

Brighton Planning Board 10/16/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON OCTOBER 16TH,
2019 AT APPROXIMATELY 7:30 **P.M.**

October 16th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

LAURA CIVILETTI, ACTING CHAIRPERSON
PAMELA DELANEY
JOHN J. OSOWSKI
JASON BABCOCK-STINER

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT :
WILLIAM PRICE
DAVID FADER
JAMES WENTWORTH

REPORTED BY: RHODA COLLINS, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

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CHAIRPERSON CIVILETTI: Good evening. I'd like to call to order the Planning Board meeting of October 16, 2019. In the unlikely event of an emergency the building is equipped with an alarm that will sound and there are exits directly behind you and one behind me.

Mr. Secretary, please call the roll.

MR. BOEHNER: Absent is Fader, Price, and Wentworth.

CHAIRPERSON CIVILETTI: Ramsey, we only have three members who were present for the last two meetings. I don't think we can approve the minutes.

MR. BOEHNER: We will do those in November.

CHAIRPERSON CIVILETTI: Okay. Have the Public Hearings been properly advertised?

MR. BOEHNER: Yes. They have been properly advertised in the Brighton Pittsford Post of October 10, 2019.

CHAIRPERSON CIVILETTI: Thank you. Now, we'll get started. The first application is 10P-01-19 and we will combine 8P-NB1-19.

APPLICATION 10P-01-19

10P-01-19 Application of Frank Imburgia/FSI Construction, owner, for Final Site Plan Approval, EPOD

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(watercourse) Permit Approval and Demolition Approval to raze a single family house and construct a 10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

APPLICATION 8P-NB1-19

8P-NB1-19 Application of Frank Imburgia/FSI Construction, owner, for Preliminary Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Approval to raze a single family house and construct a 10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file. TABLED AT THE AUGUST 21, 2019 MEETING - PUBLIC HEARING REMAINS OPEN.

JESS SUDOL: Good evening, members of the Board, my name is Jess Sudol of Passero Associates the civil engineers for the project. With me here this evening on behalf of FSI is Frank Imburgia, and Dave Merrick.

Obviously this Board is quite familiar with this project at 3300 Brighton Henrietta Town Line Road. I believe this is the third time we've appeared before this Board. Initially we appeared at a conceptual level where we reviewed several different alternatives ultimately arriving

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at a hybrid version based on input from the Board. Last month we appeared before the Board but still had a couple of housekeeping items we had to take care of. Most notably some area variances, Conservation Board, and the Architectural Review Board approval. We have since been granted all of those approvals so we are now before the Board asking preliminary and final approval.

The plan remains largely unchanged when it comes to the size of the building, the slight layout, the parking, et cetera compared to what you guys have previously seen. There have been obviously some minor revisions as a result of the ongoing review with town staff and other stakeholders. So without taking up time from everybody's night, I'm more than happy to provide another summary from the project that you've heard before, but I think this evening is more just reporting that we have achieved the majority if not all of the milestones that we set out to last time that we were here before you.

CHAIRPERSON CIVILETTI: So what has changed since the last time we saw you?

JESS SUDOL: Really not much in terms of the site plan. The major changes have been at the Zoning Board of Appeals, they granted our front setback for our building.

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If you recall we made the building a little bit thinner and moved it forward at the suggestion of this Board. And also there was a variance required for parking in the front yard. So those were granted by the Zoning Board of Appeals and then also the Conservation Board had some comments that we addressed and received approval and we did receive approval on the building from the ARB.

CHAIRPERSON CIVILETTI: Are the proposed exterior light fixtures dark sky compliant?

JESS SUDOL: Yes, they are.

CHAIRPERSON CIVILETTI: What's the mounting height?

JESS SUDOL: The mounting height I believe is approximately 12 feet. They're not big floodlights, they're just lights at entrances. We can provide more detail on those on the elevation, if needed.

MR. BOEHNER: There's parking lot lights too, right, Jess?

JESS SUDOL: Yes.

MR. BOEHNER: How tall are they?

JESS SUDOL: I believe I reported last time that they were 16-foot high and 3,500 temperature.

MR. BOEHNER: Not 3,000?

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JESS SUDOL: 3,000?

MR. BOEHNER: Well, do you see a problem with it being 3,000?

JESS SUDOL: No.

MR. BOEHNER: Because that was a condition last time.

JESS SUDOL: No problem, sorry, I got those two numbers mixed up.

MR. BOEHNER: That's okay.

CHAIRPERSON CIVILETTI: What are the specifications for the proposed generator?

JESS SUDOL: The proposed generator, I believe it's going to be 40 KB generator. That's their standard Generac issued that you would find on any other projects.

MR. BOEHNER: It will meet the town decibel levels?

JESS SUDOL: Yes, it will, of course.

MR. BOEHNER: Natural gas?

JESS SUDOL: Yes, of course.

CHAIRPERSON CIVILETTI: Has an asbestos report been submitted?

JESS SUDOL: I don't recall if we submitted it. I remember last time we were here it had not yet been

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completed. We have completed it. We did find trace amounts of asbestos in some of the caulk inside the existing single-family residence, which will require some minor abatement, but we can send that to the Town so you have it on file.

MR. BOEHNER: Yes. If you could so we can add that to the file. And then when the asbestos is removed if we could get the verification and documentation that it's been properly removed by a qualified person before we can issue the demolition permit.

JESS SUDOL: Yes, just jotting some notes down.

CHAIRPERSON CIVILETTI: Did you consider any alternate locations for the Dumpster?

JESS SUDOL: We did. The way we arrived at the location was for starters we were trying to avoid this area down here along Brighton Henrietta Town Line Road for obvious reasons. At one point we did have it located in this corner next to the building but we did choose to move it away from the building. So we more or less eliminated this zone and then we eliminated the zone along Brighton Henrietta Town Line Road, which is more or less this area here.

At one point we looked at having it in this

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very far southeast corner but again that puts it right at the corner of the intersection which ultimately led us to put it next to the drive out here. It will be heavily screened so that would allow the dumpster to come in, front load it, around, pick up, and leave with a kind of path of least resistance.

MR. BOEHNER: What would the Dumpster be made out of, the materials, is it going to match?

JESS SUDOL: Yes, it will match the building materials. It will be a masonry enclosure with materials to match.

MR. BOEHNER: With gates?

JESS SUDOL: Yes.

MR. BOEHNER: We want to see the details added to the plans. And you have vegetation proposed to be planted around it to screen?

JESS SUDOL: Yes.

MR. BABCOCK-STINER: Can you describe the carport a little bit?

JESS SUDOL: That was actually a mistype. There is no carport, it was supposed to say canopy. There is a canopy provided right over the property there.

MR. BOEHNER: Because on this side there is a

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note there's a seating area for employees?

JESS SUDOL: Yes.

MR. BOEHNER: I had a note there about a carport too.

JESS SUDOL: Yes. That must have been a drafting error. I was reading through the comments and I went to our guys and I'm like, where the heck are we putting a carport?

MR. BOEHNER: That is what we were asking.

JESS SUDOL: No, there's no carport.

CHAIRPERSON CIVILETTI: Has the New York State DEC granted any necessary approvals?

JESS SUDOL: They have not granted the -- they have two permits that's required. One is the Article 15 permit just for having a discharge or storm water management area below the top bank which is in process.

MR. BOEHNER: Okay.

JESS SUDOL: And the second one is naturally the speedy permit that any construction project --

MR. BOEHNER: And that's where your discharge pipe for the Article 15 is?

JESS SUDOL: Yes, because it is actually a Class C with a T designation.

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3 MR. BOEHNER: Last thing I have, what is the
4 status of the access easement to Canal View?

5 JESS SUDOL: So one of the things we discussed
6 last time we were here was the woman from the daycare
7 actually stood up and pointed out to us there's some
8 confusion over the ownership of Canal View Boulevard. And
9 turns out that we verified exactly what she mentioned at the
10 meeting, which is that they actually own the land.

11 MR. BOEHNER: They do.

12 JESS SUDOL: We have been in constant contact
13 with them since our last meeting before this Board. They did
14 provide a letter stating that they would provide us the
15 required access easement. Our attorneys -- we don't want
16 them spending money -- have drafted that easement and are
17 hoping to actually have it signed in the next couple of days
18 so that can be filed.

19 MR. BOEHNER: Would you, like, be part of the
20 group that also helps pay for maintenance of the road and
21 stuff? Is that how it works?

22 JESS SUDOL: Potentially, yes, for our
23 proportional fair share. They have a separate easement that
24 basically we would be layered over top of their easement with
25 a similar agreement.

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MR. BOEHNER: Okay. So you don't see any problem getting that?

JESS SUDOL: No, not at all. We had a little bit of confusion originally because it was represented to us that they had actually owned the land. So if you recall we provided the first letter that said, from them saying, no, we don't have no problem giving you the easement.

MR. BOEHNER: Yes, I saw that.

JESS SUDOL: Which doesn't do us any good when they don't own the land underneath it. Now we have that figured out.

MR. BOEHNER: So everyone over there is going to be happy together.

JESS SUDOL: Yes, as they always are.

CHAIRPERSON CIVILETTI: Anything further? Okay.

This is a Public Hearing, is there anyone who cares to address this application? We will move on.

That is the last Public Hearing. Next up is Application 10P-NB1-19.

APPLICATION 10P-NB1-19

10P-NB1-19 Application of The Baptist Temple (Glenn Stahl), owner, and Michael Barone/Grace Road Church,

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contract vendee, for Concept Review to reconfigure and expand the parking field on property located at 1075 Clover Street. All as described on application and plans on file.

JIM RATZENTHALER: I have a couple supporting documents for what Jess is about to present.

JESS SUDOL: Again, Jess Sudol from Passero Associates, this time here on behalf of Grace Road Church. With us this evening are Kevin Maloney the lead pastor with Grace Road Church and Mike Barone who is the executive pastor. Also, Chris Passero who is the real estate agent, and Jim Ratzenthaler from Passero Associates who is working with us on this project.

So this particular parcel which is in a residential zone has been and was originally constructed as a church back in approximately 1950. That particular church, Faith Temple, or Baptist Temple, built a church, but over the course of time while they may have had 100 percent occupancy way back when it was originally constructed, their congregation eventually shrank, and shrank some more, and shrank some more to the point where it no longer made sense to have a church of this size for the congregation that became relatively small. We're talking a couple dozen people.

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Recently because they no longer needed the facility the owner put it out to RFP for potential developers. Now I know the zoning district does restrict what potentially can be built there, but there's different developers that looked at all types of things that could have possibly went in there.

The nice thing about our application is we are proposing to use the church exactly for what it was originally constructed for, and that's a church for Grace Road. They currently have a facility that's downtown Rochester where they're well over their current capacity and they would like to establish a second campus out on Clover Street.

There are no proposed improvements, there's no additions to the project itself, other than some maintenance and housekeeping. Again, this was constructed as a church and is proposed to be used as a church, all within the current building footprint. So what the application really comes down to is parking modifications to satisfy the demand that the church has.

Obviously, the town has parking ordinances for places of public assembly. But Passero Associates has done a number of these churches across the community over the years

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and we've gotten a really good handle on what needs to be done and how this needs to be analyzed.

So the first thing that we did was began working with Grace Road Church to look at, okay, based on your current facility how many people do you have? How many cars do you have? And what does that look like? So we could really use the ratio that is most appropriate for their anticipated amount of people that will be here.

What's represented in our drawing and based on the original building code and what's actually posted in the building itself, I believe, is that the maximum occupancy for the sanctuary gathering space is 473, which I believe that you saw on your drawings.

Based on the links, we counted two different services at their downtown facility and we found that ratio based on two services to be 2.36. One day it was 2.27 and the next day it was 2.39. Which again, is very consistent with ratios we see in other suburban-type church environments that have the same or similar demographic and similar size.

So just to go through that math quickly, what I kind of want to do is get to the general number that we're looking at and then kind of look at the different options and talk through the site plan. So 473 --

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MR. BOEHNER: Can I just ask you about the 473? That's 473 seats in the sanctuary?

JESS SUDOL: Yes.

MR. BOEHNER: And how did you figure the seats? How many linear feet did you give --

JESS SUDOL: Well, 473 is based on the original building code, which is what the listed occupancy is for the building. The building code has since changed and actually allows for slightly higher. The 473 number is --

MR. BOEHNER: You're saying the room occupancy or the number of seats? Because what we want to get after is the number of seats.

JESS SUDOL: That would be the number of seats. We had our architects look at the current configuration of that room and we can get right around the 473 number, which is the posted occupancy.

MR. BOEHNER: And do you know how they calculated that? What did they use per person? That would be good to know when --

JESS SUDOL: With the seats? I mean, we can provide a layout of the sanctuary. Again, we've done two dozen of these, we know how big a seat is, we know how to lay them layout.

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MR. BOEHNER: Okay. That would be helpful.

JESS SUDOL: We actually have that available and can provide it to the Board. But whether it's 471 or 477, the reality is the number of seats, any occupancy when taken into consideration, mezzanine and the stage, all calculates out to the allowable occupancy that's currently posted. Again, we also looked at the current building code, we just had a slight modification since that occupancy was established and based on current codes that number is slightly higher, it pushes up towards 500.

MR. BOEHNER: Yes. And I was just -- there's a difference between room occupancy and the number of seats.

JESS SUDOL: Right. In this particular case they're relatively similar.

MR. BOEHNER: It is, yes. It's really we go by seats, so if they're similar that's fine.

JESS SUDOL: Well, there's seats, I'm kind of going off track here, but there's the seats, there's an occupancy associated with seats. And then there's a certain amount of stage presence that's got a couple of people, like the paster and the executive paster. And then also this building as most churches do also has classrooms. So while the adults and older teens are inside the sanctuary listening

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to the service, the young kids are broken up into different age groups, whether it be infants all the way up to six and seventh graders are separated into different rooms and each of those rooms has a handful of teachers which are people that are in the building in addition to the people that are in the main service area.

MS. DELANEY: So is that included in the 473?

JESS SUDOL: No. This is how the math goes: 473, we took our weighted average that we know to be true based on actually performing the physical data of 2.36. Again, for the record, one service or sample size was 2.27, and the second one was 2.39. Actually might have that average slightly off, but using roughly 2.35, and 473, that gives you the occupancy for the sanctuary, which is approximately 200. And then use the code of -- and we can review the finer details of it, but I think it's important to understand that's a number, is around 200 to 230 and it's not the 110 parking spaces that are currently there. So when you go through all that math it's approximately 220.

MR. BOEHNER: So right now you're saying there's 110 parking spots existing --

JESS SUDOL: That's what we figured. The reality of it is, the parking lot is so dilapidated it hasn't

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3 been cared for in so long that there is no physical striping
4 that you can go out and count. You can kind of measure and
5 say I think they have about ten here, it looks like they have
6 12 here.

7 I do want to point out -- well, we're kind of
8 jumping ahead, if I could just get through the progression of
9 some of our drawings, there's some other things I could point
10 out then tie back into this exact discussion, so I will do
11 that quickly.

12 Jim, we submitted two concept plans, but
13 really there's a progression for them, I'm going to walk
14 through again relatively quickly. The first thing that we
15 did was look at, you know, if we did a very geometrically
16 perpendicular parking lot, really maximize it, what would
17 that look like? Using up some of the green spaces in the
18 interior of the project, this basically for the most part
19 paving limits actually stay within the existing pavement
20 limits. It's not that we're taking away screening because
21 the pavement is already pretty close to the property line.
22 In many cases we are reducing it.

23 But that wasn't the case with the first layout
24 because we do have new impervious area, we do have to do
25 storm water management. So even though with this first

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1 layout that we considered we were staying within the current
2 pavement setbacks. We did trigger a need for storm water
3 management that was pushing up close to Mr. August's house
4 which we didn't think he would appreciate us taking down any
5 additional screening, especially when the facility's finally
6 going to be up and operating again, so we discounted that one
7 pretty quickly.
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10 There was a second option with the same basic
11 geometrics where we gained some more green space over here in
12 the northwest corner. But again, this option was similar to
13 the first option and even though it reduced some of the
14 parking here in the northwest corner next to Mr. Dutton, it
15 still didn't solve the problem next to Mr. August.

16 And before I want to go any further I do want
17 to say that Grace Road Church is currently the contract
18 vendee so they're right in the middle of their due diligence
19 period. They know based on the analytics they did that they
20 need slightly higher than 200 spaces. And really the process
21 that we're looking to go through with the Board at this
22 conceptual level, before they spend three or four months of
23 engineering fees and legal fees and everything that goes
24 along with it is, are we at least getting to a point that
25 with some typical modifications and consideration there might

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be an opportunity to get that amount of parking. Because if it is less than 200, we would rather know that that's not achievable up front so that they can terminate their contract and look for a different facility. It's not a matter of we really only need 120 and we're trying to get 200. That's certainly not the case.

Anyway, moving forward, we then looked at adjusting some of the setbacks for the layout. Most notably you can see that we turned the parking lot down here on the southern portion. What that allowed us to do was open up some area to provide our required storm water management without impacting the buffer to Mr. August's house. And to further explain kind of what our intentions are here, the church has been very outgoing, proactive I should say, with the neighbors. They have reached out to all of the neighbors around us. Again, no one is looking for war with the neighbors, no one is looking to, certainly not looking to create a home here and then have continuing neighborhood conflicts.

So Mr. August is well aware of the project and has reviewed the plans and we provided him with any information he has asked, as has Mr. Dutton and the rest of the neighbors. So it certainly isn't going to come to a

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surprise to them.

MR. BOEHNER: What are the comments of the neighbors?

JESS SUDOL: They were really questions. Their questions were namely and most notably, what is the intensity of the use going to be? How often is the facility going to be used? So really what you have is two services on Sunday like most other churches. Now I'm giving you their question and our answer. This parking lot will be at or near capacity. I forget if they are 9:00 and 11:00? Great guess on my part.

Then there are some other programs that run out at a much lower volume of people. So if there's approximately 500 people -- I'm just using a round number -- at the two Sunday services they will have a woman's Bible study one morning or they will have a youth night on a Wednesday night where they might get 100 people, but not 500. And those occur well outside of the peak hour. The youth night is usually a 6:30 night, the Bible study is 7:00 in the morning.

We can actually provide a very detailed list of every activity that occurs at the facility because again, we already generated that for Mr. August when he asked us

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that question.

MR. BOEHNER: What we're looking at though, I mean, that's very helpful. We're not going into the operations as much as just the parking. And I think it's important that the neighbors know that what we're really looking at is parking.

JESS SUDOL: Yeah, I was simply providing you the information you requested.

MR. BOEHNER: Yes.

JESS SUDOL: So then we came to concept number three. Again, this is the reconfigured one. We do have some land bank areas. This particular concept has 202 proposed spaces, plus the 40 land bank spaces which provides us a little bit of that flex space for the additional teachers and what not, if needed in the classroom. You know, it's reasonable to think that once they are established here the hope is that a few more people will start attending services if they have a little bit additional capacity. They anticipate being relatively close to capacity from day one. Some of the spaces are again in this northwest corner. When we met with Mr. Dutton he said, hey, I know those are land banked but you can build land banked ultimately if you need it. I would like to preserve that area to be green space.

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So our final revision, the one we would plan on moving forward with, number four in your packet, and that shows this whole green area next to Mr. Dutton's house to be preserved without any proposed parking or land bank parking. There's some parking in this area but that parking more or less follows the exact configuration of what's there today without decreasing any of the proposed setbacks.

So our current total and proposal that obviously there's going to be some tweaking here and there should the project move forward, but we do land at the 202 proposed spaces with the 31 land bank spaces for a total of 233. Which gets us pretty close to that calculation I went through earlier, which was based on that 2.35 ratio close to the classrooms.

Again, I do want to just point out we are not eliminating any screening. We're really working with an old and dilapidated inefficient parking layout. Staying within those boundaries, rearranging things, losing some green space but then offsetting that with the storm water mitigation.

MS. DELANEY: Did you mention what the current average attendance is?

JESS SUDOL: A couple dozen people.

MS. DELANEY: No, no, Grace Road.

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JESS SUDOL: Oh, downtown?

MS. DELANEY: Yes.

JESS SUDOL: About 1,300 people on a Sunday and they're operating out of a 20,000-square-foot facility, split that 1,300 in half and it's 650 each. This is 27,000 square feet, so they could actually have a comparable number of people for one service, but much more room. I say that to try to dispel the thought that is there enough room in the building for all this parking. Actually there's more than enough room for us, we just really need the parking.

MR. BOEHNER: Could you go through what's reserved, what's proposed to be built new? It's a little hard to follow.

JESS SUDOL: Yes. There's two land banked areas, one of them is out here along Highland Avenue where there's additional land bank spaces, and another one is back here in the southwest corner where there's approximately ten land bank spaces. Again, more or less where there's existing paved areas.

The idea here, should the project move forward, and again, we are looking for a pretty strong indication from this Board on kind of where you're at with this just because we don't want it to die three months from

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3 now, we'd rather it die tonight, quite honestly, if it had
4 to. But the idea is we only build land bank parking if we
5 need it. What we don't want to happen is not have that out
6 and then all of a sudden we do have those additional 15
7 vehicles that can't find a parking space and they're not
8 going to go home. What they're going to do is end up parking
9 in the grass areas that are there anyway. So we certainly
10 want to provide accommodations for them.

11 MR. BOEHNER: You're saying there are not
12 going to be trees that are going to be eliminated?

13 JESS SUDOL: I don't want to say, you know,
14 some of these internal areas there might be some small trees,
15 but the big trees that are next to Mr. Dutton's house are all
16 going to be maintained, the existing tree line along the
17 western property line will be retained, all of the trees
18 along Mr. August's house are going to be retained. We are
19 using the existing curb cuts that are there. These big
20 circles that are on the plan are actually the existing trees
21 that are of any significance and you can see that we are
22 avoiding them and maintaining them.

23 MR. BOEHNER: It's hard to tell like, because
24 some of it looks like you're -- it's a tree or it's a canopy.

25 JESS SUDOL: It's the canopy of the tree.

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MR. BOEHNER: Yes. So could I go back to behind Mr. Garcia's house and --

JESS SUDOL: That back corner?

MR. BOEHNER: Yes, in that back corner. You're planning to put -- is there -- what's going to be removed back there? Because right now that's a playground.

JESS SUDOL: That's a playground, right.

MR. BOEHNER: Is that lawn area because it looks like there might be trees in there. Are they going to be removed?

JESS SUDOL: There's a couple of trees in that area next to the playground that if we were to build that portion of the land bank parking, would be removed. Again, something I did not mention was that the existing owner obviously doesn't, you know, is trying to generate additional revenue from this underutilized facility. One of the things that they do is rent it out to a daycare, hence the playground.

MR. BOEHNER: So is this parking area going where the playground is?

JESS SUDOL: This particular portion of the land bank spaces at the southwest corner is where the playground is.

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MR. BOEHNER: All right. And you've calculated how much area you needed for the storm water?

JESS SUDOL: Yes. Even though this is just a conceptual site plan, obviously we don't want to misrepresent our ability to meet our obligations to provide storm water management in accordance with the Town requirements and the Irondequoit Watershed requirements.

MR. BOEHNER: Yes.

CHAIRPERSON CIVILETTI: Is there any discussion of outdoor amenity spaces? I think a playground was mentioned, the existing playground, sounds like it may have been a point of friction with the neighbors, as part of the church school activities --

JESS SUDOL: Certainly maybe because of the location I could see why that would be a point of friction. And, you know, with that being removed hopefully that would help quell some of that. I know that -- well, I'm not super familiar with all of Grace Road Church's operations. I know some nice days during the summer there might be just some outdoor gathering for a picnic of some sort, maybe a temporary tent. I assume that would occur kind of in the frontage of the parcel. They are not going to put a tent up in the back on the other side of the parking lot.

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So in some of these green spaces, there might be a temporary tent for, you know, a quick picnic after services on some Sunday afternoon, or maybe a couple bounce houses for kids at the absolute most.

CHAIRPERSON CIVILETTI: Yes. It just seems like with the effort to add as much parking as necessary that restricting opportunities for outdoor gatherings like that, with the constraints of the size of the property and the building, I think activity is trying to fit in there.

JESS SUDOL: I'm not sure I understand the comment.

CHAIRPERSON CIVILETTI: I guess I am just a little concerned that, you know, and not a criticism of the engineering or any of the effort behind this organization, but I am hearing there's not really significant room for a lot of growth here. Are there concerns about that? You've mentioned a couple times that this is not a done deal.

JESS SUDOL: No, not at all. Our growth is 100 percent restricted by the parking, which I think we've done a pretty good job of balancing all the site constraints to get that to a point where it will provide the most needed for the existing facility. And I'm sure that the church would say this is a great thing, all of a sudden they have a

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much higher demand, well then they would quickly have to look at finding a different facility or a different campus.

But there's no thought of any future expansion for this facility. The building is what it is and based on the size of the building, a little over 200 parking spaces and there's not much more opportunity than that.

MR. DOLLINGER: How many total members or parishioners are in the church?

JESS SUDOL: In the entire church?

MR. DOLLINGER: Yes.

JESS SUDOL: 1,300. The downtown facility would remain open, so both campuses would operate simultaneously. It's not like all 1,300 are coming here.

MR. DOLLINGER: Right. And do they have other facilities or just --

JESS SUDOL: This would just be a second campus.

MR. DOLLINGER: How will they manage the -- yeah, I mean, I'm a little concerned about the growth concepts and how you'd manage the flow of people that came here?

JESS SUDOL: Well, it's restricted based on number of seats. People are not going to come here --

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MR. DOLLINGER: Well, it is, but you can't know that before you get in your car and start driving here.

JESS SUDOL: Well, I mean, these congregations, it's not like, hey, by the way we now have this new facility. They're very deliberate about saying this is our new facility, it's designed to serve people that don't necessarily live downtown, they live on the east side. Our capacity there is limited, so they're not going to direct 600 people there. And quite frankly, if that many people did go there would be people parking all over and there would be problems and people in the street and everybody would know about it and that's the last thing any of us want.

MR. DOLLINGER: Yeah, but I'm just curious on how you prevent that.

JESS SUDOL: Well, we prevent it through being very deliberate about -- again, you have 1,300 people currently operating in the existing facility going to two services, so providing 473 new seats is a huge relief valve for that. And a lot of those people that come come from all over the place, they're not coming from the Town of Brighton or Pittsford. This is really more oriented to serve those people specifically. So we would do it very much through explaining the situation, limiting capacity. It's a close

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group of people where these conversations are actually had.

Now if everything I said is just complete BS, then the reality of the situation is if 300 cars came here, there's people parking in the grass and parking on Highland Avenue and Clover Street, I can guarantee you that code enforcement would be all over Grace Road Church about ensuring that that doesn't occur and everything else that goes along with that. But we firmly don't believe that would ever happen.

MR. DOLLINGER: It just seems to me, and I'm not trying to dissuade this at all, it just strikes me as, you know, that's a difficult thing to manage. It seems to me that that many members in this small church, it just seems difficult to manage the number of people that are going to show up. And it would be, I'm the guy that enforces the stuff and I don't -- I can see this as a potential enforcement problem. Just like it's -- yeah, I don't know. Do you know what I'm saying though?

JESS SUDOL: I don't at all.

MR. DOLLINGER: You don't see a potential? You've got 1,300 members, you don't think there's a potential --

JESS SUDOL: No. I've spent 15 years working

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2
3 with different churches and establishing new campuses, and
4 expanding parking lots and doing sanctuary additions. Not
5 once with any of those churches has that ever been an issue
6 afterwards. The biggest one we worked on, I don't know if
7 you're familiar with it, the Father's House out in Chili.
8 That's a 1,250-person sanctuary. Established a new facility
9 in Greece that congregation is well over 3,000. And Greece
10 is a huge demographic, and that wasn't the least bit of an
11 issue there. You are dealing with much bigger numbers and
12 much higher demographics.

13 So that would kind of be the extreme. And
14 it's not happening in the extreme, so there's no reason for
15 us to believe that that's going to happen here. And I don't
16 want to understate the fact of how highly -- this is a very
17 deliberate move from the church that it's not the church
18 leaders acting in a vacuum, it's very much done as a
19 congregation. It's communicated consistently, the
20 congregation knows what the capacity limitations are there.
21 And even if at the end of the day nobody wants to come to a
22 church that's completely packed where they're not going to be
23 comfortable, especially when -- you know, no one is going to
24 go out of their way from the City of Rochester to come out
25 here and be uncomfortable when they can go to their current

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facility where they've been going for years, so I just don't see that as an issue.

MR. BOEHNER: So let me understand this, there's two existing facilities?

JESS SUDOL: There's one, downtown, 20,000 square feet.

MR. BOEHNER: There's not a second.

JESS SUDOL: Correct.

MR. BOEHNER: This is going to be the second one.

JESS SUDOL: Yes, sir.

MR. BOEHNER: And they're keeping the first one open?

JESS SUDOL: Yes, sir.

MR. BOEHNER: And what they're hoping is this will grow?

JESS SUDOL: No, not that it will grow. This will largely relieve the significant capacity issues they're having at their current facility. Again, 1,300 people, only 20,000 square feet, 500 people, 2,700 square feet. So right now, I don't want to say it's, you know, it's a situation that they need to address. They have too many people coming to their downtown facility, so they need a second campus.

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This presents the perfect opportunity --

MR. BOEHNER: Because you're taking -- so you're saying some of the people from the downtown campus are going to start coming here.

JESS SUDOL: Absolutely. No, that's the entire intention. The intention is not to move here with a church that's empty and then try to grow a whole new support area in this demographic. We know from our relationship with the paster and senior paster know there are a lot of people demographically based on where they live, it would be more convenient for them to come here.

MR. BOEHNER: Do you think that many people would come that you would need this much parking, is what I'm trying to get at.

JESS SUDOL: Yes.

MR. BOEHNER: Because it's not happening yet.

JESS SUDOL: Yes.

MR. BOEHNER: It's a little different when something is operating and someone come by saying hey, we are operating, these are the problems.

JESS SUDOL: It's very easy to take a survey of your congregation and say, hey, if we relocated to this area how many people would come? And establish what that

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number is and that number is pretty much near what the capacity of the current sanctuary is, plus or minus --

MR. BOEHNER: So you guys do the survey --

JESS SUDOL: We anticipate we would be 85 to 95 percent capacity at day one.

MR. BOEHNER: So they did do the survey?

JESS SUDOL: Yes, of course. Again, this is not done in a vacuum --

MS. DELANEY: Is that one service or two? If it was 473 people said, yes, we would go to Brighton.

JESS SUDOL: It might start with one, might start with one. Usually what happens is one of the services has a lot more people than the other service does. But they anticipate the maximum number that will come here for a single service is about 500, or --

MR. BOEHNER: Can I ask you this: Can you split the services to reduce the amount of parking that's needed, have extra services?

JESS SUDOL: More than two services? No, I mean, that's not something -- I don't want to speak for the church, but to put that type of burden on the amount of people that participate in those services and say, hey, instead of doing 9:00 or 11:00 you're doing 8:30, 10:00, and

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11:30, there's so many people involved in the services I doubt some would be interested, not to mention the services line up with the services that are occurring downtown. I don't know if they would be telecast, or, no, it would be two separate. Okay.

MR. DOLLINGER: How big is the sanctuary downtown? How many seats?

JESS SUDOL: How many seats in the current?

MR. BOEHNER: Would you give your name?

KEVIN WILLIAMS: Yes, my name is Kevin Williams, I'm one of the pastors of the church. The number on the floor is a little bit flexible so I'm estimating a little bit here. It's about 450 chairs on the floor right now and then the balcony is 330. So we'd be somewhere around 780 for the total number of chairs. It could go as high -- the occupancy is 1,100, we don't use all of the space on the floor.

JESS SUDOL: So you are at 780 and at times that's not enough.

KEVIN WILLIAMS: On a big day it's not.

MR. DOLLINGER: So 800 seats?

JESS SUDOL: Approximately.

MR. DOLLINGER: So if you have 1,500

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parishioners and everybody is particularly showing up that day you fill both sections or both --

JESS SUDOL: Close to it. One is usually a little over capacity and one is probably a little under.

MR. DOLLINGER: Right.

MR. BABCOCK-STINER: Ramsey, is there an impervious surface issue? It says 54.2, is there a limit?

MR. BOEHNER: What they have not provided the calculation is a pavement coverage for different yards. That has not been provided. I would think, I'm a little worried about the area I will say that runs along John August, that's your rear yard. I don't know if that meets code or not, as far as how much pavement coverage there is. It is, let's see, 35 percent is the max.

MR. BABCOCK-STINER: 35 percent?

JESS SUDOL: That's a rear yard?

MR. BOEHNER: Yes, that's a rear yard.

JESS SUDOL: Isn't Clover the arterial?

MR. BOEHNER: You have two frontages and Highland is your narrow frontage, that's your primary front yard, opposite is your rear.

JESS SUDOL: I thought Clover would have been --

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MR. BOEHNER: It's not by the code. I understand why you would think that. So that becomes a rear yard --

JESS SUDOL: All right. I understand the question. In that rear yard the current configuration --

MR. BOEHNER: So you have to check that.

JESS SUDOL: Yes. It's about a net 00. So we're eliminating a bunch of pavement that currently abuts Mr. August but then we're filling in some here to get some more efficient parking.

MR. BOEHNER: So what I would do as part of your calculations, you need to know if you need a variance or not because you have to put that into your calculations on deciding, hey, should we move forward or not.

JESS SUDOL: Right. And some general input from this Board, again, we're trying to avoid unnecessary expense and time unless there's a light at the end of the tunnel. I'm not saying that we wouldn't move some spaces here and spaces there, but there's a general opposition to, you know, plus or minus 200 spaces, that's something we'd like to know early on. Even though we have tried to respect our neighbors, maintain a buffering, you know, utilize existing pavement edges and that type of thing.

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MS. DELANEY: I really don't like this, the banked parking along Highland Avenue. Most of the rest of this I feel okay about, I don't like the idea of this parking being so close to Highland. That green space I think is really cool, the view of the church is cool. I think the idea of putting this almost front yard banked parking, which I feel like would very quickly be turned into real parking.

JESS SUDOL: That's exactly the type of things we're looking for, that type of input.

MS. DELANEY: I also don't love the parking in this little loopy entrance.

MR. BOEHNER: The front along Clover?

MS. DELANEY: Yes. But I feel more strongly about the one on Highland. I really don't, like, the rest of this, I'm okay. I'm okay with losing a few trees, but --

JESS SUDOL: Perfect, thank you.

MR. BOEHNER: I think a lot of it is going to come down to how much of the existing vegetation you can preserve and the buffering and how you can supplement it when you need to, either with fencing and vegetation, and getting input from the neighboring properties about, hey, what's the best way for us to do it. Because on this it's a little hard to tell exactly what is going to be removed. We're going

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with the theory that you're saying not very much is going to be, but the devil's always in the details.

JESS SUDOL: I guess I'd like to clarify. Some of the trees internal to the site will be removed to get our parking more efficient. What that allows us to do is preserve the trees and the screening on the perimeter as a general statement.

JIM RATZENTHALER: Jess, I would like to also add --

MR. BOEHNER: Why don't you come up.

JIM RATZENTHALER: Okay, sorry. Jim Ratzenthaler from Passero Associates.

MR. BOEHNER: Can you spell your name for the stenographer?

JIM RATZENTHALER: R-a-t-z-e-n-t-h-a-l-e-r. Along all of these properties here is a six-foot existing fence. So that's already screened and already on the property of the neighbors. So all of this --

MR. BOEHNER: Whose fence is it, the neighbor's fence or the church's fence?

JIM RATZENTHALER: I believe it is on the neighbor's properties, but I am not for certain.

MR. BOEHNER: You might want to figure that

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out because that's part of --

JIM RATZENTHALER: All of this is already fenced along back here and screened with a six-foot wood plank fence and you cannot see through at all. Also, very few trees, a couple pine trees are lost here. All the major trees along the roads are kept as well as this larger one here.

And so for the most part, everything is screened and vegetation as we talked about when me and Matt Newcome met with you, we have focused on trying to keep as much vegetation as possible.

MR. BOEHNER: Thank you.

MR. BABCOCK-STINER: So just a quick follow-up on that. Do you think that's sufficient for lights in the evening? Because you would be pulling into the spots that would be potentially facing the backyards and most of the services will be during the day. There may be some specifically this time of year at night.

JESS SUDOL: Yeah, you know, for the most part there's enough part -- and I'll answer that too -- but just as a general statement because there's a quarter of the amount of people that come at night, even though youth group is at 6:30 on a Wednesday night most of the cars are going to

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be pretty close to the building so there's not going to be many people.

But even on top of that, yes, absolutely, the existing vegetation and fencing blocks those headlights and we would certainly consider doing or adding that type of mitigation anywhere where it does not exist today.

MR. BOEHNER: How about parking lot lighting?

JESS SUDOL: It would all be code compliant, dark sky. One of the things that we could look at doing is potentially, you know, having lower lighting levels on the perimeter adjacent to the neighbors. Because, again, we don't anticipate needing them as much at night. To be quite frank, we haven't gotten into details of parking lot lighting design. There will have to be some lighting, it's going to of course, be code compliant.

One of the things just off the top of my head that we could do is step that down significantly as we get closer to the neighbors, everything of course, is dark sky compliant, even putting in glare shields.

MR. BOEHNER: Is it lit now, do you know?

JESS SUDOL: Chris, do you know if it's lit now or --

CHRIS PASSERO: There are a few light posts.

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MR. BOEHNER: So it is somewhat lit now?

JESS SUDOL: Which I don't think are dark sky compliant.

MR. BOEHNER: No, I'm sure they are not.

MR. OSOWSKI: The difference between concept three and four, other than counts, you have concept four eliminated those bank spots behind Mr. Dutton's property?

JESS SUDOL: Yes, sir.

MR. OSOWSKI: So the ones at the south end of the bank, behind those neighbors, were those neighbors contacted, and they were okay with the parking potentially in the future?

CHRIS PASSERO: I sent letters to all of the neighbors around there, but I didn't include the site plan and that. I gave them all of my contact information. The only ones I corresponded with are Mr. Dutton and Mr. August. So the other neighbors aren't in here.

JESS SUDOL: The majority of that is currently comprised of the existing parking lot.

MR. BOEHNER: You may want to talk with them directly, this would be my recommendation. Let them know what you're showing.

MR. OSOWSKI: I personally don't find fault

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with you having parking on the north side of what you proposed and on the south side, both. I have no issue with it. Concept three's bank parking it's a relatively quiet use mainly on Sunday --

JESS SUDOL: No, we're just again, we're trying to seek a path of least resistance here while still meeting our requirements. Nobody is interested in a long drawn out tense process.

MR. BOEHNER: Yes.

CHAIRPERSON CIVILETTI: Any other comments?

MR. BABCOCK-STINER: Just a second on what Pam said about the parking on Highland Avenue.

JESS SUDOL: Would it be helpful, just trying to think through the next steps and I don't mean to step in front of you here, but I don't think it would be helpful for us to provide some of that additional information on the screening, some of the parking lot lighting details. Maybe consider an adjustment to the land banked area, you know, I don't know what else the Board might be thinking that we can provide in terms of information? Maybe more data on numbers I cited earlier to try to get this Board a comfort level of where we might consider moving forward with the preliminary site plan application.

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CHAIRPERSON CIVILETTI: I think that would be important too if you're going to proceed with preliminary site plan application. I am not opposed to the application. I think we've kind of thrashed through a little bit and have a better understanding of what the existing organization is and the program, which really wasn't clear, I think, to us.

JESS SUDOL: No. It's hard to understand all of the information with just looking at a site plan.

CHAIRPERSON CIVILETTI: Yes. I'm staring at the site plan, half of the stuff that you're saying is not registering. Unfortunately, trying to focus on two different things.

MR. BOEHNER: Could I try to maybe also respond? If you are going to proceed to a preliminary, I guess the question is: Should they come back in concept with more information for this Board to review, or can they go right into preliminary? Talking about getting a little bit better idea of maybe what vegetation specifically is going to be removed and how is it going to be mitigated?

CHAIRPERSON CIVILETTI: I think everyone is concerned about the more mature vegetation on the property, and what that is going to be impacting. And obviously screening of the neighbors, avoiding impacting the green

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space along Highland, you know, that corner on Highland and Clover.

JESS SUDOL: Maybe that's something we'd be able to provide that information. Mr. Boehner, do you know the November meeting date off the top of your head?

MR. BOEHNER: No, but I think it should be still the third -- it will be November 20th.

JESS SUDOL: The reason why I ask is we have to make a decision of whether or not to move forward by the end of November.

MR. BOEHNER: Well, I think at this point you couldn't make a preliminary application because you're past the cut off. You could come back under concept at the November meeting.

JESS SUDOL: We are not going to proceed with all the engineering that goes into preliminary unless we're pretty confident there's an end.

MR. BOEHNER: That's why I was saying maybe you want to stay in the concept mode. And if you do want to say, come back in November with some additional information for further discussion with the Board, please let me know.

JESS SUDOL: Okay, so that's an option.

MR. DOLLINGER: Should we consider specifying

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now what kind of information we're looking at for a secondary concept?

CHAIRPERSON CIVILETTI: I think there's only four of us here tonight, so there's three members who have not seen this and not participated in the discussion. I think if there's a way to present, you know, and table our narrative form a little bit more about how you, you know, what the existing congregation is, how you anticipate people expanding to the new facility.

But I'm going to channel James Wentworth and going to say you're short on accessible parking spaces on your site plan as it is. And, even more so, as is more common with an aging population, there are lots of facilities that provide accessible spaces well in excess of what's required by code. I don't know what the demographic is of the congregation, but that's something you want to think about as you're looking at your parking.

JESS SUDOL: Yes, and again, we have the benefit here of knowing what we have and what we serve. So we can do some more investigation on that. I think that's appropriate.

MR. BOEHNER: And check your coverage of your yards just to make sure we know everything that we're working

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with.

JESS SUDOL: Okay.

MR. BOEHNER: I think we want a loss of vegetation, methods of screening, maybe taking pictures too. Hey, this is what's going to be removed, this is what's there. Lighting ideas, and looking at trying to obviously minimize the number of spaces that you think you need. Take a good hard look. I know you have some numbers, but you're ranging anywhere from --

JESS SUDOL: We can certainly lay those out a lot more logically so that you can really understand. We know what we need, but we'll correlate toward planning a little bit better and if there is some wiggle room for us to --

MR. BOEHNER: Yes, that's what I'm asking for. Because we're dealing with ranges.

JESS SUDOL: That's fair.

MR. BABCOCK-STINER: And I have to second what Laura is saying, kind of tabularize this. Because this is if you kind of look at what's there and the uses and changes, and you look at what you're proposing for parking and without having that discussion it is -- you're looking at why is it so much different than what's there now? That was my first

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response --

JESS SUDOL: Sure. We can provide --

MR. BABCOCK-STINER: -- existing parking and going, wait a minute either this is way over and ask well in stream of what you need. Or, the initial use was well under parked. It sounds like it was well under parked --

MS. DELANEY: Oh, it is now, but would have been in 1980, it was still probably a pretty popular church. Why wasn't it an issue then?

MR. BABCOCK-STINER: A more clear explanation of how you got to this --

JESS SUDOL: Sure. We can provide additional data from other churches across the county. We've done a bunch of them, it's not hard --

MR. BABCOCK-STINER: You guys have your numbers, you have your numbers. I am not -- but it's that, when you see this plan and you look at the existing pavement there and look at the size of the building, you know the building is not changing size, why is that there's such a discrepancy between what's there and what's now needed.

JESS, SUDOL: Yeah, I don't think the building was ever fully utilized to its fullest potential.

MR. DOLLINGER: Another question I had would

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be some kind of relative analysis -- of the relative convenience of it. Again, I'm concerned just that --

JESS SUDOL: We can provide a narrative on how we arrived at this location.

MR. DOLLINGER: I'm concerned that someone, you know, it's going to be so convenient relative to off street -- on street parking to come here, I'm just concerned how you patrol that? This is a great place.

JESS SUDOL: Right. We can provide the narrative and our due diligence.

JIM RATZENTHALER: If I can add as well, the parking lot that is existing on the western side of the property according to the original architecture draws that parking lot was actually supposed to extend much further south. So according to the original architectural and civil drawings that parking lot was actually supposed to extend much further south and it was originally supposed to be parked at approximately about 145 or 150 if I remember the number correctly. So the building's actually under parked currently according to the original plans from the 50s and 60s.

MR. BOEHNER: Do you know if those were the plans that got approved by the Town?

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JIM RATZENTHALER: Yes, they were.

MR. BOEHNER: Did you get them from us?

JIM RATZENTHALER: I don't remember where they came from exactly. The plans I was given I was working with originally showed that the parking lot was supposed to extend much further.

CHRIS PASSERO: The plans were from the church, I don't know if there was anything else.

MR. BOEHNER: Okay.

MR. OSOWSKI: The parking garage we use now, is that the St. Joseph's one?

JIM RATZENTHALER: Yes.

MR. OSOWSKI: Does that free up something?

MICHAEL BARONE: The streets. It's free to the patrons of the church, but we pay for it.

MR. BOEHNER: Can we get your name for the record?

MICHAEL BARONE: Michael Barone, B-a-r-o-n-e.

MR. OSOWSKI: So you have a pre-negotiated deal?

JESS SUDOL: Right.

CHAIRPERSON CIVILETTI: Anyone else? Thank you.

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JESS SUDOL: Thank you. We will probably see you next month.

MR. BOEHNER: Jess, give me a call and let me know so I can give you a time frame to get things in.

JESS SUDOL: Sure.

CHAIRPERSON CIVILETTI: Okay. Under consideration is Application 8P-NB1-19 and 10P-01-19.

APPLICATION 10P-01-19

10P-01-19 Application of Frank Imburgia/FSI Construction, owner, for Final Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Approval to raze a single family house and construct a 10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

APPLICATION 8P-NB1-19

8P-NB1-19 Application of Frank Imburgia/FSI Construction, owner, for Preliminary Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Approval to raze a single family house and construct a 10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file. TABLED AT THE

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AUGUST 21, 2019 MEETING - PUBLIC HEARING REMAINS OPEN.

MR. BABCOCK-STINER: I move we close the
Public Hearing.

CHAIRPERSON CIVILETTI: Second.

MR. BOEHNER: I have a motion and a second.

CHAIRPERSON CIVILETTI: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BABCOCK-STINER: I move that the Planning
Board finds that Applications 8P-NB1-19 and 10P-01-19 will
not have a significant impact on the environment. The
Planning Board adopts the negative declaration prepared by
the Town staff. I also move that the Planning Board adopts
the ten findings outlined in the Planning Board report based
on the application submit, testimony presented, and
determinations, comments, recommendations of the Historic
Preservation Commission, Architectural Review Board and
Conservation Board.

CONDITIONS:

1. The existing building has been found not to be a
candidate for landmark designation by the Historic
Preservation Commission.

2. The Architectural Review Board and Conservation Board
have reviewed the project per the requirements of this

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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/landscaping plan has been approved by the Planning Board.

8. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding 10-Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.

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9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

10. The project does not have a significant negative impact on affordable housing within the Town.

MR. BABCOCK-STINER: And I also move the Planning Board approves Applications 8P-NB1-19 and 10P-01-19 based on testimony given, plans submitted, and with the 37 conditions outlined in the Planning Board report.

CONDITIONS:

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

2. The entire building shall comply with the most current Building & Fire Codes of New York State.

3. 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.

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4. All conditions of the Zoning Board of Appeals shall be met.

5. The proposed sidewalk must meet all town requirements.

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

7. All Town codes shall be met that relate directly or indirectly to the applicant's request.

8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

9. 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.

10. 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.

11. 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,

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and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

12. Erosion control measures shall be in place prior to site disturbance.

13. Maintenance of landscape plantings shall be guaranteed for three (3) years.

14. Deciduous shade trees shall be planted at 3 - 3 1/2 inches in diameter. Pine trees shall be planted at 7 - 8 feet in height.

15. A detailed lighting plan which shows the type, location and lighting contours shall be submitted. Specifications for the proposed light shall be submitted and light shall not exceed 3000k.

16. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster. The plans shall be revised to include details of the proposed dumpster.

17. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.

18. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

19. Fire hydrants shall be fully operational prior to and

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during construction of the building.

20. All County Development Review Comments shall be addressed.

21. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

22. The location of any proposed generator is approved.

Documentation shall be submitted that shows that all other requirements for generators in the Comprehensive Development Regulations will be met or Planning Board approval for the generator will be obtained. The generator shall not exceed 72 decibels.

23. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, storm water mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.

24. The proposed building shall be sprinklered in accordance with Town requirements.

25. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town

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approvals prior to installation.

26. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

27. The location of the HVAC shall be shown on the site plan.

28. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.

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

30. 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.

31. Construction activities shall be limited to 7 AM to 6 PM Monday to Friday, and 9 AM to 6 PM on Saturday.

32. The project will comply with the requirements of NYSDOL

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Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.

33. Prior to the issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.

34. Prior to above ground construction, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.

35. Prior to the final plans being signed by the Commissioner of Public Works, the easement to allow access to Canal View Boulevard shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Town of Brighton for its records.

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36. The Town of Brighton's Floodplain Development Permit Application shall be completed by the applicant's engineer and submitted to the Town of Brighton for review and approval.

37. All comments and concerns of Evert Garcia's contained in the attached memo dated October 16, 2019 from Evert Garcia to Ramsey Boehner, shall be addressed.

CHAIRPERSON CIVILETTI: I will second that.

All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Approved conditions.

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SIGNS:

1567 Glenna's CBD Best Oil, for a building face sign at 1892 Monroe Avenue.

1568 Allstate, for a building face sign at 45 Allens Creek Road.

1569 University of Rochester, for a building face sign at 158 Sawgrass Drive.

1570 University of Rochester, for a building face sign at 158 Sawgrass Drive.

1571 DiMarco Group, temporary leasing sign freestanding at 1915-1969 South Clinton Avenue.

1552 Hotel on Monroe, for building face signs at 2323 Monroe Avenue.

1566 Five Guys, for building face signs at 1881 Monroe Avenue.

1558 Empreinte Consulting LLC, for building face signs at 2401 Monroe Avenue.

1559 S.E. Baker & Company, for building face signs at 2401 Monroe Avenue.

MR. BOEHNER: Sign 1568, sign 1569, sign 1570, are recommend to be approved as recommend by the ARB.

MR. BABCOCK-STINER: Second.

MR. BOEHNER: All in favor?

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ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Sign 1566, the main entrance sign is approved. The sign above the window along Elmwood Avenue frontage is denied without prejudice.

MR. BABCOCK-STINER: So moved.

CHAIRPERSON CIVILETTI: Second.

MR. BOEHNER: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Sign 1671, is approved as recommended by the ARB.

MR. BABCOCK-STINER: So moved.

CHAIRPERSON CIVILETTI: Second.

MR. BOEHNER: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Sign 1552 denied without prejudice.

MR. BABCOCK-STINER: So moved.

CHAIRPERSON CIVILETTI: Second.

MR. BOEHNER: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Sign 1558 and 1559, approved as recommended.

MR. BABCOCK-STINER: So moved.

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CHAIRPERSON CIVILETTI: Second.

MR. BOEHNER: All in favor?

ALL COUNCIL MEMBERS: Aye.

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REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 17th day of November, 2019.

At Rochester, New York


Rhoda Collins