

Proceedings held before the Planning Board of Brighton at 2900
2900 Elmwood Avenue, Rochester, New York on January 15, 2014 commencing
at approximately 7:30 p.m.

PRESENT: William Price, Chairman
Josh Babcock Stiner
Thomas J. Warth
Laura Civiletti
John J. Osowski

NOT PRESENT: David Fader

Ramsey Boehner, Town Planner
David Dollinger, Deputy Town Att.

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening
Ladies and Gentlemen, I would like to call the January 14, 2014 own of
Brighton's Planning Board to order. We have minutes fom October 16, 2013, and
from November 20, 2013 to approve with corrections.

MS. CIVILETTI: I move to approve the minutes
from the October 16, 2013 meeting and the November 20, 2013 meeting with
corrections.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. CHAIRMAN: Mr. Secretary will you verify
that the public hearings were advertised as required.

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of January 5, 2014.

MR. CHAIRMAN: Before we begin the public
hearings I would like to announce that application 12P-NB1-13 has been
postponed to the February meeting at applicant's request.

1P-01-14 Application of Sherry Dampier, owner and Joseph O'Donnell, architect for EPOD (watercourse) Permit Approval to allow for the construction of a garage addition on property located at 3176 Elmwood Avenue. All as described on application and plans on file.

MR. O'DONNELL: My name is Joe O'Donnell, the architect of record for this project. I am here to present a proposed three bay garage addition to the Dampier residence also known as 3176 Elmwood Avenue. We submitted in our application a instrument survey depicting the proposed three bay garage which projects at a 45 degree angle north west of the existing corner of the house. That being said it does intrude onto the Flood Plain area of Buckland Creek and we came here tonight to seek some sort of an approval. However I did receive a phone call from staff this afternoon indicating our application had contained some outdated information relative to the delineation of the Flood Plain. That being said I had agreed with staff we would come tonight and at least present the project knowing we would be tabled but to turn us into a more of a fact finding meeting to understand what information not only the Board wants but the staff engineer and others that have reviewed the project so that we can address those issues and come back with a more complete application next month and hopefully proceed from there. Just quickly the garage is a 36 foot projection and for what it is worth I don't know if any of you has had a chance to visit the site but one of the things that I did know that our instrument survey did not indicate was the banks of the Buckland Creek but I did go out there this morning and physically measure it and it's almost dead nuts to that flag pole that is indicated on the survey map twenty five feet to the bank. But to be honest with you I don't know what technically defines the bank, the start of the slope and the middle line of the slope, but I will leave that up to the surveyors with that expertise for the next submission. I actually took some pictures on my phone, thinking I was going to bring them and show you where my foot scrapped the ground at twenty five feet from what I thought was the bank but after I got the phone all today I didn't want to complicate the meeting any further. I would rather present that in more technical sense with a survey and some drains etc. I don't know what is defined as the bank by the Town Engineer. So in any event I wanted to come here tonight to obtain all the comments, questions and any public input to the project and then again come back again hopefully next month with a more complete and successful application to obtain the Board's approval there of.

MR. BOEHNER: One of the issues of the twenty five feet from the bank is that you are closer and you may need a variance.

MR. O'DONNELL: We discussed that today which is important because we were in front of the Zoning Board or were

scheduled to be in front of the Zoning Board last week but due to the inclement weather it was postponed. We weren't able to get there and I have not heard if that meeting has been rescheduled yet.

MR. BOEHNER: You can check with Rick DeSteffano tomorrow. I believe there will be a meeting in February.

MR. O'DONNELL: That's good because we can piggy back that onto that hearing which we are going for some setbacks relief on that variance application as well. In addition we are in the process of putting together the architectural drawings for the ARB and it was determined that they are going to make us go in front the ARB which I don't have a problem doing. It was just kind of the cart before the horse in that we were looking for our Zoning Approvals before we went and spent the money on architectural drawings for the ARB. So it's kind of that game you know that we are all familiar with. So that being said I would just like to open it up to questions from the Board and I am fully aware that there is a list of comments from the Town Engineer and other staff members so. Thank you.

MR. CHAIRMAN: Any questions?

MR. BOEHNER: I have some concerns, one last comment one of the things our mapping was showing it looks like the garage may be in the Flood Plain.

MR. O'DONNELL: That is correct.

MR. BOEHNER: If it is you are going to need to address the Flood Plain requirements.

MR. O'DONNELL: That's correct. Paul White reviewed that with me and sent me the link to the site. It didn't seem like to get into any technical construction details of that other than the fact you can't have a basement, mechanicals you have to let the water flow through things like that.

MR. BOEHNER: That is correct.

MR. O'DONNELL: I didn't see much more than that other than the plan reviewers discretion of what's going to let the water flow through. We will address all of those should we be successful in getting the approvals in the next month. It is interesting because when I came for my application receive this from the staff and this shows a Flood Plain that is way up

to almost the front door of the house yet the surveyor has indicated the Flood Plain doesn't even touch the north corner of the house. So I think maybe there is and one thing the staff did say that this is kind of a guesstimate I think by whomever generates these.

MR. BOEHNER: It is not precise. I think the map that was on survey was done with the old information.

MR. O'DONNELL: What surprises me and I am not criticizing the surveyor this was given to me by the owner but that was done in July of 2013 and I understand the Flood Plain map was revised in July 2008. So I am a little perplexed on how that gap happened but in any event it did so we are here tonight to like I said gather some more information and facts and hopefully move forward.

MR. CHAIRMAN: This is the only issue there are no variances necessary?

MR. O'DONNELL: There are setback variances yes on all sides on the north side, the west side and the south side of the property which are filed in the application for the Zoning Board. I just didn't know if that was in the purview of the Planning Board tonight setbacks.

MR. BOEHNER: No, but one thing I didn't say I wasn't sure what your timing is for the permit, but if you want to wait for the Architectural Review Board you can do that.

MR. O'DONNELL: We are going to wait for all of our approvals.

MR. BOEHNER: I just want to let you know you could do that if you wanted to.

MR. O'DONNELL: We still have to develop full blown working drawings get in for a permit and get it bid, it's a spring start at best. So we have some time to get through this. It wasn't a show stopper today when we spoke and I would rather have it done properly and legally and everything else so. The interesting thing just to keep in mind that the north side of Buckland Creek is also owned by this property owner, this home owner, so it's a very strange site, I don't know if you have seen the maps or looked at the actual site itself but its very unusual because it kind of has front yards and side yards that are in different parcels .

MR. BOEHNER: The whole area is a mess. It is an old paper subdivision where roads were abandoned, lots were combined.

MR. O'DONNELL: Okay so in any event I will take questions?

MR. WARTH: In terms of the Flood Plain you are going to be occupying some of the building in the Flood Plain and you said there was a way to do that.

MR. O'DONNELL: To be honest with you I have been in this business thirty years I haven't built a garage in a Flood Plain I have to do some homework on how we are going to do that whether it's an underground piping a way to divert it berming, I think what would be best to do is almost sit down with the Town Engineer and get some of his advice on what they have done in the past. I know what they have done when there is a crawl space they allow the water to flow through windows that are break away. I don't know how you do that with a slab on grade structure.

MR. BOEHNER: Our code allows two foot above the Flood Plain.

MR. O'DONNELL: Yes, there are some technical issues I need to address.

MR. WARTH: IN the cover letter you address that you are not as concerned about storm water runoff but with the Flood Plain the bigger issue is reducing the capacity of the Flood Plain.

MR. O'DONNELL: That is a good point and I believe one of the neighbors is here to maybe want to speak but I chatted with her briefly beforehand is that the north side of Buckland Creek is much lower and when the creek floods it tends to fill that side first. It would have to be five feet above the creek level to start encroaching over the grade of this residence. These are just my personal observations when I look out over there and one of the things I believe the home owners request is to try and get the Town to help channel that. It does flood over on that side first to get it when it starts to drain to run back into the creek and as it starts to alleviate itself but that's a good point which I can certainly provide some grades as to where we are on the existing property. It is almost like a detention area over there. To the north even further there is a house built that is probably set up I am guessing from what I remember a good 8 or 9 feet above that area. So I would say a good portion of that whole neighborhood

would be under water before this area got touched. And I know that doesn't mitigate the fact that the Flood Plain is going to come up there but reality is it would be a tremendous flood for that to start coming up towards what we are proposing the garage. That is kind of a way to approach it. Okay my understanding is we are going to receive copies of the comments from the Town Engineer and other staff. So we have a laundry list of the items that you guys want to see. Here's my affidavit and it has been posted and I saw it as late as today.

MR. CHAIRMAN: All right even though this is going to be tabled is there anyone in the audience that wishes to speak to this application? Hearing none, thank you and we will move on.

MR. O'DONNELL: Thank you and good night.

1P-02-14 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Final Site Plan Approval, Final Conditional Use Permit Approval and Demolition Review and Approval to raze a commercial building and construct a 2,039 +/- sf restaurant and drive thru, outdoor dining and extended hours (5:00 a.m. 12:00 midnight) on property located at 277 Monroe Avenue. All as described on application and plans on file.

11P-NB1-13 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze a Commercial Building and construct a 1, 900+/- sf restaurant with drive thru and outdoor dining on property located at 2787 Monroe Avenue. All as described on application and plans on file.

MR. TELLINGS: Good evening I am Carl Tellings and I am with Parone Engineering and our offices are at 349 West Commercial Street in East Rochester. With me tonight are Steve Feranti with with Cassara and he will be addressing issues related to the updated Traffic Study that was done. Joe Cooley will address any questions you may have with regard to the Architectural component and Jonathan Meade from our offices is also here. The last time we were here before you was November 20th when the application was tabled pending addressing some staff comments and completion of the updated traffic study. Since then we have been to the Zoning Board of Appeals on December the 4th and received approval for the variances that we had requested and also the Historic Architectural Commission on November 26. They

had a couple of minor changes to the exterior of the building which were made and should be reflected in the package that you have.

As far as some plantings that have been made as a result of both of those meetings and staff comments there were a couple of things. The driveway at the north east corner of the building right here was widened a little bit to reflect the turning radius that was necessary for our cut to get around there. The Fire Marshal had requested that we take a look at that and it was close as it was they would have had to jump that curb a little bit so we widened that and had enough room to do that. There was also a modification the canopy over the drive up window and that was removed or modified so that it didn't impact the fire truck as it went through. There was also a couple of additional trees that were added. It is not reflected on this drawing but it is in the landscape architectural plans that you have. You have two crab apple trees at the corners and I believe that is the extent of the plantings that have been made since the last time we were here. With that I will ask Steve to come up and give you and overview of the updated traffic study that was done.

MR. CHAIRMAN: Can you tell us what you know about the timing of the improvements on Monroe Avenue by DOT?

MR. FERRANTI: Sure. My name is Steven Ferranti with Azerack (phonetic) Associates with offices at 3495 Winton Place. This is the fifth project we have worked on in this quarter and the third time on this particular site. The study of the traffic operations here and the most peak conditions which is the a.m. commuter peak, the new time peak and the jammed commuter peak and then the Saturday peak as well. In every land use study you align the study of what is being proposed. The proposed coffee shop for the site the peaks of the most concern are the morning peak hours obviously people getting coffee mostly, the afternoon time and to a lesser extent the commuter period. Saturday is comparable to the noon time period every day. We have studied many of these sites for all types of coffee shops. We have published an ITD of the civil transportation engineers a document that describes how to measure and quantify estimates of traffic because we have studied so many of these sites.

So for purposes of this site we have studied the morning commuter period and noon time and we documented existing conditions in November of last year during the morning peaks 7:30 to 9:00 and we studied the actual peak hours of 7:30 to 8:30 and then for lunch time it turned out to be 11:30 to 12:30. We did not study the afternoon commuter peak period for several reasons, one, we know the traffic conditions out there most people know the

conditions out there during the peak hour, it's congested, it's jammed up and generally how it operates is with people making courtesy gaps, gaps in the traffic that cued eastbound down Monroe for people that come in or out. Why we didn't study that is because we also know that for land uses like this which generate the least amount of traffic an order of 30 cars per hour. I will give you the exact numbers for each period. So for that reason we didn't.

We did put in a request to the Town who did want us to study that. We did that but we did not get a reply back so we went with our typical details. We did detailed field operations of traffic conditions during those time periods and they are in the report and I am not going to go into detail. Please ask the questions of whatever you want to know related to the traffic signals create much of the gaps that are there to allow motorists to get in and out of the sites. It's much easier for development on the Mario side, the north side, it is easier for motorists to get in and out of that side of the traffic stream versus the side we are on because the signal operation at Clover creates so many gaps in the west bound conditions that traffic or that lane is empty quite a bit of the time every single time for left ins and right out. Our site is a little bit different we have studied it and I will go over the details for the study and look at the gaps as well for now and into the future.

NYSDOT has designed and will be starting construction in 2014 for modifications to Monroe Avenue and those modifications include they will be shortening the east bound exclusive right turn lane on Monroe leading to Clover which now extends so far back past this site, and that is a good thing actually and I will tell you why in a minute. They are also revising the ramp interchange of 590 on Monroe and instead of having sweeping right turns coming off of the expressway onto Monroe they are designing it and built it for a more conventional design like a normal intersection instead of a sweeping higher speed intersection. What those two things do are good for many reasons but they make that section of Monroe Avenue especially at the interchange pedestrian friendly rather than having higher speeds for cars making those right turns, they have to slow down and make a more abrupt right turn and that also in turn creates more gaps further down stream for this site that is a good thing in that regard.

As far as shortening the length of the right turn exclusive lane is another good thing because instead of motorists exiting the site and having to cross the existing exclusive right two through's and then to get into the center turn lane the right turn is gone. So there is that much less pavement that the motorist needs to cross and that much less time that they need to get in and out so that is a good thing. We have factored in to our analysis let me take a

step back here and tell you the amount of traffic that is going to be generated from this site. So we documented existing conditions increased traffic a little bit for 2014 conditions as we did it last year half a percentage we increased it and we factored in NYSDOT improvements into our simulations of traffic analysis. For the site generated traffic this is what we estimate in the morning the site would generate 126 vehicles entering and exiting, 26 of those would be parked and 100 would go through the drive-thru. During the noon time period we estimated 53 vehicles 16 of which would park and 37 would go through the drive-thru. In the evening commuter period even though we didn't study it in detail in our report I just ran the numbers in our shop to have them for you to confirm it is a low generator. We estimate it will generate 32 cars in the afternoon 10 will park and 22 will go through the drive-thru. These numbers are consistent based on actual factual data we have collected at 30 locations in western New York. There is variability and we have done studies in Buffalo, Syracuse and here and there is variability and we have addressed that.

So that is what the site will be generating when we factor those numbers that traffic generation into our analysis it tells us that in the morning left turns entering and exiting which is the most difficult movement can be made under reasonable good conditions with moderate delay with 25 seconds at most to get out and that's because there is gaps created in the traffic and it is not as high at that time period as well. It is high in the west bound direction with everybody getting on the 590 north bound ramp but it is not so heavy in the other direction. So both our analysis as well as our gap study confirm that for the morning period and the afternoon period there is more congestion that will be expected but acceptable., We did see some times the traffic east bound going into Clover would back up past this site still so we would rely on courtesy gaps but we are not dependant on those throughout the whole lot so that's a good thing for that and this isn't a large generator during the afternoon lunch time period. Gaps are outlined on page seven and there is a table that shows there is sufficient gaps today and we may get more gaps in the future based upon NYSDOT changes and they are included.

The drive-thru facility what sort of stacking can we expect. We have a model for this based upon studies of all these sites and documenting the cuing at all these sites. The drive-thru will have a maximum cuing of ten vehicles stacking back in the morning and in the afternoon on the order of every two vehicles stacking. We will not stack or go back into Monroe Avenue by any means they will wind around and block some of the parking that we see often times.

MR. WARTH: What is the average turn over time?

MR. FERRANTI: I know it measures less than that service time to order and for a place like this it is 30 seconds in the morning time when it is for a coffee order. If it's lunch time we factor in a much longer time period.

MR. CHAIRMAN: Steve, how long is a courtesy gap. What kind of time period is that. What I am trying to figure out – let's say the DOT improvements are built and we don't have that fast right line right now that everybody is flying toward Clover because you are well aware of the accident history that is where we problems the first through two lanes are nice and they are courteous and they stop and let somebody through but it is that far right lane where somebody is clipped we don't see what happened. So if in the a.m. the volumes are lower going eastbound but are the gaps large enough that you are not going to get four and five cars in the center suicide lane turning left in or are you going to have four or five cars standing and waiting to get back in while one of those ten vehicles is trying to get back out of one curb cut.

MR. FERRANTI: In the morning. Bill there is not today a cuing that creates a need for courtesy gaps, in the morning peak hour. The afternoon peak we did observe and we did mention that it does occur and we will expect it. Removal or reduction of that right turn lane improves the safety immensely which is just because of what we just said people fly down that right turn lane all the way to Clover and keep going and anyone trying to squeeze through and make the courtesy gap you don't see that very often. So during the morning we don't expect that to occur. If it does it will be remote which is a very good thing and that's the highest generation for lunch time we expect that to occur and if it does occur two or three times in five minutes . So we will expect that to occur during the afternoon and lunch time but with the removal of that right turn lane hopefully that is going to minimize some of the improvements for safety for that in and out. We are not expecting cuing of four cars waiting to turn left into that site because the morning is is the peak and we would expect that to generate the most laps and we have ample gaps in the eastbound direction for those lefts to go in.

MR. CHAIRMAN: Your numbers, 126, 53 and 32 are you speaking only of the west or northbound that turn left in or is that all?

MR. FERRANI: This is total number –

MR. CHAIRMAN: Some portion of those numbers is going to be southbound?

MR. FERRANTI: Correct we have that obviously in the report so that is not all turns left in or left turns out.

MR. CHAIRMAN: What if something happens to the State funding and we did not get those closed off and we had to live with this curb cut and this lane the way it is today did you take that into account?

MR. FERRANTI: We did not because we work closely with the State for other projects because for example we had to know what exactly they were doing on Monroe Avenue and we feel very confident that it will work unless you know something we don't know. We have been working very close with them on that stretch.

MR. CHAIRMAN: I am sure you are going to send the traffic study to the DOT?

MR. FERRANTI: Absolutely.

MR. BOEHNER: Steve in your professional opinion as a traffic engineer for the project do you have any concerns about this project and the safety of the public?

MR. FERRANTI: I have much less concerns for this land use than I would for most other uses because of the complimentary nature of it. The peak of the coffee shop is in the morning when we have ample gaps to get in and out and then the traffic generated by it is much significantly less especially during the weekday commuter period from 5 to 6 in which we get constant back up and that is all you will rely on is courtesy gaps to get in and out so I have much less concerns.

MR. BOEHNER: What are your concerns if you have them.

MR. FERRANTI: Nothing that is paramount other than what Bill brought up we still will see a chance for left turners coming in and maybe the inside east bound lane is all stacked up but the next lane over eastbound lane is not and somebody is flying through. That condition happens all along Monroe Avenue. We have it at Pittsford Plaza and it is a documented fact and we have unfortunate incidents.

MR. BOEHNER: Did you have any conversations with the DOT about this specific project, or do they have any concerns?

MR. FERRANTI: No I never asked them specifics about that but we did touch base with them to find out what there plans were.

MR. CHAIRMAN: Steve the last thing that I can think of is if somebody planning to get out heading back towards 590 on the ramp is there enough distance from the driveway to 590 to negotiate and get over. That has a lot of volume trying to get there.

MR. FERRANTI: Absolutely, you are right on target and it is something we looked at is there sufficient weave space to cut over and get into the center turn lane and then make a right onto the 590 ramp and approximately 600 feet we have sufficient distance for us to do that weaving. We have looked at that.

MR. CHAIRMAN: Is there any questions for Steve while he is up? Let's just see if there is other questions about the site plan. I know I only have one Carl. I know you have your variances. Do you believe on both sides you have walls and everything and I think the plans say there are gravity walls with no geogride tie backs.

MR. TELLINGS: That is right, they are a couple of feet tall.

MR. CHAIRMAN: I can see that on the east side but when you look at it on the west side or north side that cut seems a little bit more. I am just wondering if you have to go onto adjacent property to build this or can this all be built.

MR. TELLINGS: If should be able to be built on our property without getting onto the neighbor's property to do it.

MR. CHAIRMAN: The trees that you added into the front was there a recommendation by the Conservation Board.

MR. TELLINGS: I believe so yes.

MR. CHAIRMAN: And there was no modifications for infiltration into the historic volumes.

MR. TELLINGS: No, we were able to get the same volumes just tighten up a little bit.

MR. BOEHNER: I understand the application has been modified by the Conditional Use Permit to allow the operation to go from 5 to 12?

MR. TELLINGS: Yes.

MR. BOEHNER: What type of activities are going to be occurring at 5 a.m.?

MR. TELLINGS: We asked that question of our client and in other stores that they have they open at 5 and they close at midnight and the revenue that they get from that additional hour has been justified and obviously there is no guarantee but it will be profitable or it has been profitable for the other stores.

MR. BOEHNER: Would there be truck deliveries, garbage pick up I am trying to understand what is the activity at that hour.

MR. TELLINGS: Just people coming getting coffee.

MR. BOEHNER: No truck deliveries or anything?

MR. TELLINGS: Not at that time of morning.

MR. CHAIRMAN: I have seen truck deliveries on Monroe Avenue at 5:30 or 6 a.m. and the same on East Avenue they pull in –

MR. TELLINGS: I can verify what the delivery times he has at all the other stores.

MR. BOEHNER: The other thing the Site Plan still shows a four foot high fence in the front that little café area and that needs to be addressed.

MR. TELLINGS: I don't believe that is meant to be four feet tall. I think we will be lowering the fence.

MR. BOEHNER: I see that you changed the type of lighting did you change the height of the pole./

MR. TELLINGS: I don't believe we changed the height of the pole it was just modified some of the fixtures to help spread off the adjacent property.

MR. CHAIRMAN: This is a public hearing does anyone in the audience care to address this application? Very good thank you.

1P-03-14 Application of Anthony J. Costello and Son Development, owner for Site plan Modification reducing the size of the club house building from four stories to two stories at "The Reserve" housing community located east of South Clinton Avenue (Tax ID #149.11-02-003). All as described on application and plans on file.

MR. GOLDMAN: Good evening Mr. Chairman and Members of the Board. My name is Jerry Goldman and I am the attorney and agent for Anthony J. Costello and Sons Development. The Costello's are with us this evening , Phil Dailey who is Vice-president of development for Costello, Todd Brady is here also they are both putting up the plans as well as Bob Shepherd who is the project architect who is here this evening to discuss our application for Site Plan Modification dealing with the club house building. You will note I do not have our civil engineer here nor our landscape architect because there are no changes which are being proposed to the actual Site Plan itself. The foot print is going to remain the same and there is no change in the landscaping on the site. The application tonight is essentially to reduce the height of the building from a four story with two stories of residential to a two story building. The actual change in height of the building is 15 feet and that is because some of the floors are going to be of greater height. Bob is going to walk through that in his architectural presentation as part of this application this evening.

Frankly we are here tonight to present this to the Board and talk about it. We really don't have a whole lot in traditional Site Plan that we would be talking to the Board about relative to the project itself. I will report that for those who have been out on the site construction has commenced. There are units going up at this point. I will tell you that one of the factors that is involved with this modification to the building is the fact that while there has been tremendous interest in some aspects of the site which are under construction. There has not really been any interest expressed for units above the club house itself. And for that reason there is no market and to that extent we don't necessarily want to get tied up into something which will not benefit the Town. We also have issues with regard to the Attorney General which are tied into this.

I am not intimate with that knowledge but I am told if we were to keep those units there we would have to show some sales in those units in order to sustain some elements of the HOA. So to that extent the HOA is going to be modified to take those units out of the inventory that we have approved through the State Attorney General. With that I think the next aspect of our presentation really is going to be the architecture of the building itself and with that I will turn it over to Bob.

MR. CHAIRMAN: This application has no bearing, no affect on the new approval - has no effect on any approval, site plan approval, or Incentive Zoning of SEQR.

MR. GOLDMAN: That is correct.

MR. BOEHNER: What you are asking is to modify the height of the building from what it was approved from the 60 feet to the 44 feet as shown on the plan.

MR. GOLDMAN: That's correct that is the only change that we have .

MR. CHAIRMAN: I think then if we could ask your architect to focus your discussion to the height relationship to the adjacent building and I think one of the things that we looked at when we asked you to prove the height of the club house was that the relationship of the height of the club house to the adjacent six story buildings and the proportions and that was a legitimate request from a design standpoint and scale standpoint. I want you to focus in on that and I don't know that we have to spend a lot of time.

MR. GOLDMAN: From a personal point of view. I think some variation in height is something which is pretty desirable from a visual point of view as well.

MR. BOEHNER: Have you made application for that with the Conservation Review Board.

MR. GOLDMAN: Application has been made, yes. We are on the agenda for the 28th. I will add one more thing while they placed the boards up and that is right now the approval and our construction of the club house is integral to the ability to really market this project and do enhanced sales. It really is our desire to be able to get out at this meeting as you know Site Plan Modification is a one step process as opposed to your normal two step process. Ramsey has indicated that we can proceed on this application with a

condition on ARB approval as opposed to having ARB approval done ahead of time. And we would request the Board's consideration in that regard and with that I will turn it over to Bob.

MR. SHEPHERD: Bob Shepherd I am with Spiegel and Snyder Architecture located at Franklin Street in Buffalo. And what you are seeing presented are the current elevations for the proposed two story version of the Club House as opposed to the four story that you had seen previously. We did not an illustration of the Club House within the context of the rest of the site because we understood that was going to be a focus for the Architectural Review Board, meaning in a couple of weeks. So we are here today to present to you what the two story option looks like. We have brought the four story option as well if you would like to see it by comparison. One of the things that Jerry had mentioned is that the net differential was not as great as we might assume with two stories being removed . We actually modified the massing of the roof as well as added height to the lower floor in particular. So this floor is taller than what it was because we were sensitive to that because we didn't want it to look out of place and too squat for the site.

MR. BOEHNER: Do you have any elevations of the walkway.

MR. SHEPHERD: I do not tonight. It is clearly smaller it is two story left in height but as Jerry explained there was no market for the residences within the Club House which is not really that surprising. And so in order to make the whole project marketable we decided remove the residences from the Club House completely which I think in terms of the Site Plan it only improves the project with less parking demand around the Club House and that was one of the challenges we had initially in the Site Plan.

MR CHAIRMAN: Is there a way to come back and ask for more room?

MR. SHEPHERD: Well it will be designed to only support two stories.

MR. CHAIRMAN: Well, five years from now when there is a demand you won't be able ask for more stories.

MR. SHEPHERD: Not very easily no and as far as I know I haven't heard any desire to look at that scenario.

MR. BOEHNER: The 44 foot height I do see on the plans how is that measured.

MR. SHEPHERD: The 44 foot height that you see on the plans where is that at?

MR. BOEHNER: It is on the project statistics that were submitted to us.

MR. SHEPHERD: I don't have that document in front of me I am not certain how that was measured. I can tell you in the past when we were asked to indicate the maximum height it was measured from the rear elevation and it was measured to the mid point of the pitched roof from the average lower grade.

MR. SHEPHERD: I don't know how the document that you are referring to and the measurements –

MR. BOEHNER: Let me ask you this, based on how you did it the last time what is the height, the way you measured it the last time when you came in for the building permit, using that methodology what is the height of the building?

MR. SHEPHERD: I did not come in for that. It was from the middle of the ground floor to probably the middle of the roof is 43 feet and something. So that is what I think made up the 44 feet. That is what I was trying to describe the average grade at the rear to the mid point of the peak?

MR. BOEHNER: And the height is for the record.

MR. SHEPHERD: I don't know. I don't have it with me.

MR. BOEHNER: Does someone on your team want to give a height for the record?

MR. CHAIRMAN: While we wait on that is the program for the first and second floor the same?

MR. SHEPHERD: The program for the lower level is exactly the same.

MR. CHAIRMAN: The overall height of the loft building do you know what that is.

MR. SHEPHERD: It is actually five stories above grade.

MR. BOEHNER: What is the height of the loft buildings?

MR. SHEPHERD: I want to say 72 feet.

MR. BOEHNER: I am looking for a number for the record.

MR. BOEHNER: The purpose of lowering the height of the building I am just trying to find out because we have had misinformation on the grounds before. I am trying to make sure we have what the height is.

MR. GOLDMAN: We would verify and we certainly would agree to a Conditional Approval of that and verify the height and make sure that the plans are accurate relative to the number. I think what we are showing is this depiction which is approximately 15 to 16 foot reduction in the height of the building from what we had before but to the extent that we are dealing with technical issues of how to measure building height. I will again go back we actually have two definitions in our code. WE have definition of height and a definition of building height. We will work all of that out and we will be sure that those numbers are accurate.

MR. BOEHNER: Let me ask you this, is it going to be 44 feet and would you live with that number, just to verify it is 44 feet in height. It's on the plan as 44 feet. It's on the project's statistics and sometimes on this project sometimes the project statistics have not always matched what is coming in.

MR. CHAIRMAN: Is there a question as to how the 44 feet is measured from average grade –

MR. BOEHNER: I want to know what the height of the building is that they proposed and we will go with 44 feet because that is what is on the drawings.

MR. GOLDMAN: You are talking about the site plan drawings that were submitted?

MR. BOEHNER: There is a drawing that was prepared by Marathon Engineering in C2 that shows 44 feet.

MR. GOLDMAN: We will validate and verify the building height on this .

MR. BOEHNER: Just tell us what the height is and we will go with that number and you can verify that later that you meet that height number of 44 feet on the plans.

MR. GOLDMAN: That is correct.

MR. BOEHNER: So that is correct?

MR. GOLDMAN: Well you know it is what is on the plans and if that is where we want to go that is fine I have always had questions if we are here for building height any way if we aren't changing any other site features to the extent that there might be a minor variation

MR. BOEHNER: The reason you were sent here was because the building height was reduced and that is why I am asking the question so when it comes in for a building permit Jerry, we know the height we are working on.

MR. GOLDMAN: I understand.

MR. BOEHNER: I just want to be real clear. I don't want you to come back in after the fact though.

MR. GOLDMAN: We will validate the height and all the semantics will be on the new drawings. We haven't prepared that number that Marathon put on the drawings and it is put on based on our design drawing.

MR. BOEHNER: I hope it is.

MR. GOLDMAN: I would guess it is and I could verify that with Marathon if they were here but they are not.

MR. CHAIRMAN: For the record the number is 44 feet and any deviation from that they will come back with clarification. Okay we are going to move on any other questions? All set, thank you. Does anyone wish to address this application?

MR. GOLDMAN: Great thank you.

New business

11P-NB1-13 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze a Commercial Building and construct a 1, 900+/- sf restaurant with drive thru and outdoor dining on property located at 2787 Monroe Avenue. All as described on application and plans on file. TABLED AT THE NOVEMBER 20, 2013 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. CHAIRMAN: You are satisfied with the presentation that you have and we are going to table it so we will move on.

12P-NB1-13 Application of Max M. Farash Land Co., LLC, by Max M. Farash Declaration to Trust, owner and FCJE Holdings, LLC, applicant for Preliminary Site Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct a driveway serving a 59,800 sg building in the Town of Henrietta that will house three private schools and to subdivide one lot into two lots on property located t 447 French Road. All as described on application and plans on file. TABLED AT THE DECEMBER 18, 2013 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE FEBRUARY MEETING AT APPLICANT’S REQUEST.

MR. CHAIRMAN: The public hearings are now closed.

NEW BUSINESS (cont.)

11P-NB2-13 Application of University of Rochester, owner, for Concept Review of an IPD Current Plan on lands known as the University of Rochester South Campus, and for the construction of a 3 story, 92,000 +/- sf imaging/medical

building on property located at 250 East River Road. (Tax ID # 148.08-01-001. All as described on application and plans on file.

MR. CHAIRMAN: This is a concept review of an IPD for the current plan and lands known as U of R south campus. This is about property located at 250 East River Road. Mr. Greiner?

MR. GREINER: Good evening members of the Board, Tom Greiner from Mr. Peabody's on behalf of the University of Rochester. With me tonight are Jose Fernandez, John McCann and James Wentworth from the University of Rochester, Todd Lieberg and Norm Gardner from Clark Patterson, Kevin King from Air Saint Gross, Jack Woodrich from Le Chase, Dennis Cannaly from 2 White Glenn, I think that was everybody. And yes we are here again for sketch planning concept review and follow up to our meeting with you on November 20th where we presented an update of the institutional development district project and the process to date and by the way we did submit for review on December 13th the supplemental draft environmental impact statement and that is under review by the Town right now. And at that November 20 meeting we presented what would be the first building that would be built if the IPD approved and that is the Imaging building and you have heard some problematic aspects of that the last time we were here. At that meeting the Board had comments it had questions, it had feedback which is why we were there and why we are here tonight. And we would like to update you on the plans as a result of that feedback and as part of that we did submit to the Board on January 2nd some additional material. We also before the November 20 meeting we went to the Conservation Board and gotten their feedback and comments from them. We went back to the Conservation Board last Tuesday night and I think its fair to say they were happy with the update and they had also agreed that where the east end of the IPD area that area over toward West Henrietta and below East River which is the area of the Imaging building that they did agree that the storm water phasing should occur rather than all at once. They had originally questioned the storm water management facility and wanted to know whether they should be built all at once. Last week they agreed with the University team that perhaps they really ought to be phased as the University had proposed.

What I would like to do now without taking up too much of your time is introduce Kevin King from Air Saint Gross who is going to take you through a few slides and he will be followed by Todd switch that around.

MR. CHAIRMAN: Can we walk through procedurally where we stand. You say on the 7-13 you submitted a Draft EIS.

MR. GREINER: We dropped it off at the Town. It is undergoing review now by staff and by consultants.

MR. CHAIRMAN: Who are the consultants?

MR. GREINER: Stantec and to that point though the next formal procedural staff will be the Town Board as lead agency and their consideration whether to accept it as complete for public review.

MR. CHAIRMAN: Generally what kind of time frame are we looking at.

MR. BOEHNER: We will be going back to the Town Board at their meeting of January 22nd.

MR. GREINER: Right next Wednesday.

MR. CHAIRMAN: And the portion of Campus improvements that are in the Town of Brighton are stand alone, you are not applying for Environmental Review?

MR. GREINER: Not at all because they really are separate projects.

MR. CHAIRMAN: So before we can proceed with the actual site plan approval for the Imaging building we need to have that completed and adopted.

MR. GREINER: Let me go to the end okay, you can't formally approve the Imaging building until and unless the Town Board finishes the SEQR process and then actually through its incentive zoning process rezones this is what we call the south campus area outlined in red in the Town of Brighton to IPD. Okay and what we are trying to do as we have discussed before is on a parallel course get your input, go through the sketch plan and we would intend to formally apply for Site Plan Approval to you with the understanding that any approval you would either give or not give wouldn't actually happen until after the Town Board is done.

MR. BOEHNER: So that's the first step you finish the environmental review.

MR. CHAIRMAN: And we would advise this to the Town Board or make our own findings?

MR. GREINER: You will make your own findings but definitely as an involved agency you will either adopt the Town Board's findings or do your own or some variation.

MR. BOEHNER: The other thing is under the code we can review an application prior to but you just can't act on it.

MR. GREINER: And we appreciate your indulgence in this you have heard the extreme time line we are operating under so this is just an attempt to try to not only facilitate that but also quite frankly this is the first building in what would be the IPD but better for the Town Board to have an idea at least of what is going to happen first. So that's actually almost like a serendipitous thing in addition to our time crunch would be the fact that there be some flesh on the bones here. Thanks.

MR. LIEBERG: Todd Lieberg with Clark Patterson Lee 205 Saint Paul Street Rochester New York. The last time we were here obviously Kevin went through a lot of detail on the overall site plan and what we want to do is focus down take you from that to the 100 foot level and focus on the Imaging building in the first site that is being impacted through this project. The drawing on the left is what we presented back in November and this corner here is what we are going to blow up in a minute and give us some details and this is some revisions that were made based on feedback that we heard. We heard things like it looked too commercial, a sea of parking was one of the words and what we are looking to do is make more of a campus setting, get more green space, use the buildings to shield the parking as best we can and bring the buildings forward as best we can along with patient parking to be in close proximity to the main entrance.

So where that leads us to the north east corner of the site, the existing Laser Lab here this is East River Road along here on the north side and then this is actually a proposed concept for the future if you will not phase one we will look at phase one in a moment of what this corner might look like down the road in the development and trying to maintain access. As I mentioned using the building to try to shield as much of the parking as we possibly can, this is the first building and I will show you it in a moment with a little bit more detail. Here is the water management plan that was just discussed and it has been reviewed in concept and seems to be liked by the Conservation Board. These other blue areas represent a national wetland areas either existing or

potentially proposed as far as the management system. And then this represents trees along the edge here and then this black line that actually represents the existing tree line as it is today.

We also are going to show you a little bit as we go through this what type of buffer visually does the tree line provide and we actually went out and took some pictures during the winter which we feel is the least visual buffer you would have during the 12 months of this great area we live in. The other thing we looked at how do we circulate through the campus from a vehicular standpoint, looking as you pull into the campus. We are looking to create a boulevard maybe not as wide as a boulevard but the concept is a true vehicular supply that will connect in front of the buildings down to the future hallway down the road the third building on the site. Allowing these two buildings in tandem with a court yard between the two of them to give this green space to allow these two buildings to kind of interact together visually as well as on the site, maintaining drop offs between the buildings on all of them. And then services located towards the back of the building. Now being an Imaging building you are not talking major 18 wheelers coming into the site on a daily basis but you would obviously when they are looking to change out equipment on a building of that nature but that is every five or six years depending on the site for replacement. But you are looking at small panel type van deliveries that do come in and out as well as your trash and those kinds of things located at the back of the building. This is being reserved for all patient parking, looking to maintain an ease of access for patients and staff being located in the back of the building with their staff entrances that way.

The first phase is obviously one building so what does that look like you start to see the development on that thorough fare or that boulevard if you will, the circulation around it and back here deliveries around the patient parking starting to be developed in the north side of the site. Kevin is going to talk about this in a moment on the corner and maintain as much of a buffer obviously here because you are not building there yet and along this white dashed line which is the 100 foot buffer as part of the development of the site and then the setback in the front is the balance of it looking at making sure there is a no build zone obviously it could be a disturbed zone but a no build zone relative to parking or buildings. Cross sections to the site we showed one but we didn't actually show all the way back to the houses so there was a question said what is the actual – how does the building relate to the houses in the back so we took a cross section through the site and located vegetation and trees on our site. We did not locate vegetation and trees on the residential sites because we don't know what those are but obviously there probably is some but we didn't show those. So

as you come through the site, the street through our buildings the parking lot and then the 100 foot national buffer here and then eventually the residential houses here. You are obviously set back quite a ways looking at using that buffer zone to hide any parking visually and it also helps as a sound barrier.

There is not a lot of day to day traffic like you would have on a building where people are coming and going during the day so there is not a large volume of traffic that is going to occur at 8 a.m. or at 2:00 o'clock in the afternoon. It is going to be more consistent through out the day. We chose four pictures that we felt illustrate the least dense areas of the site and then I will show you two that represent the most dense. And these were taken recently photograph A is the area right here where you can start to see that this is kind of the least dense, photograph B you can start to see some of the homes in here but you can see even in the winter time it's fairly dense vegetation that exists in there and there is tree replacement that we will get into it is going to be better maintained. This is obviously a wild area that has taken on a life of its own over the years. And then the most dense we actually starts to get some grading that benefits us so that you actually have in area D here the grade starts to pop back up a bit and it looks like a natural berm that exists in there and then area C you can't see but if you stand in there you might be able to move around but it is still a pretty dense visual buffer that is provided by the 100 foot natural buffer. Images this is just a little piece obviously we are working on the aesthetics of the building, looking at pretty durable materials, brick some panelized systems as well on this main entrance.

This is a two story volume and it would be part of the entrance to the building and then the top floor which is future build out space and then some sort of panelized system with a curtain wall. We are not through the materials yet obviously we are going to come back through that as we go through this process with the Architectural Review Board themselves to give you a better flavor for it. The main entrance is here, the University of Rochester sign on the building and then some building name sign on it as well.

MR. KING: My name is Kevin King from Air Saint Gross Architects from Baltimore Maryland. Last time we were together there was a question raised about boundary signage creating a sense of identity and markers for the University in this zone of the campus and two concepts are currently under consideration one at the corner of West Henrietta and East River Road which is the top drawings, the photo on the left shows the existing conditions and the sketch on the right shows what that new boundary marker could look like and it simply states University of Rochester which would be

similar to other boundary signage which would be placed on River Campus and mid campus with the medical center. Another opportunity for boundary marker is at the rotary as you are transitioning off the highway is to put a larger marker in the center of that as a more ceremonial marker and also transitions north to the river campus and south to the south campus. It will be very stately and speak to the character of the institution and also the character of the community. With that I will turn it back to Todd.

MR. BOEHNER: Are there any alternatives that you did for that site?

MR GREINER: Is this the only alternative, there were two alternatives, I think these were the alternatives that were chosen because of not only comments that the Board has made about the commercial suburbany type of feel from what we had before and as Todd mentioned in addition to trying to get rid of that image and put something more of a campus the idea that the third future building instead of down below closer to the houses on South Clinton and that moved up to the East River Road line as it approaches West Henrietta Road. So you have two alternatives here.

MR. BOEHNER: The building for the Imaging does not seem to have changed very much.

MR. GREINER: The Imaging building itself hasn't but one of the things that is driving this and I know you heard it from a problematic presentation of Mary Ockenden, who is the director of the Office of Space Planning for the Med Center made at the last meeting that we were here with you is this real constraint about trying to get the patient parking near the entrance.

MR. BOEHNER: This plan here you only have parking on two sides and the reason that you gave earlier is you have parking on all sides and even with this plan you only have two sides so I am trying to understand why you have to have so much parking along the road and why one of the faces of the building can't be up on the road. You would still have three sides and you can dedicate one side as service just as an example.

MR. GREINER: Before Todd gets it, one issue is you are not going to be able to put much on the west side and from the east side again looking at the second building create that court yard trying to arrange your parking there. Even if you did that it is probably going to be a short term solution

you are not going to just wipe that out. Because there is going to be another building right there -

MR. BOEHNER: Yes, I know you only have parking on two sides of the building and you have said the reason for this design is to have parking at all the building places so I can see that. I am just throwing this out, why can't that building be shifted up to the road and with that building up on the road you would still have three sides to put parking around it. That is just one alternative.

MR. CHAIRMAN: I think what I would like to do is when you come in you talk concepts and I think you want to – ask you in the future to bring concepts in that aren't as fully developed. We want looser more sketch type concepts that you have. You know your requirements service the parking, access all of that. So you guys have obviously invented several alternatives for this and you have brought us a concept what you consider a concept and we consider something that is over developed for the point that we are at in this process. And I know you have already done all of this probably spent the better part of a year but we haven't seen that and in going forward we want to be a part of that. We know you are going to develop concepts that just don't work but there is going to be some concepts where you say, okay let's sit down and see if this is going to be better than this or that. This is a different concept and we are all professional designers here and Air Saint Gross would not put this kind of a drawing up and call it a campus drawing. I could probably go into your web site and find about 15 urban medical university campuses and you would not put this inside it and call it an urban campus.

Any of the major land planners in this country are not going to come out here with the thought that this is a concept for a campus. The concepts of integrating parking and buildings, wrapping the parking around the building is the way things are happening. We want a college campus you are not putting parking out in front you are putting the parking behind your putting it in structures, you are bringing the light of the building up into the street, you are creating a screen hall. That is what you are doing on other parts of the campus and that is what we want on this part of the campus. So how do we take those concepts and that is moving forward. We do not want Corporate Woods. We do not want Clinton Crossings. We want something that is very similar to the University of Rochester River Campus coming down to the site. That's what we want and we want it fully integrated with every mode of transportation, bike, pedestrian, transit, we want this with complete streets within the campus. We don't want a third rate status given to pedestrian movement we want all those

modes in transportation accounted for. Just because the Laser Lab next door done four years ago that is not a precedent that we are going to rely on to move forward with this project. So that is the way we are going to move forward in the future. You are not going to come in here with fully developed plans and that particular building could be put on any site on the plan. It doesn't mean you have the best solution for this site or for what you want this to be a campus. So you have done a lot of work what can we do to work with what you have and get what we want so we can all move forward. We are not going to have seas of parking surrounding the building. There will be less surface parking or this is going to be wasted screening, do you understand berms are not a solution. Do not come in with a berm to screen the parking, we have the technology to design or the intellectual ability to design this. So with that the things that we did talk about is if you were to take the two buildings that you have and have a nice courtyard between the two of them and if there was a way to orient them towards the wetlands just turn it and see if that is a possibility so if you were creating some synergies to the Laser Lab and you are going to say he is crazy because that is the back side of the building but you have some buildings in the future that are going to be on the far west side of that and we can now start to create some spaces that are going to be fairly interesting with a campus concept. Put those two buildings at 90 degrees so that center court now lines up on some water features that is not storm water management but some type of asset for both the patients and your employees and can you actually get one of the buildings all the way up to the street I don't think you can but you are going to have some amount of parking on one side of it along East River Road we will probably end up with some parking.

The major sea of parking will be between the building that you have over closer to West Henrietta Road and the back side of these buildings. I think you can have a certain side and if in the future the access comes along the southern portion there over to the west I believe that can still work fundamentally within the framework of your design I don't think it will change things too much. What we would ask you to consider on that building that is on the corner rather than letting some of that parking lead right into that setback if that building could be L shaped or take some turns that would bring some frontage to West Henrietta Road in combination with your signage there. I think that would be better than seeing some of that parking. And that way you would vary from the main travel routes which are 390 and West Henrietta Road then that parking is sandwiched in and the architecture is going to be nice enough to carry you to what we believe would be a more college feel on both sides.

MR. GREINER: So as what one of my arithmetic teachers would say you want to see the steps getting to the end.

MR. CHAIRMAN: You have taken us this far and I think there are some minor tweaks and this could work pretty nicely. But I think on the other sections you might have blocks representing square footage so as you are thinking and you are coming up with diagrams and circulation patterns let's walk through those together so by the time you get to your program making sure everything works you are working with a foot print that we kind of agreed is helping the pedestrian environment, it's accommodating all those types of transportation and making it a nice spot to be if somebody drops you in the middle of the place you don't feel you need a car to get out of there. I think it's successfully addressing the primary goal which get's people off the highway, gets them into a parking space and get them in and out and back onto the highway. We understand that has to happen but we also want you to understand this is a neighborhood and the college campus for people who work and go to school here makes a nice neighborhood. Does that make things hard for you to take a look at that option.

MR. GREINER: We have several concept sketches we have looked at. I have a question the Board meets once a month is there a possibility of a sub committee where maybe there could be something done with a little bit more frequency. Is that a possibility?

MR. CHAIRMAN: I would say we could find a solution to that with a representative group. It would not be something that would relieve you of the obligation to bring something back.

MR. GREINER: That I understand.

MR. CHAIRMAN: But I think we all appear amongst ourselves here to be notified of this message. WE would select a three or four person subcommittee to sit down and take a look at this and it would be less than a majority.

MR. BOEHNER: What ever you do I will say this there is limited staff time and we would have some concerns about how this is being justified right now these plans are not even mimicking the plans that we have in the DEIS and I have a list of staff comments that I did not go through with you but as we go through them we have to get those things in common and at the end I have to say this for the record. I am worried about staff time. We do put a reasonable amount of staff time into this.

MR. CHAIRMAN: How can we get there if we meet once a month. I am happy to talk with you.

MR. GREINER: And I don't need an answer tonight I just want to put an idea in front of you.

MR. CHAIRMAN: This is our Town too. Anything else?

MR. WARTH: My only thing if I can elaborate a little bit while looking at this plan with the Imaging Center there is an awful lot of parking devoted to employees of that facility and especially the campus and I am worried if it might be a way to add transportation back and forth with transportation vans that go around the campus consideration to reduce the number of parking spaces required by staff by bus lines from off campus and mass transit within the campus.

MR. GREINER: I have been working with the University for a long time and it seems that idea comes up at the University level let along let's say a Board like you and it seems that every time a shuttle is proposed as a solution it's the staff that seems to suffer from that not to mention sometimes the neighborhood who don't like the shuttle buses. The process we went through six or seven years ago for the Highland Hospital Garage there on South Avenue. There was a lot of testimony and understanding from nurses especially the nursing staff in that particular case that the shuttle adds so much time to their day. They are exhausted when they get to work and more exhausted when they leave. I am sure we can look at it I understand your concern and you are talking about the parking to the south of the building. Your point is can we do something to reduce the amount of parking there and then the amount of cars that would then need to be there parked. Why don't we take that issue back with us, my reaction about shuttling it always seems to create more problems than it solves and it never seems to be a good solution. Let's see what we can do with it.

MR. CHAIRMAN: This is not a public hearing but do you have a question or comment.

AUDIENCE MEMBER: I don't understand why parking can't be underneath the buildings that is just a comment.

MR. CHAIRMAN: You understand that is just a comment?

MR GREINER: Yes. Thank you for your time and we will see you again.

Advisory report on proposed code amendments to the Code of the Town of Brighton Chapters 201 and 203.

MR. CHAIRMAN: We did get this from staff.

MR. BOEHNER: What you have is just the amendments from October 1 to now for Corporate Care facilities in all residential districts in the Town of Brighton. Currently it is done by volunteers in public care homes and provided as public care. I am ready to send this letter to the Town Board with these three recommendations. 1. The proposed amendments are consistent with the intent of the Comprehensive Development Regulations. 2. The proposed amendments are consistent with the aims of the Comprehensive Plan. 3. The Planning Board supports the proposed code amendments as drafted.

MS. CIVILETTI: I would move to send the enclosed letter to the Town Board with these three recommendations.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

OLD BUSINESS

NONE

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Paul Colucci, DiMarco Group dated January 14, 2014, requesting postponement of the TOPS sign to the February meeting.

Letter from Jerry Goldman, Woods Oviatt Gilman, LLP, dated January 14, 2014 requesting postponement of application 12P-NB1-13 to the February meeting.

PETITIONS

NONE.

1P-01-14 Application of Sherry Dampier, owner and Joseph O'Donnell, architect for EPOD (watercourse) Permit Approval to allow for the construction of a garage addition on property located at 3176 Elmwood Avenue. All as described on application and plans on file.

MS. CIVILETTI: 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.

DECISION

1. The project shall comply with the New York State Uniform Fire Prevention and Building Code. All Town of Brighton, New York State and federal requirements for development within a flood plain shall be met.
- 2 Meet all requirements of the Town of Brighton's Department of Public Works.
- 3 All Town code shall be met that relate directly or indirectly to the applicant's request.
4. The plan shall be revised to show soil erosion control. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
5. The flood plain boundary is not consistent with what is shown on the Town GIS mapping. It appears that the boundary as shown was taken from a filed subdivision map and represents the previous (prior to 2008) mapping of the flood plain. The boundary should be reassessed and redrawn as necessary by the project surveyor. All topographic information indicated upon the plans and elevation drawings must coincide with the datum used by FEMA to prepare the flood insurance rate maps (FIRM).

6. The banks of Buckland Creek are not shown. The garage addition is close enough to the creek that it is necessary for the banks to be shown on the plan to verify whether the addition will be 25' from the bank of the creek as required by zoning.
7. 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.
8. 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.
9. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance
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 Monroe County comments shall be addressed.
12. The following comments of the Conservation Board shall be addressed:
 - The Board has concerns with the garage's encroachment into the flood plain and proximity to Buckland Creek. Possible flooding could result in flood waters carrying oils, solvents, pesticides, etc from the garage into Buckland Creek.
 - The garage structure may be within 25 feet of the creek bank. A current survey should be submitted verifying its location and distance from the near bank of Buckland Creek
 - What will the new grade be? Show all proposed grading and current elevation.
13. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.

MR. BABCOCK STEINER: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED.

1P-02-14 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Final Site Plan Approval, Final Conditional Use Permit Approval and Demolition Review and Approval to raze a commercial building and construct a 2,039 +/- sf restaurant and drive thru, outdoor dining and extended hours (5:00 a.m. 12:00 midnight) on property located at 277 Monroe Avenue. All as described on application and plans on file.

11P-NB1-13 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze a Commercial Building and construct a 1, 900+/- sf restaurant with drive thru and outdoor dining on property located at 2787 Monroe Avenue. All as described on application and plans on file.

MS. CIVILETTI: 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.

DECISION

1. The following data should be reviewed and revised/corrected:
 - Project statistics (DWG No. C1.0) state that 23 spaces are provided. The site plan shows 22 spaces this should be corrected.
 - Project statistics list the lot area in two places: these conflict with one another. One place states 30,717sf; the other states 30,928sf. This should be corrected.
 - Side setbacks proposed are apparently measured to the building wall. This should be changed to a measurement at the closest points, the side roofs.
2. The response letter to Ramsey Boehner, dated 12/17/13, states that (response #33): "No condition exists or is being created that requires a variance for a wall or fence," yet the site plan still shows a 4' high wrought iron fence in the front yard. This should be addressed.

3. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
4. The entire building shall comply with the most current Building & Fire Codes of New York State.
5. 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.
6. When determined necessary by the Town of Brighton, sidewalks shall be constructed on the site meeting specific Town standards at the expense of the property owner.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All Town code shall be met that relate directly or indirectly to the applicant's request.
9. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
10. 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.
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 and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
12. Maintenance of landscape plantings shall be guaranteed for three years.
13. 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.

14. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
15. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
16. Fire hydrants shall be fully operational prior to and during construction of the building.
17. All County Development Review Comments shall be addressed.
18. Erosion control measures shall be in place prior to site disturbance.
19. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
20. 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 asbestos survey and removal requirements of Section 56-5.
21. The proposed building shall be sprinklered in accordance with Town requirements.
22. Erosion control measures shall be in place prior to site disturbance.
23. 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.

- 24 The location of any proposed generators shall be shown on the site plans. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
- 25 The location of the HVAC shall be shown on the site plan.
- 26 All comments and concerns of the Evert Garcia as contained in the attached memo dated November 20, 2013 to Ramsey Boehner shall be addressed.
- 27 A revised traffic study shall be submitted to NYSDOT for review and comment. NYSDOT comments shall be submitted.
- 28 Applicant shall verify and plans shall show , that retaining walls and fences meet height requirements. Fencing and retaining walls shall not exceed a height of 3 and a half feet from grade in any front yard or 6 and a half feet from grade in any side or rear yard.
- 29 Applicant shall verify, and plans shall show that the retaining walls and fences meet height requirements. Fencing and retaining walls shall not exceed a height of 3 and a half feet from grade in any front yard or 6 and a half feet from grade in any side or rear yard.
- 30 A stabilized construction entrance and equipment materials stockpile areas should be shown on plans. Precautions should be taken to eliminate the discharge of petroleum and other pollutants.
- 31 All demolition debris and any dumpsters shall be removed from the site on a timely basis following demolition. All demolition debris must be removed from the site and disposed of in an approved landfill.
- 32 All requirements of Section 203-84.B3 (restaurant regulations), 207-14.1(waste container and grease/oil container standards), 207-14.2(Supplemental restaurant regulations) and 207-14.3(drive-through standards) as well as any other pertinent sections of the code shall be met. Included in these requirements is that “a minimum of one aesthetically acceptable trash receptacle shall be provided on site adjacent to each driveway exit. At least one additional aesthetically acceptable, on-site, outdoor trash receptacle shall be provided for every 10 required parking spaces” Also included is that, any use providing food capable of being immediately consumed which is served in disposable packaging shall have at least one aesthetically acceptable, on-site outdoor covered trash receptacle for patron

use located near the primary entrance ...” These requirements along with the other requirements of those sections, should be addressed.

- 33 The drive-thru speaker is required to be less than 50 dba at four feet from the speaker and not audible above daytime ambient noise levels at the property line.
- 34 All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day one half hour before the business is open to the public and to terminate one half hour after the close of business.
- 35 The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
- 36 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 37 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 38 The wood bollard/guide rail configuration must be designed and constructed with sufficient strength to insure that vehicles do not travel over the proposed retaining wall.
- 39 Permits will be required from the Town’s Sewer Department and may be required from other jurisdictional agencies.
- 40 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WARTH: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

IP-03-14 Application of Anthony J. Costello and Son Development, owner for Site plan Modification reducing the size of the club house building from four

stories to two stories at “The Reserve” housing community located east of South Clinton Avenue (Tax ID #149.11-02-003). All as described on application and plans on file.

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

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

The Planning Board of the Town of Brighton adopted a SEQR Finding Statement dated January 19, 2011 for this project. The proposed modifications is consistent with the Finding Statement and no further review is required pursuant to SEQR.

CONDITIONS

1. All conditions and requirements of approved application 6P-03-11 shall remain in effect.
2. Meet all requirements of the Town of Brighton’s Department of Public Works.
3. All Town codes shall be met that relate directly or indirectly to the applicant’s request.
4. All comments and concerns of the Town Engineer as contained in the attached memo dated January 13, 2014 from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.
5. A new building permit shall be obtained for the proposed modified club house. The entire building shall comply with the most current Building & Fire Codes of New York State.
6. The proposed building shall be sprinklered in accordance with Town requirements.

7. 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.
8. The architectural design and building materials of the clubhouse shall be reviewed and approved by the Town of Brighton Architectural Review Board.
9. The area along the west side of the clubhouse designated for emergency vehicles shall be labeled and signs should be provided to insure that this area is not obstructed by service and or delivery vehicles.
10. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WARTH: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

1308 Meetra Spa for a building face sign at 2829 West Henrietta Road.

CONDITIONS

1. This approval applies to the proposed business identification sign on it. All other existing and proposed signage on the building or in the windows shall meet all town regulations and requirements or shall be removed.

1309 Monster Videogame for a building face sign at 2858 West Henrietta Road.

TABLED FOR THE FOLLOWING:

1. All required variances shall be obtained.
2. The spacing between the lines shall be reduced.
3. The sign should be vertically centered within the sign band.

1310 TOPS Pharmacy Deli Bakery Café for a building face sign at 1900 South Clinton Avenue.

TABLED FOR THE FOLLOWING:

1. All required variances shall be obtained.
2. The new location of the sign components (vs architectural elevations previously reviewed) alter the visual character of the façade previously reviewed.

POSTPONED AT APPLICANTS REQUEST TO FEBRUARY 2014

1310 Tom Wahl's for a building face sign at 2545 Monroe Avenue.

CONDITIONS

1. The top of the sign shall not extend above the roof of the building.

MR. CHAIRMAN: I move to approved signs 1308, 1311 as presented with conditions.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

ADDENDUM TO THE PLANNING BOARD
MEETING OF NOVEMBER 20, 2013

First Page NOT PRESENT: Thomas J. Warth (then skip a line) to indicate Ramsey Boehner, Town Planner and David Dollinger, Deputy Twn Att are present.

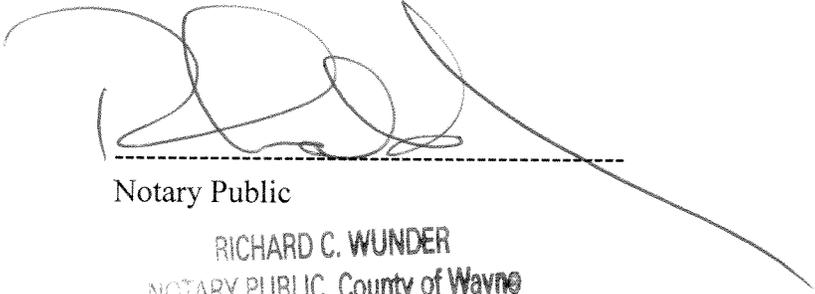
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the January 15,
2014, meeting of the Planning Board of the Town of Brighton
at 2300 Elmwood Avenue, 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 ~~14~~ 17 day of February 2014 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 acknowledge to me that she
executed the same.



Notary Public

RICHARD C. WUNDER
NOTARY PUBLIC, County of Wayne
New York State #59-4517642
My Commission Expires December 31, 20 14