

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 October 18, 2017, 2 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

On this 16 day of December in the year 2017, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.



Notary Public

MARCY L. MITCHELL
Notary Public, State of New York
Qualified in Wayne County
No. 01MI6281958
Commission Expires May 13, 2021

WARREN F. MITCHELL
Mosesa Public Schools of New York
District in Warren County
No. 01MIG584628

Commission Expires May 13, 50

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on October 18,
2017 at approximately 7:30 p.m.

PRESENT: William Price, Chairman
Laura Civiletti
David Fader
James Wentworth
John Osowski
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 October 18, 2017 meeting of the Town of Brighton's Planning Board to order. We will be holding over the approval of the minutes of the September 27, 2017 until next month. Mr. Secretary have the public hearings been properly advertised?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of October 12, 2017.

MR. CHAIRMAN: We will start those hearings and also announce that application 9P-NB1-17 has been adjourned to the November meeting which leaves us with only one application 6P-1-17

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. TABLED AT SEPTEMBER 27, 2017 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE NOVEMBER 15, 2017 MEETING AT APPLICANT'S REQUEST.

6P-NB1-17 Application of Mamasan's Monroe , LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file. TABLED AT THE AUGUST 16, 2017 MEETING – PUBLIC HEARING REMAINS OPEN

MR. KANOUGH: Allen Kanough for Mamason's application and also here is Allen LaRue for the applicant's engineers and surveyors. We were waiting for word from the DOT and we only got it yesterday and our traffic engineer has not seen it.

MR. BOEHNER: Will he be here tonight?

MR. KANOUGH: No not tonight. And we also did a sketch of how to do a right hand turn in and if whole foods is passed and the light is installed they are saying they would not allow the right out but they would allow a right in which frankly is most important to us. We want customers to come to the restaurant and they will find their way out. So we hope you can go ahead and issue the negative declaration even though there will be delays.

MR. BOEHNER: Yes, that is a concern for us and there is that last sentence that it posts safety concerns that are unmitigated and that is a tough statement and why we were hoping that Adam your traffic engineer would be here tonight. Do you know what his discussions were with the DOT with the first build and did they analyze the right in and right out until the traffic signal is installed and then we are left with a right in only because that may be the mitigation and I don't know if that is appropriate. And I am going to ramble a little bit the other concern that I have is with the right in and right out will it fit the geometrics of the DOT And the last thing I am going to say when we looked at the sketch the sketch doesn't seem to be addressing fully what the DOT is wanting. They want that to be moved further to the east getting it away from that catch basin and not having any of the improvements going into the front of the next door neighbor's frontage which it does. That leads me to be concerned if you comply with what the state wants what does that do with the on site traffic circulation on the site and what does it do to the drive-

thru. So it opens up more questions on it. So I am wondering if Adam talked to them.

MR. KANOUGH: We had a meeting with them and I was there and it was in June or July and at the time they were fine with the unrestricted in and out and they didn't express any concerns about that. And the way I read this their concerns are with the left turns not the right turns.

MR. BOEHNER: That is right, do you know if that was analyzed and reviewed by the State the right in and right out and number two are you guys okay with that

MR. KANOUGH: I don't think we are if there is not traffic light as I said we only got this yesterday.

MR. BOEHNER: And we haven't had time to talk about it and I realize that.

MR. KANOUGH: I think what they are saying is That with the long delays we are going to have a problem with people trying to squeeze their way out and it is still an improvement but it is not a good situation. Maybe Mr. LaRue can address the geometry on the sketch?

MR. LARUE: I just want to talk about whole foods which is the whole key behind this –

MR. BOEHNER: But it has to be evaluated but we don't know what whole foods is going to be doing. We may not have a whole foods and we are going to be left with what we have and the corridor is getting more congested and there are issues being developed over time with the corridor so what we do here even in the short term is important. So it is two pronged which makes this complicated.

MR. LARUE: We don't have a problem Monday thru Friday it's the Saturday hours and I can't imagine people attempting to make a left because there is three lanes of traffic so I don't think that is going to be an occurrence that happens a lot because we are looking at an 11 minute delay for turning left and nobody is going to sit there for 11

minutes. I can't even imagine that because it is a solid wall of cars all the way. Anyways in our mind this is something we need to work out with DOT.

MR. BOEHNER: It would be good if we could all get into a room together. I did talk to the Commissioner of Public Works

MR. KANOUGH: I don't see how this business is any different than any other business along here.

MR. BOEHNER: But we are adding a drive-thru which adds to the increase of traffic which increases the number of left hand turns.

MR. DOLLINGER: I think the peak hours are 5:30 to 7:30.

MR. LARUE: On Saturdays?

MR. DOLLINGER: No during the weak

MR. BABCOCK STINER: We could have a no left hand turns from 5 to 7:00 but you can't put the left hand turn sign in the medium which is where you would want it to prevent people from even thinking of turning left so a no left turn sign wouldn't be any good.

MR. BOEHNER: I want to go back to this access point coming into the site and how that is going to work with the design of the site because we have a drive -thru down one side and this thing gets pushed over too much

MR. LARUE: The position of the right in and right out I don't think there is going to be a lot of room there without impacting parking .

MR. BOEHNER: Yes, that is where I am getting concerned when you read their letter and what they are asking to have happen there and Greg's drawing is not doing it because Greg is still holding that same curb line that they are asking to move east. And the

other thing is if you are looking at a right in and right out and if that was never proposed to them and if they do look at that and say that works from a traffic standpoint will it work for the site or will the site need to be revised.

MR. CHAIRMAN: So where does that leave us because unfortunately the letter says what it says. And it kind of puts us in a position of having to understand that last sentence which may put us in a position where that last concern for safety is not mitigated and that leaves us with what could that mitigation be. And it does put you back with some sketches before DOT.

MR. LARUE: I don't think we have a problem with going back to DOT and working it out with them.

MR. CHAIRMAN: And you are asking us to issue a negative declaration with that condition?

MR. LARUE: That is correct.

MR. BOEHNER: And that is where we have a difference of opinion.

MR. KANOUGH: I guess we will have to work on the plans a little bit harder to see how the geometry works and then –

MR. BOEHNER: I think it would be good if we could all be in the room together and try to set up a meeting with DOT. That is my opinion and I don't know how else to get at it. I think this corridor is being scrutinized right now.

MR. CHAIRMAN: City Mattress was a reduction in traffic so we didn't get any problems there. But even though this is a Mamasans it could turn into a Dunkin Donuts.

MR. KANOUGH: I get it but I do think we could base it on a Mamasan's and go through the traffic again and if it changed to a McDonalds or something else then the Board would have to revise it.

MR. DOLLINGER: I don't know how we could condition the Negative Declaration? It's one thing to revisit it but the problem becomes how do you have the power to enforce the change?

MR. KANOUGH: Well, it is conditioned on it being a Mamasan's and in two years you could do a follow up study.

MR. BOEHNER: But what do you do with the information? This letter was based on a fast food restaurant. I would say this if this is going to be a pick up window only with no ordering and it was going to be a low impact drive-thru then design it that way, don't design it as a full fledged drive-thru which is what has happened here. She wants it for a fast food restaurant in the future and that is my understanding.

MR. KANOUGH: We will try and setup a meeting with DOT and you guys.

MR. CHAIRMAN: All right thank you guys. For the record this is a public hearing, is there anyone that wants to speak on behalf of this application? There being none let's move on this application?

MS. CIVILETTI: I move to table application 6P-NB1-17 based on the testimony given and plans submitted. With additional information requested to make a Determination of Significance and to have a complete application. There is four items:

1. The applicant shall respond to the NYSDOT's comments contained in their September 29, 2017 letter. The comment concerning left turns posing safety concerns which are not mitigated must be addressed. Restricting the access to right in/out until the traffic signal is installed must be considered to better mitigate the safety concerns of the left turns. Further discussion with NYSDOT is needed regarding the location of the right in as requested by NYSDOT and that the site will have safe onsite circulation for the drive thru and site traffic. The site plan shall also be revised if the access is proposed to be limited to right in/out prior to the installation of a traffic signal.

2. A turning radius analysis demonstrating that emergency vehicles can adequately navigate the site has been submitted to the Town Fire Marshall for review.
3. All comments and concerns of Evert Garcia as contained in the attached memo dated October 17, 2017 to Ramsey Boehner shall be addressed.
4. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY APPROVED

Draft Policy Framework (Goals and Recommendations Report) and Land Use Recommendations for Envision Brighton Comprehensive Plan-
DISCUSSION TABLED

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Daniel J. McCusker, P.E. Acting Regional Traffic Engineer, NYS Department of Transportation, dated September 27, 2017 regarding traffic impacts on Monroe Avenue with the proposed Mamasan's restaurant at 2735 Monroe Avenue

Letter from James Wentworth, RA, University of Rochester, dated October 17, 2017, requesting postponement of the U. of R. South Campus Sign Plan to the November 15, 2017 meeting.

Letter from Garth Winterkorn, Costich Engineering, dated October 18, 2017, requesting adjournment of application 9P-NB1-17, 1925 South Clinton Avenue.

PETITIONS:

NONE.

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SIGNS

- 1491 Trilogy Boutique for a Building Face Sign at 1855 Monroe Avenue
- 1492 Golftee for a building Face Sign at 1855 Monroe Avenue.
- 1493 1493 Metro Office Centers A Webster Properties Company for a Building Face Sign at 140 Metro Park.

Condition

- 1. “A Webster Properties Company” shall be removed unless shown to be the official name of the company, and the letter shall be re-centered vertically.

1494 Kumon for a Building Face Sign at 2815 Monroe Avenue.

Old Business

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

TABLED

1463 U of R Campus 200 East River Road for (4) Free standing signs.

Postponed at applicant's request.

MS. CIVILETTI: Signs 1491, 1492, 1494 approved as recommended, 1493 approved as resubmitted, 1435 tabled and 1463 postponed.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.