

Proceedings held before the Planning Board of Brighton at 2900
2900 Elmwood Avenue, Rochester, New York on March 19, 2014 commencing
at approximately 7:30 p.m.

PRESENT: William Price, Chairman
David Fader
Josh Babcock Stiner
Thomas J. Warth
Laura Civiletti
Andria Thompkins Wright

NOT PRESENT: John J. Osowski

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 to order the March 19, 2014 Town of
Brighton's Planning Board to order. We have minutes from January 15, 2014, do
I have a motion to approve those minutes with any corrections.

MS. CIVILETTI: I move to approve the minutes
from the December 18, 2013 meeting.

MR. FADER: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: We will do the February
meeting in March. 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 March 13, 2014.

MR. CHAIRMAN: Before we get the meeting
started tonight I would like to introduce Andrea Wright who is our newest
member of the Planning Board.

MR. CHAIRMAN: Before we begin the public hearings the agenda for tonight has been substantially reduced. Application 1P-1P-01-14 has been postponed to the April 10, 2014 meeting at the applicant's request as well as application 12P-NB1-13.

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. TABLED AT THE JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN – Postponed to the April 10, 2014 meeting.

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. TABLED AT THE JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN.

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 JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN.

MR. HUINGS: Good evening my name is Carl Huings with Parone Engineering and our offices are at 349 West Commercial Street in East Rochester. With me this evening are the applicant Louis Ravero, Randy Peacock the Architect and colleague of Parone Engineering. The last time we were here for you was at the January meeting and most of that meeting was taken up by a presentation By SRF regarding a traffic study for this project. It was a pretty significant presentation and after a number of questions the Board had indicated that they wanted to table the project at that time pending the review of the report by DOT. It took a couple of months but DOT did review the report and issued a letter to us just recently and I believe that you have a copy of that. I can go over that with you. They addressed the geometry of the access and agreed that

the way it was shown on the plans with one lane in and two lanes existing was appropriate. They also looked at the peak hour periods for left and right turn movements and they agreed with the assumptions that was shown in the report. The only thing that they had requested from us was to make a minor plan change to remove some detective warnings of the sidewalk that was in the right of way and they wanted a copy of the SEQR determination when we got it. The other item that we have been working on in that period was to address an issue that was brought up by the Planning Board with regard to the potential need for some off site work adjacent to one of the property lines. We took that comment seriously and went to the attorney, the owner of the property was out of the country, and presented them with what we were proposing. They reviewed the plans and the cross section specific to that property line and they issued a letter which I also believe you have a copy of. Other than that we have been in that confine addressing the staff comments and comments relative to other agencies, the water authority, the health department and that is about it.

MR. CHAIRMAN: Carl, do you have any idea as to the timing of the DOT project on Monroe Avenue?

MR. HUINGS: I am told it is eminent and that is what they told us several months ago when we met with them. I haven't seen a schedule recently but we could certainly ask for one.

MR. CHAIRMAN: Assuming approvals here tonight when would you suspect construction would begin?

MR. HUINGS: I think our process, a portion of turning the plans around will probably be complete within the month. As far as our clients schedule I would ask him to address that.

MR. CHAIRMAN: You don't have to be specific I guess I am just looking to know we are not going to have an extended period of time when this is done, open and operating and the improvements by DOT have been done.

MR HUINGS: Based on discussions we have had what we have told them is that we felt we would be under construction this summer and they had indicated that they were going to be under construction also. There was some acknowledged need to coordinate with them. Especially when we deal with the utility cuts we want to make sure our utilities are in prior to them paving and making improvements obviously.

MR. BOEHNER: Carl, it's your guy intent to ask that we combine the preliminary and final approvals tonight?

MR. HUINGS: Right.

MR. BOEHNER: So this would be for 11P-NB1-13 being held simultaneously just for the record.

MR. CHAIRMAN: Do any Board members have any questions?

MS. CIVILETTI: Is there guard rails?

MR. HUINGS: There is, it's a timber guide rail.

MR. BOEHNER: Does that prevent a car from going over?

MR. HUINGS: No, it is just a guide.

MR. BOEHNER: To let them know that there is a change in elevation. Is that it's intent?

MR. HUINGS: Yes.

MR. BOEHNER: What type of activities will take place at 5:00 a.m.?

MR. HUINGS: I presume coffee and donuts.

MR. BOEHNER: No deliveries or anything like that?

MR. HUINGS: I think we addressed that at the last meeting. The reason the applicant wanted to be able open at that time because they have opened at that time at other locations and they have had success with it and wanted to have that option to be able to do that.

MR. CHAIRMAN: This is a public hearing is there any one in the audience who cares to address this application? Very good thank you.

3P-01-14 Application of PGR , LLC, owner for Conditional Use Permit Approval to allow for an office and assembly facility on property located at 172 Metro Park. All as described on application and plans on file.

MR. BEACH: Good evening my name is Robert Beach and I am part owner in PGR, LLC. And we purchase the building at 172 Metro Park and we are going to be renting that to my other company JCS. JCS process control design for liquid food processing companies. So we design software automation. We design electrical enclosures and we design the process. We specify the equipment. We would work with companies like Wegman mart on their applesauce, coca-cola, pepsi, alcohol any pumpable liquid. JCS currently employs about 22 employees here in the Rochester area . We typically work between 6 a.m. and 6 p.m. Monday through Friday.

MR. CHAIRMAN: Is that a single shift or multiple?

MR. BEACH: It is a single shift and we have some people who start earlier and some people start later and work later. Also in our offices we primarily have engineers who do design work, electrical processes or software. We do some electrical panel assembly which is primarily attaching components to a back plate and then wiring the panel and testing it before it goes out. All using hand held tools. We don't do any manufacturing ourselves just the assembly. And then we have our administrative staff, accounting that sort of stuff. We currently have 66 parking spaces on the property and we will be using a third of them to start with. Our hope is over the next two years to employ an additional six people and they will primarily be either engineers or add men people. We typically receive deliveries on regular Fedex or UPS trucks and the facility has two dock height doors where we would receive anything that we make and the same fits on pallets and will be shipped out the same way. Trash is just general commercial boxes, pallets that kind of stuff.

MR. CHAIRMAN: Do you require a dumpster for it?

MR. BEACH: Yes. It would be a small six foot dumpster rather than the construction dumpsters that you see and there is currently an area that has been cordoned off with block walls so it is not unsightly. That is existing.

MR. CHAIRMAN: So there is an existing enclosure?

MR. BEACH: Yes.

MR. CHAIRMAN: That you would use?

MR. BEACH: Yes. The property doesn't generate any unusual solid or liquid or gas waste and we don't emit any gas fumes or anything like that. It is what I would describe as normal commercial consumption. And we are an engineering firm so we don't hold any special events. We receive one or two customers a day possibly but it is not a high input of people visiting our site.

MR. CHAIRMAN: Ramsey, can you clarify what part of this operation requires specific conditions?

MR. BOEHNER: If they were just doing administration and none of the assembly then it would be just an office use and that would be a permitted use given that it is an assembly use it is also a conditional use.

MR. CHAIRMAN: So two firms occupy this entire building.

MR. BEACH: Yes, that is correct.

MR. CHAIRMAN: Any proposed improvements to the site any building signage, any lighting or any outdoor things.

MR. BEACH: We will be putting a JCA logo on the front and we will work through the planning process for that. The building does not currently have sprinklers so we will be tapping into the Monroe County Borderline which is right there and bringing a main line it. Those are the only two exterior additions.

MR. BOEHNER: So you have had an architect look at the building to make sure what you are doing will meet the NYS Building Code?

MR. BEACH: Yes. We have and we will also be working with the Fire Marshal.

MR. CHAIRMAN: So you will be applying for building permits?

MR. BEACH: Yes.

MR. CHAIRMAN: This is a public hearing does anyone wish to address this application? Hearing none we will move on. Thank you.

3P-02-14 Application of Anthony J. Costello and Son Development, owner, for Site Plan Modification for the construction of a 4,464 +/- sf single family house with a 1,374 sf attached garage on property located at 100 Pendelton Hill (The Reserve – Lot W10). 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 represent Anthony J. Costello and Son's development who is the developer of The Reserve project located off South Clinton Avenue south of the expressway and north of the canal.

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missing -
will email it

on the site. But that again is within the code requirements within the incentive zoning requirements as set forth by the Town Board. John I don't know if you want to address the Board or answer any questions the Board might have.

MR. BOEHNER: John, if you could describe the changes in grading especially as it approaches the rear yard lot line.

MR. STAPLETON: Sure. John Stapleton from Marathon Engineering. As Jerry pointed out these were custom homes so we obviously don't know what the size of the house or the outline of the house is going to be until an actual customer comes to us and says they want to construct this which is the point that we are at now. As far as elevations go the finished pad is the same finished pad elevation which was depicted on the approved grading plan. When I say finished pad we refer to that as meaning the garage floor elevation which is typically the ground in front of the house. We have also indicated what the finished floor is which is actually the floor that you walk on which is about 16 inches or two courses above the garage floor. From a grading standpoint on the original approved plan we have partial walk out for this lot. During construction and mass grading of the overall project we were looking for places to waste some spoil which was some excess cut that we had. So we had talked with the Town Engineer and we had killed the back yard of that and that was done during the mass grading and I believe Mr. Guyon was in agreement with that slight change. So we elevations at each corner for the house and we also tried to give it a more level rear yard or a usable rear yard for this residence. So coming out of the house for the first 30 feet it falls just under a foot and then we go on a one on five slope beyond that to the property line. Along the north and south property lines we have kept the grades the same there is a storm sewer easement that and a corresponding storm sewer that goes along the south property line and the grades in that area over the pipe have not been changed. Did I answer your question?

MR. BOEHNER: On this with the grading will you have four feet of cover over the Town utilities.

MR. STAPLETON: Yes, nothing has changed with regard to that.

MR. BOEHNER: Just the last thing on the grading in the packet we did not get the verification of the structure meeting our height requirements. You say it is going to be 30 feet and I couldn't tell from these

drawings to insure that it is going to meet the height. Do you think any of these points are going to change after the architect fine tunes his elevations.

MR. STAPLETON: No, we coordinated that with the architect.

MR. BOEHNER: You don't see a problem with meeting the 30 feet or any changes to the grading as a result of that?

MR. STAPLETON: I do not. We have confirmed with Fehee that they will be below the 30 foot maximum. I don't see any reason for anything to change.

MR. BOEHNER: Okay and if it did it would probably be slight.

MR. STAPLETON: Very slight. I don't see any reason for it to change at all.

MR. CHAIRMAN: I think one of the things we would like to do is see if there is a way to – you don't necessarily have to come back here for each of these homes but I do want to touch on some of the things that the Board felt important and we all felt it was important in developing this project the smaller lot sizes we all embraced as a good thing to open spaces and also a good thing that the front setback was reduced so there is more of a back yard available to the owners for their use. You are getting away from that large front setback that we have in a lot of subdivisions. So although this does fit within the setbacks technically complies with everything we have laid out over the years. We frankly see looking from our side, the public grounds and this isn't necessarily inconsistent with what we all thought. To tell the difference from a 25 foot to a 45 foot setback might be pretty hard. But as you are driving down the road and you start to fill out the rest of those home the buildings coming up and form a street wall that is something we thought was important but as we understand on the radius of the cul de sac that is hard to tell. You may find yourselves having a more difficult time with the people buying the adjacent lots if they start doing funny things with those setbacks. So I think we are going to try and look at some things as we do our deliberations. Generally speaking do you think that that 25 foot setback will make those lots square and will it be any easier for an architect to design the fit as originally proposed back then as the cul de sac side. Is that a fair statement?

MR. GOLDMAN: I think it is something we would have to review a 25 foot setback does allow for one car basically and a driveway off of the right of way. 45 foot would allow for a two car depth so that becomes the question that we would have to deal with relative to that. It's unusually for us in a suburban context to be talking about maximum setback as opposed to minimum and you know there is always a question about uniformity being desired or whether some off set has some value also. For anyone who is coming in afterwards I think that they will know certainly if they want to do and I can tell you in custom homes there is a lot of due diligence on the part of the buyers. This is going to be a house in excess of a million dollars in value which is going up over here and the negotiations on this and the review was substantial in terms of the amount of time. I think that they will look and will want to see what the adjacent property are going to look like. So to that extent I think that the market will kind of define how that is going to work and certainly if you want some guidance from us as to where we think we are going to be I think we will know that probably much better as we get one or two more sales in that area. The cul de sac itself is going to be a challenge.

MR. CHAIRMAN: I don't want this Board playing referee.

MR. BOEHNER: That is my concern, it is not about the person that is buying it. If someone comes in and says I am buying the house and you are at the 45 foot setback and I am putting it at 20. Then you have a house just outside your picture window and that is the kind of stuff that concerns me.

MR. GOLDMAN: I think if you wind up coming back here you could wind up being a referee in some cases. The fact of the matter is I don't know whether this particular buyer has thought about it but certainly is something that could be negotiated if someone had a concern with regard to that. If someone were to say Mr. Costello, I 'm willing to buy this house and I am willing to do it right now except for the lawyers in the room we want to have some sort of deed restrictions to say what is going to happen with the lots next to us. You know if someone is that concerned about it they really can address that at the time they enter into the contract. This particular buyer could have as well but I don't think it was of a particular concern to this buyer.

MR. STAPLETON: The minimum setback for this neighborhood is 20 feet. The box that we showed on the cul de sac we had setback to 30 feet and than as it is customary to do around the cul de sac I just want to point out to this Board along the north side as it comes out to the main

road we are abutting the park and with restrictions that this Board asked for so we won't have the depth of lot heading west that we are afforded in the cul de sac lot. So I believe that most of those houses at least on the north side of the street are going to be closer to the minimum front setback than what you are seeing on the cul de sac.

MR. GOLDMAN: All of that having been said, I do want to say this before I forget. I do appreciate the Board's consideration in this regard and the reason why is that we have a very volatile market place with people and if you tell them we have to do this and this they could be moving onto something else and the time lag is always a concern. So if there is a way to stream line the process we certainly would welcome that.

MR. BOEHNER: On the record, I do want to say my comfort level in doing administrative reviews on this project is not there unless it is very close to what was approved it would be my feeling administrative review is not appropriate. I certainly do not want to deviate from this plan that much. Just for the record. I will do as the Board finds I just wanted to say that for the record.

MR. CHAIRMAN: Okay, is there any other discussions, you talked about the grading. Now from the original you said that was a partial walk out and the windows the lower windows in the basement?

MR. STAPLETON: Yes, we had the same elevation and we are dropping the grade along the back and if they wanted some daylight windows for their basement they could but it was not intended to be a full walk out rather to drop it and have a partial walk out.

MR. CHAIRMAN: And this is probably window wells at this point. Okay any questions ?

MS. CIVILETTI: Are there any plans for a generator?

MR. BOEHNER: Or an air conditioner not shown on the plans?

MR. BRADY: Scott Brady for marketing and sales. At this time there is no plans for a generator. There will be air conditioning in the home.

MR. BOEHNER: Air conditioning can be side or rear and it has to be screened.

MR. CHAIRMAN: Is there anybody in the audience who cares to address this application. There being none we will move on. That is it for the public hearings tonight. Let's do decisions. Then the DEIS.

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 sq building in the Town of Henrietta that will house three private schools and to subdivide one lot into two lots on property located at 447 French Road. All as described on application and plans on file. TABLED AT THE /DECEMBER 18, 2013 MEETING – PUBLIC HEARING REMAINS OPEN- POSPONED TO THE APRIL 10, 2014 MEETING AT APPLICANT'S REQUEST.

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. TABLED AT THE JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN.

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 JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN

MR. FADER: I move to close the hearings on application 1P-02-14 and 11P-NB1-13.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment.

DEMOLITION FINDINGS.

1. The existing building , if currently designated as a landmark, has received required approvals from the Historic Preservation Commission, and if not currently designated has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A 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 asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhoods 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 or affordable housing within the Town.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MR. FADER: I move to approve as presented on the testimony given, plans submitted, and with the following conditions:

CONDITIONS:

1. Property owner/applicant shall obtain written documentation from neighboring property owner to the north/northwest for permission to remove and replace existing curb/pavement on their property as part of the new wall construction. Documentation must be in place and provided to the Town before construction begins.
2. The property owner shall be responsible for ensuring that #102-3(B)(8) of the Brighton Town Code, "No person shall operate refuse collecting equipment between the hours of 10 p.m. and 7 a.m." is complied with.
3. The north side setback shall be calculated to the closest point of the building, the entry roof. The entry roof shall be shown on the site plan.
4. References to the wood bollard/guide rail shall call it that instead of just "bollard".

5. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal(Chris Roth, 585-784-5220).
6. The entire building shall comply with the most current Building & Fire Codes of New York State.
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. 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.
9. Meet all requirements of the Town of Brighton's Department of Public Works.
10. All Town code shall be met that relate directly or indirectly to the applicant's request.
11. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
12. 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.
13. 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.
14. Maintenance of landscape plantings shall be guaranteed for three years.
15. 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.

16. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
17. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
18. Fire hydrants shall be fully operational prior to and during construction of the building.
19. All County Development Review Comments shall be addressed.
20. Erosion control measures shall be in place prior to site disturbance.
21. 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.
22. Asbestos was found and will need to be abated as required by law prior to issuance of a demolition permit. 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.
23. The proposed building shall be sprinklered in accordance with Town requirements.
24. Erosion control measures shall be in place prior to site disturbance.
25. 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.

- 26 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.
- 27 The location of the HVAC shall be shown on the site plan.
- 28 All comments and concerns of the Evert Garcia as contained in the attached memo dated February 10, 2014 to Ramsey Boehner shall be addressed.
- 29 In the event that the NYSDOT does not complete the construction of the proposed sidewalk the applicant will be required to install a sidewalk along the frontage of the property and provide the appropriate easement. The cost of this sidewalk must be included in the Letter of Credit.
- 30 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 one half feet from grade in any front yard or 6 and a half feet from grade in any side or rear yard.
- 31 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.
- 32 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.
- 33 All requirements of Section 203-84b b b b b.B.3 (restaurant regulations), 207-14.1 (waste containers 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, onsite outdoor trash receptacle shall be provide for every 10 required parking spaces” Also included is that. Any use providing food capable of being immediately consumed which is served I disposable packaging shall have at least one aesthetically acceptable, onsite outdoor covered trash receptacle for patron use located near the primary entrance...’ These requirements along with the other requirements of those sections, should be addressed.

- 34 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.
- 35 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.
- 36 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.
- 37 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 38 Applicable Town standards details and notes will need to be incorporated into the design drawings.
- 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.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

3P-01-14 Application of PGR, LLC, owner for Conditional Use Permit Approval to allow for an office and assembly facility on property located at 172 Metro Park. All as described on application and plans on file.

MS. CIVILETTI: I move to close the hearing on application 3P-01-13-4.

MR. FADER: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment.

CONDITIONS

1. All IG zoning district requirements and applicable performance standards shall be met.
2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Rothe 585-784-5220). The Fire Marshall shall be contracted prior to the use or storage of combustible or explosive materials.
3. The ratio of office, warehouse and manufacturing/assembly area shall be regulated by the existing parking lots ability to meet the applicable parking requirements of the Brighton Town code. Any proposed additional parking areas shall be subject to site plan approval.
4. Outside storage shall require further approval.
5. Any proposed generator or other equipment installed outside shall require further approval.
6. All necessary building permit approvals must be obtained.

7. All requirements of the Fire Code, Property Maintenance Code and Building Code of the State of New York and any additional requirements of the Fire Marshal shall be met prior to occupancy.
8. Any exterior modifications must receive Architectural Review Board Approval.
9. Any proposal signage must receive all necessary Town Approvals.
10. Meet all requirements of the Town of Brighton's Department of Public Works.
11. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
12. Any proposed change in the exterior lighting shall be submitted to the Building and Planning Department and may require review and approval by the Planning Board.
13. All Monroe County comments shall be addressed.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

3P-02-14 Application of Anthony J. Costello and Son Development, owner, for Site Plan Modification for the construction of a 4,464 +/- sf single family house with a 1,374 sf attached garage on property located at 100 Pendelton Hill (The Reserve – Lot W10). All as described on application and plans on file.

MR. FADER: I move to close the hearing
for application 3P-02-14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following SEQR and conditions:

SEQR

The Planning Board of the Town of Brighton adopted a SEQR Finding Statement dated January 19, 2011 for this project.

CONDITIONS:

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
- 2 Prior to the issuance of any permits for this project, the requirements of the Town Board Incentive Zoning approval must be satisfied.
- 3 The entire building shall comply with the most current Building & Fire Codes of New York State.
- 4 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.
- 5 Meet all requirements of the Town of Brighton's Department of Public Works.
- 6 All Town code shall be met that relate directly or indirectly to the applicant's request.
- 7 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
- 8 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 9 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 10 Maintenance of landscape plantings shall be guaranteed for three years.

11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshall shall be addressed.
12. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
13. Fire hydrants shall be fully operational prior to and during construction of the building.
14. All County Development Review Comments shall be addressed.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. All easements must be shown on the site plan with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
17. Prior to the issuance of a building permit the architectural design and building materials of the proposed building shall be reviewed and approved by the Town of Brighton Architectural Review Board.
18. The height of the proposed house shall be shown on the plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted to and approved by the Building and Planning Department.
19. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
20. Erosion control measures shall be in place prior to site disturbance.
21. 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.

22. The location of any proposed generators and air conditioner units shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
23. All comments and concerns of the Town Engineer as contained in the attached memo dated March 14, 2014 from Mike Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
24. The existing sidewalk along the cul de sac must be located within an easement. A sidewalk easement to the Town of Brighton shall be submitted for review and approval.
25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

NEW BUSINESS

The University of Rochester _IPD Rezoning Supplemental Draft Generic Environmental Impact Statement (S-DGEIS)

A discussion was had regarding the setbacks and it was decided if it is inside the block then Ramsey will administratively approve otherwise they will have to come in for a few of the applications until we have an understanding of what is happening.

We will have the next Planning Board meeting on April 10, 2014 and will hold the (SDGEIS) decision over until then.

HELD OVER

OLD BUSINESS

NONE

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Paul Colucci, Tops Markets, dated February 24, 2014, requesting postponement of Sign #1310 to the April 10, 2014 meeting.

Letter from Jerry Goldman, Woods, Oviatt, Gilman LLP, dated March 18, 2014, requesting postponement of application 12P-NB1-13 to the April 10, 2014 meeting.

PETITIONS

NONE

1310 TOPS Pharmacy Deli Bakery Cage 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.

POST PONED TO THE 4/10/14 MEETING AT APPLICANT'S REQUEST

1317 Quartz Plus Countertops Retail for a building face sign at 2209 Monroe Avenue.

CONDITIONS

1. Either "Countertops" or "Retail Outlet" shall be removed.

1318 Ambiance Salon for a building face sign at 1752 Monroe Avenue.

CONDITIONS

1. The sign shall be revised as necessary so that the area of the sign meets the requirements of Brighton regulations.

1319 Yotality for a building face sign at 932 Winton Road South

CONDITIONS

1. All requirements of the approved sign plan for the 12 corners Plaza shall be met.

1320 Sonus for a Building face sign at 140 Canal View Blvd .

CONDITIONS

1. All required variance shall be obtained.

1321 Yolickity Frozen Yogurt Bar for a building face sign at 2600 Elmwood avenue.

1322 The Landing of Brighton for a freestanding sign at 1350 Westfall Road.

TABLED FOR THE FOLLOWING.

1. The panel appears to "droop" between the pillars. The board suggests that the bottom of the sign be revised to align with or clear the tip of the pillar base. Visually the sign panel crowds the top of pillars: this relationship should be re-examined. Ensure that the panel sign is not obscured by the plantings at mature height.

2. The brick on the pillars shall match the brick of the building.
3. Sign details and complete dimensions shall be submitted.
4. Lighting shall be directed and configured to minimize light spillage. The proposed light type and wattage shall be submitted.

OLD BUSINESS

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.

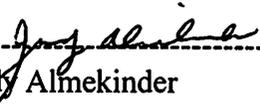
MR. CHAIRMAN: I move to approve the signs as presented or with conditions and to table 1323 and 1309 and 1310 held over to 4/10/14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the March 19, 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 31st day of March 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

MARGARET BIRCH STREETER
NOTARY PUBLIC, STATE OF NEW YORK
COUNTY OF MONROE 01576216134
COMMISSION EXPIRES 1/1/18

COMMISSIONER OF THE
COUNTY OF MONROE
NOTARY PUBLIC STATE OF NEW YORK
MARGARET BIRCH STREET