

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on April 10, 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
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 April 10, 2014
Town of Brighton's Planning Board to order. We have minutes from
February 13, 2014, do I have a motion to approve those minutes with any
corrections.

MS. CIVILETTI: I move to approve the minutes
from the February 13 meeting.

MR. FADER: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: We will do the March 19, 2014
meeting in May. 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 April 3, 2014.

MR. CHAIRMAN: Before we begin the public
hearings the agenda for tonight has been reduced. Application 1P-1P-01-
14 has been postponed to the May 21, 2014 meeting at the applicant's
request as well as application 12P-NB1-13. of Max M. Farash Land Co.

✓ emailed

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 May 21, 2014 meeting at applicant's request.

4P-01-14 Application of Corporate Woods of Brighton owner and Ellie Phillips (Phillips European Restaurant), lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property located at 26 Corporate Woods. All as described on application and plans on file.

MS. PHILLIPS: I am Ellie Phillips owner of Phillips Corporate Woods since 1988. Here tonight to ask for a permit to have some outdoor seating. We did hear this application a few years back if you will general.

MR. CHAIRMAN: For the record tell us what you would like to do.

MS. PHILLIPS: We did come in a couple of years ago and finding things tuff we decided we could not financially afford to do the project for the time being. We have gone through that period and we are excited to continue at Corporate Woods and we have now an almost 30 year track record producing cakes and pastries and good things. We don't intend to change our hours or anything. We are open Monday thru Saturday from 11 a.m. to 11 p.m. and we thought it would be really nice in those few summer months to have outdoor seating on the end of the building which is basically a not too attractive space at the moment. It is just a slab with a little bit of vegetation around the edges. So we thought we could make some useful space and put out a few outdoor seating tables. And it would be access through the doors of the restaurant so that the guests would come in through the restaurant and be seated outside so we would be able to maintain it and make sure it was looked after because it would be fenced in.

MR. BOEHNER: What do you mean by enclosing it?

MS. PHILLIPS: With a three foot high barrier fence. We just think it will add a lot of European-ness to our European Restaurant which currently is in a retail plaza and I don't think from the outside attracts business from it's appearance but we still stay busy. We would look after it . We would do the trash in a normal way as we would look at the trash at Corporate Woods since our inception there and we don't anticipate any major differences in a few summer months during normal hours. We would light it. We would provide any emergency exists with a gate in the fencing but we have lots of exits and egresses. We have doors all over the plaza.

MR. BOEHNER: So the lighting you are talking about is a 100 watt light?

MR. LANGLEY: Scott Langley. There is a canopy that goes around there and underneath it has lighting already. It would be a light underneath the canopy.

MR. BOEHNER: So the lighting is already there? Shooting down and that's 100 watt?

MR. LANGLEY: Yes and in addition we have a sconce underneath.

MR. BOEHNER: Shooting down that is 100 watt.

MR. LANGLEY: Yes.

MR. CHAIRMAN: We have a couple of questions about the outdoor seating itself. Can you tell us if you have spoken to the other tenants in the plaza? You can tell which is occupied.

MS. PHILLIPS: Yes, they come and go and go more than come. We have next to us now a beauty salon or metro salon and then next to that is a small tanning place and that is it. That is all that is in the plaza right now.

MR. BOEHNER: You are here with Spall?

MR. LANGLEY: Yes, I have to do something later on.

MR. BOEHNER: What we notice with the increased seating that she has outside, it looks as if she has enough parking if the spaces were to be used for retail but if they go for a more intense use you may have to get a variance or something down the road. But I would worry about that as you get a little bit closer just so you are aware of it.

MR. CHAIRMAN: The last time you were in there was a little bit of discussion about replacing the sidewalk currently along the side of the building and is accessible to the building to the back . This shows that that sidewalk is being cut off and being replaced over by the curb.

MR. LANGLEY: That is correct.

MR. CHAIRMAN: And will you be actually removing the concrete and pavers that are there and pouring new concrete?

MR. LANGLEY: Yes.

MR. CHAIRMAN: Okay, so the area from the fence back that portion of the fence along the west wall you will be taking up that concrete, topsoil and seed and all of that?

MR. LANGLEY: Yes, from the existing one to where it comes up and is cut off, yes we will be taking that off.

MR. CHAIRMAN: That is just going back to a lawn?

MR. LANGLEY: Yes.

MR. BOEHNER: The height of the fence is?

MR. LANGLEY: Three foot.

MR. CHAIRMAN: Any questions? This is a public hearing is does anyone care to address this application? Hearing none we will move on.

4P-02-14 Application of Mike Donoghue, owner, and Janine Wasley (Avvino Restaurant). Lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property located at 2541 Monroe Avenue. All as described on application and plans on file.

MS. WASLEY: My name is Janine Wasley, I own Avvino Restaurant on Monroe Avenue. We opened just over eight months ago. Things are going very well. We have gotten a great response from the community and it has been great to be a part of the Town of Brighton. Although we are expecting our sales to decrease about 30 to 40 percent this summer so we would like to add 3 or 4 tables outside to keep our business steady. So as you can see Randy has drawn some renderings.

MR. CHAIRMAN: I think you should introduce your self?

MR. PEACOCK: Randy Peacock.

MR. CHAIRMAN: The stairwell that is the emergency egress for the rest of the building empties onto this space. From a fire code standpoint do you see any problems?

MR. PEACOCK: We have laid the tables out to maintain that opening and also in the planters so that would be maintained with the required egress width to assure that backyard area.

MS. WASLEY: The fire marshal was out two weeks ago and he said he didn't see any issues at all.

MR. PEACOCK: We actually increased the safety in the restaurant itself because we do plan to put a door in to access directly to the patio so that gives us a third access out of the restaurant.

MR. CHAIRMAN: Okay the other question has to do with your liquor license. So the liquor license require this space to be fully enclosed?

MR. PEACOCK: No, it just requires that it be defined not controlled.

MR. BOEHNER: Have you gone to the Architectural Review Board yet.

MR. PEACOCK: We have not.

MR. BOEHNER: The application is coming up quick. Are you doing the awning?

MR. PEACOCK: We are looking at budgets. We opted for a trellis rather than a fixed canopy.

MR. BOEHNER: If you do want the awning just come back in at a latter date.

MR. PEACOCK: Yes, all the planters are removable as well as the tables and umbrellas.

MS. CIVILETTI: Is there exterior lighting proposed?

MS. WASLEY: We are going to do some string lights underneath the umbrellas with very low wattage.

MR. CHAIRMAN: We are curious about outdoor heaters?

MS. WASLEY: W don't proposed to use any.

MR. BOEHNER: Back on the lights, do you know what type of lighting you are using and the wattage?

MS. WASLEY: You are probably dealing with 40 watt, almost like Christmas tree lights that hang inside the umbrella?

MR. BOEHNER: Okay, do you plan to have candles outside, this is a question from the Fire Marshall and if you do they would prefer they be battery operated.

MS. WASLEY: No, no candles.

MR. BOEHNER: This is another question I had there was a condition on the original application limiting the restaurant to 64 seats. You are proposing in this application to continue having those 64 seats plus 14 outside seats. Is that right?

MS. WASLEY: No, we would probably keep some tables inside open and not seat them due to weather conditions in Rochester if people wanted to move inside we want to have space for them.

MR. BOEHNER: Let me ask you this I didn't know the answer to this so I went back to the old application, has anything changed in that building as far as tenants or hours of operation because we based your last application that after 5 that parking lot is empty?

MS. WASLEY: Nothing has changed.

MR. BOEHNER: That parking lot is still fairly empty besides your traffic?

MS. WASLEY: Yes, even on our busiest nights we still have parking spots.

MR. PEACOCK: There are 58 spots in that lot.

MR. BOEHNER: So where I was if it okay with your landlord I went back to the old record I'm showing that the reason we picked 64 was that you told us you were going to have 64 seats. We never calculated how many seats you could have. So I think you could have the 14 outdoor seats. So it would be your intent to want to have those 14 additional seats is really what you are wanting to do. I think that is okay because if the Board is favorable to this application it would be a condition that you would still have the same number of seats inside, 64 and 14 additional for outside and they are only temporary?

MS. WASLEY: That is correct.

MR. BOEHNER: The last thing I think we are okay the Site Plan wasn't scaling because you tried to get it on one sheet.

MR. PEACOCK: That was to scale.

MR. BOEHNER: It isn't to scale.

MR. PEACOCK: I asked her to put it on to scale so I am sorry.

MR. BOEHNER: I think what happened is she tried to fit it on one sheet. I was trying to find out 10 feet because the code said that you can not have outdoor dining within 10 feet of a side property. It looks close?

MS. WASLEY: I think it is 12 feet one inch.

MR. BOEHNER: Okay we are going to need that to be verified. I sense that you meet the requirement.

MR. PEACOCK: Just to make it clear that is 12 feet away from a two story brick wall.

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

4P-04-14 Application of 2144 BHTL Road, LLC, owner for Conditional Use Permit Approval to allow for an office, production and printing facility on property located at 2144 BHTL Road. All as described on application and plans on file.

MR. PALUMBO: Good evening my name is Mike Palumbo I am with Flaum Management and we are the owners of 2144 Brighton Henrietta Town Line Road. We recently purchased 2144 and 2100 on January 6th from Reed Management and are in the process of re-tenanting these buildings.

MR. CHAIRMAN: Okay, I think we are all reasonably comfortable with the explanations provided. I have one question on number 8. Of the description submitted, we would like to know what is soluble support PH7-9?

MR. PALUMBO: Basically it's water that is coming out of there 3 dimensional printer.

MR. BOEHNER: Is there an MSDS for that.

MR. PALUMBO: There are not chemicals associated in the water.

MR. BOEHNER: So do they design the printers I am just curious?

MR. PALUMBO: No, they actually bring the printer in and they do printing for other companies and then send it out. They will have a small 3-D printer basically. And they will be printing off different types of printer boards in plastic before they go out to be manufactured. They design these for manufacturers and then ship the smaller products out.

MR. CHAIRMAN: In other locations do they typically start out with this type of space requirement?

MR. PALUMBO: This is probably as big as it is going to get. They can add more printers they don't need more people. When we bought these buildings and we started working with some of the tenants we were trying to get a feel for the expansion and this is one of these groups that said we will be in this foot print forever. Technology is not going to get any smaller. It could get bigger but ultimately not in this treatment.

MR. BOEHNER: They don't see growing?

MR. PALUMBO: Not in this treatment no.

MS. CIVILETTI: What is the actual size of the printer?

MR. PALUMBO: It's about 3 by 3. It is not big at all.

MS. WRIGHT: What is the parking like is there sufficient parking?

MR. BOEHNER: When they came in originally for approval the old parking code was one to three hundred. So we are using that code for the rest of this building and we considered this and looked at this use as office use, primarily as an office use. So we said the original building was office and this space was calculated as office and we are still saying it is very similar to the use coming in. Parking right now isn't a problem because there are vacant spaces. I think what you are concerned about I believe you have five spaces allocated for the use but if you add up number of employees and visitors you may have a need greater than five spaces.

MR. PALUMBO: I don't think in this particular building we will. We have 80 spaces total and if you add the existing tenants that are in there we are far below that and the spaces as they are laid out now, they very but some of these other spaces are more flex, more warehouse with a little less parking. They are not labor intense at all.

MR. BOEHNER: So to answer your question there appears to be sufficient parking.

MR. CHAIRMAN: Any other questions?

MR. OSOWSKI: Do they recycle as much as they can?

MR. PALUMBO: They do.

MR. CHAIRMAN: Does anyone care to address this application? Seeing none we will move on.

4P-05-14 Application of 2100BHTL Road, LLC, owner, for Conditional Use Permit Approval to allow for an office and warehouse facility on property located at 2100 Brighton Henrietta Town Line Road. All as describe on application and plans on file.

MR. PALUMBO: Mike Palumbo, Flaum Management for the owners of 2100 Brighton Henrietta Town Line Road.

MR. CHAIRMAN: This application does not include the request for outdoor storage.

MR. PALUMBO: Originally they were coming in for 2144 where they were going to need outdoor storage. This space has more warehouse space than what they were getting at 2144. So they will not need outdoor storage at this time. And actually after talking to Rick this morning DeSteffano, I recalled the plan and said at any point do you think you will need outdoor storage the response was this. They are more seasonal than they are year round because who they supply to are the Town of Brighton, municipalities, athletic fields, pools, they provide PVC piping, sprinkler systems, Sprinkler heads and that type of stuff, that is mostly wholesale and very little retail. So it is really more spring, summer, and fall. In the wintertime they don't do much but occasionally they will get a truck load of PVC not a truck load but an order, so if they need 20 feet of PVC that is the longest length that they will ever get. It is very occasional he said where some municipality may order a section of 20 foot PVC and they may need to lay it outside. So at this point they don't have a need for it. In the future we may want to come back and ask if they think it is going to start to become a demand. Rick said I should probably mention that to you but at this point they don't need outside storage.

MR. CHAIRMAN: The issue of this being a retail destination for homeowner is what?

MR. PALUMBO: They are 90 percent wholesale. They don't advertise. You probably never heard of them before but if you go to the parks at Aquinas or any of the municipalities. This is the company that sends out those products.

MR. CHAIRMAN: They don't install they are just a supplier?

MR. PALUMBO: Yes.

MS. CIVILETTI: Is there any storage of solvents or anything like that?

MR. PALUMBO: No, not at all. This is all hardware. And just so you know Rick had asked about truck traffic. They get two to three deliveries a week, either UPS, Fedex, they will get an occasional flat bed or tractor trailer. That is only if they get that order of that 20 foot PVC but once again it is very rare but they do get it occasionally. It doesn't stick around. It gets loaded and goes right back out and again it is not something they inventory. They are going to have

one to two employees. Their hours of operation are 8 to 5. It is a pretty clean operation with low intensity.

MR. BOEHNER: Mike, one thing I wanted to point out is the parking. When we approved it in 1990 parking was based on 80 percent warehouse and 20 percent office use. This particular user is a little bit high on the office than the warehouse. You have plenty of parking right now because you have plenty of vacancies but as you go along keep those numbers in your head because this building is short on parking.

MR. PALUMBO: Keep in mind they are going to have two employees and they are not going to have visitors.

MR. BOEHNER: Mine is more from a Town calculation and remember that parking was done under a 1990 code and that may help you or the new code may and Rick will help you with that.

MR. PALUMBO: We are getting our hands around this and I know that Week (phonetic) Management wasn't as forthcoming as maybe they should have been but whatever we are here and we want to be good neighbors.

MR. BOEHNER: That is appreciated.

Thank you.

MR. CHAIRMAN: This is a public hearing does anyone care to address this application. If not we will move on.

NEW BUSINESS

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 MAY 21, 2014
MEETING AT APPLICANT'S REQUEST.

MR. CHAIRMAN: The public hearings are
closed.

NEW BUSINESS (cont.)

4P-NB1-14 Application of Wood Christian Center, Inc., owner, and
Clinton Avenue South, agent, for Concept Review to subdivide one
property into two and construct a 12,000 +/- sf medical office building on
property located at 2090 South Clinton Avenue. All as described on
application and plans on file.

MR. CLARK: Good evening my name is John
Clark with DDS Companies and I am here tonight on behalf of Clinton
Avenue South, LLC. With me this evening is Mr. Chris LeStory who is
representative of Clinton Avenue South. The project is located at 2090
South Clinton Avenue and what is happening my client is working with
the Church right now to subdivide a portion of their property off so they
may build a new 12,000 sf medical use facility. We are talking about a
doctor's office and they would have typical procedures outpatient
procedures that would take place there just like any doctor's office. So
what the plan is now is at a conceptual level is we are thinking about
subdividing the property at Lot one which would be at the South Clinton
Avenue side which would be the western side of the property. It would be
approximately 2.8 acres and it would have a new facility of a 12,000 sf
building. Lot 2 would be the existing church and that would be on about
4.4 acres of land. Both properties as they are shown conceptually do
provide enough parking per code so there would be no need for any
variances as far as that goes.

MR. BOEHNER: Can I just ask you on Lot
1, you said it required 80 spaces plus four handicapped or is that number
of 80 include the four?

MR. CLARK: It includes the four
handicapped spaces.

MR. BOEHNER: So you have three extra parking spaces?

MR. CLARK: Yes. So the utilities that are on site right now are sanitary, gas, water electric, there is everything right there. There might be some reorganization that has to take place in the area of the new building but they are all right there. In fact the sanitary is in a great spot and we can just hook right into it. There is going to be some need for realignment of the water that goes back and services the church and we have to run a new water line in for the new building but everything is right there. Storm water right now moves from the east side property to the west side. There are some ponds up near the road. Those currently take on the culvert and the catch basins. Everything that is drains over land gets there. So everything moving to the west that is exactly what we are going to do we are going to maintain that drainage pattern and utilize as much of the existing utilities as we can. Pipe all the storm water toward the front. We are trying to leave that as green as possible. We need to adhere to all the NYS DEC storm water management regulations so we are going to need ample space to do that and we feel that our concept plan achieves that.

As we are doing the subdivision we are going to have to provide an access easement to Lot 2 which is where the church is. So right now everybody enters the site on the northern side of the property and there is a driveway there that leads right back to the church. There was a previous traffic study done on this property and it's much better to have the access point directly across from Havens Road. That was before now and the traffic study that we have done about 10 years ago allows for a left hand turn lane in. It allows for a right hand turn out. So we think that is a much better design. So the access easement would be over that driveway and all the way back along the northern side of the property to get back to the church. Really it is just lines on paper but certainly we would have to provide that.

The previous project that was approved for this site was a bit more dense and it was also two medical use facilities that totaled about 24,000 sf I believe. So what we are doing with our application is reducing it a bit. We feel we are making it a much less dense project with one building and half the square footage that was also less parking. We feel that overall just a bit less dense development for the area. The other thing that we think that this offers is a good more open field. The previous plan had two buildings up closer to the road not as much green space left

up in front all the parking went straight back to the church. So it seemed to be a bit more dense than we liked so we changed it up a bit.

The other thing that we feel is this concept does it offers a bit more buffer to the southern residents. We know there is some residents over there and we want to keep their best interest in mind. So we thing this does a bit better job previously it was all parking lot right next to it and that's noise and light, that's traffic we feel it is not a great buffer. Where now we have that building on that side and it may provide a bit more buffer to the light spill, to the traffic that is going there, keep the headlights off of those properties. So we feel that offers a bit of a plus in that direction as well.

MR. BOEHNER: How many stories is this?

MR. CLARK: It's a single story. We have taken this plan and we have looked at it in a bunch of different way. We went in and met with Town staff talked about different things and ended up with the plan you see in front of you but we have looked at this thing a number of different way and if I can pass out a number of different things we have looked at. As we are here tonight for some feed back on our concept and we wanted to get the Town involved as early as possible and really taking a good hard look at it before we get into our advanced design. I wanted to show a couple of things that we have looked at. Turn to the third page I will start at the back and move forward in more of an L shape building and we had it up in the north east corner and while that alignment and that building structure works very well for our client it wasn't as acceptable to the church. The church is really looking for some access visual access to the road. They don't want a building necessarily right between them and the road. They have had parishioners coming for years and they travel along that northern property line to get back to the church and they felt that this was a bit more cumbersome on that when you drive into the development you see the doctor's office and you don't see the church and then there is a bit of winding around that it has to have.

The other thing with this concept is that that's where a lot of the sanitary utilities are so there would be a cut off of the sanitary utility that services the church right now so that would require rerouting. It's not that it couldn't be done it's just would add cost to the project. And we felt the buffer along the residential side to the south just wasn't adequate again you are looking at parking and the way we had it originally set up you were pulling in headlights first toward the southern

property lines and we knew that wouldn't be acceptable. So we moved on if you look at the lower right hand corner you will see some of the concept numbers that we had. So we have looked at this a bunch of different ways and I brought in just a snap shot of a few but then what we tried to do was rotate the building about 90 degrees and bring it down to that southern property line. And again we felt this offered a bit better buffer to that southern property line but it didn't achieve the visual access the church was looking for. And it did also offer us a bit of relief from the disturbance to the existing utilities actually this is probably the best place for the building as far as existing utilities go but knowing that it wasn't satisfying the church. We looked at it in a different way which was if you look back to the first page we had rotated the building 90 degrees again pushed it up towards the front of the road but that still had that visual barrier between the church and the road and it also was put in a place where there would be significant restructuring of some of the utilities that are there.

So we felt that again wasn't a good buffer against that southern property line. It just didn't fit everybody's needs. So through the process of tinkering and getting word from the town and input from the church and the clients we came up with the plan which we prefer which was submitted to you. As I said we did meet with Town staff, we some very productive meetings and it was suggested that we come and speak to the Board on a conceptual level before we got going with advanced plans and we certainly agree with that and appreciate the time and the opportunity to get some feed back. So with that we would be eager to get any feed back that you have and certainly answer any questions you have.

MR. CHAIRMAN: John, you did see the original plans for preliminary approval and I believe final approval I believe in 2002 where there were two story with a smaller foot print?

MR. CLARK: Right.

MR. CHAIRMAN: On either side of the entrance and the access was straight on up to the church. I just want to remind the members I believe there were only two of us that were here David Fader and myself. Do you want to start Jason.

MR. STINER: I know it is earlier on but it would be nice to see some additional landscaping in front of the grass. I know they want a line of sight in back but it would be nice to see some

trees in that medium section that you have in front of the parking lot, there in the middle of the parking lot and the same thing to not have just grass .

MR. CLARK: Absolutely.

MR. STINER: But looking at these other concepts and I am not familiar with the previous approved ones. South of the church there appears to be along the property line a bunch of trees as a buffer and I think we should try to do something similar to continue along the south side of those building.

MR. CLARK: Yes, definitely it is our attention to look at that and make sure that if there is a need to extend that we certainly will. We want to be good neighbors over there so we were looking at all those options and certainly a landscape plan when we get an advanced design we will see a landscape plan done by a licensed architect and I think you will be pleased with what we come up with.

MR. BOEHNER: John along that same thought look at where your location is for the concrete pad for your dumpster and your cooling tower's generator. I don't know if there can be a different location but you are right next to that house. You might want to talk with them too. That stuff is blocking doing any sort of screening.

MR. CLARK: We certainly will have to look at that and make sure we have that laid out properly.

MR. CHAIRMAN: Tom?

MR. WARTH: I concur with the idea of some kind of low landscaping in front of the western parking lot. I realize the church is higher and you want to maintain sight of the church and I also concur with landscaping on the south side of the building is there pavement there now?

MR. CLARK: On the south side of the building there is pavement there now and there may be a walk way for a rear entrance but the pavement would be removed and it would be grass but we may have a walk way for a separate entrance for the doctors.

MR. WARTH: This is one story?

MR. CLARK: Yes.

MR. WARTH: That is all I have.

MR. FADER: I like this better than the one you had in 2002. I agree with Ramsey on the dumpster I would push that away and I would try to push that back.

MR. CHAIRMAN: The smaller building foot print is two story and I think it may satisfy the occupation better. We do like the proposed building versus the L shape. We would encourage you to look at building to the other side of the site where you just flip it and see if that works and put the back of this new building to other buildings and we know it would be more commercial looking.

MR. CLARK: The one issue with that is we have looked at that and there is sanitary right here and that is our biggest concern is having to make all that drainage work and preliminarily I have looked at it and it would be very difficult to reconnect . I am not saying it is completely impossible but –

MR. CHAIRMAN: If you have looked at it that is fine. And if you were to just take a quick look at moving the building down and flipping those six parking spaces up to the east side of the building just so your view across the storm water area is just a building and not across the parking - pull that building down and flip that parking.

MR. CLARK: We will certainly look at that.

MR. CHAIRMAN: The dumpsters in particular and the cooling towers are near residences and are tuff when they come in and back up to the dumpster at 5:30 a.m.

MR. CLARK: I am hearing that real loud.

MS. CIVILETTI: I agree that it works the best at the opposite end that you presented. I don't have much to add just picking up on Bill's comments on the topography a little bit .

MR. CLARK: We can definitely make the grading here work. The two story option doesn't really work for my client with the operation that they have it is difficult.

MR. OSOWSKI: I really like Bill's idea being on the other side. I assume this would have normal hours of operation and I know the back of that church there is a gymnasium and what not goes on there in the evening.

MR. CLARK: YES.

MS. WRIGHT: Do you have a plan for signage yet is there going to be one kind for both the church and the medical office.

MR. CLARK: Currently there is a sign out at the road right now which they would like to maintain that sign and there is some logistics about it though because it will not be on the church's property any more but they are very interested in keeping that sign in a similar area up near the road. So that part of this has to be seen how that gets worked out. I know Rick was looking into that to see how the town regulations were for a sign in that area pre-existing but now it is getting moved because it is not on the same property any more so it is certainly something we have to look at.

MR. BOEHNER: So the office sign will have a building face sign?

MR. LESTORTI: Chris Lestorti. We haven't spoken with the church but the main concern is to keep the Jubilee name

MS. WRIGHT: Is the church on board with this plan conceptually?

MR. CLARK: Yes, they like this plan.

MR. CHAIRMAN: The architecture in general is it typical of what we see up and down South Clinton.

MR. CLARK: I would have to say yes. I have seen some of the rendering and it does look very typical of the different doctor offices so it certainly won't be out of character.

MR. CHAIRMAN: What type of doctor's office is this?

MR. CLARK: Gastroenterology and they are currently located at Clinton Crossing.

MR. CHAIRMAN: Will you include your architectural elevations in your application.

MR. CLARK: Sure.

MS. WRIGHT: One quick question you mentioned the easement for ingress and egress who will maintain the road way will it be the medical practice.

MR. CLARK: There will be an agreement between the two properties, I am sure they will split the cost or maybe the medical office will say we will take it on. That will be between them they will have to figure out who will maintain the road way. I am sure it will be a split to share the costs.

MR. CHAIRMAN: I ask that you take a look at those minor ideas and encourage you to pursue your preliminary application.

MR. CLARK: Great, thank you.

MR. BOEHNER: Have you talked to Monroe County DOT?

MR. CLARK: We haven't talked to them. I know we talked about doing that and we haven't proceeded with that but certainly we will.

MR. BOEHNER: Do you have to run the water line?

MR. CLARK: We will have to run a new water line.

MR. BOEHNER: And you have the main water line going down South Clinton?

MR. CLARK: Yes.

MR. STINER: I just want to thank you for bringing in the concepts and it helps us see your views.

MR. CLARK: That was helpful advice from Ramsey to bring those in to share and it makes sense we think this is an asset to the community and to my client as well and we want to make the process as smooth as possible. Thank you very much we appreciate your input.

MR. BOEHNER: Thank you.

PRESENTATION

NONE

COMMUNICATIONS

Letter from Michael Palumbo, Flaum Management Company, Inc. dated March 24, 2014, withdrawing application 4P-03-14

Letter from Betsy Brugg, Woods, Oviatt, Gilman, LLP, dated April 4, 2014 requesting postponement of application 1A-04-14.

Letter from Joseph O'Donnell, dated April 8, 2014, requesting postponement of application 1P-01-14.

PETITIONS

NONE

4P-01-14 Application of Corporate Woods of Brighton owner and Ellie Phillips (Phillips European Restaurant), lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property located at 26 Corporate Woods. All as described on application and plans on file.

MS. CIVILETTI: I move to close the public hearing for application 4P-01-14.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. The outdoor dining area shall be limited to 28 seats, and the total seating for the restaurant including inside and outdoor, shall not exceed 128 seats without further approval.
2. The outdoor dining area shall not exceed 750 square feet in area.
3. All requirements of Section 203-84.B(4) – Outdoor Dining Facilities – of the Comprehensive Development Regulations shall be met.

4. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation and no bard for service of alcohol shall be allowed in conjunction with the outdoor dining facility.
5. during each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers to the extent that such a patrol can be done safely and that permission is obtained from neighboring property owners.
6. The outdoor dining area shall only be operated during the hours of operation of the associated restaurant.
7. The applicant shall ensure that any proposed planters and plantings are maintained in a neat and attractive condition.
8. All proposed lighting shall be designed to illuminate only the dining area and to eliminate light overflow onto adjacent properties. Lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence no earlier than ½ hour after the close of business.
9. The applicant shall ensure that the outdoor dining area does not impede pedestrian passage. A new sidewalk shall be constructed along the driveway to connect the front and back sidewalks, as presented.
10. The entire sidewalk shall be removed and any disturbance outside the fence line shall be restored to lawn.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-02-14 Application of Mike Donoghue, owner, and Janine Wasley (Avvino Restaurant). Lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property

located at 2541 Monroe Avenue. All as described on application and plans on file.

MR. FADER: I move to close the public hearing of application 4P-02-14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. The outdoor dining area shall comply with the most current Building and Fire Cods of New York State. The outdoor dining area appears to create a potential obstruction for people exiting the stairwell. The applicant's architect shall verify that the proposed outdoor dining area and building meet all requirements of the New York State Building Code. A building permit must be obtained.
2. All conditions of Conditional Use Permit application 100-3-12 shall remain in effect.
3. The outdoor dining area appears to create a potential obstruction for people exiting the stairwell. All requirements of the New York State Building Code shall be met.

4. The submitted site plan is not to scale and it could not be verified that all setback requires are met. A site plan shall be submitted that verifies that the awning and outdoor dining will meet all setback requirements.
5. Architectural Review Board approval is needed for the new door and proposed awning.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town code shall be met that relate directly or indirectly to the applicant's request.
8. All lighting for the outdoor dining shall be low in height and intensity.
9. All outstanding comments and concerns of the Fire Marshal shall be addressed.
10. Precautions shall be taken to prevent noise generated by the business from becoming a nuisance for neighboring properties.
11. All BF-1 zoning district requirements, all requirements of #207-14.1 (waste container & grease/oil container standards) and all requirements of 207-14.2 (supplemental rest. Regs) shall me met.
12. All requirements of Section 203-74.B(3) and (4) shall be met.
13. The subject restaurant was approved under Conditional Use Permit application 10P-03-12 Based on this approval the total seating inside the restaurant is limited to 64 seats.
14. The seating capacity of the outdoor dining area is limited to a maximum of 14 seats.
15. The outdoor dining area shall only be used between the hours of 5:00 pm to 11:00 pm.
16. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation and no bars for service of alcohol shall be allowed to conjunction with the outdoor dining facility.

17. During each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers , to the extent that such a patrol can be done safely and that permission is obtained from the neighboring property owners where necessary.
18. The applicant shall ensure that any proposed planters and plantings are maintained in a neat and attractive conditions.
19. All proposed lighting shall be designed to illuminate only the dining area and to eliminate light overflow onto adjacent properties. Lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence no earlier than ½ hour before the business is open to the public and to terminate no later than ½ hour after the close of business.
20. The Planning Board requires that this conditional use permit be periodically renewed after application notice and a public hearing to determine if the conditions of the approval have been complied with or whether conditions have changed since the original conditional use permit was granted. This conditional use permit must be renewed within one year of approval.
21. The closest residential use shall be within 150 feet.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-04-14 Application of 2144 BHTL Road, LLC, owner for Conditional Use Permit Approval to allow for an office, production and printing facility on property located at 2144 BHTL Road. All as described on application and plans on file.

MR. FADER: I move to close the public hearing on application 4P-04-14.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS

1. An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Roth 585-784-5220)/
2. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code and shall comply with all occupancy limits as set by the Brighton Fire Marshal. All required permits shall be obtained.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town's Code. Any additional parking areas shall be subject to site plan approval.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. Outside storage and display shall be prohibited without further approval.
7. Any discharge to the sanitary sewer system shall meet all town, county, state and federal requirements.

8. All Monroe County comments shall be addressed.
9. All comments and requirements Town Building Inspector and Fire Marshal shall be addressed.
10. Any proposed signage shall obtain all required approvals.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-05-14 Application of 2100BHTL Road, LLC, owner, for Conditional Use Permit Approval to allow for an office and warehouse facility on property located at 2100 Brighton Henrietta Town Line Road. All as describe on application and plans on file.

MR. WARTH: I move to close the public hearing on application 4P-05-14.

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 Determination of Significance and Conditions:

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS

- 1 An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Roth 585-784-5220)/
2. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code and shall comply with all occupancy limits as set by the Brighton Fire Marshal. All required permits shall be obtained.
- 3 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 4 The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town's Code. Any additional parking areas shall be subject to site plan approval. Applicant should be aware that the building was originally approved \to be 80 % warehouse and 20% office use.
- 5 Meet all requirements of the Town of Brighton's Department of Public Works.
- 6 Outside storage and display shall be prohibited without further approval.
- 7 Any discharge to the sanitary sewer system shall meet all town, county, state and federal requirements.
- 8 All Monroe County comments shall be addressed.
- 9 All comments and requirements Town Building Inspector and Fire Marshal shall be addressed.
- 10 Any proposed signage shall obtain all required approvals.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

OLD BUSINESS

The University of Rochester – IPD Rezoning Supplemental Draft Generic Environmental Impact Statement comment letter.

MR. CHAIRMAN: I direct the Town Planner to send the letter to the Town Board with corrections.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

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

CONDITIONS

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.

1324 Dunkin Donuts for a building face sign at 2740 West Henrietta Road.

1325 Ontario Hearing Center for a building face sign at 2210 Monroe Avenue.

1326 MCC Economic & Workforce Development Center for a Building face sign at 1057 East Henrietta Road.

1. Lighting shall be changed to down lights that illuminate the signs only. Flood lights are not appropriate for lighting the sign.

OLD BUSINESS

1309 Monster Videogame for a building face sign a 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.

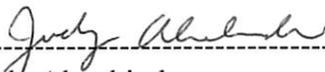
MR. CHAIRMAN: I move to approve signs 1310, 1324, 1325 1326 with conditions as stated. Sign 1309 is tabled.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

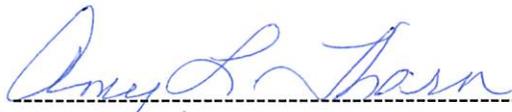
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the April 10,
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 14th day of April 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

AMY L. THORN
NOTARY PUBLIC in the County of Wayne
New York State #4678754
My Commission expires October 31, 20 14