

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on May 16,
2018 commencing at approximately 7:30 p.m.

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

Ramsey Boehner: Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening
Ladies and Gentlemen, I would like to call to order the May 16, 2018
meeting of the Town of Brighton's Planning Board to order. The
February 21, 2018 minutes on the Planning Board meeting have already
been approved. We will approve the minutes for the March 21, 2018
meeting and next month we will approve the April 18, 2018 meeting
minutes. Can I have a motion to approve the March 21, 2018 meeting
minute?

MR. BABCOCK STINER: I will
move to approve the March 21, 2018 minutes with any corrections.

MS. DELANEY: Second.

UPON ROLL CALL VOTE
Mr. Price Yes
Mr. Wentworth Yes

MOTION PASSES
Ms. Delaney Yes
Mr. Babcock Stiner

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

MR. BOEHNER: Yes, they were
properly advertised in the Brighton Pittsford Post of May 10, 2018.

MR. CHAIRMAN: I believe we have one application that has been withdrawn by the applicant that being Application of 150 Metro Park, LLC. Application 2P-NB1-18 which is Faith Bible Church has been postponed to the June meeting as well as application of 2087 Monroe Avenue 3P-NB1-18 , and application of Rufus Judson and Landtech Surveying and Planning agent at 3525 Elmwood Avenue 4P-NB1-18 We will hear the rest of the hearings now.

5P-01-18 Application of John Cortese, owner, for Conditional Use Permit Approval to allow for a motorcycle sales and service facility on property located at 2779 -2781 West Henrietta Road. All as described on application and plans on file.

MR. CORTESE: Good evening I am John Cortese the owner of Cortese Auto Group. The last few months we started selling motorcycles out of the showroom, and right now we would like to move it down the street to 2781 West Henrietta Road.

MR. CHAIRMAN A little bit more about your hours of operation if you would?

MR. CORTESE: Right now it is considered seasonal and runs from April 1 to the end of September and we will be open Monday through Saturday, 9 to 5 and Monday, Wednesday, Friday, 9 to 8, Tuesday and Thursday 9 to 3 and Saturday 9 to 3 once the end of the season ends the night hours go away. So it would be Mondays through Saturday during the week 9 to 5 and Saturday 9 to 3.

MR. CHAIRMAN: Any site improvements ?

MR. CORTESE: What I am going to do – there are tenants in there right now half the building is leased and once the Hardwood Flooring moves out at the end of this month, we will gut the entire inside of the building . I already have architectural plans on what I want to do on the outside but I have to come back for Architectural Review and I have talked to Rick DeStefano and it is going to look nice

but I am going to try to get more glass in on the sides before we go to Architectural Review. The building right now – my Dad owned the building and my Dad passed away in February and now me and my sister own it and once I went through it, it needs to be updated but when I am done with it, it will look similar to what my other building is as far as on that scale.

MR. CHAIRMAN: You have a service bay are there any hazardous materials?

MR. CORTESE: There are four service bays in the back of the room, we sell oil changes, tire and brakes, handle bars, exhaust, maintenance is a lot of it maintenance and customization work.

MR. CHAIRMAN: Any changes to the exterior lighting?

MR. CORTESE: I don't think there is any poles but there will be signs that light up and I am going to have to work on that.

MR. BOEHNER: Any outside storage or displays?

MR. CORTESE: The only thing is we will bring them out during the day and bring the bikes in at night.

MR. OSOWSKI: What brand of motor cycles are you selling?

MR. CORTESE: 80 percent Harley Davidson and every other brand that there is.

MS. CIVILETTI: Are you proposing a generator?

MR. CORTESE: No.

MR. BOEHNER: What kind of trash will you have and how do you plan on removing it.

MR. CORTESE We will have minimal trash and I am sure we will have a dumpster.

MR. BOEHNER: Will you keep the dumpster outside?

MR. CORTESE: Yes. If we don't need one we will have trash on the inside and we will just have to take it out.

MR. BOEHNER: If you are going to have a dumpster we will need to know its location and it will need to be enclosed if you have it outside. For the service area it will only be repair service as an accessory to the motorcycle sales?

MR. CORTESE: Yes, we have quite a bit of demand for NYS Inspections and we are already servicing other customers bikes but we are not advertising for it. I only have one technician and I don't have enough space for it.

MR. BOEHNER: I have only one thing to say the motorcycle service needs to be an accessory to the primary use which is motorcycles sales.

MR. CORTESE: It is yes.

MR. BOEHNER: Just so it isn't used for motorcycle repairs.

MR. CORTESE; No there will be about 70 bikes in there and I wish I could put a 100 in there. We need to do it because of the seasonality. I am not getting into oil changes I am telling you that.

MR. CHAIRMAN: Any other questions?

MR. BABOCK STINER: What type of deliveries will there be? Are there large trucks coming in or is it just smaller ones.

MR. CORTESE: It is smaller ones, no large trucks.

MR. BOEHNER: One thing we need is a revised parking plan, maybe looking at the design of the building? One thing you need to do is provide accessibility in parking spaces to be able to get into the building. It used to be called handicapped.

MR. CORTESE: How many do we need? I will figure it out.

MR. OSOWSKI: Is the building sprinklered?

MR. CORTESE: No. I called the fire marshal and he wants to go down and look at it but he doesn't think we will need it.

MR. CHAIRMAN: Okay, this is a public hearing is there anyone in the audience who cares to address this application? There being none we will move on.

5P-02-18 Application of Ilya and Isanna Voloshin, owner and Design Works, Architecture, agent for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a single family house and construct a new 5,247 +/- sf single family house with a 900 sf attached garage on property located at 2700 East Avenue. All as described on application and plans on file.

MR. TSVASMAN: My name is Serge Tsvasman. We are looking for approval to raze the existing home and build a new home on the existing foundation. I believe we were before this Board about a month ago regarding the carriage house which is coming down as well. So the existing changes as far as ground coverage

it will be reduced significantly on the site and the driveway coverage is basically 0.

MR. CHAIRMAN: Did you apply for and obtain variances.

MR. TSVASMAN: We have had Architectural Review Approval for four months now and we just got Zoning Board Approval a few weeks ago. We have Historic Board Approval for the existing home.

MR. CHAIRMAN: Any conditions on the variances?

MR. TSVASMAN: None other than obviously that we get this approval.

MR. CHAIRMAN: Ramsey they did get Zoning Board of Appeals Approval?

MR. BOEHNER: And the Historic Preservation Commission did sign off that they will not be scheduling this for a public hearing for designation.

MR. CHAIRMAN: Did we have questions about the asbestos last time?

MR. TSVASMAN: I did submit the asbestos application for both the carriage house and the main house and the only known asbestos was the existing grout tile in the main house and that will have to be removed and that remediation has already been planned for. So it is a non issue. .

MR. BOEHNER: It is going to be removed?

MR. TSVASMAN: I believe that is going to be encapsulated and that tile will not have to be removed.

MR. BOEHNER: You will supply us with a post remedial report?

MR. TSVASMAN: Right.

MR. BOEHNER: What will be left on the site following demolition? Can you explain everything that is going to be demolished? The walls, the trees, the pavement -

MR. TSVASMAN: Yes, Does everyone have the site plans, we will start with the demolition restoration plan and there is a cross patch on the main house and there is a pool house in the back that was enclosed in the 70's and that section there that is kind of at a 45 degree angle to the house and that will come out and its foundation will come out as well. The patio adjoins that and is roughly 1300 sf that is coming out and the entire driveway from this point over to the carriage house is going to be removed along with the carriage house and deck associated with the carriage house and then the existing home will be removed and we are going to remove the first floor deck and the new house will be built from there.

MR. BOEHNER: Are you proposing to remove the house and carriage house at the same time?

MR. TSVASMAN: Yes that was the intent on this plan and we talked to Paul White and I think the plan is to address the comments as two separate memos and come in and get one permit for demolition. Some of the driveway in the front yard is going to be modified to match the proposed on the landscape plan.

MS. CIVILETTI: So are you maintaining the curb cut on Greenfield?

MR. TSVASMAN: Yes this section of the driveway on the site plan will remain.

MR. CHAIRMAN: Is that the curb cut the residents will likely use most of the time?

MR. TSVASMAN: Yes.

MR. CHAIRMAN: What is the green space?

MR.TSVASMAN: My understanding there is 30 percent in the front yard and we are at 17 percent so the overall net increase is 379 sf compared to what is there today.

MR. CHAIRMAN: Any site lighting that is planned to spill off the site?

MR.TSVASMAN: No.

MR. BOEHNER: Could you go through what trees are going to be removed?

MR.TSVASMAN: Sure.

MR. BOEHNER: And could you show those on the plan?

MR.TSVASMAN: The two trees that are going to be removed are shown the demolition plan. There is a small pine I think the top got lopped off during a lighting storm so there is half a pine tree and it is relatively unsightly and there is one other tree a Norway Maple that is coming out as a result of some of the driveway improvements. Those are the two trees that will be coming out.

MR. BOEHNER: Any other trees you might need to remove?

MR.TSVASMAN: No other trees conflict with any of the construction.

MR. BOEHNER: Are all of the other trees basically in good health?

MR.TSVASMAN: I haven't done any inspections, Mark, maybe you can speak?

MR. BAYER: Mark Bayer, Bayer Landscape Architecture, landscape architect, the only trees coming out is the Norway Maple and the Spruce with the top lopped off and there will be some pruning of some brush and the magnolias in the back to accommodate the construction. Basically everything else stays in place .

MR. BOEHNER: I just want to make sure we have the plans correct I don't want to find out you forgot something.

MR. OSOWSKI: How will you handle everything that is removed?

MR.TSVASMAN: It will be loaded up on trucks and removed because of the timing of construction everything will be removed as it comes down.

MR. CHAIRMAN: Okay anyone else?

MR. BOEHNER: So you are going to come in and get a demolition permit and then a building permit simultaneously do one and then the other one.

MR.TSVASMAN: I was hoping to do them as close in tandem as I can because once we have an indication of approval from this Board, I would like to file an architectural permit set and address the comments at the same time as it is reviewed. Those have been ready to go for several months and we are hoping to move this forward.

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

property located at 1969 South Clinton Avenue. All as described on application and plans on file.

MR. COLLUCI: Good evening, Chairman, and members of the Board, Paul Collucci with the DiMarco Group I am here tonight for consideration of the demolition of the existing structure, actually three structures, the main building a former church located at 1969 South Clinton Avenue, the garage and then there is a small shed on a slab to the back of the parcel. We submitted the application for review. The plan includes a sequence of construction and identifies the order of demolition as anticipated, we have contacted all of the providers of sewer, gas, water and we have had an asbestos report done. There was a small amount of asbestos in the building in floor tile and that has been abated and I also submitted a report associated with that relative to those facilities. The proposed demolition would include complete removal of the structure and foundation associated with the main building and garage as well as the basement slab to be removed, back fill for the former building areas with fresher run material. There is a small amount of landscaping in front that has no value. We have identified three trees to be protected to the south of the structure which have been identified on the plan. All of the material will be removed with a large excavator, the thumb will grab it and basically load it on a dump truck and it goes off the site for disposal,

We acquired an approval three years ago on the property to the north that has 11 acres we are going to be developing in the near future. During this time that we have had the property we have had several incidents of vandalizing and trying to take up residence in the buildings and it is somewhat of a liability to the owners and the town. We met with the Conservation Board and heard their concerns mainly just the planning of when we plan to develop the property. We have every intent of redeveloping that land and as part of that development to the north we plan to have a cross access easement which has been agreed upon by the Town staff and we have executed and filed that agreement as a condition to develop the property to the north with a cross access easement. In talking to the Conservation Board they asked timing of the development and if we didn't do anything within a certain period of time they would like to see the asphalt surfaced adjacent to the north of the church building and I believe Bill Hurdle attended that

meeting and thought that was reasonable and we also met with the Historic Preservation Commission and they had no concerns relative to any hearings. So we are respectfully requesting this Board's approval for demolition and we are prepared to demolish this property. We have had a large piece of machinery there waiting for some time to demolish this property. So with that I am happy to answer any questions you may have.

MR. CHAIRMAN: To clarify what did Bill commit you to or agree to?

MR. COLUCCI: In the meeting with the Conservation Board they said what is your timing anticipated in developing the land and we don't have immediate use for that property right now and they said if you don't do anything within two years pull up the asphalt and he felt that was reasonable and he agreed to that. The restoration as we propose it is once the building is demolished we will back fill the area of the corner building with fresher run and then any existing lawn area we will hydro seed and re-establish lawn and we will maintain it as mowed lawn everywhere where there is not hard surface.

MR. BOEHNER: On the two accessory buildings and the main building why are you putting in crushed stone and not restoring the vegetation which would be preferred. We would rather have lawn area rather than crushed stone. If we pull out the asphalt we have crushed stone sitting there.

MR. COLUCCI: Mainly just for compaction because there is going to be a future building area and when we back fill that area we know that based upon – we did submit a conceptual redevelopment plan along with the Planning Board review of the property to the north the 11 acre parcel we anticipate a building in that area so we would like to back fill the church area and run fill to promote positive drainage to the existing asphalt area so we don't have any ponding there.

MR. BOEHNER: Is there a way to do both? Put in crushed stone and then have a certain amount of top soil in order to put in a lawn area on top of the crushed stone.

MR. COLUCCI: I think that is

reasonable and I think we can do that when we develop the property to the north. We are planning starting work within the next couple of weeks and one of the first things we are going to do is strip top soil and we can get some truck over and start spreading it and hydro seeding it. I don't think that is an unreasonable request. We own the plaza and we want an attractive plaza and this is directly opposite the main entrance. I don't feel that putting in top soil is unreasonable and hydro seeding and maintaining it as lawn .

MR. BOEHNER: The other thing we talked about at the Conservation Board is closing off the access point so people don't start using it as a parking lot .

MR. COLUCCI: Yes, I would like to put bollard and chain link across there so it doesn't become an attractive place for midnight depositing of materials.

MR. BOEHNER: You are agreeable to that?

MR. COLUCCI: Yes.

MR. CHAIRMAN: Any questions? Thank you, Paul. This is a public hearing is there anyone in the audience that cares to address this application?

MR. CRAGG: Ross Cragg, there is a hedge between my property to the south of the church and the church. Are you planning on leaving that hedge there.

MR. CHAIRMAN: Paul you are not planning on touching the hedge?

MR. COLUCCI: We have no desire to remove that.

MR. CRAGG: The next question is do you have any idea who is going in there?

MR. CHAIRMAN: We have not received an application from them for anything other than demolition. It would be hard to say when we will see an application specifically for any structures on that.

MR. CRAGG: My concern is noise from the parking lot and I am requesting buffering.

MR. CHAIRMAN: We will get into buffering that when we get an application.

MR. CRAGG: Nothing else other than that.

MR. CHAIRMAN: Okay thank you for coming out. Anyone else care to address this application? There being none we will move on.

5P-04-18 Application of New Lac De Ville, Associates, LLC, owner for Conditional Use Permit Approval to allow for a 3, 167 +/- sf restaurant on property located at 1900 South Clinton Avenue. All as described on application and plans on file.

MR. COLUCCI: Paul Colucci from DiMarco Group here representing New Lac De Ville Associates, LLC for Conditional Use Permit Approval to allow for a 3, 167 sf restaurant located within the plaza at 1900 South Clinton Avenue. I started with the Planning Department since this area was previously occupied by a restaurant it was Dubella, who left us two years ago and upon review Rick DeStefano cited that this was greater than one year so the special condition to operate the restaurant after one year had expired. So I submitted the materials and the proposed tenant is a Mexican Restaurant. A full service restaurant with a proposed bar the application materials and plans that were submitted identify the space to be approximately 3100 sf, they are occupying the Dubello Space as it was demised and they are not expanding that space and they are reusing all of the kitchen infrastructure and what was formerly a bakery is being converted to seating area. The

bar is going into the back where formerly there was a check out area. The proposed floor plan allows for 76 seats which includes six seats at the bar. The bar is approximately 16 feet in length.

MR. BOEHNER: What are the hours of operation?

MR. COLUCCI: The hours of operation are Monday through Thursday 11 a.m. to 10 p.m. with Friday and Saturday 11 a.m. to 11 p.m. Sunday 11 to 9 p.m.

MR. BOEHNER: Who is going into there, can you say?

MR. COLUCCI: Yes, the operator is Mesquite Mexican Grill affiliated with two other concepts in the county "Montay Albon" (phonetic) and I believe one is in Penfield and one is in Henrietta. This is the brother of the same family who operates the other two locations. This concept is going to be called Mesquite Mexican Grill.

MS. CIVILETTI: Is this connected to the one on Elmgrove?

MR. COLUCCI: I am not sure if that is the same affiliation.

MR. CHAIRMAN: How much of this is take out and how much of this is sit down?

MR. COLUCCI: I don't know specifically the exact percentage. It is set up for a full service sit down dinner. I assume some portion will be take out. I don't believe it will be a large portion. They do have future plans for outdoor dining but I am not requesting that at this time. They haven't shown to us how they plan on operating that in the future. I believe they plan on converting a small area outside for outdoor dining.

MR. BOEHNER: You are going to

have to have a grease trap?

MR. COLUCCI: There is a grease trap there and that is staying as it is. Basically they are moving in and changing the prep area from subs and cold cuts to Mexican food.

MS. CIVILETTI: Is there going to be a fryer?

MR. COLUCCI: Yes and there was one with Dubellos.

MS. CIVILETTI: Are they able to reutilize the hood?

MR. COLUCCI: Yes. All the kitchen equipment is staying in place.

MR. BABCOCK- STINER: Is there any entertainment proposed?

MR. COLUCCI: No.

MR. BOEHNER: Where will the grease be kept?

MR., COLUCCI: I believe there is a grease disposal facility in the back that was ultilized by Dubello's, outside.

MR. BOEHNER: So you will be utilizing the back of the plaza outside?

MR. COLUCCI: Yes. That is contracted with a certified removal company.

MR. BOEHNER: Do you know if the grease disposal area is enclosed?

MR. COLUCCI: I do not know if it is. If there is any housekeeping or any code related items that need to be addressed we will do it as part of this application.

MR. CHAIRMAN: No new site plan modifications?

MR. COLUCCI: No.

MR. CHAIRMAN: Any questions.

MS. VANHORSTAN: Judy VanHorstan. Sir, could you tell me if this is in the L where the post office was?

MR. CHAIRMAN: No this is where Dubello's was .

MR. CHAIRMAN: This is a public hearing, is there anyone who wishes to address this application? Thank you. We will move on.

5P-05-18 Application of 150 Metro Park, LLC, owner for Site Plan Modification to construct a new parking area consisting of 17 spaces on property located at 150 Metro Park. All as described on application and plans on file. WITHDRAWN BY APPLICANT.

5P-06-18 Application of Daniel Family Companies, owner, for Demolition Review and Approval to raze a vacant 10,800 +/- sf restaurant building and a vacant 44,600 +/- sf bowling alley on property located at 2740 Monroe Avenue and 2750 Monroe Avenue. All as described on application and plans on file.

MR. SADOLF : Good evening my name is Jess Sadolf from Passero Associates representing the Daniel Family Companies, tonight. I have Tony Daniel and Anthony Daniel sitting in the front row and they are requesting demolition of Mario's

Restaurant of 10,800 +/- sf and the bowling alley of approximately 45,000 sf in conjunction with the construction of the Whole Foods Plaza Development. The project over the past few weeks has been before the Historic Preservation Commission and it was determined that a public hearing would not be required to determine if this land had any significance historically and we have been before the Conservation Review Board most recently and they recommended approval without conditions. One of the discussions we had at the Conservation Board had to do with the idea of potentially removing some of the pavement as is customary on some of their projects where future development is not necessarily known. In this case the Whole Foods Plaza project intent is to essentially recycle the on site pavement and integrate it with the pavement section for the proposed project which is important because it greatly limits the amount of traffic with the demolition in removing the pavement and limits quite a number of trucks leaving the site. The Conservation Board agreed with that rational. Mario's Restaurant has been environmentally cleared on any asbestos and it has largely been abated of any asbestos. The plan as far as the basement is potentially to rubberize some of the concrete on site associated with the foundations and then the parts that are not able to be brought to the future grade would be back filled and basically compacted to 95 percent to support the future development of the building and it would be seeded and stabilized and that is essentially it.

MR. CHAIRMAN: Does the application actually reflect the comments from the Conservation Board or have you modified the plan?

MR. SUDOL: It was not required to be modified. They agreed with what we proposed.

MR. BOEHNER: Jess, lets talk a little bit about the asphalt that is going to stay until you start construction on the project. Is that right?

MR. SUDOL: That is correct.

MR. BOEHNER: You are going to demolish the buildings and your going to fill them and stabilize and seed

them and establish vegetation in those areas.

MR. SUDOL: That is right.

MR. BOEHNER: And when the project is built in the future you will recycle the asphalt,

MR. SUDOL: That is right if we were to do it now it would create a muddy mess for lack of a better term.

MR. BOEHNER: That is why I wanted to make sure you weren't doing it now. Has the surveys been done on the project for abatement and what did they say?

MR. SUDOL: Well that was done three or four years ago and all of that asbestos has been abated and confirmed by environmental engineers in the State of New York. There is a minor amount in the roof but we are not able to abate that right now without tearing the whole building down so we were issued a variance to allow it in place and when we start demolishing the building we will be starting with the roof.

MR. BOEHNER: And that will have to go to a special landfill?

MR. SUDOL: That is right yes.

MR. CHAIRMAN: How about the utilities are you cutting and capping those?

MR. SUDOL: Yes we are cutting and capping those most of that has been done since the building has been vacant for several years.

MR. CHAIRMAN: How will you secure the area once the building is down?

MR. SUDOL: Once the demolition is done the entire perimeter will be secured once construction starts but

there isn't any security measures because as a matter of fact it will be more secure because we won't have to worry about it being vandalized or people trying to get in there.

MR. BOEHNER: During demolition will the site be fenced in temporarily?

MR. SUDOL: Not the entire site but the work areas.

MR. BOEHNER: During demolition you will put up the fences and then take them down , is that right?

MR. SUDOL: That is right yes.

MR. BOEHNER: And when you start construction you will put them up and take them down?

MR. SUDOL: Yes.

MR. CHAIRMAN: Will this demolition take a couple of weeks or months?

MR. SUDOL: A couple of days certainly not a couple of months.

MR. BOEHNER: Will you be stock piling the debris?

MR. SUDOL: No the debris will be put back into the basements and any other debris will be taken off site. There is no reason to keep it on site.

MS. CIVILETTI: Do both buildings have basements?

MR. SUDOL: Partially yes.

MS. CIVILETTI: Will there be any fences or walls or anything left on site.

MR. SUDOL: No not associated with our buildings no loading docks or anything like that.

MR. WENTWORTH: Are you planning on removing basements or not?

MR. SUDOL: We are planning to rubblize them and use them as backfill.

MR. CHAIRMAN: Do you have many materials that can be recycled?

MR. SUDOL: Not to fill all the holes but we have concrete slabs.

MR. CHAIRMAN: And the steel and wood that are coming out of the structure would that be scrap for recycling?

MR. SUDOL: There are a couple of things that we are looking at reusing and not throwing away for instance the bowling lanes that would have some value to it. So that's something that has been identified early on.

MS. CIVILETTI: Are there any tree removals associated with this?

MR. SUDOL: Just some overgrown shrubs right around the building but not actual real trees there aren't many to speak of.

MR. WENTWORTH: Where will the equipment be staying when not in use?

MR. SUDOL: For the demolition in between on the west side of Clover Lanes and the east of Mario's between the two buildings.

MR. BOEHNER: Has the project been removed by the Historic Preservation Commission?

MR. SUDOL: Yes, they recommended that Historic Preservation is not warranted.

MR. BOEHNER: Has the Architectural Review Board reviewed this?

MR. SUDOL: Yes it has

MR. OSOWSKI: The demolition debris haul route does that go 590 north or 590 south down Monroe Avenue?

MR. SUDOL: I believe it will go down 590 north right to the site and ultimately down to 490 out to Ashley.

MR. CHAIRMAN: Any other questions? This is a public hearing and we welcome public comment. I ask that you be cognoscente of what this application is an application for demolition only. This is not a site plan application for the Whole Foods project and we will be glad to entertain any comments relative to this application. Remember relative to this application.

MS. MCCAN: Tina McCan. I was just curious about the tree removal that has already been started. I just didn't know anything about it.

MR. CHAIRMAN: So your question is what tree removal has already commenced?

MS. MCCAN: Yes, you know that service road that comes out they turned it into a road. It used to be a trail. Anyway –

MR. CHAIRMAN: I will save up our questions for the applicant.

MS. MCCAN: I was just curious about it I thought this was for removal but they have already been removed. I guess I may have missed that already.

MR. CHAIRMAN: Where's Jess? Come up.

MR. SUDOL: We have not been involved with any tree removal, it could have been involved with RG&E their lines go down through there but we haven't done any tree removal.

MR. CHAIRMAN: Thank you for coming out.

MS. VAN HOUTEN: Judy VanHouten. I am curious about we were promised that we would have a side covenant. There would be forever no access to Clover -

MR. CHAIRMAN: Does it have anything to do with this application?

MS. VAN HOUTEN: Before the shovel hit the dirt now does demolition not have something to do with the shovel hitting the dirt because that was what we were promised there would be no access to Clover or Allens Creek before a shovel hit the dirt -

MR. DOLLINGER: The fact is the demolition permit was specifically accepted from that statement. No other use or business can be done prior to that except and they had the exception for the demolition permit.

MR. CHAIRMAN: That was in the resolution?

MR. DOLLINGER: That was in the resolution.

MR. CHAIRMAN: Thank you, Judy thank you for coming out.

MS. VANHOUTEN: I will be back.

MR. BURGOFF: Good evening, Robert Burgoff from the Law Firm of Nixon & Peabody, here on behalf of the Clover/Allen Creek Neighborhood Association. I have just two questions and they are limited to just the demolition stage. What provisions or conditions will be imposed by this Board to ensure the construction activity does not interfere with the public pedestrian trail from Allen Creek all the way to Clover Street. And secondly what provisions or conditions will be imposed by this Board to ensure that construction vehicles are not driving and accessing Allen Creek and Clover Street across a pedestrian path which we would maintain would be a legal violation of the developers rights and the rights granted to the Town and the public pursuant to the regulations. Thank you.

MR. CHAIRMAN: Thank you.

MR. MALCOMB: Hi, I am Chuck Malcomb from the law firm of Hodgson Russ, LLP on Monroe Avenue. I just had one question as it relates to the Demolition Permit with respect to the review by the Boards and the Planning Board during this process and the Planning Board has been involved agency under SEQR. Where do we stand as far as the SEQR Findings before the Board takes action on this particular component of the project? So we have in the SEQR regulations an obligations for all involved agencies for the extended determination on the action to issue their own SEQR Findings and so my question is where does that stand before this Board's decision is made? Thank you.

MR. CHAIRMAN: Thank you Chuck , to answer the question we will be making SEQR determination because we were an involved agency in the SEQR Review prior to issuing any permits for demolition or anything we are going to have to have site plan and subdivision.

MS. ZOGHLIN: Thank you, Mr.

Price and my name is Mindy Zoghlin from the Zoghlin Group, I represent the Citizens Group of Brighton Westerlies, (Phonetic) and I have a similar concern to Mr. Malcomb's question. Obviously as this Board is well aware that as an involved agency you have an obligation to issue your own independent SEQR Findings and it would be improper to segment review of the demo from the larger development of this property. So we would ask you to make SEQR Findings before you make any determinations on this.

MR. CHAIRMAN: Thank you and we appreciate your coming out. Anyone else?

MR. GILLETT: My name is Tom Gillett. I live at 105 Pickwick Drive. Our house is down wind of the existing bowling alley, 7 irons away as the crow flies, we are pretty close maybe as close to the development proposed as any park. My wife and I drafted a letter that included a number of questions relative to the demolition specifically about what assurances will be in place regarding air quality and noise. There is going to be dust with the demolition matter blowing in our direction and we and other neighbors in the neighborhood have a lot of concern about this. We don't have a swimming pool and I think we are one of the few residences in the neighborhood that doesn't have a swimming pool. There are a lot of issues relative to what will happen when the demolition commences. So we have put together a series of questions which I have copies for the group if you insist on my reading every single one of them, I can but if the submitting in writing is sufficient there is enough copies for everybody. Thank you.

MR. CHAIRMAN: We will enter them into the record officially and we will consider those during our deliberations.

MR. GILLETT: This is kind of a new process for many of us and I know you guys do it mostly thanklessly week in and week out but we don't know what the authority of the Planning Board is to require that air quality be monitored - or that I believe the representative about the asbestos

abatement but when somebody says there is still some in there, it kind of makes you nervous east of the site where the demolition is going to take place. Because the wind doesn't always blow to the west but 19 days out of 20 it does. There are a lot of similar concerns articulated here and we hope that we get some answers to these before the first dust mold starts to float.

MR. CHAIRMAN: It is our charge to look into the issues that would affect the public health and safety during the short term operations of the demolition process and also look at the public safety, health and welfare of the site plan. We appreciate your taking the time to think these through but also to come out and give us your observations.

MR. GILLETT: Thank you we appreciate it.

MR. CHAIRMAN: Anyone else care to address this application? Thank you to all of you for coming out and we will be moving on.

NEW BUSINESS

2P-NB1-18 Application of Faith Bible Church, owner, for Preliminary Site Plan Approval to construct a 7,670 +/- sf church building, addition on property located at 10095 East Henrietta Road. All as described on application and plans on file. TABLED AT THE FEBRUARY 2,=1, 2018 MEETING – PUBLIC HEARING REMIANS OPEN- ADJOURNED TO THE JUNE 20, 2018 MEETING AT APPLICANT'S REQUEST.

3P-NB1-18 Application of Tolivir, LLC. owner and Brian Mattiacio, contract vendee, for Preliminary Site Plan Approval to construct a 2, 200 +/- sf dental office on property located at 2087 Monroe Avenue. All as described on application and plans on file. TABLED AT THE MARCH 21, 2018 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED AT APPLICANT'S REQUEST.

4P-NB1-18 Application of Rufus Judson, owner and Landtech Surveying and Planning agent for Preliminary Site Plan Approval and Demolition Review and Approval, to raze a single family house and construct a 6,686 +/- sf single family house with a 1,556 +/- sf attached garage on property located at 3525 Elmwood Avenue. All as described on application and plans on file.
TABLED AT THE APRIL 18, 2018 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE JUNE 20, MEETING AT APPLICANT’S REQUEST.

MR. CHAIRMAN: Public hearings are closed.

NEW BUSINESS (CONT)

5P-NB1-18 Application of Westfall Office Group, LLC, owner, and 157 Sawgrass Drive, LLC, contract vendee, for concept review to join two lots and construct a 3 story, 86,950 +/- sf building consisting of 37,000 +/- of pediatric skilled nursing and 49,950 +/- sf of medical office space on property located at 157 Sawgrass Drive (Tax ID's 149-06-1-2.522 and 149.06-1-2,411), All as described on application and plans on file.

MR. BABCOCK STINER HAS RECUSED HIMSELF FROM THIS APPLICATION.

MR. GEORGE: My name is Richard George and I am Director of the Elderwood Development and Construction which is an affiliate company of the Westfall Office Group Partners, which would be the owners of the conceptual plan you have tonight for a 68 bed pediatric skilled nursing home. We currently operate six pediatric nursing homes and 31 skilled senior living homes. We are looking at the second and partial third floor to this property for medical office space for leasing to different entities that we are working on now, one with

the U. of R. We have developed a plan having pediatrics completely on one floor with staffing and so forth. There is a court yard in the building for access for the children to go outside. Our engineer now will review it and will go over different site applications for conceptual.

MR. SHAW: My name is Eric Shaw from Bergman Associates on behalf of 157 Sawgrass Drive, LLC, the present concept is proposed to develop 157 Sawgrass Drive. 157 Sawgrass Drive is the center of the parcel known as Brighton Meadows Office Park which is a 3 story building with 86,950 +/- sf building, first floor consisting of 37,000 sf pediatric skilled nursing component and the second story 37,000 sf of medical office and the third floor would be a partial, 12, 954 sf. The parking layout surrounding the building meets the required 368 parking spaces, 333 of which are for medical office use and 35 for skilled nursing use. The entrances through the parking lot will match up or align with the existing driveways on the opposite sides. The existing development has one on the left and one on the east. The project is also proposing to take two existing parcels and turn those into one single parcel and relocate a portion of the conservation easement which is located along the north side of Sawgrass Drive and the Sawgrass parcel. The intention is to extend the Conservation Easement of the east side of the property to kind of off balance that impact.

MR. BOEHNER: How much conservation area are you disrupting?

MR. SHAW: Proposed is about 10,000 sf on that east side to balance it out.

MR. BOEHNER: How much will you be impacting?

MR. SHAW: My understanding what we are proposing will be at least the same if not more but it would be better. As currently designed the proposed development

would not require any variances. It meets the required setbacks and is below the lot coverage. That is the proposed development at this point.

MR. CHAIRMAN: Ramsey we had an impact statement done here years ago and we have seen various applications over the years come in. At this point where does this stand with regards to SEQR.

MR. BOEHNER: I haven't reviewed this project in great enough detail but what I do know about it I would say it appears to be consistent with the findings that were made – well there was a supplemental done and in that original EIS and from what I remember what we did on the last project everything was in compliance but we certainly would have to verify that during the site plan process with the EIS and its binding . I know that it is by square footage and the green space from my memory it all checks out from what was originally proposed and the site is also generating less traffic than what was proposed.

MR. CHAIRMAN: For the ground floor use, it is not all going to be medical office?

MR. BOEHNER: Yes and we didn't even come close to the full development potential as a whole.

MR. CHAIRMAN: Please remind us this is the last two parcels being combined right now?

MR. SHAW: Yes.

MR. FADER: I am embarrassed that I don't know but is there nothing in that spot right now?

MR. SHAW: Nothing, its vacant.

MR. DOLLINGER: Can you tell me the parking by the floor?

MR. SHAW: The way the parking is laid out we have 333 for medical offices and we will be using the second and third stories for medical offices, the second story is 37,000 sf and the third is 12, 950 sf and combined they will have 333 spaces per code and then skilled nursing generates 35 parking spaces.

MR. CHAIRMAN: This is a court yard in the middle and this is a full three story building.

MR. GARTNER: David Gartner, with Labello Associates and we are the architects of record. The court yard and the building shape was developed to respond to the restrictions of the site and meet the spaces needed for pediatric nursing homes. The New York State Health Department and code that we have to comply with for nursing home require that all patients rooms have a window. So the court yard was developed so we could have rooms on the exterior and the interior that would meet that requirement and provide the 68 beds that are part of the program.

MR. BOEHNER: That is going to be a skilled nursing facility licensed by New York State?

MR. GARTNER: That is correct.

MR. WENTWORTH: Help me understand the program if you will I have never encountered a pediatric skilled nursing. Are these kids terminal or are they ambulatory where they would need recreational needs?

MR. SHAW: The patient population is quite varied in the age range from very young up to teenagers. The medical condition of the typical patient is rather severe. Some are ambulatory, many are bed bound, some are able

to move around and would have need for recreation activity space while others will not unfortunately be able to have that. In terms of the program we have provided a number of semi private rooms and several private rooms to meet the needs of an age range and medical condition. There is a great deal of supervision and staff interaction required so there are nurse stations developed to monitor essentially two sides of the building with two wings. There are lounges and activity areas through out the space and wide corridors because we are trying to bring the children out into the activity space as much as possible. The court yard will be an amenity for those children that can use it.

MR. WENTWORTH: And given the site I am guessing the court yard is the only exterior opportunity they will have.

MR. SHAW: The requirement to kind of control this population and obviously certainly controlling the population is an important part of this and the court yard is an amenity but it is also a safety and secure feature that really is an enhancement to the program.

MR. WENTWORTH: Given the fact the third floor is only half the size of the addition I am guessing it is on the north?

MR. SHAW: It's actually on the east side of the building. The two entrances – this is the entrance on the west side for the nursing home and on the east side for the tenant space and they are completely separated. They will be separated by a fire wall essentially two different buildings.

MR. WENTWORTH: So the skilled nursing is a U shaped plan?

MR. SHAW: No there is a connection a full loop if you will but then there is that separation between that circulation space and the body of the tenant portion of that building. We did a preliminary rendering of the outside of the

building and the intent is to respond to the campus architecture with the same material and the same color, same pallets so that whole campus blends in well obviously for the children in the nursing home and everyone has a window so there is a series of widows along that lower portion. The tenant space above we are trying to provide as much light to potential tenants as possible. It is a fairly contemporary looking building and hopefully that won't be an institutional looking building so we are walking a line between creating a home like environment and something welcoming for children and also attractive for a medical tenant. And on that note I am looking for tenants we have already had some discussion with possible tenants so that they will enhance the program and provide for added services. And so this is a very unique building in our community . There isn't a pediatric focused nursing home here and we are really excited about bringing that to Brighton and the Rochester community.

MR. WENTWORTH: My guess is if you had twice the site you would be able to achieve a home like atmosphere better because I would hazard that 90 percent of the kids would be looking out their window and 10 feet away the bumper of a car.

MR. SHAW: Landscaping and the interior environment, the materials we choose the colors Palettes and the furnishings are all going to be more critical to creating that home like environment. And granted that view is going to be around that perimeter and it is going to be just what you described. However, from a privacy standpoint I am not sure to a certain level that they will be clear. They may actually be frosted or made of some sort of opaque material so it lets light in but maintains the privacy of the patients.

MR. CHAIRMAN: I think what we like to do is go around and give you a chance to get some thoughts on it to help give you some guidance toward making your preliminary application. So do you have any more comments?

MR. WENTWORTH: No.

MR. FADER: I don't have any questions.

MR. CHAIRMAN: I guess I was just thinking through whether or not the drop off is needed on both sides or if the drop off could be handled in such a way that you don't need both sides or you need a front and a side so that maybe you can grab a little bit more green space. I think if one of those two drop off areas were to drop out you may be able to find some substantive green space for the occupants of the building. We are thinking about the kids, the tenants and any customer that might benefit from that. There is some good size green space there and I would ask you that you do a little recon work on the adjacent buildings and the campus and see what the actual usage is of parking. I know I have gone by several times in the last month or so and do see those outer perimeters on the parking lot not occupied. I would ask that you take a look and verify that. We know you can meet code but if there is a way to provide the amount of parking and bank some of it and leave it as green space so we would like you to consider that.

MR. SHAW: We will welcome that kind of approach as we talk informally with staff. That was mentioned at that time as well. This site can support required parking as well. We don't feel we will need all of that parking for the zoning ordinance formula.

MR. CHAIRMAN: In the end you get to these outer spaces and you don't use it but you pay for it.

MR. WENTWORTH: On the flip side it seems that for the building you would like to have an amenity of green space closer in.

MR. CHAIRMAN: I just said if you can find green space let's consider that. See what you absolutely need because you don't have a specific tenant today look at the adjacent users and it seems that they are - we have to

talk and the last thing I would say is I know the fate of the VA is kind of up in the air and my guess is not in the to distant future something else will take that over and I ask that you consider interconnecting your access drives between the two. On some of the other parcels the environmental issues didn't allow us to do that but where we can get interconnects between parking lots. It's a minor thing but I would like you to take a look at it.

MR. OSOWSKI: How will you be handling the storm water run off from the building and the parking lots?

MR. SHAW: The water quality will be handled by the existing pond on the other side of the road. The development itself will have to handle some of that and the green spaces that are adjacent to the building will be where some of the run off will go.

MS. CIVILETTI: That sort of answers my question regarding the ends of the building where the drop offs are located just looking at the site plan I feel like – even with the difficult geometry and the parcel you are left with and taking on to what Bill said about finding extra green space and taking a look at the drop offs and how the space is being utilized. The next expanse of parking to the north and to the south that goes into the building, it seems if those could be broken up a bit I think that would be an advantage to the residents of the building and maybe allow a little bit more green space in its proximity to the building.

MR. OSOWSKI: I am good.

MS. DELANEY: I am good.

MR. BOEHNER: Your wanting to modify the easement green space that will take Town Board action and you might want to come to the Public Works Committee meeting and talk with them just so they are aware of what you are trying to do and the reasons you are trying to do it.

MR. CHAIRMAN:

Hopefully this helps.

MR. SHAW: And we appreciate your time and advice and we will be back shortly.

MR. BOEHNER: One question how does this site plan connect to Highland Crossing's trail and where is it on the site?

MR. SHAW: I guess from what I understand right now the parking lot is here and is connected to the back crossing and that is how the site connects to it too.

MR. BOEHNER: How does the pedestrian traffic connect to it?

MR. SHAW: I think when we develop it further the connection part of the trail will be worked on.

MR. BOEHNER: Because that will be nice timing and gives you an opportunity to work on it.

MR. CHAIRMAN: Okay, thank you and we appreciate your coming in.

MR. CHAIRMAN: We will now take a five minute break. When we come back we will take Old Business application 2P-03-18 The Harley School, out of order, and hear it before continuing on with New Business 5P-NB1-18, the Daniele Family Companies, owner, for Concept Review.

(FIVE MINUTE BREAK)

OLD BUSINESS

2P-03-18 Review of conditions regarding a landscaping plan that addresses the parking lot impacts of car lights for 1981 Clover Street, The Harley School.

MR. AMERING: My name is Alex Amering and I am with Costich Engineering, here as agent for The Harley School. With me is Ward Ghory the head of the Harley School. As Bill mentioned we were before this Board for Site Plan Approval in March and we were given Conditional Approval and at the time there was some discussion regarding headlights from a parking area and alternatives to mitigate that. We have reviewed with The Harley School several options and we have agreed on a sign which I think will meet the needs of the school and allow them to continue to operate as far as snow storage, site line and entrances. So the option before you is for a dry stack wall. It is two sections and you will notice in the middle are some Harley School signs that got approved a few years back which allows visibility of that sign from Clover Street.

The wall is going to be 36 inches high which will block the majority of head lights, the average headlight is between two and three feet. They had a discussion with the man who did the previous walls on site so I am not sure if you are familiar with the walls. It is kind of a signature look for the school and the campus. And it is something they have decided to do more of. In addition to the plan we have some photos of the wall that I will pass around. As I said the walls will be done by the same gentleman whose name is Chuck E. Blacker, who is well known for dry stack walls and he did the Harley wall in 2009 as part of an earlier project for the school. It will be 30 inches of exposed stone just to keep the water away from the base of the wall. We had an opportunity to present the plans before the Conservation Board last week and it was well received by them. So I would be happy to answer any questions that concludes my formal presentation.

MR. CHAIRMAN: Thank you Alex and the school for hearing us on that particular issue. I think it is an elegant solution to the issue and probably one that will obviously survive more than some of the other options that the Harley School has experimented with over the years. And an element that is already on the site that you are starting to expand to your parking. Thank you. Is this a formal approval?

MR. BOEHNER: No, I just wanted you to look at it and make sure it was okay.

MS. DELANEY: I think it looks great.

MR. CHAIRMAN: Last month there was a gentleman who was here and he spoke and he e mailed us today that he would not be here. He did take a picture of an event that you had at the site this morning which had cars lined up and down the street.

MR. AMERING: As part of our acknowledgement the school will put together a list of events as far as parking and it will outline those types of things. And its contingent on a C of O for the project so the school is actively working on it.

MR. GHORY: Today's event is one which lasts for about an hour, where the senior class gives to the kindergarten class an oak sapling that is grown on campus and gives advice to the kindergarteners who are becoming first graders and the kindergarteners give the seniors a acorn because now they are grown and will be going to college. So it is kind of a tear jerker for the parents of both groups. Normally it is held in the afternoon but they had an AP exam that was in the afternoon. But we are conscious of the importance of doing the study and collecting data and the times when parking is stretched at the school. I think the only other comment I will make is that the understanding is that the Planning Board wants to see a

solution on the parking lot as a condition of the building permit. We are interested in moving forward and any kind of decision you make I would ask that you do it when you have a chance.

MR. CHAIRMAN: We will do a resolution later tonight. That brings us to the last concept review with the Daniele Family.

5P-NB2-18 Application of Daniele Family Companies, owner, for Concept Review to construct four buildings totaling 83,700 sf which includes a 50,000 sf Whole Foods store, and to resubdivide properties located at 2740 Monroe Avenue, 2750 Monroe Avenue, 2800 Monroe Avenue and 175 Allens Creek. Also, Concept Review to construct shared parking and access known as the Access Management Plan, for properties on the south side of Monroe Avenue from 2717 Monroe Avenue to 2835 Monroe Avenue. All as described on application and plans on file.

MR. CHAIRMAN: For those of you in the audience just let me tell you what this Concept Review is. This is the Planning Board's opportunity to meet face to face with the applicant for the first time since the Town Board's decision on incentive zoning. This is not a formal preliminary application. This is our chance to clearly understand the current site plan and start to ask some questions so we can understand in detail what it is that is being proposed here. I mention the forum and we will not be taking any public comments. This is really for us to start to digest the project and understand in more detail the details of the project so we can make a very good informed decision on the site plan and subdivision. With Jess if you would give us a little background and then we can have a little discussion.

MR. SUDOL : Absolutely, Good evening, Mr. Chairman and Board Members, my name is Jess Sudol from Passero Associates representing the Daniel Family Companies, tonight. I just want a little bit of framework on how we want to run through this. I have a bunch of materials up here

and I think it is important before we start jumping right into the site plan that is currently proposed we kind of take a few steps back and we will have illusions of what we went through over the course of the last four years or so. These are the three perspectives of the current concept, you have the Whole Foods building here. This is the entire plaza and this is again the view from the east side of the site looking west and this is from Whole Foods parking lot, looking back east towards the pad site which is Starbucks. I will try to speak loudly and flip through these pages to show you the evolution of where we came from.

I will start with the original site plan that was originally considered back in 2014 and 2015. Now up along the Whole Foods building has had very specific requirements as it relates to the size of the building and also the orientation of parking and essentially how you configure the site you are going to have to have a new lot line that essentially split the site so you have the Whole Foods building and the associated parking and it was a requirement to be within a certain distance with a certain number of spaces and the balance of the development on the east side of the property. You see that has been a point of discussion in the past. This is an access point out onto Allens Creek and even an access point out to Clover Street. The access point is coming in from Monroe Avenue right into the back of the existing parking area. So it wasn't terribly well defined and created a potential for a lot of unclarity or chaos .

So very quickly after input from various staples in the project the next plan included the traffic environmental impact statement and this was part of the DEIS and the first thing the applicant chose to do in response to the input of the neighbors was remove any access points to Clover Street or to Allens Creek Road. You can also see with this plan a more defined and curved access point which enters the site which has a more defined throat. And at the time that this plan was put together the traffic studies has been started and they were getting a better understanding of Cue lines and the operation of the signal lights and how far back the cars could be potentially parked and

how circulation might be a little bit more defined. So you see these things starting to take shape as part of the SDEIS and things we want to address as we move forward.

On the next plan we had input from the public and from this Board and an opportunity to review this plan as part of the environmental review and some further refinement. One thing that we incorporated was we brought access all the way around the in line buildings and we now have 360 degree access where previously this was just a dead end and obviously that would be difficult for any kind of emergency vehicle that wanted to go back there and that is where the dumpster is located and they were able to get in swing around and drive out to Monroe Avenue. We better defined and cleaned up some of the access points on our main entrance into the project and if you flip back one the entrance had previously been to Starbucks and it had been right off the access pad and the problem with that is if you were coming eastbound towards the city on Monroe Avenue and you took a right then wanted to take a left into Starbucks but if there was cars already waiting to leave Monroe Avenue you would have to stop and that would create this collateral impact where cars would be backing up into Monroe.

So we removed that curb cut and we also removed for similar reasons the curb cut that was an exit point from the in line building and one thing I wanted to point out as this started to develop you will notice that the Whole Foods building has more or less remained the same. We have never considered putting the Whole Foods building all the way to the back of the site. We know from various people of the design team that Brighton and most communities like to see the buildings pushed up to the road these days. They don't want to see a plaza way in the back ground with parking in front of it. This parcel is similar to what we proposed because we are locked in to what the requirements are in terms of where the parking fields are, the loading in the back and the building proper. Again the subdivision line was at Starbucks as I mentioned and this was at the time a 6300 sf pad building right up close to the road and we do have parking for the rest of the development. While the parking for the proposed plan is slightly more than what code requires the parking

in this area, east of where the subdivision line would be, is more or less right where it needs to be per code.

Shortly after that we were deciding that that needed to be reduced by some 6,000 sf , one of the first things we considered to put a plan together was remove that pad building and keep everything else more or less the same and replace it with parking. The problem with that is you want to have a presence on the street and it gives us the opportunity to activate the street from the 590 ramp back to Clover Street and we are proposing sidewalks, bus stops and integrating back into the site and connect to the trail improvements we are proposing. So there is a whole lot of activity we are trying to promote with this plaza and really have an active life style with all the different offerings. We wanted to have that building up front and we didn't want to segregate the entire plaza from the rest of the development area. Obviously it wasn't feasible to put the entire thing out towards the front of the project. So we are not going to move the out parcel building.

Then we looked at what if we took the building out back and created some activity from the front of the building and moved it out back and created two buildings instead of the single in line building. A couple of issues we didn't end up with nearly as much parking and quite frankly it was a wash and more importantly it didn't create any additional green space and what we ended up with was more parking and more sidewalk and also the residents that lived back there and who spoke up during the Environmental Review we didn't think they wanted to have constant activity back there. Now we do have employee parking back here and we do have a trail that goes back here, a shaded area and all of our proposed impervious pavement. I can get into storm water discussion later. We looked at parallel parking, we looked at 0 degree parking, angled parking but ultimately decided that it didn't create any significant addition to the project. What we wanted to create something that would be special in this plaza that isn't necessarily found in every other plaza and the way we accomplished that was by quite frankly creating a plaza and what we did was remove a significant amount

of green space on the in line buildings and incorporated green space and gathering areas and really activate this whole area and make it an area of destination. So people aren't just coming to the store front but there really is a reason to walk to this area. And we wanted this to line up with the entrances so it would be a focal point as you entering the development. We have been tossing around ideas of what could be in the center of that with all the trees and benches and whether that could be a fountain or sculpture something that would be identifiable with the plaza itself. We did take a little bit of square footage that was originally 6300 sf and we chose to take the corners out and this might be better defined for architectural review but the intent here is to create some more green space along the entrance and give us an opportunity to create some more defined green space area ad you are pulling into the project and push the pavement up to allow us to have more green space and take this trail which was previously rather awkward and stiff and has a 90 degree turn which isn't super great for bicycles riding around that area and have it smoothed out so it is a more natural way of getting around the proposed park area. We determined we couldn't incorporate some more green space into the Starbucks lot so we incorporated it into the Whole Foods lot.

Some more aspects of the plan with pedestrian activity in the back and this gray line in the back is the proposed auburn trail and this includes almost two miles of improvement with destinations to the north and to the east. These blue areas here are our bio-retention areas which are part of our green infrastructure that we are proposing for storm water management we are accomplishing that through our impervious pavement, the bio- retention areas and some underground storage. Currently, there is residentially zoned areas and commercially zoned areas and the commercially zoned areas is almost all asphalt and there is no storm water treatment to it. So actually we are adding a significant amount of green space and reducing the lot coverage on the commercially zoned areas and we are adding about 10,000 square feet to the residential area and we are increasing a significant amount of green space and landscaping to the street front and the entire lot than what currently exists today. And we are pretty proud of that.

One of the interesting conditions of the SEQR Review was this project required close to 200 trees be planted as we designed this. So we have designed this to achieve the look that we are going for to have as much greenery and trees and not be such huge parking areas. This is a pretty good parking lot not like Wegmans or Walmart and is a relatively small parking field in comparison. This does include a proposed signal light at the entranceway and will also be coordinated with a second signal light at our West Henrietta entrance which was our most reasonable solution with traffic engineers and the State DOT. Another part of the project which is a significant improvement to the corridor is the proposed management plan which is a series of properties 11 properties in total on the south side of Monroe Avenue but right now today which I am sure you are all familiar with is pretty much unencumbered to Monroe Avenue which I don't want to get into the details of it because we have covered it at length over the past few years but the moral is the applicant has committed to investing close to a million dollars to create a back road that would connect all the properties out to the proposed signal light.

Our hands are tied to the backage road in terms of it orientation and how we build it because A a lot of the buildings are already there so there is only so much we can do and B to get the landowners to agree to it which they have they don't want to have mass disturbance to their buildings and there is a whole lot of things we can do. We told the Conservation Board we would better detail the existing landscaping and you can see how there are trees and vegetation along the south side of Monroe Avenue which we aren't doing a great job in terms of showing that but again ultimately there is going to be a second application being proposed in harmony and the access management plan in short that we are proposing improvements to the south side of Monroe Avenue. So with this said I can go into as much detail as you want. We do have to go before the Architectural Review Board to review the application for demolition and we have a bit of a road to travel down with them on the design and we look forward to doing that.

MR. CHAIRMAN: Which parcels do the Daniele's own? Is it everything in the red?

MR. SUDOL : Everything in red represents 10.1 acres of that 10,1 acres the Daniele's own Mario's Restaurant and the Clover Lanes Bowling Alley and the Mamasan's Restaurant parcel. They are in the process of acquiring a two acre parcel of land from the Baptist church to the west of us and a very small sliver of land from RG&E both of those are under contract which is already in place and it is just a matter of them waiting for the environmental review to be completed. So they own 8 of 10 acres and the other 2 acres are under contract but the red area signifies the project area.

MR. CHAIRMAN: So when you look at all the calculations for square footage and square footage by zoning district those are all of the parcels?

MR. SUDO: Absolutely, that is correct. It is not just over all but that is done individually against both the zoning districts..

MR. CHAIRMAN How are you able to get the trail out to Clover and across Clover.?

MR. SUDOL : Through an existing easement and improving that easement obviously there will be some pretty decent grading and the retaining easement cuts around the existing parking lot.

MR. CHAIRMAN: Is there anything at this point that is a road block to that trail?

MR. SUDOL : No. The trail is either on our land or able to stay within the existing easement for that short period or on RG&E property and RG& E has already agreed to grant us the easement. Most of that has been formalized to allow us to use that trail.

MR. BOENER: How are you proposing to buffer the rear of your main retail building, building 2 ?

MR. SUDOL : Well we have the trail parking and this would be a fenced area. We have agreed to work with the details with the property owner who spoke at the public hearing about what that would look like.

MR. BOEHNER: So that would be included in the plans?

MR. SUDOL : Yes.

MR. CHAIRMAN: So the elements on this that are absolutely fixed the traffic signal locations that DOT established those are in fact two signals lights on Monroe? Is Whole Foods going to be leased?

MR. SUDOL : That is correct.

MR. CHAIRMAN: And the amount of parking that you are showing for Whole Foods is a standard that they asked for or is it per town code?

MR. SUDOL : It is the standard they asked for and the standard happens to meet and exceeds town code.

MR. DOLLINGER: The building 2 - what type of cross access easements will there be between the Whole Foods parcel and the rest of the parcel ?

MR. SUDOL : There will be a reciprocal easement agreement for both parcels that covers water, sewer, drainage and storm water and parking access. There will be nothing that says nobody else can park here.

MR. WENTWORTH: Why does there have to be two parcels one for retail and one for Whole Foods?

MR. SUDOL : That was a decision that was made based on the applicant, God knows what the future will hold but it is going to be subdivided now with all those REA'S.

MR. WENTWORTH: Bill, did you ask if that was one of those fixed things?

MR. CHAIRMAN: I am trying to get some of the standards here that draw and what is the absolute here. .

MR. SUDOL : What jumps out at me is I don't see the value of slamming building 2 as far east as possible particularly with this creation of the plaza centered on the building. It is right there as you enter off the intersection. It's not it's east of that. It is obscured by the second retail building up front. Just from a site plan standpoint it looks like it might want to shift west a little.

MR. CHAIRMAN : Which one building 2?

MR. SUDOL : Yes. One thing I want to maintain although it is not frequent this is a delivery route in order to get back to the back side of Whole Foods so shifting this building this building too much further west and we have already shifted it somewhat west from the original concept to get an access road. And I do want to point out the ES building over here to the east and what we have done is framed it with parking areas but we have to be careful to maintain a travel path servicing the plaza. And the 250 parking spaces have to be within a certain area so it is not like you have the ability to move this building into this area. What some plaza might say is you have this 50,000 sf building and you require 250 parking spaces and all the infrastructure has to serve that.

MR. WENTWORTH: I will buy all that but you could move that 19 feet west and flip the parking that is up against the building 2 to the east side. It may not be the most convenient over there but – from your standpoint.

MR. SUDOL : Yes, and that is something we can look at I see what you are saying. I can take a look at that.

MR. WENTWORTH:
Personally I like the plaza amenities but it is not quite there yet.

MR. OSOWSKI: Bill to build upon your idea of the plaza aligning with the entrance there is no reason That building can't be a little asymmetric and move the plaza a little bit further west so you can see that plaza as you move in.

MR. SUDOL : That is true. I understand it is a discussion of the plaza and the entrance being a little bit further west.

MR. DOLLINGER: The other thing too those 8 parking spaces are the only ones that back up to that drive aisle and I don't know how you do it.

MR. SUDOL : Right.

MS. DELANEY: Do you need those spots to meet the minimum parking those eight ?

MR. SUDOL : We do need that to meet the minimum parking not for the whole plaza to meet code because we are getting away from some square footage we are just slightly under but based on the amount of square footage that is in the buildings those spaces are needed there. If we go over here but that is stuff we can look at.

MR. CHAIRMAN: Can you talk a little bit about the traffic circulation at this point you still

anticipate the drive up at Secore's where the light is as being the primary entrance into the site

MR. SUDOL : Yes, certainly the primary entrance for the east bound traffic, for the west bound traffic it is split up a little bit more because this light will provide a left arrow. So if you are coming westbound people for Whole Foods are going to go all the way around. And our traffic study shows that works well .

MR. CHAIRMAN: So the second light the westerly light actually forms kind of a stronger interior light than the other entrance there.

MR. SUDOL : Yes, to a degree .

MR. CHAIRMAN: Some of the things that feels to me that is the proper scale where the other drive in feels really wide –

MR. SUDOL : It used to be even wider, but the importance was to have two lanes coming in so that people are not hesitating taking a right and we are having to wait for them to find signage and with people coming into the building we want them to have the ability to do both turn right and left.

MR. CHAIRMAN: So that is your thought and you have a very large radius coming from the east making a west bound move coming into the site – if that is not where your trucks are coming in do you need such a large radius – the curb line into the site that is pretty wide.

MR. SUDOL : You are right typically it is 34 feet and that looks like more than 34 feet and that could open up some green space right there.

MR. CHAIRMAN: Refresh us now on deliveries – speak about Whole Foods can you speak about deliveries?

MR. SUDOL : Yes. They usually have at most two daily deliveries , one early in the morning before there is much activity anywhere and then during busy times they will have a second delivery around noon to restock so not many.

MR. CHAIRMAN: And your other tenants?

MR. SUDOL : The other tenants are typically retail they aren't necessarily taking deliveries every day things such as suitcases or mattresses and we are not talking 18 wheelers but Fedex box trucks.

MR. CHAIRMAN: Can you speak generally to your overall pedestrian circulation coming from a broad range out and then into the site.

MR. SUDOL : Yes, there is a couple of things going on, one is improving this trail that has been under maintained over the course of time. From the paper line all the way up to Highland so the hope is pedestrians activity and bicycles as well will have the ability to enter from the north west or from the east but people from the east are going to use the sidewalk because there isn't a reason to hop into the back where the trail is which is one reason we are proposing sidewalk along the frontage of the project so people can enter that way from both sides and into Whole Foods and not have to go all the way around and further down for the other projects. Most people traveling by foot or bicycle coming down Allens Creek Road will likely hop onto the trail rather than having to go down all the way down Allen's Creek Road onto Monroe and come in because there is that bridge embankment that doesn't allow you to get through there. So that is pedestrian flow externally.

There is also a proposed pedestrian crossing there to get to the south side so you can park at any of the restaurants there and you will have a safe way to get across the street without a signal light.

MR. CHAIRMAN: Is the crossing activated by pedestrians as part of the crossing across Monroe?

MR. SUDOL : Yes.

MR. BABCOCK STINER:

There doesn't seem to be a way to get onto Monroe Avenue sidewalk through the Starbucks side? So if you are cutting through Starbucks you will be cutting across an unsignalized drive through area. There is no pedestrian access from that over to the rest of the site.

MR. SUDOL : You are right and I think that is something we can do into relatively easily.

MR WENTWORTH: Also about the sidewalks along Monroe they are 6 or 7 feet wide except for building 4 it looks to go from the curb all the way into the west side of the signal. If you look west of the signal you have green space between the sidewalk and the road – I guess my question is do we need that much sidewalk?

MR. SUDOL : That is something we can look closer at. The DOT wants the sidewalks to be 6 feet and I can pull them back to 6 feet but I wouldn't want to go much less than 6 feet.

MR. BOEHNER: In that corner of the main entrance that is the bus stop have you talked to RTS?

MR. SUDOL : Yes. They are the ones that determined the location.

MR. WENTWORTH: Is that a pull in for busses?

MR. SUDOL : No, it is just a bus stop.

MR. BOEHNER: Do you have any idea what that bus shelter is going to look like?

MR. SUDOL : We are coordinating with RTS right now. We have included what it is going to look like as part of our preliminary application. .

MR. CHAIRMAN: You have had conversations with RTS?

MR. SUDOL : Yes.

MR. CHAIRMAN: Do they comments on whether it will be before or after the signal?

MR. SUDOL : They determined the location, we gave them a map -

MR. CHAIRMAN: And this is there idea?

MR. SUDOL : Yes.

MR. CHAIRMAN: Okay.

MR. SUDOL : There is a concrete apron for someone who is wheelchair bound to be able to pull in.

MR. BABCOCK-STINER:
Are they stopping in the road way or the road?

MR. SUDOL: They are stopping here.

MR. BABCOCK STINER:
In the driveway?

MR. SUDOL :Yes.

MR. DOLLINGER: Can you tell me a little bit about the back and the employee parking? Is it the concept that some will exit to the west and some will exit to the east?

MR. SUDOL : I don't think many will exist to the east. It is there for service vehicles or garbage vehicles. It wouldn't make a whole lot of sense to go to the east and have to loop all the way back through that other parking area where when you go to the west you have access to the main road that enters the site. There was a thought process that there would be employee parking back there and there would be individual doors into the retail shops.

MR. DOLLINGER: So you would anticipate them going in the back doors?

MR. SUDOL : Yes.

MR. DOLLINGER: Are there going to be any loading docks back there?

MR. SUDOL : No.

MS. DELANEY: Why do you need a service road on that side of the building?

MR. SUDOL : If we did have that road there and that is where the dumpster is located it would be very difficult for them to come in, back up and turn around rather than shooting around and its also good for

emergency access they don't really have that really long dead end. Anything more than 150 foot requires a large turn around for fire access. That did come up during discussion and they asked if a UPS truck came in would they be forced to back out its possible but its not really that safe for pedestrians when those trucks are backing out. This drawing shows the back of the building with the individual back door locations. In order to meet the minimum standards in stacking we move the access into the Starbucks to the west side and we talked about that earlier if the building were parallel to the road it wouldn't have enough stacking. That is what that access out from Starbucks into that main area but if you are looking at it now if you look at the Starbucks building over to the west towards the end of the Starbucks parking and the grass medium in there. If you look at it, it is almost a square. Could you indeed rotate that square 90 degrees and keep that access on the left. So basically this is a square and take this whole thing and rotate it 90 degrees and you keep your access here and you get the building on this side of the street. I don't know what that does to the internal circulation of Starbucks . I know in vehicles I think it is 20 vehicles that they require. There is a different requirement from the service area to the ordering area and from the ordering area back.

MR. BABCOCK STINER:
What about flipping building 4, 90 degrees. So it's on the front.

MR. SUDOL : That is something we can certainly look at but I don't think you would get as efficient parking as there is in there now and you would also be looking at the back of the building and as much as you try to dress that up it is still the back of the building.

MR. BABCOCK STINER:
You would be dressing up the back of the building on the entrance side too. It would be interesting to see what that would look like.

MS. DELANY: I think a good example of the back of a building is the REI over in the Cosgo Development. The back of it backs up to the canal and the

back looks as nice as the front of the building. I think if you turned it and had pedestrian access with an entrance to that building from the parking lot and from the sidewalk on Monroe that would be a really nice feature to have. Dual entrances and pedestrians not necessarily having to go into the parking lot or down the sidewalk in the parking lot.

MR. WENTWORTH: A lot of the stores at college town have front and back entrances. I know operation is a challenge but the ones that are still open, yes, or lets say 12 Corners.

MR. CHAIRMAN: Are we closed out on the opportunity for additional interconnect to the businesses to the east the animal hospital and the bank etc. It is just the point of not having to go back out onto Monroe.

MR. SUDOL : I think legally there is not a convenient way to do that without eliminating access to Clover Street for the animal hospital without more lawyers here.

MR. CHAIRMAN: I guess the only other discussion I am coming around to the issue of not separating those buildings putting circulation between the buildings. I can see some benefit in breaking up that length of building from the point of view from the back side if it. Or are we just encouraging more cars to come onto the back of the building which may not be desirable.

MR. SUDOL : I will say we have a much smaller building then when we were at the public meeting and those owners were much more vocal and now it certainly will be more secure with professionals coming in and out of that building.

MR. CHAIRMAN: I think you are solving that issue but I think if there were a way of pushing that over and allow for circulation around the building rather than

having dead back space and certainly people on the trail offering surveillance does help. I guess my last comment is I remain a little bit concerned and I am not sure which is better or just different in having the trail be continuous through the site rather than taking the jogs and turns that you have designed. I understand why it is where it is and maybe it is better where you designed it with storm water management and green space over closer to Clover in that type of a setting versus cutting through the parking lot but cutting through the parking lot maintains a certain alignment similar to what it currently has and literally just flipping the parking onto that side and bringing the trail onto its almost current configuration which is better I am not sure.

MR. FADER: I disagree with Bill, on that I commute to work by the way and I kind of like this trail. For one thing a straight trail gets boring some times. But the other thing is what you do with your curb is put a pond on one side and trees on the other. Although I do have one thing along his side that one curve you need to smooth out up in the corner and when you are on a bike there is a sight distance and if you have one guy riding on the wrong side and you come around and I have had this happen.

MR. SUDOL : We can definitely continue to improve that.

MR. WENTWORTH: To that point the east end where it curves back next to the cars and the RG&E parcel its really sharp right there.

MR. SUDOL : We can easily smooth that out.

MR. WENTWORTH: Continuing that I respectfully want to get real but it is not as pretty as it looks. Its swampy and grassy -

MR. SUDOL : Well if you look at the Daniele's car wash and the bio-retention area in there it

is smaller than these but it is landscaped and stones in it and it is well maintained. There is not weeds and things growing in there and that would be the idea here. It is possible to do. I would be willing to consider maybe not with both of the retentions areas but maybe one of them putting it on the north east side. What you don't see is right on the back side of that trail it is bermed up with screening and that was part of the environmental review. Bringing the trail closer.

MR. BABCOCK STINER:
Maybe a little bridge or something so you are enhancing it.

MR. CHAIRMAN: Are any of the other board members concerned about the alignment of the trail.

MS. CIVILETTI: I am not so concerned about the alignment of the trail. The thing that strikes me most about the evolution of the site plan through the period we have seen the project is how little the major massing has changed in spite of suggestions that there could be some significant improvement. Understanding the restrictions with the access points and Whole Foods requirements for their parking field. This building 4 you have the site plan where you tried separating it and having two separate buildings with some drive and separation between them. Did you look at any opportunity to make it an L shape to create – so if you took part of that building and put in a parking field I think there is an opportunity to create something more like a shop of streetscapes versus another parking field. That would also allow you to open up the curb and lengthen the drive that comes in and does the sharp turn. I struggle with that I really struggle with that half a circle.

MR. SUDOL : And one of the things because we have heard that before and we have tried that and it greatly compromises parking in an area of the whole site and probably the tightest parking area is that front corner, and in a two dimensional site plan like this it doesn't introduce as well as it should. And I think in the application you will see a broader view

and that animal hospital does create exactly what you are talking about. It just is not part of our plan and it is not our building but the idea with the landscaping and everything else brings that building in to create that L shaped center look as opposed to us having a line in the back that stops there. The plan doesn't do a great job introducing the adjacent parcels. So we have asked to show that more clearly so it doesn't look like it stops there.

MS. CIVILETTI: I think we are focusing on incremental elements and I was hoping we would have the opportunity to have a broader scale look at what opportunities there will be to improve the layout.

MR. FADER: I think what we are saying is we are looking for more creative alternatives and we don't usually get that. We just get these buildings and they are rotating them somewhat

MR. WENTWORTH: So its possible we could get a little bit of both because there are some fixed elements imposed by the State and the incentive zoning process. So we are trying to see what can we do within the parameters that are still left. I like what you said Jess, everthing that is in gray and brown.

MR. SUDOL : We will have to take a look at this and that is the whole purpose of tonight's meeting.

MR. CHAIRMAN: Let me see if I can summarize. I guess overall we understand the parameters, the traffic issues, access issues, the requirements by your tenants, and the elements that are going to make this successful. I still feel that there is an element of 1960 here and we haven't moved beyond and that is unfortunate in some aspects. But this is your application, this is the application that you are presenting and again I think some of the things that we have mentioned tonight are just minor tweaks and we haven't drilled into the light post colors and types of shrubs and that will be

coming down the road. We aren't making any bold moves here. And I not sure whether or not from your earlier days you ever looked at something that was substantially different alternatives to this that would make it substantially better. I don't know if an L shaped building makes this better or does it just make it a Top's Plaza. I don't know if breaking up that building into two masses And offering parking in between is any better. Is realignment of the trail better than what you proposed?

So I think the principals that you do start to form a street wall and at least give equal credence to the pedestrians as we do to the vehicles is critical. Traffic issues I leave to other people but I think what you have now solves some issues that you have now and creates some issues that we don't have. But the addition of the access management plan on the south side will be a long term benefit. Personally I wish there was sidewalks all the way on Clover and Allens Creek and the residents who are closest to this who are going to benefit the most from this would have a clear and easy access to this without having to get into a car and drive here but that is possible via the trail. So we find it difficult to find something that is a radically different solution.

MR. SUDOL : I respect that and I do want to say for what it is worth we have different alternatives and these guys have had four years to try and come up with solutions.

MR. CHAIRMAN: I think we need to understand all this and I still see a lot of ground and does this necessarily need a lot of green. It needs to be where it needs to be in the back closest to the residents. So I think we would ask you to consider what we said here. Modify your application and come in for preliminary and we will start to dig deeper into everything and we will ask you to bring the traffic engineer because there are some things we would like to understand about the traffic but that wasn't for this night. We have a responsibility to make sure things are done as best as possible. Anything else? Okay thank you.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Edmund Martin, P.E., LandTech, dated May 2, 2018 requesting adjournment of application 4P-NB1-18 to the June 20, 2018 meeting.

Letter from Tom Fromberger, MRB Group, dated May 2, 2018 withdrawing application 5P-05-18

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated May 11, 2018 stating that the Hisoric Preservatin Commission will not schedule a public hearing to consider landmark status for 1969 South Clinton Avenue.

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated May 11, 2018 stating that the Hisoric Preservatin Commission will not schedule a public hearing to consider landmark status for 2740 and 2750 Monroe Avenue.

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated May 11, 2018 stating that the Hisoric Preservatin Commission will not schedule a public hearing to consider landmark status for 2700 East Avenue.

Letter from Matt Tomlinson, Marathon Engineering, dated May 11, 2018 requesting adjournment to the June 20, 2018 meeting.

Letter from Mike Montalto, Costich Engineering, dated May 15, 2018 requesting adjournment of application 3P-NB1-18.

Letter from Charles Malcomb, Hodgson Russ LLP, dated May 15, 2018 regarding Monroe Avenue Plaza/Whole Foods redevelopment.

Letter from Mindy Zoghim, The Zoghlion Group, PLLC, dated May 15, 2018 regarding the Whole Foods Plaza Applicatoin from Concept Review (5P-NB2-18).

PETITIONS

NONE

5P-01-18 Application of John Cortese, owner, for Conditional Use Permit Approval to allow for a motorcycle sales and service facility on property located at 277m9 -2781 West Henrietta Road. All as described on application and plans on file.

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTIE: 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. Motorcycle service shall be accessory to motorcycle sales.
2. The location and screening of the dumpster and any other collection facilities outside of the building shall be submitted to and approved by The Building and Planning Department. The dumpster shall be enclosed with materials that are compatible with the building. A building permit is required for the dumpster enclosure.
3. Any proposed exterior lighting shall be reviewed by the Building and Planning Department and may require further Planning Board approval
4. Any events may require additional Town approval.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. The entire building shall comply with the most current Building and Fire Codes of New York State.
7. Any storage of bulk petroleum products or any other flammable or hazardous products/ materials shall be reviewed by the Town Fire Marshal.
8. All required town permits shall be obtained
9. All Town codes shall be met that relate directly or indirectly to the applicant's request.
10. All uses shall take place within an enclosed building. Noise and fumes shall be controlled so that they don't create a nuisance for the surrounding neighborhood.
11. No outdoor storage or display of goods, materials or equipment shall be permitted without town approval.

12. All Monroe County requirements /conditions shall be addressed
13. Any permits required from Monroe County Pure Waters shall be obtained.
14. All requirements of Chapter 149 , Sewer Use Law of the Town of Brighton shall be met.
15. An operational permit shall be obtained from the Town Fire Marshal (Chris Roth 784-5220.
16. Any signs shall require separate review and approval.
17. An architect registered to the State of New York shall evaluate the building and the proposed use for compliance with the New York State Building and Fire Code. The architect's findings shall be submitted to the Building and Planning Department. All necessary building permits shall be obtained and if determined necessary a Certificate of Occupancy shall also be obtained.
18. A revised parking plan shall be prepared and submitted to the Building and Planning Department for review and approval. The plan shall show the required accessible parking spaces. 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 movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-02-18 Application of Ilya and Isanna Voloshin, owner and Design Works, Architecture, agent for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a single

family house and construct a new 5,247 +/- sf single family house with a 900 sf attached garage on property located at 2700 East 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
DEMOLITION FINDINGS

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

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

6. The project complies with the requirements of the Town's Regulations regarding trees.
7. A demolition restoration will be prepared. The plan will be submitted to and approved by the Building and Planning Department Prior to the issuance of a demolition permit.
8. The applicant has submitted a report by a registered architect that the house is unsafe and a controlled demolition be completed for the project with any asbestos in place being removed and disposal in an approved landfill. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4a)(2) regarding on site maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirement 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 pedestrians 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.

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 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. The following comment of the Conservation Board shall be addressed:
 - Encourage the use of native plantings
 - Investigate the use of green infrastructure techniques
2. A "Town Note" or the demolition plan states that this approval is only for the carriage house. That note will need to be corrected.
3. Pavement to be removed and to remain shall be clarified on the demolition plan.
4. A restoration plan shall be submitted. The restoration plan shall show the removal of the first floor deck and foundation of the principal structure and restoration of the house area and any other disturbed areas with vegetation.
5. If the home construction does not follow the demolition in a timely manner, the property shall be restored in conformance with the restoration plan.
6. If the existing house is demolished and a new house is not constructed, any remaining accessory buildings and structures shall be removed, or a variance must be obtained from the Zoning Board of Appeals.

7. The plan shall be revised so that the limits of disturbance enclose all disturbance, including any trees to be removed. All trees in proximity to the work area shall be shown to be protected with orange construction fencing. All trees to be saved shall be protected with orange construction fencing place 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. Materails and equipment storage shall not be allowed in fenced areas.
8. The applicant shall review the site plan, architectural elevation and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Architectural elevation showing the height of the structure in relationship to proposed grade, as shown on the site plan and including ground elevations at the house corners, shall be submitted.
9. A building/demolition permit application shall be submitted. 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 asbestos has been removed.
10. This approval is only for the demolition of the principle structure and associated pavement, and construction of a new house with associated pavement. The demolition of the carriage house shall comply with the approval granted for that structure.
11. Maintenance of landscape plantings shall be guaranteed for three years.
12. 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.

13. An erosion control detail shall be shown on the demolition plan. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
14. Erosion control measures shall be in place prior to issuance of any permits.
15. 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.
16. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4a)(2) regarding on site maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirement of Section 56-5 are met.
17. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
18. The entire building shall comply with the most current Building & Fire Codes of New York State.
19. Prior to issuance of any building permits all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

20. The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control. Erosion control measures shall be in place prior to site disturbance.
21. All County Development Review Comments shall be addressed prior to final approval.
22. Meet all requirements of the Town of Brighton's Department of Public Works.
23. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
24. All Town codes shall be met that relate directly or indirectly to the applicant's request.
25. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
26. All other agencies must be received from those agencies with jurisdiction prior to the Town issuing its approval.
27. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
28. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-03-18 Application of 1925 South Clinton, LLC, owner, for Demolition Review and Approval to raze a 5, 744 sf vacant church building on property located at 1969 South Clinton Avenue. All as described on application and plans on file.

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

MR. BABCOCK STINER:
Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED
DEMOLITION FINDINGS

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

- 1 The existing building, if currently designated as a landmark, has received required approvals from the Historic Preservation Commission and if not currently designated, has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
- 2 The Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
- 3 The project is consistent with the Brighton Comprehensive Plan.
- 4 The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
- 5 The Brighton Department of Public Works has approved the proposed grading plan for the project.
- 6 The project complies with the requirements of the Town's Regulations regarding trees.
- 7 A restoration plan has been approved by the Planning Board.

- 8 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 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 56-3.4a(2) regarding on site maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirement of Section 56-5 are met.
- 9 The project will not under the circumstances of the particular case, be detrimental to the health, safety or general welfare of pedestrians residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- 10 The project does not have a significant negative impact on affordable housing within the Town.

MS. CIVILETTI: 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

act on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. The street access to the lot shall be blocked and the site shall not be used for a parking area.
2. The existing pavement shall be allowed to remain for two years, after which the pavement shall be removed and the area restored with vegetation.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
5. The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control.
6. 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.
7. 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.
8. All County Development Review Comments shall be addressed prior to final approval.
9. A letter of credit shall be provided to cover certain aspects of the project, including, but limited to: Demolition, restoration, and erosion control. The letter of credit should be submitted to

the Town for review and approval. An original Letter of Credit must be received by the Town prior to the issuance of any permits.

- 10 A restoration plan shall be submitted. The building demolition areas shall be restored with vegetation. The plans shall be revised to address this requirement. The revised plans shall be submitted to and approved by the Building and Planning Department prior to the issuance of a Demolition Permit.
- 11 11. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4a)(2) regarding on site maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirement of Section 56-5 are met.
- 12 Erosions Control measures shall be in place prior to site disturbance.
- 13 All comments and concerns of the Town Engineer as contained in the attached memo dated May 3, 2018 from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.
- 14 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-04-18 Application of New Lac De Ville, Associates, LLC, owner for Conditional Use Permit Approval to allow for a 3,167 +/- sf restaurant on property located at 1900 South Clinton Avenue. All as described on application and plans on file.

MS. CIVILETTI: I move that the public hearing be closed.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves application 5P-04-18 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 act on the environment. The Planning Board adopts the negative declaration prepared by Town Staff

CONDITIONS:

1. Permits may be required from the Town's Sewer Department and from other jurisdictional agencies. The applicant shall contact the Brighton Sewer Department to discuss the requirements for a grease trap.

2. Prior to commencement of operations, an Operational Permit shall obtained from the Town of Brighton Fire Marshal (Chris Rith 585-484-5220)
3. Hours of operation shall be limited to 6:00 a.m. to midnight, unless further approval for extended hours has been granted by the Planning Board.
4. All requirements of the Building and Fire Codes of New York State shall be met and all required building permits shall be obtained.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
7. The length of the bar shall be limited to a maximum of 20 feet per the requirements of Brighton code. In addition, all requirements of Section 203-74.B.3 (restaurant regulatins) 204-74.B.4 (outdoor dining regulations) 297-14.1 (waste container and grease/oil container standards) and 207-14.2 (supplemental restaurant regulatins) as well as any other pertinent sections of the code shall be met.
8. There shall be no outdoor dining without further town approval.
9. All other reviewing agencies must issue their approval prior to the Department of Public Works, issuing its final approval.
10. Signs shall require separate review and approval.
11. All Monroe County comments shall be addressed.
12. All requirements of Monroe County Division of Pure Waters shall be met.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-06-18 Application of Daniel Family Companies, owner, for Demolition Review and Approval to raze a vacant 10,800 +/- sf restaurant building and a vacant 44,600 +/- sf bowling alley on property located at 2740 Monroe Avenue and 2750 Monroe Avenue. All as described on application and plans on file.

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

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting:

1. A Finding Statement pursuant to SEQRA shall be adopted by the Planning Board.
2. 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 asbestos has been removed.
3. All comments and conditions of Monroe County shall be addressed.
4. All trees in proximity to the work area shall be shown to be protected with orange construction fencing.
5. Meet all requirements of the Town of Brighton's Department of Public Works.

- 6 All Town Codes shall be met that relate directly or indirectly to the applicant's request.
- 7 The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control.
- 8 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.
- 9 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 10 Maintenance of landscape plantings shall be guaranteed for three years.
- 11 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.
- 12 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 13 The project shall comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead Based Paint Removal. In addition to any other requirements

of Code Rule 56, the project will comply with Section 56-3.4a)(2) regarding on site maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirement of Section 56-5 are met.

- 14 The restoration plan shall be revised to address site restoration, if the proposed house is not constructed.
- 15 All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
- 16 A letter of credit shall be provided to cover certain aspects of the project, including, but limited to: Demolition, restoration, and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the issuance of any permits.
- 17 A restoration plan shall be submitted. The building demolition areas shall be restored with vegetation. The plans shall be revised to address this requirement. The revised plans shall be submitted to and approved by the Building and Planning Department prior to the issuance of a Demolition Permit.
- 18 The asphalt should be used onsite.
- 19 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 20 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 21 The area of demolition shall be surrounded by a 6 foot high fencing during the demolition process. The existing trail shall be protected during the demolition process. The plan shall be revised to show the location of the fencing.

22 The traffic from the demolition process shall ingress and egress from the site at Monroe Avenue. Truck traffic to and from Clover and Allens Creek shall be prohibited.

23 When necessary pre caution shall be taken to minimize dust and other particulates on the site during demolition..

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

2P-03-18 Review of conditions regarding a landscaping plan that addresses the parking lot impacts of car lights for 1981 Clover Street, The Harley School.

MS. DELANEY: I move to approve the parking lot wall as presented.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

1516 Beyond Nails & Spa for a Building Face Sign front and rear at 1910 Monroe Avenue

1. The sign shall be centered on the sign band.
All other requirements of the approved sign plan for 12 Corners Plaza shall be met.

1517 Topnotch Bespoke Clothiers for a Building Face Sign 1624

1518 MacGregor's for a Building Face Sign at 1890 S. Clinton Avenue

MS. DELANY: I move sign 1516, 1517, and 1518 to be approved as presented.

Second.

MR. WENTWORTH:

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

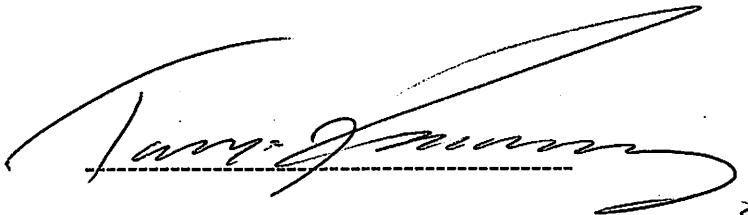
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the May 16, 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 1 day of June 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 18
Commission Expires October 14, 20