

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on January 17,
2018 commencing at approximately 7:30 p.m.

PRESENT: William Price
Laura Civiletti
Justin Babcock Stiner
David Fader
John Osowski
James Wentworth
Pamela Delaney

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 January 17, 2018 meeting of the Town of Brighton's Planning Board to order. We will approve the minutes of the October 18, 2017 and November 15, 2017 with corrections and December 20, 2017 will be done at the February 21, 2018 meeting.

MS. CIVILETTI: I move to approve the October and the November minutes of the Planning Board with corrections?

* MR. OSOWSKI: I will abstain from approval of November because I was not here.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of January 11, 2018.

1P-01-18 Application of Nicholas A. Cutuia, Inc, owner for Site Plan Modification to improve the parking lot layout and traffic flow and to increase ADA parking on property located at 26 13 West Henrietta Road. All as described on application and plans on file.

- MR. WENTWORTH: I will recuse myself.

MR. BUCZEK: Good evening I am Nate Buczek, I am with TYLIN International here representing the owner and the University of Rochester for this project. The project is located at the Brighton Business Center which is located at 2613 West Henrietta Road in the Town of Brighton. The University of Rochester is currently leasing out the entire back building of the parcel located here and also on the parcel is Movies 10 which is located on the north west corner which is the north side of the site. Basically the main purpose is to do some site safety improvements and to look at ADA access into the site and particularly to clean up the site and I will walk you through those later. This plan I have here is the existing conditions for the site and they currently have parking all the way around the front of the U of R building itself and pretty much occupied within this space is where most of U of R parking for the staff And visitors park within this area. There is a few times where they overflow mainly to this point. I will put up the proposed plan.

MR. CHAIRMAN: What are the hours of operation?

MR. BUCZEK: The hours of operation they start at 6:30 in the morning that is the biggest hours from 6:30 to 9:00 o'clock in the morning. And then they go all the way up until 6:00 when they close at night. The peak time is in the morning for a lot of the patients that come in.

MR. CHAIRMAN: Closing time is 6: 00 p.m.?

MR. BUCZEK: That is correct. Up on the board right now is the proposed site plan. The main improvements to the site is in this area where they moved the existing parking along the front

that used to be perpendicular to the building and now there will be some parallel parking and temporary drop off and also parking spaces where they can unload directly in front of the building. Currently they have to unload in this drive lane but there is also people parking here so there is times where it is an inconvenience for people to get out of the parking spaces.

MR. BOEHNER: Are there buses that come through?

MR. BUCZEK: Yes and they are circulating through here. I don't know their pattern but it is every half hour they drop off and pick up. The other improvement we have looked at is restriping within the U. of R. spaces. The other improvements that we are making is we added pedestrian corridors down the middle of the parking lot so if they are parking in the back they can come through the middle of the parking lot. We have also added a lot where they can come in and wait in this lot until the patients are ready to be picked up.

This front lot is also going to become a one way circulation so we can reduce the congestion where currently there is a lot going on. And on the back side of the building where there is staff parking we are adding some additional stripping to try to reduce this pavement area because a lot of times there is people driving through here so we are reducing that. We are also adding a designated pedestrian area to get from this southern lot into the building here. We are adding in a pedestrian walkway on this side of the building. Currently the park right up to the side of the building face so there is no refuge for anybody to walk along the outside of this building. There is also going to be a guide rail to provide a little protection on the back side. On the back side of the building we are relocating some of the handicapped parking spaces that were up against the building that is due to the pavement area being greater than the 2 % slopes.

MR. BOEHNER: Why are some of the spaces so close to the main entrance?

MR. BUCZEK: Right now with the grades in this area until it is regraded eventually in the future the parking spaces are being relocated to these locations.

MR. BOEHNER: What are those spaces right here?

MR. BUCZEK: They exist today and I think it services Movies 10 and this group and this group for handicapped spaces. That is the way it is striped out today. And then on the north side to make up for the lost spaces on the front of the building we are adding additional parking spaces on the northwest side and also there is a recommendation granting a 6 foot tall privacy fence basically along this half closest to where there is apartment buildings to the north. One other item is we are doing a new dumpster enclosure up in this portion with a concrete pad and on this side for the southern access driveway we are adding some additional stripping to reduce that pavement width to try to get people to slow down. We are adding some speed bump signs both for enter and exit lanes for 10 miles per hours. That is pretty much the project on the existing versus the proposed spaces and the remainder are remaining the same for the entire parcel including the 780 spaces. The proposed handicapped spaces for the entire site will be 42 versus 33 existing. Those are the main changes for the site and if you have any questions I will be happy to answer them.

MR. BOEHNER: Are you concerned about the ballards during the winter and cars hitting them at night?

MR. BUCZEK: No the ones we are going to purchase we are going to put in the ones that have reflective strips around them so at night they will see a 2 or 3 inch strip on the upper side of the ballards at night to reflect them. So it shouldn't be an issue.

MR. BOEHNER: Are you talking about putting a curb in there?

MR. BUCZEK: We thought about it but it goes back to the cost difference. Right now we are using it as channelization to the best we can to restrict cars from going in there. So that is the first option. If it doesn't work eventually we will come back and look at new curbing or something like that.

MS. CIVILETTI: Do the loading docks still need to be accessible for truck deliveries?

MR. BUCZEK: No the current operation we are leaving 1,2 and 3 open for deliveries but there is not a lot that comes in and out every day.

MR. CHAIRMAN: Tell me how your clients get here?

MR. BUCZEK: I don't know what the percentages are but a lot of them come in medical cabs, RTS buses . I don't know the percentages of the number that drive in but I can get you those.

MR. CHAIRMAN: I guess we want to make sure that your improvements are addressing the need for the folks who are coming from the RTS into the site.

MR. BUCZEK: No.

MR. CHAIRMAN: So they are not dropping them off at West Henrietta but coming onto the site?

MR. BUCZEK: Yes. They circulate right out front. They go right up to the front of the building.

MR. OSOWSKI: I see you have this plan to do in 8 phases. How long will that take? Start in April and take the whole summer?

MR. BUCZEK: It shouldn't take that long. Most of it is striping and signage, there is a couple of other things. The front will take a week or two, we have to move an island so we will have to bring in some asphalt and down in this corner we are adding 6 or 7 feet of asphalt to make this a little bit wider in this area. There is some concrete work but generally they can do this in a month or a month and a half. I don't see it taking much longer than that.

MR. CHAIRMAN: What is the lease or commitment to this project?

MR. BUCZEK: I am not sure ten years.

MR. CHAIRMAN: I guess I am wondering why you are not making more substantial improvements having curbing and green space instead of what you are doing?

MR. BUCZEK: Sure right now it comes back to the agreement between the owners and the U of R and this is what they have settled on so far.

MR. CHAIRMAN: I am not sure I am satisfied with that answer. Is there anyone from the U of R to answer why you are making these improvements?

MS. DUEMAN: Betty Dueman. Director of Real Estate for the U of R. This was the simplest solution that the owner of the U. of R. was agreeable to.

MR. BOEHNER: Back to these ballards will you be blocking off any wheelchairs on the southside of the ramp. In the east corner you have these ballards there and I am not sure how you asses that situation. Something to check on. It is blocking the access.

MR. BUCZEK: We will make sure that is split up.

MR. CHAIRMAN: Anybody else? Thank you. This is a public hearing is there anyone who cares to address this application? There being none we will move on.

1P-02-18 Application of 2925 South Clinton, LLC, owner, for Final Site Plan Approval(Phase II) to construct a 27,300 +/- sf medical office building with associated parking and other site improvements on property located at 1915-1925 South Clinton Avenue (Tax ID 136.13-1-7 & 136.15-1-9) All as described on application and plans on file.

* MR. WENTWORTH IS NO LONGER RECLUSED

MR. GALUCCI: Good evening Mr. Chairman, Paul Galucci from the DeMarco Group on behalf of the applicant here fir 2925 LLC, requesting consideration for Site Plan

Approvals for Phase 2 of the incentive zoning project. If you recall in November this was tabled and we were granted preliminary overall in December for Final Phase 1 for Doodle Bugs and the entrance opposite Rue De Ville and a cross access connection to the property to the north, infrastructure and other associated elements for phase I. At that time when I presented the application for phase I, you didn't have phase II and that is what you have before you today. Phase II includes the two story building to the northwest of the property, the northwest corner two story 26,000 and change building 27,300 I think and a 13,350 square foot print Two story and that building rendering is on the lot. We did meet with the Architectural Review Board and they approved the elevations as presented and as submitted. In addition to the two story building there will be that cross access connection to the property to the south as well as the entrance and signal improvements opposite the Lac De Ville Plaza creating that intersection and that is consistent with what I mentioned back in December.

Additional parking improvements approximately 135 parking spaces to the front consistent to what was represented in the area overall and other related improvements which would include utility connections. The first phase of the project if you recall we were doing some of the buffering and we discussed when we come in with the buildings that are adjacent to the buffer we would present that final landscape plan and the buffer mitigation to fill in the buffering behind the building as represented on the landscape drawings. The project went before the Conservation Board last week and it is my understanding that the plan was acceptable to the Board. Garth was there on behalf of the project.

We are going to be building these first two phases as one phase subject to approval from this Board and satisfying other agency signoffs. It would be constructed as one phase so the timing of the cross access easement north to south is going to be coming as we build for the first tenant. If there are any questions I will be glad to answer any.

MR. CHAIRMAN: A couple of things that have caught our eye in other locations are the light poles that are being put on bases that are too high. I want to work with you to get your pole bases lower or as low as you can based on your experience with maintenance

and other things. I think if they are protected by curb I would like to see pole bases lower than what we are seeing around town.

MR. GALUCCI: I don't disagree with you there. If they are protected by curb then there is less likely to be struck by a vehicle or plow. I would like to see less than more concrete on the bases.

MR. CHAIRMAN: The recent example is Bank of America some how it got away from us. That is one item and then the HVAC is on top of the building and you are not far along with a solution.

MR. GALUCCI: We are getting into that with the design team. The Architect is handling it we have explored working with the tenant right now on the system that they are willing to pay for and they are standard as a roof unit. We have explored that there would be a parapet and they would be screened appropriately. So we are into those discussions with the tenants.

MR. CHAIRMAN: Just so you aren't surprised at the end. Are you planning a generator?

MR. GALUCCI: No.

MR. CHAIRMAN: We noted that the top soil stock pile is currently drawn right at the intersection. We would ask you if that is going to sit there longer than the construction you need to find a location that is not going to be front and center.

MR. GALUCCI: I would say the majority of the top soil is going to be transported off site and what would be left would be to stabilize the frontage per our agreement.

MR. CHAIRMAN: We don't want a pile of dirt there.

MR. GALUCCI: The town wouldn't want that and we wouldn't want that. So I think we are on the same page there.

MR. BOEHNER: Hot box you are going to have a hot box?

MR. GALUCCI: This will have a meter in back at the right of way. I believe they will be right here in back. They will allow it to be inside the buildings. Monroe County Water Authority has the final say and we are at their mercy. We will appropriately screen that.

MR. CHAIRMAN: Don't deliberately try to screen that until it is integrated into the landscape. Nothing will draw attention to it than trying to screen it.

MR. BOEHNER: What is the hatch you showed on the landscaping plan?

MR. GALUCCI: That is the zone where we will do the bare root planting. It is what we agreed to as part of phase I in theory that would have been done when we got to phase II.

MR. BOEHNER: Okay. You should probably explain what that is. I am all set.

MR. WENTWORTH: I have a couple of questions about snow storage? You show it in the parking lot north of the new building on phase II of the building. And on the landscaping plan you show two trees on the corner of the parking lot and some smaller trees within what shows as the snow storage area.

MR. GALUCCI: We did try to protect those areas in the north and south area. In the event of a heavy snow they are not going to cover those trees, we will probably have to take out a couple of parking spaces if we get that heavy of a snow fall. We did try to look at snow storage in the back relative to our obligations of buffering and plantings and we did try to plan for snow plowing. We typically walk the grounds with the snowplow contractors and agree upon locations depending on the level of snow events. So we are not damaging landscaping. That is always a goal of ours.

MR. WENTWORTH: Continuing on that the south parking lot you don't have any snow area called out on the north and south of the dumpster enclosure. So on the north again you have a tree right there so maybe you wouldn't do the north and just do the south. You might want to call that out on the plan. And also there is a light at the south west corner of the dumpster enclosure and I am just wondering that is not going to be a location that is going to be disturbed and also would be affected by snow removal.

MR. GALUCCI: This would be relative to height of concrete bases as Mr. Price made mention of and that might be something we have to consider keeping the concrete bases to a minimum and look at the reality of the activity of the snow plows and so on.

MR. CHAIRMAN: Okay anyone have anything else? This is a public hearing. Is there anyone who cares to address this application? There being none we will move on.

NEW BUSINESS

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 OCTOBER 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN- ADJOURNED TO THE JANUARY 17, 2018 MEETING

MR. KANYUCK: Good evening my name is Dwight Kanyuck I am here representing Mamasan's Monroe, LLC, the owners. Mamasan's is across the street and this has been before the board for a little while. The project involves moving the existing restaurant across the street into the former Pizza Hut with a drive thru and pick up window in that location. As we understand the remaining issue was resolved with respect to traffic at a December 20 meeting and the board has received a letter from the consultant with the outcome from DOT where it was agrees the existing access would remain until the signal was put in place. The potential Whole Foods entrance would be to the

right and exit out back to the left. We would ask the Board if there were no other issues to make a SEQR Determination as well as Preliminary Approval.

MR. CHAIRMAN: Thank you, are we able to make any decision on Preliminary with regard to Zoning ?

MR. BOEHNER: We would be able to make SEQR Determination but we would have to table Preliminary if that is so wished by the Board. There are variances that need to be sought.

MR. CHAIRMAN: Other than what we read in the letter in response to the letter by DOT and the way you have addressed those and the turning lanes is there any other changes at all since we last saw this application?

MR. MCMANN: Good evening Greg McMann from McMann and Larue representing Mamasan's. Since our last presentation two or three months ago there have been no substantive changes to the site. We have addressed some smaller issues from the Town Engineer and staff comments but other than those issues there have been no significant changes and no additional variances. I believe we have four variances before the Zoning Board for which we hope to appear on the 7th and resolve those. With those resolved we are prepared to get Preliminary in February and follow up quickly with Final.

MR. BOEHNER: And you guys are okay with right in only is that correct?

MR. MCMANN: That is correct based on that meeting and the owners concurrence that if in the future there is a right in they would agree to the cross access based on our plan and the modification of the driveway to a right in. It was brought up at that meeting that the cost of that would not be an obligation of our client or the owner of the site but would be the obligation of whatever party is responsible for the improvements. They do concur with those changes.

MR. BABCOCK STINER: Greg could you point out the pedestrian entrance?

MR. MCMANN: Yes, there is a four foot jog on the north west side of the building. It is right in the center of the building.

MR. WENTWORTH: So the doors come straight in?

MR. MCMANN: Yes the doors come straight in as the sidewalk parallels that facing the building. They don't come in through the side here. The architectural plans I have show them coming in from the front. That is only a four foot wide jog in the building.

MR. WENTWORTH: Is there a customer entrance near where the cross walk is or where the handicapped parking is?

MR. MCMANN: No there is not, they would cross and then come down into the main entrance. There is a rear entrance to the building but that is for the kitchen staff.

MR. WENTWORTH: What was the reasoning for choosing that area for the accessible parking?

MR. MCMANN: Well, first of all if we brought it up closer to the door we can't put in a proper handicapped ramp. So we have to have it on one side or the other of the entrance and it's a depressed ramp where you would enter in the middle and slope up on both sides. We could possibly move it up one or two spaces and still have the proper slopes there but once we get to the end we have to have a sidewalk that is level to make the entrance to the building.

MR. WENTWORTH: I am just concerned that code requires those spots be accessible.

MR. MCMANN: We will take a look and if we can move them up a little bit but I can't get them directly across from the entrance because of the ramp issues and we have to work with the architecture.

MR. BOEHNER: There is a second floor to this. What is the second floor used for?

MR. MCMANN: It is for office space and storage for dry goods for the restaurant that is my understanding . Is is office space for the owner's accounting and that type of work. That space was taken into account for computation for parking.

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

1P-NB1-18 Application of Newcomb Brighton Inc., owner, and Brian Mattiacio for Concept Review to construct a 2,000+- sf dental office on property located at 2087 Monroe Avenue. All as described on application and plans on file.

MS COSTICH: Good evening my name is Sarah Costich and I am with Costich Engineering and I have with me this evening Dr. Brian Mattiacio to assist me in answering questions and also Kevin Bragman from Bragman Construction. And as Bill mentioned we are here for concept review for a proposed one story building at 2087 Monroe with approximately 2000 sf on the corner of Monroe Avenue and Brooklawn. The property is currently a 0.26 acre parcel and it is currently vacant and it is zoned low intensity commercial. After reviewing the Monroe Avenue guidelines we would lay out the site such that the proposed dentist office is predominantly featured on Monroe Avenue with the majority of the parking to be screened behind the proposed building.

This layout also allows for green space along Monroe Avenue in the sidewalk area and along the frontage here. It also leaves space for landscaping to support the street scape feel and we are also proposing a connection to the existing sidewalk along Monroe Avenue. Proposed vehicular access to the site will be off of Brooklawn Drive. We are showing 16 parking spaces currently to accommodate both staff and patients. We also have a proposed building elevation for you to review from the architect and we are showing a one story building that is 16 feet tall, the exterior is clad aluminum and glass. Proposed landscaping on site will include a combination planting of street trees along Monroe

Avenue and also a landscape buffer to screen the residential property. We initially met with town staff on 12/14 to discuss the concept and outline a possible schedule and discuss possible variances that we will need for the project. We also attended the 1/9 Conservation Board meeting and we gave a brief overview of the project in its conceptual stage. And with that I would like to open it up to the Board for any questions you may have.

MR. CHAIRMAN: First overall, this is a permitted use of this district?

MS. COSTICH: Yes.

MR. CHAIRMAN: And what are the hours of operation?

MS. COSTICH: Maybe Brian can answer that.

DR. MATTIACIO: Hours of operation would be pretty standard for any dental business. Currently they range from 6:30 a.m. to 6:30 p.m. some days we start late but generally we start early Monday through Friday.

MR. CHAIRMAN: All day then?

DR. MATTIACIO: Yes but some days we start later.

MR. CHAIRMAN: Do you find most of your customers are from this part of town?

DR. MATTIACIO: Currently, well here's the thing my current practice is in Farmington so right now no. That is one of the reasons I want to come to Brighton. I personally like this community and I actually come to this community quite often and it is just an appealing community for me to do business in. And I have been looking patiently for about two years now for a potential site for this area.

MR. CHAIRMAN: I just thought the majority of patients are in their teen years and being near the school and this many housing areas that some might even walk here.

DR. MATTIACIO: Absolutely my population is a 20 80 split with 20% over 20 years old.

MR. CHAIRMAN: You are proposing to bring the building closer to Monroe Avenue and parking in the back which I think is consistent with Monroe Avenue. Is there any basic questions anybody wants to ask?

MR. BOEHNER: The number of parking spaces that are shown on the plan do you have a lot of asphalt back there?

MS. COSTICH: No.

MR. BOEHNER: That is added to your variances. Do you think you need all those parking spots?

DR. MATTIACIO: In an ideal world yes. I think so because in orthodontics we see a lot of patients in a day. 92 patients on Monday. On an average day it would be upwards of 80 patients a day. Right now I am starting with 0 patients when I open the doors but I hope it will be increasing.

MR. DOLLINGER; How large is your current space?

DR. MATTIACIO: Currently 4000 sf up and 4000 sf down so this is going to be lean compared to what I have now.

MR. DOLLINGER: How many dentists are there?

DR. MATTIACIO: Just myself.

MR. DOLLINGER: I am curious how you lay it out.

DR. MATTIACIO: You don't have individual rooms in orthodontics it is all one bay. Much like you are seated now I may have six examining chairs open side by side and the kids

are kind of sitting side by side and the parents sit in front of them. So it is not closed in. It is all open.

MR. BOEHNER: That is interesting.

DR. MATTIACIO: The turn over is pretty quick you can have six patients there and six more patients ready to go. There may be some car pooling with my team from Ontario County. Currently it would be an open reception maybe two enclosed offices for business functions and then designated areas for sterilization and other functions like that. 2000 sf is very doable for us we are in luxury being in 8,000 sf right now.

MR. OSOWSKI: It looks like you have universability there, there is no steps to get into it from the street side or the parking lot is that correct?

MS. COSTICH: Yes, the site is pretty flat right now.

MR. WENTWORTH: What kind of dumpster will you have?

DR. MATTIACIO: There will be totes that are kept inside the building.

MR. WENTWORTH: How much stacking will there be?

MS. COSTICH: We tried to keep the stacking as minimal as possible one car at least.

MR. CHAIRMAN: Jason.

MR. BABCOCK- STINER: I think it is fine.

MR. FADER: I do to.

MR. CHAIRMAN: I like the setback, the scale feels good, I would encourage the front door to look like a front door. I would minimize the suburban landscaping and maybe a place for mom and dad to sit outside while their children are being serviced. The parking I would ask that to be a drop curb and not a radius curb into the parking lot because the pedestrian has the right of way at your curb cut. I don't know about the synergies between a bank and a dental office but if there is any way not to screen each other and making it possible for movement between the two parcels. I would encourage that.

MS. CIVILETTI: I am happy with it, it is a difficult site.

MR. OSOWSKI: No additional comments its good.

MS. DELANEY: I think it looks good. I cut through that spot all the time. I would like to see it cleaned up and not have something that is a dirty lot.

MR. WENTWORTH: I have a question what is your expectation for your practice?

DR. MATTIACIO: Starting from scratch it is going to be slower at first and the expectation is to split days. It will never be closed it will always be staffed. So it maybe Monday, Wednesday and Fridays one week and Tuesday and Thursday another week.

MR. CHAIRMAN: Thank you good luck.

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OLD BUSINESS

NONE

PRESENTATIONS

NONE

COMMUNICATIONS

NONE

PETITIONS

NONE

1P-01-18 Application of Nicholas A. Cutuia, Inc, owner for Site Plan Modification to improve the parking lot layout and traffic flow and to increase ADA parking on property located at 26 13 West Henrietta Road. All as described on application and plans on file.

- MR. WENTWORTH: I will recuse myself.

MR. FADER: I move to close the hearing.

MR. BABCOCK-STINER: 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 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.

0. Site data for parking calculates the requirement with the entire building used as medical. The parking variance approval for the building was not granted for all medical, but included some less intense uses such as storage. The building has not been approved for medical use of the entire building.
0. The parking plan shall be revised so that there are at least as many spaces proposed as are existing or a variance will be required.
0. The parking lot shall be striped as per the requirement of the Brighton Comprehensive Development Regulations.
0. Erosions control measures shall be in place prior to issuance of a building permit.
0. 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.
0. All County Development Review Comments shall be addressed prior to final approval.
0. Meet all requirements of the Town of Brighton's Department of Public Works.
0. All Town codes shall be met that relate directly or indirectly to the applicant's request.
0. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
0. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
1. All Comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.

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

13 A sidewalk easement over the entire length of the property along West Henrietta Road shall be provided.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

1P-02-18 Application of 2925 South Clinton, LLC, owner, for Final Site Plan Approval(Phase II) to construct a 27,300 +/- sf medical office building with associated parking and other site improvements on property located at 1915-1925 South Clinton Avenue (Tax ID 136.13-1-7 & 136.15-1-9) All as described on application and plans on file.

*MR. WENTWORTH IS NO LONGER RECUSED

MS. CIVILETTI: I move to close the public hearing.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and Conditions

Determination of Significance

The Planning Board of the Town of Brighton adopted a negative declaration dated November 15, 2017 for this project. The proposed project is consistent with the negative declaration adopted by the Planning Board.

Conditions:

1. Reciprocal access easements shall be provided between lots 1,2, and 3 and the adjoining properties providing access to the traffic light at South Clinton Avenue. Access from the adjoining properties to the traffic light shall be provided as part of this Phase 2
2. Submitted site data should be reviewed and corrected as necessary:
 - a. Submitted site data (Sheet CA 110) includes the Zoning District (BEL) requirements and the proposed data but does not include the Incentive Zoning Regulations requirements. Requirements based on both the Comprehensive Development (zoning district) Regulations and the adopted Incentive Zoning Regulations, as well as the proposed data must be provided for each lot and the entire property. The applicant must demonstrate how the proposed development meets all the conditions of the Incentive Zoning Approval along with all relevant requirements of the Comprehensive Development Regulations.
 - b. Proposed front yard fence height is entered as 6'. A 6.5' front yard fence is allowed by IZ regulations only on the daycare lot. Other areas would be limited to 3.5" height.
 - c. Front yard parking setback for the BEL district is entered as 40'. This is incorrect, as parking is not allowed in the front yard in the BEL district. IZ regulations provide a setback of 20' from any lot line.
 - d. Proposed height is entered as 40' for both pitched and flat roofs. This does not appear to be accurate as the building under review is +/- 34' in height.
 - e. Entries for the Individual Lot Bulk Data are for proposed numbers. The "Min" in the row labels should be removed or changed to proposed.
3. The Phase 2 plantings should be identified in a plant schedule with number to be placed botanical and common names and sized.

- 1 Reciprocal access easements shall be provided between lots 1,2, and 3 and the adjoining properties providing access to the traffic light at South Clinton Avenue. Access from the adjoining properties to the traffic light shall be provided as part of this Phase 2
- 2 Submitted site data should be reviewed and corrected as necessary:
 - a Submitted site data (Sheet CA 110) includes the Zoning District (BEL) requirements and the proposed data but does not include the Incentive Zoning Regulations requirements. Requirements based on both the Comprehensive Development (zoning district) Regulations and the adopted Incentive Zoning Regulations, as well as the proposed data must be provided for each lot and the entire property. The applicant must demonstrate how the proposed development meets all the conditions of the Incentive Zoning Approval along with all relevant requirements of the Comprehensive Development Regulations.
 - b. Proposed front yard fence height is entered as 6'. A 6.5' front yard fence is allowed by IZ regulations only on the daycare lot. Other areas would be limited to 3.5" height
 - c. Front yard parking setback for the BEL district is entered as 40'. This is incorrect, as parking is not allowed in the front yard in the BEL district. IZ regulations provide a setback of 20' from any lot line.
 - d. Proposed height is entered as 40' for both pitched and flat roofs. This does not appear to be accurate as the building under review is +/- 34' in height.
 - e. Entries for the Individual Lot Bulk Data are for proposed numbers. The "Min" in the row labels should be removed or changed to proposed.
- 3 The Phase 2 plantings should be identified in a plant schedule with number to be placed botanical and common names and sized.

- 4 The hatched area within the buffer on the landscape plan shall be identified.
5. The purpose of the Bare Root Sapling Schedule on the landscape plan should be noted.

6Shade trees should have a minimum 3 inch caliper. Evergreen trees should be a minimum of 7'-8' in height.

7An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)

8All buildings shall comply with the most current building and Fire codes of New York State.

9 Prior to issuance any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

10 Meet all requirements of the Town of Brighton's Department of Public Works.

11All Town codes shall be met that relate directly or indirectly to the applicants request.

12The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control.

13 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.

14 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.

- 15 Maintenance of landscape plantings shall be guaranteed for three years.
- 16 Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 17 The dumpster shall be enclosed with building materials that are compatible with the existing building.
- 18 All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.
- 19 All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
- 20 Fire hydrants shall be fully operational prior to and during construction of the building.
- 21 A letter of credit shall be provided to cover certain aspects of the project, including but not limited to demolition, landscaping, stormwater mitigation, wood lot mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
- 22 The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.

- 23 The proposed building shall be sprinklered in accordance with Town Requirements.
- 24 The height of the proposed building shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
- 25 Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
- 26 A detail of the proposed dumpster enclosure shall be submitted to and approved by the Building and Planning Department.
- 27 Any signage must be reviewed and receive all necessary town approvals prior to installation.
- 28 Erosion control measures shall be in place prior to site disturbance.
- 29 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. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department.
- 30 The location of HVAC shall be shown and labeled on all future site plans.
- 31 If a not box is required, it must be screened and shown on the site plan.
- 32 The parking lot lighting color temperature shall be 3000K. The parking lot lights shall be placed on a timer. The plans must include the following note: All lights shall be designed to eliminate light overflow onto adjacent residential properties.

which allow illumination to commence each day 1/2 hour before the business is open to the public and to terminate 1/2 hour after the close of business.

- 33 The rooftop mechanicals shall be reviewed and approved by the Architectural Review Board.
- 34 All comments and concerns of the Town Engineer as contained in the attached memo dated December 19, 2017 from Michael Guyon, Town Engineer, to Ramsey Boehner, shall be addressed.
- 35 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 36 The plans shall be revised so the stock pile is relocated to the west side of the property therein.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-NB1-17 Application of Mamasan's Monroe , LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file. TABLED AT THE OCTOBER 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN- ADJOURNED TO THE JANUARY 17, 2018 MEETING

MR. FADER: I move to approve the

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,

which allow illumination to commence each day 1/2 hour before the business is open to the public and to terminate 1/2 hour after the close of business.

- 33 The rooftop mechanicals shall be reviewed and approved by the Architectural Review Board.
- 34 All comments and concerns of the Town Engineer as contained in the attached memo dated December 19, 2017 from Michael Guyon, Town Engineer, to Ramsey Boehner, shall be addressed.
- 35 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 36 The plans shall be revised so the stock pile is relocated to the west side of the property therein.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-NB1-17 Application of Mamasan's Monroe , LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file. TABLED AT THE OCTOBER 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN- ADJOURNED TO THE JANUARY 17, 2018 MEETING

MR. FADER: I move to approve the 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.

MR. BABCOCK-STINER: Second.

UPON ROLL CALLVOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move that the application be tabled based on the testimony given and plans submitted. Additional information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. A turning radius analysis demonstrating that emergency vehicles can adequately access and navigate the site shall be submitted to the Town Fire Marshal for review.
2. The applicant shall review the front setback tie-line location and modify it as necessary to ensure that the front setback is accurately provided.
3. All required variances shall be obtained.
4. Any second floor area shall be included in site data, in density calculations and in any calculations of required parking based on floor area. The proposed second floor shall be used only for storage.
5. All Monroe County comments shall be addressed.
6. The proposed building shall be sprinklered in accordance with Town requirements.
7. The location of any HVAC or other mechanicals and or generators shall be shown on the site plan along with details of their proposed screening.

8. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than ten feet.
9. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)
10. Hours of operation shall be limited to the hours between 6:00 a.m. and midnight without further approval of the Planning Board.
11. Cut sheets and elevations shall be provided for the proposed lights. The color temperature of the lights shall be provided and shall be 3000K.
12. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day 1/2 hour before the business is open to the public and to terminate 1/2 hour after the close of business.
13. There shall be no outdoor storage or display without further approval by the Planning Board.
14. The entire building shall comply with the most current Building and Fire Codes of New York State.
15. 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 proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
16. Meet all requirements of the Town of Brighton's Department of Public Works.
17. All Town codes shall be met that relate directly or indirectly to the applicants request.

- 18 The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control,
- 19 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.
- 20 Maintenance of landscape plantings shall be guaranteed for three years. Any contractor or individual volved 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.
- 21 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 22 All outstanding site Plan comments and concerns of the Town Fire Marshal shall be addressed. Comments can be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)
- 23 All comments and concerns of the Town of Brighton Sewer Department shall be addressed.
- 24 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 25 Erosions control measure shall be in place prior to site disturbance.
- 26 All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movements required by Secretary of State pursuant to sections one hundred one of the Executive Law.
- 27 Paragraph 201.16B (1) of the Code of the Town of Brighton States, "Where deemed appropriate and feasible by the Planning Board, Zoning Board of Appeals or authorized official, a cross access easement shall be required to connect the parking areas between two or more adjacent lots. Cross access easements shall

be considered when reviewing proposals for new development, changes of use or any site Modifications” A cross access easement shall be provided. The cross access easement shall be reviewed and approved by the Town Engineer. The approved easement shall be filed with the Monroe County Clerk’s Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.

- 28 Paragraph 201.16.B (3) of the Code of the Town of Brighton states “ Where appropriate along highways containing strip development the Planning Board, Zoning Board of Appeals or authorized official may identify existing curb cuts that are to be removed or replaced with cross access easements prior to approving an application for a proposed development or a change of use”. When the management plan for Monroe Avenu, the Planning Board requires that the existing Monroe Avenue access drive be modified to a right in only configuration. All requirements of the NYSDOT shall be met.
- 29 A letter of credit shall be provided to cover certain aspects of the project including but not limited to demolition, landscaping, stormwater mitigation, infrastructure, and erosion control. The applicant’s engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
- 30 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 applicant shall verify that the project will comply with Sectin 56-3.4(a)(2) regarding on site maintenance of a project record, and Section 56-3.6 (a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
- 31 All requirements of Sections 203-84.B.3 (restaurant regulations), 2-7.14.1 (waste container and grease oil container standards), 207.14.2 (supplemental restaurant regulations and 207.14.3 (drive through standards), 203-84.B4 (Outdoor Dining Facilities) as well as any other pertinents sections of the code shall be met. Included in these requirements is that “a minimum of one aesthetically

acceptable trash receptacle shall be provided on site adjacent to each driveway exit. At least one additionall acceptable, onsite outdoor trash receptacle shall be provided for every 10 required parking spaces.” Also included is that, any use providing food capable of being immediately consumed which is served in disposable packaging shall have at least one aesthetically acceptable, onsite outdoor covered trash receptacle for patron use located near the primary entrance …” These requirements along with the other requirements of tose sections should be addressed.

- 32 The drive thru speaker is required to be less than 30 DBA at four feet from the speaker and not audible above daytime ambients noise levels at the property line .
- 33 All comments and concerns of Evert Garcia as contained in the attached memo dated January 16, 2018 to Ramsey Boehner shall be addressed.
- 34 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 CARRIED.

* * * * *

SIGNS

1500 Kung Fu Tea for a Building Face Sign at 2829 W
Henrietta Road

1501 High Performance Heating & Air Conditioning for a
Building Face Sign at 2350 Brighton Henrietta Town Line
Road.

1502 Core Life Eatery for a Building Face Sign at 2600
Elmwood Avenue.

CONDITION All required variances must be obtained.

1503 Lakeside Restoration for a Building Face Sign at 1476
Monroe Avenue - WITHDRAWN

1504 UR Medicine – Brighton Health Center for a building
Face Sign at 2609-2619 W. Henrietta Road.

MR. WENTWORTH RECUSED HIMSELF

1505 UR Medicine for a Building Face Sign at 2561 Lac De
Ville Blvd

CONDITION All required variances must be obtained.

MR. WENTWORTH RECUSED HIMSELF.

MS. CIVILETTI: I move to approve with
conditions sign application 1500, 1501, 1502, 1504, and 1505 sign
application 1503 was withdrawn.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTIN 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 January 17, 2018 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 12 day of February in the year 2018, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.



Notary Public

TANYA J. LEISENRING
Notary Public, State of New York
Qualified in Wayne County
No. 01LE6312991
Commission Expires October 14, 2018

Commissioner Executive Order No. 50
No. 011631561
Garnishment in Marana County
Notary Public Series of New York
James A. T. FitzMaurice