two locations so that we do have really a pedestrian friendly environment.

The grades across the site drop and it is a little deceptive but there is about 15 feet of grade change across this from south to north and the proposed grading that you will see in your site plan application mimics that. These buildings will be 10 feet above the right of way and drainage is from south to north and is located in the north west corner of the property and that ultimately discharge to the County sewer system. On the technical details of that if you have any questions I will let Garth cover that. Costich has prepared a slip as part of the application that was submitted that meets the standards as required here.

Utility connections we are proposing to connect the water to the water main along the western boundaries and there will be three separate water services as this is three lots and we are not proposing a subdivision as we are proposing a lot line adjustment. So Doodle Bugs would sit on its own lot, the retail strip building and restaurant would sit on a lot and the medical office building would sit on a lot. So there is a hot box and meter for Doodle Bugs, for the retail and the medical office building.

MR. BOEHNER: Would there be three hot boxes?

MR. GALLUCCI: No. I will let Garth answer that.

MR. UNICORN: Garth Wintercorn from Costich Engineering we have gone through the scenario of the water many

times and they typically will only allow one service per box and they are fairly close to the road so they will let you put it inside of the building. So what we are proposing is to have a utility room in the back corner and then come out and service this restaurant with that same service. So these are so far back from the road we would have one box.

MR. BOEHNER: Garth did you check your lot widths when you created the lots because I am a little worried that your lot width doesn't meet the code.

MR. WINTERCORN: I believe it does but we can double check that but when we went through and wrote those regs this plan and the lots that we had established in the final regs that the lots are the same.

MR. BOEHNER: I don't think we saw this plan when we saw this plan it was for the day care and the rest of it was open and its this new part along the frontage because I asked the question when the application was submitted. And I asked that that be shared before we close it because I want to make sure that you guys have identified everything. And one of the things that we need to have happen is each lot needs a break down showing how it meets the bulk regulations Per the incentive zoning regulations and the Town zoning regulations. Lot width is not really addressed in the incentive zoning regulations and I didn't see it and I didn't look that closely because I really need you to do the analysis but I am just looking at it now sitting here it shows 88 feet or 150 feet is required. So maybe you would like to look at that and you may need to do some adjustments.

MR. WINTERCORN: We can take a look at that and we looked at that relative to setbacks and in trying to envision there was going to be three lots and looking to meet the bulk regulations as if these lots were stand alone lots and those were three lots for tax purposes.

MS. CHAMPION: I don't think we intended for the lot widths to apply and it is not part of the incentive zoning.

MR. BOEHNER: Yes but it still stands in the regulations and that is an analysis that needs to be done lot by lot and then for the entire site. That is something we need to look at and we can talk more about that next week.

MR. WINTERCORN: It could change the layout and you have made a good point and essentially that is something to look at. Parking is shared overall of 6.2 per 1,000 and the reg says we looked at them and the regs says we should meet the neighborhood parking standard which is 5 per 1,000 given we have up to 55,000 square feet of medical office that is in the regs and we are trying to be above that and all of the medical office users want in excess of 6 per thousand and the standard is 5 so we are showing right now about 6.2 parking spaces per 1,000. So we are in excess of what is currently in the regs as it has been drafted and has been adopted and I just want to mention that. In addition to water as Garth mentioned there is a sanitary sewer with easement. This would have to be added to the district. The building elevations I don't know we are at preliminary stage but Doodle Bugs this is there fifth location in the general vicinity. They have Victor, Webster, Greece, Henrietta and Penfield will be their 6th building. And then we have the concept of the two story buildings in the back shown here and we will advance the two story building in concert with the Architectural Review Board and we will be before them to review Doodle Bugs. It is an attractive building, shingle roof, with stone application and hardy board and if you have never seen one they are a pretty pleasant building. I just thought I would mention those for your review and comment.

MR. BOEHNER: Is it your intention to build all of the site improvements and how do you plan to phase it.

MR. WINTERCORN: We would do the general site grading as the site is essentially cut and filled for the most part and we would make the connection and we would build Doodle Bugs, do the storm water structure and we would come out of the ground with this building at the same time and if there is no "mollentum" and we are concluding the 1st phase of the site plan approval and into construction

those would be stabilized, seeded and it would be maintained as turf until such a time that we were to come in.

MR. BOEHNER: So you would put the parking lot in?

MR. WINTERCORN: We would put in all the infrastructure and the buildings would come up as pads and generally we would have a pad area here and have another pad area here and bring our road in for Doodle Bugs. This tenant is going to want this portion here. And we will have it graded and stabilized and ready for future development.

MR. BOEHNER: So your first construction will be two buildings.

MR. WINTERCORN: As it stands right now we have two commitments. Preliminarily we will come in with the first phase for the two buildings.

MR. BOEHNER: That was going to be my next question and you are going to the Architectural Review Board for those two buildings.

MS. CIVILETTI: What is the use that is anticipated with this loop or the drive thru.

MR. WINTERCORN: We have in the regulations provisions to allow for a drive thru as a conditional use. It is depicted as a potential drive thru. I don't have a use for that building it is just shown.

MS. CIVILETTI: You alluded to and I am sorry if I missed the quantities you talked about having more parking spaces or a higher ratio than required by the regulations. What is the total you have now versus what would be required?

MR. WINTERCORN: Again we would

have required 5 per 1,000 with the office medical versus the higher ratio which is 6.2 per 1,000. So we have 476 spaces so we are about 90 above 5 per 1,000.

MR. CHAIRMAN: This has been submitted to the Town Board under incentive and you are starting the process of preliminary and final site plan with us now or are you looking for this to be an advisory back to the Town Board.

MR. WINTERCORN: We are moving forward in order to maintain interest with the obligations that we have we are trying to run this in parallel process where we can hopefully get some feed back for the Town Board. And rather than have comments we hadn't anticipated we would rather get them now to advance this so upon conclusion of the Town Board which I know you can't render a decision until the Town Board does we are a little bit ahead of the game.

MR. CHAIRMAN: Does the approval from the Town Board negate any need for variances?

MR. DOLLINGER: If you don't include it in the incentive then yes.

MR. BOEHNER: It can but he is going to have to go through lot by lot comparison and if something pops up that is not covered by the incentive zoning regulations then they will need to go to the Zoning Board of Appeals.

MR. WINTERCORN: There is provisions in the regs that there is 10 percent latitude that the Planning Board can have relative to the front setback and certain other things

MR. BOEHNER: We will have to check all of that .

MR. CHAIRMAN: I have to say you are not spot on with the preferred design that we had – I forgot your scheme number but you are fairly close and consistent with the intent of it. I think if I could know that Garth figured out the management of water and all of that stuff so lets assume that but the one concern that I do have

And I would like you to look at is there seems to be a lot of conflict points on your interior drive and Garth and Paul it is really where you have intersections off set from each other on your current plan. So instead of aisle aligning with each other they are off set from each other. If there is any way to consolidate to – the two green spaces seem pretty good in the southern and central, If those two green spaces seem fairly substantial and reasonable and I understand why what will be between your medical office I would like to see a paved area rather than a one small piece of grass on the other side of the sidewalk. The other thing would be Paul just a touch better or more attention to the internal pedestrian circulation. You have a lot of it there but you are not showing the stripping that is going to be for cross walks and you are taking some of the sidewalks instead of linking up with each other they go into parking lots. I understand how they got there but if you are at a point where you are 90 spaces over and I am not suggesting that you are losing parking spaces in areas that are critical to probably those back tenants and if you can get the pedestrian circulation to align a little bit better or really to complete the system within your project that would work out better. Put some stripping in across the drive aisles going from north south to east west you are getting people against the main drive aisles.

I would also ask you to look at your lighting layout and it probably means more poles but reduce the number of quads to more doubles and singles. I think with the quads you are probably going higher.

MR. WINTERCORN: I am trying to keep them fairly low they 18 foot poles on two foot bases.

MR. CHAIRMAN: That is pretty low are you getting distribution with that?

MR. WINTERCORN: Yes.

MR. BOEHNER: What is the color temperature?

MR. CHAIRMAN: 3,000.

MR. WENTWORTH: What is your access for fire trucks it is not shown on the plan? You have access in front of the other four buildings but it is not shown in front of Doodle Bug?

MR. WINTERCORN: We don't show access to Doodle Bug and we can expand that.

MR. WENTWORTH: It looks like it has second story windows is it a one story or two story building?

MR. WINTERCORN: One story.

MR. WENTWORTH: Those are fake windows?

MR. WINTERCORN: Yes.

MR. WENTWORTH: So you won't need ladder access?

MR. WINTERCORN: No those are fake corners. It is two stories high but there isn't a second floor .

MR. WENTWORTH: Do you have comments from the Fire Marshal.

MR. WINTERCORN: We haven't received comments yet.

MR. BOEHNER: You haven't met with them yet so I would suggest that you do that.

MR. WINTERCORN: Ramsey could you forward any Conservation Board comments?

MR. BOEHNER: Yes, I can.

MS. CIVILETTI: I think Bill touched on the conflicts between the parking aisles crossing drives and the circulation Drive and then with the extra parking spaces something of a buffer with the parking spaces if there is a way to make the circulation drives or have Fewer parking spaces on the interior circulation.

MR. BOEHNER: Conservation Board go to the next meeting. One of the big things is that this is an environmental overlay district a woodlot and we have not tree survey mitigation plan and that needs to be submitted with your application.

MR. WINTERCORN: We talked about the tree survey a lot at public works and

MR. BOEHNER: We need to have that submitted in with the application and more importantly how are you going to mitigate the loss of the trees and how is that working with the buffer. They may want additional plantings and that is one of the bigger things and you have to be ready to say how you are landscaping the site and mitigating the loss of the trees. What are you doing to supplement the buffer? Work on that and you want to do that before you go back to them. So you have something to start with them. Don't just go in there and get comments from them.

MR. WINTERCORN: Sure. We have located every one of the trees. We had an arborist out and reviewed all the species. We learned about the types of trees and what we know about those species. We will work on that.

MR. BOEHNER: The other thing I want to talk about is the interconnections have you talked to the adjacent properties about the interconnections especially the ones in the office park there to make sure they are good with that connection because originally the access the cross access was supposed to be closer to Clinton Avenue and we moved it. We had an easement there with that property and we want to make sure that they are good with this. You have talked to them?

MR. WINTERCORN: We have talked with them twice and they want a buffer and access to the signal. It is very

dangerous for them to take less and we are above them so we will have to do some grading to get to them. We will meet with them.

MR. BOEHNER: The other thing is you should have a cross access easement with the church. You need to look at that and see if it is good and again we want to make sure they interconnect. .

MR. CHAIRMAN: Paul to what extent as you go through preliminary and final will there be flexibility as you secure tenants and you know who they are and what their operations are like . You will be seeking site plan approval as each tenant or conditional use comes in ?

MR. GALUCCI: Yes, it will be a combination if there is users that are allowed under the incentive zoning regs if there were any second story entries there wouldn't be any Planning Board action and they would end up with a c of c and the tenant would move in. If it was a restaurant here we would make an application back to this board for a modification

MR. BOEHNER: It would be a site plan for the building and conditional use for the restaurant.

MR. CHAIRMAN: If you determine that you needed a better balance between the square footage of those back buildings would you recognize that it is going to be a benefit to you and you would come back and modify the site plan. Likewise I am thinking about that drive thru thing if you ended up with that- I want to make sure that the ultimate build out of the site plan is to the tenant that you ultimately end up with not saying okay I have a site plan and I am going to build it to this even though that tenant doesn't fit. You don't sit there and have a tenant looped to a drive thru that doesn't need one.

MR. GALUCCI: No we would build a drive thru for the use that is out there. It's kind of chicken and egg if I show you a concept that I think could work and then we have to get into the details when those users come on line.

MR. BOEHNER: We did in the regulations show some flexibility for them to move things around.

MR. OSOWSKI: In the snow storage area in that parking lot between the two medical office and mixed use medical – it is kind of close to that trail even though you don't plow them in the winter because of the stone path you might want to increase the distance from the back of that parking lot to the trail just so the snow doesn't encroach on it too much. Move the trail to the west right there.

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

MR. CRAIG: My name is Russ Craig and I own a landmark house right here. I have been there for 61 years and mostly what I am concerned about is getting some screening. I have four trees between here and my house and you are talking about a parking lot near to my house in here . We talked up stairs about a month and half or two and I said I would like it further back for less noise and it has moved closer now to the back of my house. I like would like some screening and do you understand between the spaces it is low for drainage now.

MR. CHAIRMAN: That is the high spot and everything drains the other way. It drains to the north.

MR. CRAIG: I would like to see that as much as possible bermed with trees a lot of trees. I don't know it is going to happen stuff needs to be developed and it looks very nice but as much as possible I would like to see more screening. It is a landmark house and I just don't want to hear noise from the parking lot. Now you hear the plows across the street and you have winter noise and on Saturday mornings you hear people mowing lawns and any screening possible is good. Just as an interesting fact we are talking about trees –

MR. FADER: Could you point to your house again?

MR. CRAIG: Right here the brick house a little aside there is a tree right here that is dead and it is an apple tree and

local legend is a woman was sitting under the apple tree when they told here Lincoln was shot and when I look at it today it is completely hollow and there is of interesting wood there. That is pretty much it I would like as much berming as possible. Thank you very much.

MR. CHAIRMAN: Thank you for coming out.

MR. LEDERER: Phil Lederer and I live up the street and we have about three quarters of the residential private properties on the street. My only interest in this matter is the street scape and making it attractive. It's hard for me to make out exactly what is going on in front in the landscaping. What my expectation is just a few spare plants and the other question I have is for the committee basically they are asking for more parking spots than they would normally be allowed on a property that size, is that correct?

MR. BOEHNER: Usually there is a minimum we don't have a maximum. They have to have a minimum which they meet.

MR. LEDERER: Is there green space on the property?

MR. CHAIRMAN: Yes, there is it is 55 percent and that meets the criteria.

MR. LEDERER: You are looking at this expanse of asphalt and anything that can be done to make it look more attractive and I have some landmark studies I will be looking at for this.

MR. CHAIRMAN Thank you for coming out. Any other comments?

MS. GROSS: Rose Gross. (phonetic) I used to live with my brother and I want to make sure you use native plantings.

MR. CHAIRMAN: The Conservation Board has put together a list of native plants recommended for use in the

Town so we do have that available. Thank you I appreciate the time. Any one else? Thank you we will be tabling this for tonight.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Gregory McMahon, McMahon LaRue Associates, dated September 13, 2017 requesting postponement of application 6P-NB-17 to the October 18, 2017 meeting.

Letter from James Wentworth, RA, University of Rochester, dated September 13, 2017 requesting postponement of the U of R South Campus Sign Plan to the October 18, 2017 meeting

PETITIONS

NONE

(five minute break)

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 SEPTEMBER 27 MEETING AT 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 infrastructure on

MR. OSOWSKI: I move to close the application.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move the Planning Board adopts the following findings based on the application submitted, testimony given, and the determination , 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 determination and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirement or a variance has been granted by the Brighton Zoning Board of appeals.
5. The Brighton Department of Public Works has approved the apropoosed grading plan for the project.
6. The project complies with the requirements of the Town'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 NYSDOT 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 project will comply with Section 56-3.4(a)(2) regarding onsite 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.

Approval with Conditions:

I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions”

1. Construction fencing has been added around the perimeter of the project, but does not cover the edges of the area of disturbance. This should be addressed.
2. An asbestos survey has been submitted. Asbestos was found in the buildings and will have to be abated before issuance of a demolition permit. Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton requirements and verification shall be provided from a qualified company that the asbestos has been removed.
3. If a building permit for the proposed building is not issued and construction begun within a reasonable period following demolition of

the existing building, the property shall be restored according to the approved restoration plan.

4. The project will comply with the requirements of NYSDOT 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 project will comply with Section 56-3.4(a)(2) regarding onsite 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.
5. Steve Zimmer of the Brighton Sewer Department has comments that must be addressed.
6. All comments of Monroe County and NYSDOT shall be addressed.
7. The restoration plan shows several trees that are in the same locations as trees shown to be removed on the demolition plan. If these are proposed to be planted, notes should indicate same. If they are there in error they should be removed from the sheet.
8. Parking requirements in the site data ("Design Standards Matrix") should include the number of spaces required not just the method of calculation.
9. The two accessible parking spaces located at the future building should be relocated to the first building if the future building is not anticipated to be built in the near future.
10. The proposed parking setback on the north side should be shown as well as on the south side. Parking setbacks shall meet the requirements of variances granted.
11. Two spruce trees to the south of the western building are shown as being removed but also appear to be shown on the site plan and landscaping plan. Plans should be revised to make any corrections necessary.

12. A stabilized construction entrance and equipment/ materials stockpile areas are shown on the plan.
13. All demolition debris and any dumpsters shall be removed from the site on a timely basis following demolition. All demolition debris must be removed from the site and disposed of in an approved landfill.
14. The following comment of the Conservation Board shall be addressed
 - Two Blue spruce trees labeled in “good condition” located along the southern lot line are earmarked for removal on the demolition plan. However, these trees are shown on the site plan and landscaping plan suggesting that they are to remain. Since these trees do not appear to be in an area of disturbance they should be retained and this should be reflected on the demolition plan.
15. The lighting plan shall be revised: color temperature of the lights should not exceed 3000 K and the lights shall be dark sky compliant.
16. All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day ½ hour before the business is open to the public and to terminate ½ hour after the close of business.
17. 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,
18. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
19. Meet all requirements of the Town of Brighton’s Department of Public Works.
20. All Town codes shall be met that relate directly or indirectly to the applicants request.

21. The project and its construction entrance shall meet the NYS Standards and Specifications for Erosion and Sediment control.
22. Maintenance of landscape plantings shall be guaranteed for three years.
23. 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.
24. 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.
25. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations. Striping and signage for accessible parking spaces shall meet current requirements. Plans and details shall be revised as necessary to comply. All new accessible parking space signage to be installed shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by the Secretary of State pursuant to section 101 of the Executive Law
26. The project shall be submitted to the town Fire Marshal, Christopher Roth, for comment. The Fire Marshal's fire apparatus and fire hydrant worksheet shall be completed and submitted for review.
27. All outstanding comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
28. Fire hydrants shall be fully operational prior to and during construction of the building.
29. All County Development Review Comments shall be addressed.
30. The location and screening of any proposed HVAC mechanical and /or generators shall be submitted.

- 31 Erosion control measures shall be in place prior to site disturbance.
- 32 The dumpster shall be enclosed with building materials that are compatible with the building. The enclosure shall equal the height of the dumpster.
- 33 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 34 Any proposed signage shall require separate review.
- 35 Applicable town Standard details and notes will need to be incorporated into the design drawings.
- 36 Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
- 37 Corner ground elevation notations shall be added to both buildings on the site plan. 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.
- 38 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.
- 39 The future building shall be reviewed by Architectural Review Board prior to application for a building permit.
- 40 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. FADAER: 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. TABLED AT THE AUGUST 16, 2017 MEETING – PUBLIC HEARING REMAINS OPEN.

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

MR. FADER: Second.

UPON ROLL CALL VOTE MOIONT UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. All town codes shall be met that relate directly or indirectly to the applicant's request.

3. The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control.
4. 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.
5. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
6. 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.
7. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to landscaping, traffic control, stormwater mitigation 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.
8. Dirt/sediment shall not be tracked onto Summit Drive.
9. Erosion control measures shall be in place prior to site disturbance.
10. All comments and concerns of the Town Engineer, as contained in the attached memo dated August 15, 2017 from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.
11. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
12. Prior to any site disturbance a Drainage Permit must be obtained from the Department of Public Works.

13. Native habitat seed mix shall be used in the grassland area.
14. Maintenance of landscape plantings shall be guarantee for three years. The landscape architect of record (BME Associates shall verify that the proposed landscape planting have been installed according to the approved plan. During the guarantee period, the landscape plantings shall be annually inspected by the landscape architect of record to verify that the plantings are being properly maintained and are surviving in a healthy condition. The inspection reports shall be submitted to the Town.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

9P-01-17 Application of Ken Kellerson and Frank Maehr, owners and High Performance HVAC for Conditional Use Permit Approval to allow a heating and cooling service business on property located at 2350 Brighton Henrietta Town Line Road. All as described on application and plans on file.

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

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board Approves the application based on the testimony given, plans submitted and with the following conditions determination of significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality

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

CONDITIONS

1. The applicant shall contact the Town of Brighton Fire Marshal, Chris Roth, at 585-784-5229 to discuss the proposal and shall comply with any requirements of the Fire Marshal. An occupancy permit shall be obtained from the Fire Marshal.
2. All necessary building permits shall be obtained and all New York State building and fire codes adhered to. All required building permits and building code reviews shall be completed prior to occupancy.
3. Any company vehicle shall be parked to the rear of the building.
4. An access aisle shall be striped adjacent to the handicap parking space and required signage shall be installed.
5. There shall be no outdoor storage or display without further approval.
6. No bulk storage of hazardous or flammable liquids or materials shall be permitted without further approval.
7. Any changes to exterior lighting shall be reviewed by the Building and Planning Department and may require Planning Board approval.
8. Any proposed signage shall require separate approval.
9. The entire building shall comply with the most current Building and Fire Codes of New York State.

10. Meet all requirements of the Town of Brighton Department of Public Works.
11. All Town codes shall be met that related directly or indirectly to the applicant's request.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

9P-02-17 Application of Amitas Properties, owner, and Shelaneia Daniel, lessee, for determination of the number of off street parking spaces required, pursuant to Section 205-12, for a combined retail and sewing/textile teaching facility to be located at 1984 Monroe Avenue. All as described on application and plans on file.

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

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move to approve the determination of significance and based on the information provided, the Planning Board has determined that the ten parking spaces available on site is adequate for the proposed use, provided that the following conditions are met:

1. Class size shall not exceed 8 students and two teachers without further approval by the board.
2. Only one class shall be held at a time.
3. Classes shall be staggered by a minimum of $\frac{1}{2}$ hour.

4. The retail portion of the business shall be closed during class time.
5. A Certificate of Compliance and a building code analysis will be required prior to the use of the space for the proposed use.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

9P-NB1-17 Application of 1925 South Clinton Avenue, owner, for Preliminary Site Plan Approval, Preliminary Subdivision Approval and EPOD (woodlot) Permit Approval to construct a five building 77,000 +/- sf office and commercial development on property located at 1915-1925 South Clinton Avenue Known as Tax ID #'s 136.15-1-7, 136.15-1-8 and 136.15 -1-9. All as described on application and plans on file.

MR. OSOWSKI: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make the environmental findings and to have a complete application. The following information is required to be submitted.

1. The proposed project is currently being considered by the Town Board as an incentive zoning project. Therefore this review is cursory and future submissions and discussions will likely reveal additional issues that need to be addressed. Therefore the Planning Board reserves the right to make additional comments on future submissions.
2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220).
- 3 The entire building/ store shall comply with the most current Building and Fire Codes of New York State.
4. Prior to issuance of any building permits all plans for utility and stormwater control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work

- 25 The height of all proposed fencing shall be noted on the site plan.
- 26 A phasing plan must be provided.
- 27 The location of the HVAC shall be shown on the site plan.
- 28 The applicant must demonstrate how the proposed development meets the Town Board SEQR findings.
- 29 The site plan must show all setback distances.
- 30 The tree survey and tree mitigation plan must be submitted.
- 31 Bike racks should be included on the site plan.
- 32 If a hot box is required it must be screened and shown on the site plan.
- 33 The applicant must attend the Conservation Board meeting.
- 34 The architectural design and building materials of the proposed buildings must be reviewed and approved by the Town of Brighton's Architectural Review Board.
- 35 The applicant must provide justification for the number of proposed parking spaces. Consideration should be given to "reversing" installation of some of the parking area.
- 36 A reciprocal access easement must be provided between lots 1,2 and 3.
- 37 The plans show an interconnection to the Brookdale senior living facility and the Elmwood Associates property. Interconnection to 1969 S. Clinton Avel must be provided. The appropriate cross access easements must be provided including easements to permit the construction of the improvements on the adjoining properties.
- 38 The Luminaire Schedule suggests that the color temperature of the proposed lighting will be 4000 K and 5000 K. The color temperature shall be reduced to 3000K . The parking lot lights shall be placed on a

timer. The plans must note the proposed hours when the lights will be operational.

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

- a. Due to the fact the applicant and / or their representatives did not attend the meeting to present the project the Board was unable to provide a complete and thorough review.
- b. A tree survey needs to submitted.
- c. A tree mitigation plan needs to be submitted.
- d. What impacts are there to the proposed buffer and will the buffer be enhanced?
- e. Native plant material should be used throughout the project and invasive species (e.g. Callery Pear) should be avoided.
- f. Incorporate green infrastructure techniques.

40. The applicant is tabled until completion of the SEQR process and approval of the Incentive Zoning application by the Town Board.

41. All comments and concerns of the Town Engineer as contained in the attached memo dated September 12, 2017 from Michael Guyon, Town Engineer, to Ramsey Boehner shall be addressed.

42. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

SIGNS -1

1485 Henry's Salon for a Building Face sign at 1551 Monroe Avenue.

1486 Atonement Lutheran Church for a Freestanding Sign at 1900 Westfall Road.

1487 Richard M. Greene M.D. Dermatology for a Freestanding Sign at 2149 Clinton Avenue

1488 Creativity Shell for a Building Face Sign at 1984 Monroe Avenue
1. The sign text shall be horizontally level.

1489 Easter Seals for a Building Face Sign at 103 White Spruce Blvd.

1490 One Hip Chic Optical/Sole for a building Face Sign at 1521 Monroe Avenue

OLD BUSINESS

1435 Starbucks for Building Face (3) Signs at 2861 West Henrietta Road.

MODIFICATIONS OF APPROVED Building Face Signs

ARB Approved as revised and installed

1463 U of R South Campus for Freestanding Signs (4)

Postponed at applicant's request

MR. WENTWORTH: I move to approve sign applications as presented for 1485, 1486, 1487, 1488 with one condition, 1489, 1490.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

SIGNS - 2

MR. WENTWORTH: Under Old Business I move to table Sign application 1435 based on Zoning Board of Appeals review and approval and on Sign application 1463 the U. of R Campus Free standing sign applications I move to postpone at applicant's request.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the September 27, 2017 meeting of the Planning Board at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.

Judy Almekinder

Judy Almekinder

*State of New York
County of Wayne*

On this 15th day of November 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