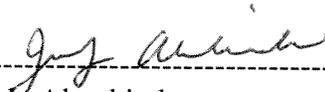


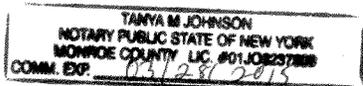
CERTIFICATION

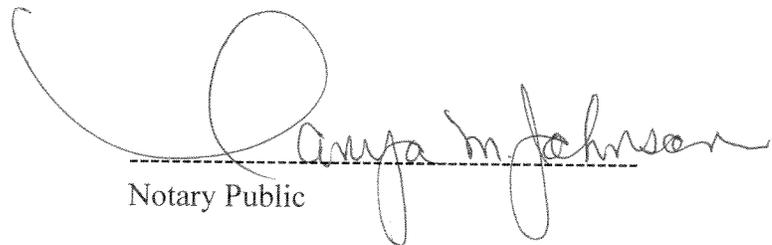
I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the June 18,
2014 , meeting of the Planning Board of the Town of Brighton
at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to
the best of my ability as recorded and transcribed by me.



Judy Almekinder

On this ^{1st}----- day of July, 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

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on June 18, 2014
commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman
David Fader
Josh Babcock Stiner
Thomas J. Warth
Laura Civiletti
Andrea Tompkins - 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 June 18, 2014 Town of
Brighton's Planning Board to order. Before we get started I just want to let
everyone know that we have three applications two have been postponed,
application 5P-01-14 and 5P-NB1-14 and one has been withdrawn by the
applicant 5P-NB3-14. We have minutes from the May 21, 2014,
meeting, do I have a motion to approve those minutes with any
corrections.

MR. FADER: I move to approve the minutes from
the May 21, 2014 meetings.

MR. OSOWSKI: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: Mr. Secretary were the public
hearings properly advertised as required.

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of June 12, 2014.

5P-01-14 Application of 2600 Elmwood LLC, owner, and Buckingham Properties, agent, for Conditional Use Permit Approval and the Site Plan Modification to install a 555 +/- sf outdoor dining area in the front yard with 20 seats on property located at 2600 Elmwood Avenue. All as described on application and plans on file. TABLED AT THE MAY 21, 2014 MEETING - PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE JULY 16, 2014 MEETING AT APPLICANT’S REQUEST

6P-01-14 Application of Brian Geary, owner for Preliminary /Final Site Plan Approval to 1) construct a 1, 909 +/- sf single family house with an 891 sf attached garage on property located on Avon Road. Lot 40 (Tax ID #123.13-03-022) and 2) construct a 1909 +/- sf single family home with a 71 sf attached garage on property located on Avon Road. Lot 41(Tax ID # 123-134-03-021). All as described on application and plans on file.

MR. CLARK: Good evening I am John Clark I am here tonight on behalf of Mr. Brian Geary he is with me this evening along with his father Joe. The proposed project is a single family residence on two separate lots on Avon Road, Lots 40 and Lot 41. Mr. Geary is the owner of those parcels and they are pre-existing non-conforming substandard lots in lot width and lot size. So we have a bit of a compact foot print that we need to maintain. We are proposing to put the buildings within the existing setbacks and develop the land with as many or as few variances as possible although we have identified each one. The property will be serviced by public utilities gas, electric, water and they will all be coming from the right of way so there is no issues with trying to get utilities there. The site is currently vacant. There are quite a bit of trees. The land slopes from west to east toward the Avon Road cul de sac. So the first thing that we would be doing here is going in and clearing out the trees. Mr. Geary would like to clear out the majority of the trees leaving some along the southern property line but then replacing those with about 30 new arbor vitae trees that would run the western and the northern property lines creating a vegetative screen.

In addition we would like to balance the earth a little bit there. Lot 40 to the south sits higher than Lot 41 that is to the north. We are going to be putting two brand new homes next to each other and we really don’t want to have one up considerably higher than the other. So there would be a need to do some earth work balancing in there.

Once that gets done the new house would be constructed and one of the things that is very important here is drainage. We were in front of the Board previously with another owner last year that had approved plans to put a single lot home here and one thing we heard from the neighbors is that water can be an issue here. Everything runs toward Avon Road and once in the cul de sac it doesn't really get picked up by the town sewer very well and ends up puddling in front of the neighbor's house which creates some issues with the storm water so we understand that is very important. So what we are proposing to do is create a bit of a swail in the back of the lot bring that down and create a bit of a sink some where water can actually go to the stuff which is coming from up stream to the western end of the property and works its way into an area that is lower and get into the storm catch basin at that point. So now instead of that 1.5 acres of drainage that is coming through the lot and onto Avon Road it is now getting captured in some catch basins that are located in the back yard along the side of the yard. So we feel that we are really improving the drainage situation here.

The only thing that would continue to move toward Avon Road would be the front of the lot. So we would be draining those out as best we can and minimize the rate at which the drainage leaves the site and it would certainly be a drastic reduction in the amount of water that is actually getting to Avon Road as compared to what is getting there today. So that is pretty much the project in a nutshell. We have received comments from Town Engineering and we will get to that later. We did get comments from DRC and we will get into that later.

The only variance that we have identified is for lot coverage on Lot 41 that is the northern lot. For a number of different reasons we want to cover the proposed patio that is to the back of the home. It is about a 10 by 23 foot area that would sit between the garage and the living space of the house. We would like to extend the roof of the home over the top of it per Town Code however that counts toward our lot coverage so instead of being at 25 percent lot coverage when we extend that roof over the top of that patio area are at about 25.9 percent so we are slightly over. So we will be seeking a variance for that. It amounts to about 100 square foot that we are over. As we stated there is a multitude of reasons why we are proposing this and going forward with trying to get the variance and among them is health concerns with Mr. Geary and his family they do need that covered area and one way or another it will be covered but this affords them an opportunity to have it taken care of with a roof rather than having to suddenly work with different pitch lines in the

roof and adding eaves and extra gutters and then a retractable awning that would have to go there but we will get into that further later but that is the project in a nutshell.

MR. CHAIRMAN: Can you remind us this is a subdivision done under a different owner that was filed? And it is consistent with what was filed.

MR. CLARK: That is correct.

MR. CHAIRMAN: Would you point out for us briefly a little about drainage coming off the roof it looks like it is hitting an enclosed system.

MR. CLARK: Yes, all the roof leders will be gathered within a header pipe and there are header pipes on both vaults so there will be piping around that catches all the gutters and routes it toward the storm water pipe that is located in the middle of the property. The Town owns property or the Town owns pipe that runs right through the middle of the property. So there is a 10 foot easement over the top of that and we are proposing to put pipes all around the home and catch all the yard water and bring those into the catch basin and that will enter into the storm system there. So all the water coming from the roof top will be captured and will be directed right into the existing storm sewer system .

MR. WARTH: Does that storm sewer system go into the catch basin in the middle of the road or is that separate?

MR. CLARK: Yes, that sewer collects a ton of water from the west. This sewer right here that runs through the property it captures a ton of water out here to the west and then it continues on its way to the east. It is an 18 inch pipe that comes through a few of the properties to the west and that is a Town owned sewer that has run through there years and years ago and continues on its way to the east. And the catch basin is located right in that culvert and that just ties into it.

MR. WARTH: So is there an issue if there is more water going into that pipe that there would be greater back ups within the catch basin in the middle of the street and coming back off there?

MR. CLARK: No, that is a good question and I understand the question but that 18 inch pipe and the amount of water that we are actually putting into that is pretty insignificant when you talk about that large of a pipe and the rate by which is it getting in so that wouldn't be an issue in this instance.

MR. BOEHNER: How is the drainage that was identified the last time this property was in, the water coming down from the north across the cul de sac, across the street, how is that being addressed?

MR. CLARK: The water that is coming from the north, it is really not that great. We went out and did additional surveys because the Town Engineer wanted us to do a very expansive drainage study so we did that and we looked at where it was coming from after we did more surveys and the drainage is coming down from the existing pool here and the existing tennis court so the actual area that the north side is capturing is not that great but we know that was a concern. So in an effort to keep water from coming into the homes we proposed a catch basin on this side that would capture that.

MR. BOEHNER: So it is not going across the street.

MR. CLARK: Correct, I think there is going to be a large improvement to the drainage situation out there.

MR. CHAIRMAN: John, there is a deciduous tree in back of Lot 40, does that offer any value in terms of shade?

MR. CLARK: I think it does. The intent is to try and keep that if possible, there is some grading that has to happen back there but I think the owners would like to keep it if possible.

MR. BOEHNER: Where is that tree on the plan?

MR. CLARK: It is right in the back. We do have it pointed out to be removed but we did have further conversations about that and we did go to the Conservation Board meeting and we are going to try to maintain that tree.

MR. BOEHNER: Is it in good health?

MR. CLARK: It is in decent health.

MR. BOEHNER: When we are talking about trees, on your demolition plans the existing condition plan, in the Town Easement you show a tree that is to be removed and another tree that is to be removed and on the site plan it showed the tree is to remain?

MR. CLARK: Our intent is to probably be removed but we have to be very sensitive about that because it is right next to that Town Sewer so I think that is something that as we get an impression about it we are going to have to look at that a bit more. I talked to the Town about it and it would be removed at the owners own risk but if there is damage to the pipe we would have to replace it.

MR. BOEHNER: So you have talked to then and the idea is to remove it?

MR. CLARK: My question is it is in the easement and it seems as though it would be the Town's responsibility to get it out of there but that is not the case. We are allowed to get in there but it does not have to be removed that sort of thing.

MR. OSOWSKI: Do you know if the storm sewer is going to be in a good condition? It looks like it is clay pipe?

MR. CLARK: It hasn't been televised and really our only records are through what the Town tells us and based on my conversations with the Town Engineer they haven't had any direct issues with it.

MR. BOEHNER: I am going to talk a little bit about the architectural elevations and what we saw from the site plan. One is that the elevations show doors on the north side for the garages and the walk way shown on lot 40, is there a walk way or pavement proposed on lot 41 and is that pavement going to be within the easement?

MR. CLARK: Yes. We know we have to look out for that so I think in the end it would be gravel. We don't want to take the chance.

MR. BOEHNER: What you want to do it get it shown on the plans and circle that for the Town Engineer and you guys can discuss that. We weren't sure but when you have a door there you usually have a sidewalk leading up to it.

MR. CLARK: Okay.

MR. BOEHNER: I don't want you putting a sidewalk there and us telling you are not now would be the time to address it. The other thing in the plans are showing the escape window wells and maybe some of the window wells are going to be reduced and you should show them on the plans to make sure you don't have any setback problems with those. So if you could check your building floor plans and elevations to your plans and tighten them up and there will be some comments to that effect.

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

MR. CLARK: No, no generator but the air conditioning unit we are proposing to put those on the south side of the property for this structure and this one will be in the same area. We just need to make sure we keep them five feet off the property line with the intent to put them on the south side of the building, closer to the front than the rear and they will be screened and we will make sure that is shown on the plan.

MR. BOEHNER: It will be shown on the plan as well as the decibel level.

MR. CLARK: Sure.

MR. CHAIRMAN: Have you made application to ARB ?

MR. CLARK: Yes, next week and July 2nd for the Zoning Board.

MR. BOEHNER: It is your intention to come back in July?

MR. CLARK: It would be my intention to receive preliminary and final contingent upon those two boards if at all possible?

MR. CHAIRMAN: Not with ARB and the Zoning Board outstanding. You will get preliminary and final at the next meeting.

MR. BOEHNER: You need to address the outstanding comments and get those to us.

MR. CLARK: July 16 is the next Planning Board meeting?

MR. BOEHNER: I am not sure make sure you get those comments back to us and I'll check the next date for the Planning Board meeting on Thursday or Friday.

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

NEW BUSINESS

5P-NB1-14 Application of Deacon Peter Bushunow, Holy Ascension of Christ Church, owner for Preliminary Site Plan Approval to construct 576 +/- sf building addition and enlarge the parking lot (20 additional spaces) on property located at 650 North Landing Road. All as described on application and plans on file. TABLED AT THE MAY 21, 2014 MEETING- PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE AUGUST 20, 2014 MEETING AT APPLICANT'S REQUEST.

5P-NB3-14 Application of Max M. Farash Land Co, LLC By Max M. Farash Declaration in Trust, owner and FCJE Holdings, LLC, applicant for Preliminary Site Plan Approval, Preliminary Subdivision Approval, Preliminary Conditional Use Permit Approval and Preliminary EPOD (woodlot) Permit Approval to construct a portion of a 59,800 +/- building housing three private schools and a driveway servicing the schools and to subdivide one lot into two on property located at 447 French Road. All as

described on application and plans on file. WITHDRAWN BY APPLICANT.

6P-NB1-14 Application of Debra Pierce, owner, for Preliminary Site Plan Approval and Demolition Review and Approval to raze a single family house and construct a new 1,941 +/- sf single family house with a 262 attached garage on property located at 166 Antlers Drive. All as described on application and plans on file.

MR. MCGUIRE: Shawn McGuire with West Architects (phonetic) and I am here on behalf of Debra Pierce. The project here we are looking at demolition of an existing two story colonial house and rebuilding with a new house that is two story as well . It is situated a little differently than the house now where we have basically a one story on the front of the house and then two going back so it kind of sits back on the front. The new house is a little narrower than the current house that is there now but has a larger foot print because it goes steeper into the lot. Basically we are going from a house that is 1,620 square feet to 1, 941 square feet. The house itself is going to be maintained at the same elevation and is not going to be any higher than the other house was. It was a concern of the Town and we went out and surveyed and took a survey of the elevations of the surrounding homes and it is keeping with the house that is there now.

As far as drain off they will be connecting to the storm lanes that are there now so there will be no water running off . Any questions?

MR. CHAIRMAN: It is an interesting project. A couple of us live in the neighborhood. Why are you doing this?

MR. MCGUIRE: The current house that is there now has quite a bit of repairs needed. The roof is in rough shape, the siding and windows there is hardly any insulation in the home, it is pretty drafty and the basement is pretty low and they will have to increase the height by digging deeper down to get a little more room for storage and what not. There are a little bit of structural problems in the basement as far as the foundation so if you figure the amount of money that would be put into rendering that they should change the floor plan and have it more open versus a smaller confined space. So that is the intent.

MR. CHAIRMAN: So would you walk us through the house a little bit?

MR. MCGUIRE: Sure. This is the front porch and we will be changing it a little bit from what is currently there now, there is a sidewalk here and two steps onto the porch from the break room. There is a column here in the middle, and we have the kitchen, dining room and break room all over here and the fire place. Then you have a partially open stairs and a small little porch here and there is a mud room and laundry room here and a single car garage. Then you have the master bedroom and bath and then up stairs you have an open loft, some book cases and desks and there is another bedroom here and a walk in closet and then a full bath on the outside here and then another loft and bedroom.

MR. OSOWSKI: Is there any consideration about lowering the elevation and using a universal design concept to have an almost flat entrance to the house.

MR. MCGUIRE: We did not look at that for a reason that we are increasing the height of the basement by digging down and to do that we have to go down probably another couple of feet and that would be pretty expensive for the owner. So at this point we really didn't look at that.

MR. BOEHNER: Have you applied to the Architectural Review Board?

MR. MCGUIRE: Yes, we are on for next Wednesday.

MR. BOEHNER: Have you done an asbestos report.

MR. MCGUIRE: Yes, it has been submitted.

MR. BOEHNER: Now the driveway are you changing the curb cut?

MR. MCGUIRE: No that remains the same.

MR. BOEHNER: Has anyone looked at the grading plan in relationship to the hedge row and any concern about grading damaging those hedge rows?

MR. JALDA: Martin Jalda. They will do just the minimum grading around the house.

MR. BOEHNER: How close is the grading going up to those hedge rows? The grading is going to stay the same by the hedge row?

MR. JALDA: Yes. It will be around four feet along those hedge rows. The only difference in grading we are taking more of the drainage to the front of the property over to the road to be collected by the storm sewer system.

MR. BOEHNER: A couple of comments, you are going to need a letter of credit for the project to cover a number of things including the demolition. The project also has to be reviewed by the Historical Preservation Commission before we can allow it to be demo'd and that will happen at it's June meeting here in a couple of weeks. I can put it on that agenda and you don't need to attend but I will take it there and if they have an issue the next meeting you will need to attend. I don't know if the house has historic value it doesn't appear to have any. Do you know when it was built?

MR. MCGUIRE: In the 1950's .

MR. BOEHNER: Okay.

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

MS. BYNRE: Heidi Bynre. I live next door. I am just curious about the time line and I need to keep my pets in doors. What is the time line for when the house is going to be built?

MR. BOEHNER: We do not notify you but you can certainly ask your neighbor to let you know when the demolition is going to take place. The demolition contractor should be able to keep the dust and impacts to a minimum for you. So it would be your choice to

keep your dogs inside or out. I don't know their construction schedule we will ask them. Is that the kind of information you want?

MS. BYRNE: Yes, will demolition take a long time.

MR. BOEHNER: I am not the applicant but I will ask him but demolition goes pretty quickly construction could take some time. So you will be living with temporary impacts during construction.

MS. BYRNE: I am sure having a new house will not be a bad thing.

MR. BOEHNER: Do you have a time schedule?

MR. MCGUIRE: I do not at this time. I am working with the contractor who will be doing this project. We had another one in Pittsford I believe that was a few days for demolition.

MR. BOEHNER: And did that have the construction of a new house?

MR. MCGUIRE: Yes, we basically tore down to the foundation and built it from the foundation up and it was a two story building as well.

MR. BOEHNER: Do you know how long that took from demolition to occupancy?

MR. MCGUIRE: Probably three months I believe and that was a much larger house to.

MR. CHAIRMAN: Does anyone else care to address this application? Thank you very much.

6P-NB2-14 Application of Word Christian Center, owner, and Clinton Avenue South, LLC applicant, for Preliminary Site Plan Approval and Preliminary Subdivision Approval to construct a 12,900+/- sf medical office building and subdivide one parcel into two parcels on property

located at 2090 South Clinton Avenue. All as described on application and plans on file.

MR. CLARK: My name is John Clark and I am with DDS Company and here on behalf of Clinton Avenue South LLC. The LLC is in a contract negotiation with Word Christian Center who is an owner of an 7 point 2 acre parcel that is located at 2090 Clinton Avenue South. They have agreed to allow this new facility to be put on their property which they are proposing to subdivide. The eastern portion of the property is about 4 point acres and that would become lot 2 that would continue to house the existing church and parking facility associated with that while the front of the property would be lot 1 and that would be about 2 point 8 acres and would house a new 12,900 square foot medical use facility. This area was previously approved back in 2002 to construct two new buildings with a total of approximately 23,000 square feet so we feel this is a much less intense development and we will try to utilize the existing parking and utilities that are there to minimize as much impact as possible. The site would be served by public utilities that are mainly on the site. They would have to tap into a new water line but everything else is pretty much set up.

When the plans were previously approved back in 2002 all the infrastructure and the parking area and everything was constructed except for the buildings themselves. The sanitary is in great shape for us it is right there and ready to go. Obviously the changes to the site trying to add as much green space as we can we are having to relocate some of the existing catch basins adding to the new ones. But mainly storm water on the site works its way from east to west and ends up in the pond area in front. We are going to maintain that type of drainage pattern utilizing the existing catch basins and new catch basins and underground systems to get all the water to the ponds that are up towards the front.

Back when this was approved the DEC regulations have changed quite a bit so there is going to have to be some improvements to those ponds as well as introduction to some new green infrastructure techniques, bio-retention facilities, organic filters and things of that nature that are required by the DEC today. One of the other things that came out of the previous approval was a traffic study that was completed and the results of that would be in the best interest of the site and for the traffic if that existing entrance was moved from the northern property line to the center of the property directly across from Havens Road. This creates a four way intersection there which is a much more

safe situation. There may be some realignment of stripping along South Clinton to provide for a left turn into the site. So we have confirmed that with Monroe County DOT and they are definitely looking for us to do that. And that is where we started with this to make sure we got the entrance in the right spot .

As far as where the building is placed when we were back before the Board in April we talked about all the different concepts we had gone through and we talked about all the different iterations about having how the building is being placed in this area really did seem to work the best we had all sorts of different foot prints all sorts of different orientations of the buildings but this one seemed to work out the best on the site. The utilities that are there and we feel that it works out the best for the neighboring residential zoning. Right now the zoning line is along the property to the South it is about a 90 foot overlap from our new property line to the existing property line where it is zoned residential. The building encroaches on that about 20 foot or so.

So we felt that this actually provided a bit better of a buffer and the intent is to extend that berm as much as we can there is an existing berm that is there with some trees on it and we intend to extend that berm and extend those trees and try and maintain that vegetative buffer as much as we can. And in addition to that the building itself is going to buffer visually and noise coming from the parking lot. So we felt that rather than having an open parking lot there which is basically empty today I am sure there is times when it does get filled up during different events but on a daily basis now that parking lot will be filled and you will be having a lot more noise associated with that and visual impacts with the lighting. So we felt that the building placed in that area also lent itself to a bit of a visual and noise buffer over there.

The other thing that we looked hard at was to maintain as much green spaces as we can minimizing parking spaces as best we can and providing land spaces as best we can and I think we have done a pretty good job on that. We are working through an issue right now the Town commented the basement that sits there right now would require some additional parking and we feel that we can reduce the foot print of the basement itself which would reduce some of the floor area that we are required to have parking for. So we think we can reduce that enough in order to provide some additional spaces or make some additional land banked spaces rather than putting in spaces.

MR. BOEHNER: John have you discussed lowering the height of the ceiling.

MR. CLARK: We have in our architecture been working diligently at this moment actually to try and figure out how we can best accommodate everything. The purpose of having this basement is there is a lot of medical equipment that needs to go in there and I don't have the specs on it on hand but they are fairly large and in a medical use facility there is a lot of things that need to go down there. So there is dedicated space that needs to go down there. In addition to that they would like to have some space to store some medical records, store equipment things that they need to have access to but at the same point we would have to satisfy Town Code which is trying to have parking for all the floor area. So we are working with the architects to see if we can minimize that height and minimize the area that is dedicated for storage as well.

MR. BOEHNER: You understand what I am saying by lowering the ceiling height.

MR. CLARK: I do.

MR. BOEHNER: We can talk more about that but I wanted to put that out there for you .

MR. CLARK: Certainly I know we talked about a certain number and that doesn't seem feasible based on the equipment that has to go in there but I am sure we can work together to accomplish it. In addition to that we have been to the Conservation Board and we are going to the Architectural Review Board next week and we are not intending to need any variances on this project. So that is pretty much where we stand. I have received verbal comments from the Town. We have received DRC Comments and right now we are looking for Preliminary Approval at this meeting.

MR. CHAIRMAN: John, I think when you were in for concept we asked you for a couple of things and it does appear that you have moved the dumpster location from where it was proposed in your concept drawing and I am not sure at the time of concept we had a generator in mind but the reason you have a generator on that side is to stay you said instead of having it further west along the back of the building is there a specific reason there.

MR. CLARK: I will have to look into the mechanicals and see if we can move that. It is down in that area along the eastern side and there is a small retaining wall there about a 3 foot wall that will come up to a railing height and we have the sidewalk running along there as well. That generator is down in that area and it does reduce some of the noise but I get your question and if we can move it we certainly will try.

MR. CHAIRMAN: And that will be natural gas.

MR. CLARK: Yes.

MR. CHAIRMAN: And will that be tested monthly or weekly.

MR. CLARK: I don't know that.

MR. OSOWSKI: Usually it is monthly.

MR. CHAIRMAN: The other thing I know that we asked you to look at is the parking that is on the west side of the building and moving it to the east side almost making that east side double loaded with parking instead of putting it on the west side really it is just for that whole front to be double loaded parking and cut off the pavement.

MR. CLARK: We did look at that and again there were a couple of reasons why we didn't. The logistics of the medical use facility and where they have to have certain rooms, senior rooms, certain waiting rooms and things of that nature have kind of limited that space where the doctor offices would be and at this point in the southwest corner and over there on that side is where we have an entrance for the doctors so that is why we had the thought to have additional parking in that area. Again we are trying to minimize the vehicular traffic in that eastern corner where it buffers against the residential zoning. Now adding all that additional parking or the traffic that goes along with it we felt it was a better situation to keep that in the western side of the building and because of the fact that the internal guts of the building and how things have to operate inside really didn't lend it self to a lot of maneuvering within the building to change that. So we did that along with trying to protect some of the best interest of the neighbors next door that we would keep the parking where it was.

MR. OSOWSKI: How many potential entrances are there right now.

MR. CLARK: Right now we have based an entrance in the back that would be used for mainly employee parking along this side so there is not that much traffic in and out. They come and they park and they go into work. There is also a nice patio there and there is an entrance there. There is an entrance on the west side to be dedicated for doctors only and then there is an entrance up front for the patients.

MR. CHAIRMAN: Your landscape plan does show some buffering, trees and wetlands for the storm water management and we just don't see anything across the back.

MR. CLARK: Yes, and we know that is an issue and we are going to be planting along this area. There is an existing tree that sits right on the edge of the parking lot and we feel that we can save that. On the areas that are further to the west is where we are going to try to make up some grade and there is some slope over here but again it would involve the parking lot that is there so we haven't involved a lot of concentration of vegetation there.

MR. BOEHNER: So are you saying that you are not putting any landscape treatment there or –

MR. CLARK: I certainly can look into it. I know we are coming down from the building on about a one on three slope there and I have to get comment from the Town and get a drainage structure in there and maintain that drainage so it doesn't go across the parking lot.

MR. BOEHNER: The residential portion as far as you can get that down and screen the residential portion –

MR. CLARK: Absolutely totally understood.

MR. CHAIRMAN: Other questions?

MR. BOEHNER: A comment the plans show a free standing sign that is going to need a variance.

MR. CLARK: We talked about that sign early on –

MR. BOEHNER: It doesn't hold this for portion before that sign can go up and that's even for the church because the church sign now comes off premises and if it's for this use they would need a variance because that is not permitted by code. That is not something that needs to be taken care of before you get your final approval though.

MR. CLARK: Okay.

MR. BOEHNER: That is something that has to be done before it can go up.

MR. CLARK: And I know we spoke about that and I know the Town has to look into it further about the fact that there is an existing sign there that belongs to the church and now they obviously want some recognition of the road but it's not to be on the property any more but its been determined that –

MR. BOEHNER: Yes, you would need an off premise variance.

MS. TOMPKINS-WRIGHT: Would the intent be to put the church and the medical office name on the sign?

MR. CLARK: I think that is the intent but I haven't worked that out yet.

MR. LESTORES: The idea is we would have a generic sign that said Jubilee Center so it still maintains the identity of the church but the sign wouldn't identify anything else.

MS. TOMPKINS-WRIGHT: So there would be a sign on the buildings then?

MR. LESTORES: Yes.

MR. BOEHNER: One of the things that are going to need to be done is to verify all fire access and radius's and all the

requirements of the fire marshal need to be fully addressed and fire hydrants is another thing that needs to be addressed.

MR. CLARK: Yes. One of the comments from the County DRC was that we are showing 36 feet and 30 feet is the maximum and we will definitely get that slimmed down.

MR. BOEHNER: In the DRC comments the county had said a traffic study is required it is my understanding you have since spoken to the County and they are going to rescind that comment. Is that right?

MR. CLARK: Yes, I spoke with County DRC and they said that was put on there in error that they don't require a traffic study unless you are 25,000 to 30,000 square feet for a medical use facility. So he felt that was in error and I back that up with the fact that there had already been a traffic study done on the previous project and that we were hearing the mitigations that they felt was required at that point and he clearly agreed and said that he would rescind that comment. So actually what I have to do is reiterate our conversation and my response back to him –

MR. BOEHNER: You need to copy us in.

MR. CLARK: Absolutely

MR. BOEHNER: You have to have him take that back before I can do an environmental review.

MR. CLARK: Okay. I will be on the phone tomorrow then. The other thing I talked to Mike Guyon and he said that the Town would still require some sort of trip generation. It's really much lesser amount of work that has to be done. It is a trip generation versus a traffic study.

MR. OSOWSKI: There are some underground utilities labeled SF and it seems to go along the north edge of the property over to the side -

MR. CLARK: I am sorry that is part of the erosion sediment control plan but we need to make sure it is on the plans. If it is not clearly labeled on the legend I will make sure it gets in there.

MR. BOEHNER: I have some questions about lighting and hours of operation. They will be LED's 17 foot high?

MR. CLARK: About 20 feet high with the pedestals but we will adhere to whatever the Town standard would be there.

MR. BOHNER: Okay, and the lights should be on timers so what are the hours of operation? We are going to have to have a condition that the lights be on and off at such and such hour. If you can let us know what that time is going to be that would be appreciated if you don't know what the answer to that is right now you can give that to us the next time when you come back.

MR. CLARK: Okay.

MR. BOEHNER: And what type of exterior lighting are you putting in on the building and is that lighting always going to be on? I know on the back of the building it looks like you have a light proposed.

MR. CLARK: I think we can work that out.

MR. BOEHNER: Okay because that is getting close to the residential area, I don't know how bright it is.

MR. CLARK: They are typical residential lights so I don't think it would be anything out of character for the neighborhood and again there is a security issue and we would like to have some lighting that would remain on a bit but we will be sure to get something that is satisfactory.

MS. TOMPKINS-WRIGHT: I just want to confirm with the basement is it your intent to reduce the basement to 750 square feet or whatever and add more parking on the site plan.

MR. CLARK: Correct yes, what I think I can do and I am not sure and I have to look into it a little bit further. The architects are looking at it and they feel they can reduce the full basement but not the rest of the building –

MS. TOMPKINS-WRIGHT: Just the
basement --

MR. CLARK: Correct right now based on what the basement is which is about 4500 square feet that puts us at about 33 extra spaces and first of all the site can't handle it that is a lot of impervious area so we want to reduce that. I think the combination of reducing the basement foot print and adding some man made spaces along this edge here might alleviate that requirement. So we can get it down to where there is only 12 spaces and then we can find some space to land bank those. So our intent would be to satisfy the code.

MR. OSOWSKI: Would there be any kind of agreement struck between you and the church because they are probably empty during the week?

MR. CLARK: Absolutely but one of the issues that we are having here is that we want to try and avoid variances and add time to the approval process and with the construction season it is going to be gone very quickly. So we are trying to maintain a schedule we would like to avoid having to go for a variance and that would require a variance sharing parking.

MR. CLARK: We have not received comments back from the water authority yet. I am hoping I can have some conversation with them that will allow us to put the back row into the building because we are considerably closer to the road than the church is. We are about 200 feet and that is slightly over their requirement for having to have it at the road. There is an existing water meter vault that is at the road that is servicing the church and I am hopeful that I can avoid that if not I don't see any other way other than to put in another vault perhaps or expand the vault that is there.

MR. BOEHNER: Do you know when they will get back to you?

MR. CLARK: I would hope very soon. I should be able to have an answer on that specifically very soon.

MR. CHAIRMAN: Thank you. This is a public hearing is there anyone who cares to address this application.

MR. BREWER: My name is John Brewer and I live at 30 LaKine (phonetic) just a residential community that abuts the development. The first question I have is tonight the last opportunity for the public to give input, in other words would a decision be made today that the project is going to go forward and there is no more opportunity for the community to give input-

MR. CHAIRMAN: No, there is likely to be a couple of other opportunities it appears the application has to resolve the issue of square footage in the basement and the parking to accommodate that square footage. So it is possible a variance will be needed to be obtained from the Zoning Board of Appeals. The other thing they will have to come back on more than likely for Final Approval from this Board and also the Architectural Review Board will be looking at the architecture. So you will have a few more times.

MR. BREWER: Okay.

MR. BOEHNER: I can tell you there is an application for July for Final so there will be another opportunity.

MR. BREWER: I received this mail Thursday and some of my neighbors didn't get it until Friday and I informally went around once I figured out what property this was and my opinion was that most of the residents don't understand the property being discussed is the one that abuts their property. I said you have to look at what this address is, it pertains to the property behind us and most people didn't realize that. I think the other complicating factor here is that we are an HOA we are not just private houses we are a group and as such anything that happens on that property that affects our property actually affects the entire property not just the property abutting it. I think any exterior issues are a responsibility of the home owners association which is 110 units not just immediately bounding the property. The reason why this is a pertinent issue is because on our own property we have had multiple issues with drainage that we have had at our own expense to remediate and anything that happens on that neighboring property that have any affect on that has a direct impact on us as a community not just the bordering properties. So I think in that case the community as a whole might want to be aware that there is a development on the property in its entirety not just those particular homes.

MR. WARTH: Can you point out where it is in relationship to this?

MR. BREWER: Our property our HOA is this property here but their property is not shown in its entirety there. So it doesn't touch Lac De Ville Boulevard. There was some change that was made some years ago to two private homes down in here. So there property line does not go to Lac De Ville Boulevard but it goes much further back. I want to say I appreciate the fact that you considered keeping parking on this side because it would have been much more detrimental on the east side of the property. The other thing that is not clear on this property is that there is a huge grade change at the back of the property going towards Lac De Ville Boulevard and I don't understand how you would try to do anything on that. I appreciate that you actually thought to keep the parking on this side because this is all tree area right now and the residential buffer would dramatically change if that were disturbed and in addition to the potential drainage. That would be my concern. So as far as input the people that are most impacted potentially aren't here tonight and it may be that they just don't understand.

MR. BOEHNER: They will be back in July.

MR. BREWER: The other question I had is this area here looks like potentially the change that might happen next door and maybe I didn't understand it but it sounded like these are the 16 parking slots that maybe needed because you are 16 short with this plan but what I was trying to understand is when I asked the question I kind of got the feeling they more or may not have enough?

MR. BOEHNER: That is true, when the addition to the church was approved it was said the parking wasn't needed so it is called reserved parking. So they showed it but they didn't want to put it in right now and we were in agreement with that. And if something happens there and they still have parking problems they can put those spaces in.

MR. BREWER: And I think the other thing relates to once this division has been made and they no longer own this property any more the only place to do anything further with the property is this area back here which I would call a high impact area does the owner of the church property right now have any intentions as a result of releasing this parcel to do any expansion back here?

MR. BOEHNER: Not that I know of.

MR. BREWER: And if they were to do so would again this process repeat itself and we would get notification?

MR. BOEHNER: Yes.

MR. BREWER: So my feelings are and I can't speak for anyone that is not here that I think the way this has been proposed is going to minimally impact us but I am not sure if the people that are closest to where this is going have had a chance to digest what is going to happen there and that would be my only concern. Thank you.

MR. CHAIRMAN: Is there anyone else who would care to address this application?

MS. CHIAVAROLI: My name is Kathy Chiavaroli. I am an owner at 62 LaKine right there. So all the drainage from here is in my backyard most of the time. I am also an officer in the Home Owners Association and we have a regularly scheduled meeting on Monday nights and we talked about this and I am actually pretty happy but I just wanted to share that every issue that we talked about was covered. I am not sure I understand in detail all the answers but we will figure that out. You covered drainage which is a major one, lighting, noise and hours of operation and again I think that is really great and a person building on this property next to residential should minimize the affect of those on the neighborhood and trees putting in trees for privacy and keeping the berm and extending it. One of the things that I heard tonight but I wasn't sure whether the generator would be put right by the residences property is that correct?

MR. CHAIRMAN: What we asked John to look at is taking that from the east side of the building to some location on the back on the side or the south side of the building but further west and before he can guarantee that that can happen he has to see where the utilities for the building are and look into the electric system but we asked him to move that.

MR. BOEHNER: It is proposed in the south east corner right now.

MS. CHIAVAROLI: Which is right by the residential area but tell me just so we would know it. Is there a need for concern on the part of the Home Owners Association if it ended up being there?

MR. CHAIRMAN: I think from a visual standpoint I would say no not any more than an air conditioning system sitting outside but from a noise standpoint by adding berm and planting things on the berm and the fact that the generator does sit a little bit lower down because of the grading I can't say there isn't going to be a noise impact but what happens in the case of a generator if there is an emergency you don't care about it but it does get tested once a month just to make sure it is operational. It is a short 15 or 20 minute time period if it stays where it is.

MS. CHIAVAROLI: My other question would be talking about parking and could that possibly be put up there. It was probably about five weeks ago when the church finally put a swail in there and it took until five weeks ago and my yard and my basement has been wet and you know all of that. If a parking lot is added back there like I understand it is not a definite would it be if they decided they needed it would the parking lot then be just an automatic thing there would be no further need for discussion and would we be insured that it would not create a more serious drainage issue?

MR. BOEHNER: They have the right to put the parking in but they do not have the right to create a drainage problem in doing so. So we would certainly make sure that when they come in for the building – when they originally put that parking in there wasn't supposed to be drainage towards your house. I am not sure what caused it. I don't know how long it has been going on. The improvements were done quite a long time ago. I don't know if they pile snow there.

MS. CHIAVAROLI: There is quite a grade from the level of the sidewalk there or the driveway that circles behind the building is actually higher than the second floor. So there is quite a grade there and there is a retaining wall in my yard too. And it is pressure treated wood and when it rains or this last winter like that last final snow it was like a water fall coming through the pressure treated wood and my yard. They finally put the swail in like I said.

MR. BOEHNER: Has it helped you?

MS. CHIAVAROLI: Yes, because it actually was completed the day before Penn Yan flooded and all of that. So yes, my yard was still wet but that was a major improvement but if the parking lot would go in it would affect more than my yard and take it further to the east and so the land slopes down in the back yard but it also goes east towards Lac De Ville Boulevard. It is a pretty area and the church sits on a plateau. So I think that covers everything. Is there anything that I should be aware of as a homeowner or part of the HOA that I should take back to a meeting for conversation?

MR. BOEHNER: We have a public hearing scheduled for our July meeting.

MS. CHIAVAROLI: Okay I will share that.

MR. BOEHNER: And there are plans on file with the Building and Planning Department if you want to come and look at them and I am sure that the applicant if you have any concerns I am sure they would talk with you and try to address them.

MS. CHIAVAROLI: Okay, thank you

MR. CHAIRMAN: Anyone else here to address this application? Hearing none we will move on. Thank you.

NEW BUSINESS (cont.)

6P-NB3-14 Application of Clover Lanes, Inc., owner and Mardanth Enterprises, Inc. contract vendee, for concept review to demo a commercial building (Clover Lanes) and construct four new commercial buildings totaling 44,900 +/- sf on property located at 2759 Monroe Avenue. All as described on application and plans on file.

MR. COSTICH: Good evening Mr. Chairman and Board Members my name is Mark Costich from Costich Engineering with me tonight are Anthony and Danny Daniele, who represent the project developers. We are before you with the development of Clover Lanes tonight in the Town of Brighton obviously. We originally looked at the site and we looked at the potential for redevelopment with the existing building or a portion there of before you the existing site and the area to redevelop would be the front portion of the building and that

really limited the site so we felt that was not the correct approach. This is the concept plan we submitted to you. It's a 4.5 acre site and it's zoned BF-2 with a 30 foot wide strip in the rear that is a Residential A along the property line. We are proposing four buildings that total 44,900 square feet of development. The building to the north east have 9,000 square feet. The building to the south east is 29,900 square feet and two of the out parcels are shown as 3,000 square feet. The out parcel to the north is shown also to have a drive-thru. The parking shown on the project is totaling 292 spaces code requires a total of 180 spaces based upon code and that is using the different uses that are shown on the site, a restaurant and general retail. Interesting if you look at your community shopping center your criteria is 5 per 1,000 and that is 50,000 square feet and above, it kind of says around, and that would be more like 224 spaces and I think that probably is a bit more realistic of a required parking for this type of use. Industry standard would be for a shopping center to be 5 per 1,000 and actually a lot of the national retailers require that.

MR. BOEHNER: Mark, just to be clear you are planning to demo Clover Lanes because in the letter it said you are planning to reuse it.

MR. COSTICH: We are planning to raze the building and build new buildings correct.

MR. BOEHNER: So it's a demo?

MR. COSTICH: That is correct. The project as proposed meets the BF-2 Data with the following exceptions. The out parcel building in the north west is supposed to have the 60 foot print setback and it's shown with only a 5 print setback. We are contemplating looking at possibly re-subbing or changing the property lines so that would be in compliance. I'll talk a little bit more about that a little bit later. The impervious coverage as proposed on the plan in front of you would be at 4 percent, 92 percent is existing and required is 65 so that's a variance request, even though it is less than existing it would be higher than required and I believe that staff has pointed out that we need 10 foot of green in this location on the side and we have a tapering issue where it is going from 10 feet to around five feet. I'll talk about that a little bit later. Basically the layout is proposed - first we looked at ingress and egress we were practicing access management proposing one ingress and egress versus two. We are doing a traffic analysis and we have hired a traffic consultant. They made comment on what we are doing. We don't

have the benefit of those results at this time but that proposal is practicing access management. We have incorporated a central drive aisle so that vehicle on this site can turn off to the right or to the left or head straight down unencumbered by cars backing into them. So we are trying to create some good circulation in and out of the site. We have provided for circulation for emergency vehicles and loading in the rear and we will be running obviously as we develop the site showing turning templates for all emergency vehicles and trucks loading. The southern out parcel we are trying to provide a restaurant something that as you enter the site there would be outdoor seating and gathering and as you enter the site you are drawn to that and again to try and make that appealing potentially a restaurant and coffee and things of that nature. On the north we are proposing a drive-thru we have create a situation where there would be very good stacking where we are not interfering with the circulation on the site. We would have a parking field for that use and then you could go to the rear and enter the drive-thru and we provided some appropriate stacking for the drive-thru. The exit of the drive-thru would also not interfere with the circulation on the site. It would actually be far enough away from the intersection and not clog the intersection.

The parking along the front of the rear Parcel is convenient and we tried to put it in close proximity and we have also tried to create good visual for those buildings so they don't get lost in the site. Many times the secondary buildings are lost and we also tried to provide very good sidewalks for pedestrian circulation both shared within the site and we will be connecting to Monroe Avenue Corridor and provide pedestrian access. I don't show any utilities but we do have all the appropriate utilities on the site and we will be detailing those with our survey as we move forward. We are proposing to meet all the requirements for storm water management that are out there for site redevelopment and we will detail those accordingly. We will have extensive landscaping on the site and we have created considerable islands and green space relative to what is up there now which is basically none. It is just all pavement, no islands, no curb, no nothing. And lighting will be appropriate to the town standards with modern efficient lighting. We have been working with the staff and received some comments. There was a conservation board meeting unfortunately we were not in attendance but we had some communication on our end. We did understand they were concerned with the coverage that is in excess of what code requires. So we will take that into account.

There has been some comments in regard to what we would say is the eastern portion of the site with a bike path. This line here represents the residential portion, this was the right of way, the RG&E right of way as required by most of the properties through here and the Town wants to see an appropriate bike path through there. This is a photograph of a typical bike path in the rear and that is what we will be incorporating into our site to provide that along the rear of the property. We have talked about 10 feet and there was discussion with the staff about additional space and we will be working with them on that.

Engineering has a number of comments that are more appropriate for preliminary and we are going to be detailing all those. And I did mention earlier traffic is to be done at this time. We also have a project architect and he is working with the elevations so that we can move forward in preliminary to provide you with all the necessary detail. Finally I would just like to put forth an alternative plan based upon some of the comments we did receive. We came up with some and it is not meant to be the final plan by any stretch.

This plan is similar in many ways but does increase the green space considerably less coverage we have been put on notice that our parking is over code and we feel we have excessive parking so we did take some parking out. We don't think it will go down to the bare minimum code that is appropriate but some where in between again that again 5 per 1,000 for the square footage we are showing and it will be about 225 spaces. So I think we will be removing some parking here. In this plan we talked about removing parking here and putting a more radial parking along the parking lot here and we know that needs to be 20 foot off the property line. The shared access to Mario's is important in being maintained but what we are considering as I talked about earlier moving the property line and that would give us the setback required. We need to look at how that impacts Mario's and we are working with staff on that.

When you do one thing it results in another need being created, and a variance is not necessarily a great thing. I think maybe this parking should be a little more green we could also introduce bio-retention and raid gardens and things of that nature so we can have that pre-treatment that doesn't exist today. So introducing rather large green areas and I think it basically will be quite nice. Those are just some ideas on how we can introduce more green through out the site and I think the Conservation Board will be more comfortable with that. Now, I would like to turn it over to the Board.

MR. FADER: Conceptually what do you envision the buildings in the back purpose to be?

MR. COSTICH: Well the 9,000 square foot building would be a stand alone single use single tenant structure and then the larger building would be a multi tenant structure constructed as such that you could have various tenants maybe one tenant might be 3,000 square feet and one tenant might be 10,000 square feet. It could be retail or restaurant or a bakery or something in there a multi use building. I think the proposed – we talked about the southwest building being probably restaurant and that is with outdoor seating and the northwest building being either a drive-thru restaurant or bank.

MR. FADER So you don't have any hotels planned?

MR. COSTICH: No hotels and just on the uses we don't have any tenants right now the site has been marketed to retailers through the national shopping convention there are a number of interested parties and we need to make real progress for them to sign them.

MR. BOEHNER: Have your clients purchased the property yet?

MR. COSTICH: I do not believe they have it is contingent upon their receiving approvals.

MS. TOMPKINS-WRIGHT: Can you address why it was considered four separate buildings rather than a more consolidated plan such two large buildings or one large strip? What was the benefit or the thinking behind it?

MR. COSTICH: I think the benefit is one large strip was thought to lack character and they broke it up. When you market this type of project certain tenants want to be stand alone and there are certain tenants that will go in line. I think we believe the layout we proposed here does not create a substandard secondary building but will be appropriate and then the outparcels are very complimentary to the larger buildings in the rear. There were early on the larger buildings and that is what they look like. Typically retail are a very deep building once you get over 100 feet you can't rent it, you can't rent the rear there is no

one interested in like let's say 200 foot building because it is just not marketable, typically it's an 80 to 100 foot building that tenants desire.

MR. CHAIRMAN: This is concept review and one of the things that we do ask is for the presentation of alternatives. And as alternatives the difference between what you show the first time and what you show the second time and why there weren't substantial alternatives. I guess what we discussed was this looks like an adjacent town to us, a very, very busy road and this is an opportunity to do something at a critical point in the Town geographically and you are doing something that is very old fashioned. And you are not embracing any of the new policies of bermism, pedestrian access, I don't see anything that consolidates the access to Mario's in this particular site. We still have that asphalt to Mario's. Mario's is not incorporated into this. It appears to be a stand alone facility. As far as creating a street line or a street wall this doesn't do it. I suppose if you brought those two front buildings forward and put the parking to the back that would start to address it but fundamentally it is kind of the same old thing that has been done forever.

MR. COSTICH: Well, I know of what you speak when you say I think you are looking at a more mixed use or more newism but your code doesn't also provide for those designs. You would introduce significant variances to do some of the things you are talking about.

MR. BOEHNER: In what way Mark?

MR. COSTICH: Putting buildings up front you need variances for front setback.

MR. BOEHNER: It depends on how close you are putting them up.

MR. COSTICH: Well I think what is being spoken of is the buildings up front – you know the concept of a street kind of coming down here and buildings here and more of a street and then some parking in the rear.

MR. CHAIRMAN: Those are all concepts also that were prepared in the 2010 design show that your client paid for and I think the concepts that were in that or came out of that study frankly were substantially ignored. I mean virtually entirely ignored. I mean you

came up with ideas for shared access adjacent to MAMA Sans not where the current one is but moving it further to the south so you had the potential for traffic -

MR. COSTICH: I think we will be addressing those with the traffic analysis, you know the changes that are going on with DOT out there now are impacting I believe what we are able to do. You know moving a joint access further to the south isolates Mario's more. So there are cause and affect if the traffic analysis says to move the entrance I think that is where we will be going. So I guess I would like to reserve the access location to what makes sense from the traffic analysis.

MR. CHAIRMAN: I would like to ask you to look at ways to incorporate Mario's into this development and if you look at the other side of the street it is kind of a row of independent properties that don't have shared access and this is three or four independent buildings in a row and we are kind of in a rut and it is not introducing anything to the market or neighborhood . We have an opportunity here to do something. That is all I have to say.

MR. BOEHNER: Are there other alternatives you guys came up with?

MR. COSTICH: No, I think we can show you we have done free hand sketches of things. We have done our own kind of internal shirit (phonetic) but the thing we do need to focus on a little bit is the marketability because you do need to be able to lease what we come up with and unfortunately I have seen a number of the concepts where you do have the very cool main street that you can't market it. I've got one in Manlius right now that they scrapped it. It is all done just perfectly with a nice little main street and two end caps and the little shops and restaurants in between and they have been trying to fill it for three years and it went no where so it is going back to a strip center. I am not saying we shouldn't show you -

MR. CHAIRMAN: We have to look at that we are just going to get retail if that is the case.

MR. COSTICH: That is the case.

MR. CHAIRMAN: So we aren't making it office space above retail, residential above office space multi story development.

MR. COSTICH: No and trying to use mixed space we kind of have that street scape with parallel parking and some of the mixed use really is an excuse it really is a two story and it feels two story but it's really not that can be done strictly retail and have that feel but again I think you have a nice end cap with Mario's and I agree with you there that that could be focused on and looked at and that is why we tried to create the parking along the front and not have it be your standard strip center. We are trying to break it up and not make it so just island at ever road and it's not as old school as it may appear. There is quite a bit of break up and there is pedestrians incorporated.

MR. DANIELE: Danny Daniele, one of the developers one of the things we should have brought you is some renderings that we have some pictures that we have of other developments we are looking to mimic and take parts of different developments that we think are going to really make this project stand out. We have done a few projects in Brighton, Mario's restaurant and I think it is safe to say Mario's restaurant is a restaurant that doesn't look like any other restaurant in the Town of Brighton. It is as far away from cookie cutter as you can get in a restaurant especially in our area. We made our goal to develop that building of Mario's to stand out, to be something special and knock on wood 20 years later it will still be something special. A few years ago we came up with the idea of a car wash and the typical car wash is a box that you can build as cheap as you can and put some equipment in. I think we took that to another level and I think the majority of the people in the Town of Brighton are very happy with that.

The idea with this development is on that same road that road is creating something that is going to be spectacular. When Mark talks about feasibility of leasing out space at the end of the day that is what is going to make this project go forward . The only way we feel comfortable doing that in business at least for our family is to do something that has an advantage, to build cookie cutters is not what we do. Our goal is to create something that when you drive by you say "Wow, I haven't seen anything like that before". This doesn't show that. This doesn't show that we have on the larger building 8 or 9 tenants will have a different façade than the next façade some will be higher, some will be lower. It won't look like Home Depo or AC Moore, Bed, Bath and Beyond where it is just a brick, slate façade like you're saying why do we

have four buildings and the reason that we broke it up is to create that feel because it is a lot less expensive to do one long building but we don't feel that would be for us and we also own the property next door which is Mario's of course. It's to our benefit to create something that is going to increase this area, that is going to bring a certain feel to this area. One idea is to make it something along the lines of a fancy sounding name something like Pallazo Plaza and have a bit of a Tuscan touch to it. So it doesn't just look like flat lines. It is not going to look like plazas you have seen before. I failed to bring those pictures today because I thought we were at a very conceptual stage. We were looking to see if the site plan works but as you have seen from some of our other projects I hope you have some faith that when we show you those elevations you will be very impressed with the way that looks because believe it or not we are more concerned with the way it looks than you might be. That will be the life and death of this project.

MR. CHAIRMAN: Thank you but you are fundamentally missing the point. It's not a façade. It's not how much you have done to amass. We appreciate your investment and continued business in this town and you are right you do have a nice building but you have a building that is in the center and it requires somebody to get into a car to go to your restaurant. And that is something that has developed over the last 30 years but society is going the other way now. Society is going the way of people wanting to live where they can walk to a restaurant. They are living in places where they can ride a bike. They are living in places where transit is available and they are living in places that have these amenities, the bank, the coffee shop, grocery store. They are physically living in those locations. You are planning to take that opportunity out. When we say put people that are going to serve those business's in that space as well, whether it is an office, residential that is what mixed use is. So that 24-7 activity is going on what you are creating there is the same old thing 9 to 5, 9 to 10 so it's not creating any street activity or street vitality the way things are happening in other parts of the country.

That being said if you're not going to do that that's fine let's focus on total retail or commercial but I think with some adjustment don't think architecture you know that pretty pictures are what we are talking about we will hold you to some standards and you will hold yourself to some standards as far as good architecture, good landscape design, good bike circulation, good pedestrian access and I know you will do a good job at it but we are not done with this as yet. We would like to

see what the alternative are, we would like to see some alternatives that incorporate Mario's into this and see real access management between you and MAMA Sans and you and Mario's with this. We want to see real pedestrian access.

MR. DOLLINGER: These are questions we have in our minds, my question is and I am going to put this out, it still seems like a awkward turn to get into Mario's immediately after coming in to the site. Now, it might be and this is the problem we come into I ask myself, "Gee, isn't there some way to make that turn a little bit better and would that benefit Mario's if it was a little bit of a softer entrance" that's the question that enters into my mind and unless I see an alternative that says we kind of looked at that really and here's why Mario's has to be that way because of this and this and then we all say we are stuck with this and we can't do anything about it. The same thing is kind of true with this site plan generally why can't this building that is over this 3,000 square foot be right up on the road. What does that look like. That is the kind of alternatives we want you to look at. It is a little bit like the church on Winton Road we kind of laid out parameters and said can you show us why this doesn't work and show us why this can't be up here. For instance I have a question too do you think this building needs to be 100 feet deep I don't know it there room to make it 85 feet. Those are the kind of questions I think that we are looking for alternatives. I have a question is there a way to make Mario's entrance a little bit softer, more workable for the benefit of this site and Mario's.

MR. DANIELE: Anthony Daniele.

MR. WARTH: In terms of making it more pedestrian friendly and property that doesn't feature a load of cars parked out front, just look down the street, you know a half a mile in Pittsford with all the shared access, the buildings right up near the front of the lot and they seem to function well and all the retailers in there seem to be doing good and it seems like you can make it work and the thing about needing variances to do that, there's variances and then there's variances you are asking for variances for a dreadful amount of parking, variances for front setback it would be no problem because it is a nice design. It makes it look better and it doesn't look like Jefferson Road, with parking out front and a couple of out parcels there.

Secondly in terms of shared access Mario's is a destination restaurant people don't just drive by and say I can go there

on a lark, so if you shared access and have access further removed from where it is now people are going to go there just as much because it is a destination place not Dunkin Donuts where you say there's a Dunkin Donuts and turn right in. I think there is models for doing retail that is more pedestrian friendly and looks better very near by.

MR. COSTICH: I am glad you bring these up because we actually in the alternative presented to move the building back to avoid the variance and if this Board is going to step forward for a variance that they feel is a positive thing that is something we can look at and we can do. We had the building up within five feet of an existing property and we moved it back and changed the property line .

MR. BOEHNER: What is the setback now?

MR. COSTICH: 60 with the changed property line and moving the property back so those are great examples of what we are trying to get from you. With regards to the buildings being up there you have to be careful because there are a lot of buildings in Pittsford that do have the buildings up and o have vacant for lease on the front of them because there is no parking. So you do need to use caution. There is clearly if they see it they will park and I know what you are saying. I am not talking about the yellow buildings I am talking further down. There is a deeper lot just like your lot here. That is a narrow lot and you don't have that problem here. So I am talking about further down to the red brick building.

MR. COSTICH: I think we can do what you are saying but we do need to keep the visual to the rear open to though because if you pile everything up front and you don't use the rear – we do have to look at yield on the site as it is important.

MR. DANIELE: Danny Daniele. That is the point I was going to make the way we would prefer to develop this is more of an urban feel and we have worked on the sharette, and paid for a part of the sharette not all of it but again going back to the codes there are density requirements it's not a mistake that we are proposing whatever 44,900 feet on four and a half acres and code allows us to go 45,000 feet. There is a reason that is that way. There is height restrictions and you are talking urban, any urban development or mixed use or urban style, new age I think it's beautiful and it has a lot of merit. Typically it is a slightly larger parcel because you have to kind of need the massiveness of that to

work and you can do things like underground parking or two or three stories with offices or housing on the 2nd or third floor. But with a plan like that you are going to start talking 60 or 70,000 square feet. Now granted you are not attracting a ton of traffic and there are not a ton of people but we do get into the realm and part of working with the staff is to establish, Okay what are the parameters that this town has set forth in commercial development. And although a Sharett is a great idea, the Sharett is not the code and the code in no way reflects the Sharett. And so there is a struggle and I hear you and we would love to consider that as an option because frankly, I think from an economic development standpoint I think it has a ton of merit and I think it could be wildly successful but I have to go in for incentive zoning and some other avenues that are very time consuming and this is a healthy exchange of what you are looking for.

MR. CHAIRMAN: The bottom line is we think this could be improved upon to help you guys and your marketing. If you are marketing this to ICSC everyone of those retailers at ICSC understand it and the parking ratios they understand all of it. I think you have an opportunity to set a new standard in all of Rochester . From an economic standpoint and an income standpoint you really could do something very special, very different and set a whole new standard. I think you should let him do his job and the architects do their job to come up with some things and we'll work with you and we are as flexible as it gets on front setbacks and parking ratios and square footage. I am not happy with such an increase in parking density. But I wouldn't mind seeing that drive-thru turn sideways and all that and brought right up to the road. I wouldn't mind it at all.

MR. BABCOCK STINER: One final note, it would be nice to see the next layout be more pedestrian friendly parking. Personally when I go to a location like this I park and I walk wherever I go. It's not very friendly. There is no medium and there is no place that I could go. So it would be nice to see a better circulation plan .

MR. FADER: I read in the newspaper a description of your visions and it seemed interesting but it wasn't as impressive as I thought it could be. I would like to see some concepts that are slightly different than this one. And it is interesting when Daniele was talking you were up here speaking about visions and this plan here is not the best.

MR. DANELE: I appreciate your saying that and we met with Ramsey and other people in the Town and we got many ideas one was keeping the building as is, fixing the façade and making it really nice. Another one in the paper was the hotel concept, building another tourist attraction, frankly we would love to do that but going back to reality, and stepping away from the fantasy. I looked at the books and said can we do this build an Eiffel tower in Brighton but it is Monroe County. And the codes limit a hotel to about 86 rooms on that 4 and a half acres and financially it would be easier to put another man on the moon.

MR. FADER: I guess my point is there is the fantasy and we are not going to get into that part but I am thinking there maybe something a little bit more in between.

MR. DANIELE: One of the things we are trying to create is a very beautiful project that will stand out but you have to balance the financial aspects of it. It is a very difficult area to work with. It's a pricey area to work with. The more we go outside the norm it gets a little bit more costly and the tenants that want to come there want to know if this works. Our goal is to make this a success at the end of the day and unfortunately I am not quite sure if doing something that has never been done before in Rochester just to see what happens is the right thing to do. I would love so we can give Mark some additional direction is there somewhere in Rochester that looks like what you are talking about lets take that and go from it. You have mentioned the ones down on Monroe Avenue, is that the look you are talking about?

MR. WARTH: That shows it's not for retail but is financially possible to have things moved up to the front of the lot and you don't have to go into incentive zoning for this stuff. It's a matter of getting variances and like I said if you need variances for this you are going to need variances for anything. It is what type of variances you need and whether they advance the project that is something people will appreciate and it will be well designed and as Jason mentioned you can't drive up to where you want to be and walk around you have to go there and leave because it is kind of a nightmare to walk around.

MR. CHAIRMAN: Perhaps you could look at some places in Pittsford and work with a couple of geographic areas, such as Starbucks where a few years ago it was a garage.

MR. DANIELE: Those are some helpful ideas and that is the idea of concept review .

MR. DOLLINGER: Is it possible to make the main building L shaped. I can tell you the answer to that but if you put a concept together that shows and L shape doesn't work.

MR. COSTICH: They would really accuse me of being old school then.

MR. DOLLINGER: I don't know but do you want it to be long and straight.

MR. COSTICH: I think what we can do is take the comments you have put forth and try and show you the extreme of going really far and say why maybe it doesn't work for us and then try to compromise and get a place that is in between what you are seeing here and what we can market. I think I am getting a pedestrian view I don't have all the access worked out because I don't have a traffic study where we might know more and we will come back with sketchy stuff. Again I want to show you the extreme quickly and show you where it brings us down and then try and get some of the ideas that you have put forth tonight into a plan that won't run into as many variances as we were and it is important for this project not to get hung up in a 500 years projection because we can't do that, it's not allowed.

MR. WARTH: I don't want you to get confused with the car wash and it needing incentive zoning. This is a reasonable area there and you are not proposing a use that is not intended in Brighton. You are not getting into a long drawn out process.

MR. COSTICH: I think we are reading you loud and clear.

MR. BOEHNER: Mark, is it your intention to come back in July?

MR. COSTICH: I think so.

MR. BOEHNER: Let me know two weeks before that meeting if you are going to resubmit things and it can be no later than that, that way I can keep you on the agenda.

MR. COSTICH: Okay.

MR. CHAIRMAN: Has everyone had a chance to say something?

MS. CIVILETTI: I think you have pretty much touched the major concerns.

MR. CHAIRMAN: Okay thank you very much.

6P-NB4-14 Application of Jewish Senior Life, owner, for an Advisory Report in regards to an Incentive Zoning Rezoning request to construct four 3-story senior living “Green House” buildings, two one-story senior living “Green House” buildings and a 3-story 65 unit senior independent living apartment building on the grounds of the Jewish Home of Rochester 2021 Winton Road South, know as Tax ID # 149.12-01-034 and 150.09-01-001.1. 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 here representing the Jewish Senior Life, it was the parent company if you would of Jewish Home located on the corner of the I 590 expressway. I can talk a little bit to just orient us where we are utilizing the plan on the left and then when we get site specific we will go to the right. With me tonight on the application is Andy Spencer from DME Associates who is the Project Engineer who will share the presentation and we will both be available to answer questions with what is being put forward. What is being proposed by Senior Life is new innovation with regard to the provision of skilled nursing services. The traditional old model was the tower concept that we have seen here with the mix of private and semi-private rooms and in a more institutional type setting.

What is being proposed with regard to the site in general terms it is putting this house into the larger part of the campus and that is why it is providing what has been referred to as “Green House” buildings. Green around the front of the building with one and three story buildings. The “Green House” concept is meant to provide individual rooms for all of the residents and basically have them living in a congregate setting with 12 residents per floor having their own dedicated medical staff and services going along with it. It is meant to create a more

home like atmosphere. And it is something which has been tried and tested and has been found to be successful. What is being done is that all the double rooms in the main tower are being de-converted in part because it's the model and in part to control infectious disease because what they have found now is there is really a need to have those units. So in the map as it goes we have right now within the Jewish Home building 362 health care beds.

What is being proposed is that we go down in that main building to 160 beds and we would be providing in these 'Green House' buildings some of which are three story and some of which are one story. The 36 and 3 story buildings each 12 in the one story building so essentially we are moving that population out to provide for 328 beds in that facility. In addition there would be 34 assisted living type beds within the main tower itself. From the Zoning point of view and from the site point of view I am going to take you on a little tour of what the history has been. This property was originally zoned all single family residential in 1980 the 1928 Jewish Home Lot was granted re-zoning to RHD1 and that was just D1 which allowed for nursing home facilities and skilled nursing home facilities and the tower was developed as part of that. Later in the 1990's the Summit and the parcel which was 5.8 acres is now because of road location is 5.6 acres were re-zoned. This was re-zoned to the RHD2 designation, this lot was re-zoned to a Commercial B1 designation with the thought that perhaps a medical office building would take hold in that location. In the many years since that re-zoning occurred there has been no interest in developing for any sort of office what has been found is that essentially it is a self contained type of medical environment. So there is no attraction to having a medical building close to a nursing facility and I think we see that in other locations as well.

So our proposal is to take this parcel which is zoned BE 1 and zoning consistent with the frontage along here and that is being handled through a combination of re-zoning and incentive zoning application. Other than the re-zoning itself there are a minor number of items for which we seek incentives and those deal with strange enough livable floor area per dwelling unit which of course is substantially less for congregate living or a skilled nursing type facility. Building separation because our tallest building is 118 feet we have a relatively large building separation requirement and we intend to meet certainly State Building Codes with regard to building separation. Our maximum building length is also an issue in dealing with the single independent living building located at the south west corner of the site. A setback for that building as

well is being proposed for that alone along Meridian Boulevard and parking as is being proposed does not have any covered parking attached to it because its been found that there really wasn't a demand for covered parking in the particular area.

So we embarked on the incentive zoning process and we have met on a couple of occasions with the full Town Board and we have made an initial presentation on an informal basis before filing a formal application and subsequent to the filing of the application. We also met with the Town Board and then deemed it worthy of further consideration and referred it to the Planning Board as required under incentive zoning for a report on the incentive zoning. And as far as rezoning aspect there is also a referral required to the Planning Board so we are doing both of those at the same time.

In order to really allow for a full analysis of this and essentially to allow the Town Board to determine that this Board lead or more than the concept stage in terms of the amount analysis that we have done. That doesn't mean that the plan can't change during the course of the process but we need to really establish to the Board what was appropriate relative to all of that. There is a lot of information provided already. This plan does provide some wonderful amenities or wonderful enhancements. It does provide for nice outside drainage. There is a rain garden which is being proposed. One of the nicest things from a practical point of view, it allows for a connection going through the property , through the Winton Road site and working it's way to The Summit Knoll driveway to connect to Meridian Center Boulevard. What that does from a traffic point of view is something that I am particularly happy about because I put it on the other side of this coming off of French Road and allows for cars that want to go south to be able to traverse this way to get out a the intersection of Meridian Center Boulevard relieving pressure on this intersection over here from what is currently occurring.

So in a lot of ways we have a lot of good Things with regard to the site and with regard to the development, in essence having the one to 3 story buildings in the frontage of Winton Road just for some sort of visual relief for the tower building in the back as well and we have architects who have been working pretty substantially. And I believe some architectural drawings were provided as part of your site packets. So you can get a feel for all of that. I know it's pretty lengthy in terms of the hour right now so what I think we will do is stop. I don't know if there is anything you want to add at this point and get some input.

Let me add just one other thing, we are supposed to be looking at incentive zoning. So it is incentive versus amenity type of situation. The original incentive zoning deal with these two parcels and if I had an amenity package for that particular lot. What we have done in discussions with the Town and Town administration is actually embellish upon what that formula would be and we are working on finalizing and at least on a conceptual level reached some sort of a sense of what that would be and it is greater than what is being proposed in our initial submission. We are talking about an annual amount which is in excess of what the Town wanted to have a continuing flow and stream. There are no infrastructure needs which were really identified in this particular area. So the amenity which is proposed is purely cash. With that we will stop.

MR. CHAIRMAN: Any questions? I guess from our standpoint it kind of fits the program of property and is consistent – it feels very, very consistent with the density of the immediate neighborhood. It is really kind of office park, with town homes and residences but the thing that strikes me is how successful this could be with putting parking in, in terms of circulation hiding the residents and allowing for a street light that is more than it is today. It is kind of a barren feeling when you are out on a bike or walking to the canal. This does nothing to hurt that experience but to help that experience for the residences. Storm water management clearly works with the grade of the site, clearly provides some interest as people are driving along and walking by. Fundamentally I am looking for something to whiten it up I can't find anything.

MR. OSOWSKI: Is there a sidewalk?

MR. GOLDMAN: I believe there is.

MR. FADER: I live it can I move in there when I get old.

MR. GOLDMAN: We don't have applications on hand but I am sure we can find some.

MR. OSOWSKI: I am kind of curious on how people would progress through that facility?

MR. GOLDMAN: The continuum of care which is provided by these types of communities start out with the

independent living facility and there is some kind of living within the Summit which is located here as well as the proposed building over here. Assisted living is the next step in that continuum which is provided in the Wolfe which is provided attached to the Summit and will be provided in 34 additional assisted living units within the Town. The skilled nursing or what we would call a nursing home type use is the last step on the continuum of care and that will be split between the main tower and the individual "Green House" buildings. So that provides the three step continuum hospice is kind of a fourth step if you will. We don't specifically address that within the context of these developments.

MR. DOLLINGER: They have separate nursing stations then?

MR. GOLDMAN: They do.

MR. DOLLINGER: It's interesting is it efficient to have it like this rather than in one building?

MR. SPENCER: Andy Spencer. I worked on a first rehab project here in Rochester it was actually in Penfield for St. John's and they constructed two buildings each of those have 10 individuals that live within them and they share nursing between the buildings. They acted as pairs if you will and these pair of buildings share staff, outdoor courtyard area between the buildings. One of the very interesting thing the Jewish Living Center has found is the green house concept. They are not adding staff to the Jewish Home they have enough employees there. So you are still going to have food service, generalized food service coming out of the tower to the "Green House" buildings within each "Green House" building they have a floor with a centralized kitchen, living room so these people are living in a home environment and sharing it. They will have cake for birthdays and things of that nature.

MR. GOLDMAN: And they have single rooms for everybody. There are no shared or semi private rooms as a result of this and as I said before in part it's a comfort type of thing but it is also meant for control over infectious disease which can be ramped once they start if there is too much of that going on. There are four 3story buildings and these two buildings. The L shaped building is independent living that is three stories also.

MS. CIVILETTI: So you talked about in addition transitioning some of this tower building to assisted living will there still be skilled nursing?

MR. GOLDMAN: There will still be 160 skilled nursing beds in the tower and there are right now rehabilitation services and there is 34 assisted living that is ultimately located within the tower.

MR. CHAIRMAN: Andy the garden area are they enclosed or fenced in?

MR. SPENCER: That is what is anticipated because some of the residences might suffer from memory loss potentially Alzheimer's it is anticipated some portion will be fenced.

MR. BOEHNER: If some of those fences go into the front yard you can not go above three and a half feet. Keep the fences out of the front yard, the drawings that you submitted I couldn't tell but it looked like they could have been fences. They looked like they were bowing out into the front yards ever so slightly, if you could shift that.

MR. GOLDMAN: That is a good observation thank you.

MR. BOEHNER: I have one comment the parking between in the L Meridian Center Boulevard and that building is the only comment I had on that plan we didn't do anything about it because that is one man's opinion but that was the only comment I had on this whole plan that I saw that I wanted to bring up to your guys attention because if it is a problem with you guys I want you to look at it now because I don't want you to pick up any more variances. If it is a problem for you because now would be the time to ask the Town Board for an incentive to do whatever.

MR. CHAIRMAN: I think you looked at the alternative of flipping that building.

MR. SPENCER: And Ramsey is talking about this field right here and we have tried to pave that and shift it or maneuver it. The project started looking at the entire campus here with the Wolfe Center parcel in conjunction with the Jewish Home. Due to

financial obligations of JSL and the funding financiers of this parcel in particular it could not be done. So we stepped back to look at these two parcels. That's why it seems a little strange. We really wanted this building closer to Meridian Center I am sorry the Wolfe Manner drive here and the whole intent of this coming through was to create a tree lined street with sidewalks and pedestrian access. So we are focusing in on the Jewish home with all of these buildings and the front of this building is actually here this functions as the front door coming into the building. So this street acts as the main corridor for the residents.

MR. GOLDMAN: We did analyze it Andy took the bows and arrows and Andy said what are talking about when you look at Meridian Center across the street we have parking right along here and while we understand things have changed since Meridian Center was approved. Meridian Center Boulevard is really essentially a dead end street because of the park now. So we are dealing with a very limited type of control situation over here. This is really our primary neighbor everything further east is single family residences against the park. So in essence from a functional point of view this makes a lot of sense, so certainly when we come back if we are talking about this configuration and talking about some screening along that area.

MR. SPENCER: A landscape plan was included in the package if you notice there is extensive landscaping in coming around especially on Meridian Center Boulevard here and along this portion of Winton Road. We are going to have some top soil that we are going to have to utilize from digging up the foundations. We are proposing some berming along the edges here to create some screening not from the outside world to this parcel but screening for the residents that live there. So they have some landscaping and screening from Winton Road which is a heavily trafficked area. The whole concept here is to try and create a neighborhood feel for the residences.

MR. GOLDMAN: In reality those on the 2nd and 3rd floors look over the top of the berming and landscaping and will be able to see a rush hour on Meridian Center Boulevard. That is one of the things that is really nice about this is relative to the Jewish Home and their shifts that their shift changes are 7 in the morning and 3 in the afternoon they are not consistent with the peak hour traffic. So it provides a good thing as far as traffic is concerned.

MR. DOLLINGER: With all this land and all these buildings you are requesting a variation of setback on Winton Road from 100 feet to 98 feet why would that be.

MR. SPENCER: There is a main utility corridor that comes through this area right here and we had to try and bypass it's a financial issue to try and relocate these things. And as soon as you start to try to develop our green infrastructure practices that we are going to have through out this site. WE have green infrastructure on each one of these islands right here . We have a bio infiltration zones in the area along here, in between our storm water management we have a pond and as soon as you start adding all these things we try to make sure at this point in time we have something relatively good that can work this angle.

MR. CHAIRMAN: You are not proposing fencing for the ponds?

MR. SPENCER: Great question I personally do not want to see a fence. I had the conversation with JSL I think there are alternatives to putting up a fence to keep some of the individuals out of those areas. We use some plant material that is 2 or 3 feet high so we have a visual barrier. So they are not going to be able to get close enough to that area.

MR. GOLDMAN: The Town Board is looking for a report from the Planning Board on this. If they receive a positive report it's likely that they will see to declare their intent to be lead agency for a coordinated SEQR review and then they will schedule a public hearing on the matter. I would say from our perspective we would like to see that process move forward so we do appreciate your time and your lack of finding anything so we would appreciate a positive report so we could move forward on this.

MR. SPENCER: The other thing is we have met with the Conservation Board as well as we do intend to meet with the Architectural Review Board at their July meeting.

MR. GOLDMAN: And it does come back to the Planning Board for Site Plan Review afterwards.

MR. CHAIRMAN: Okay thank you.

OLD BUSINESS

NONE

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Matt Tomlinson, Marathon Engineering, dated June 5, 2014 requesting postponement of application 5P-01-14

Letter from Jerry Goldman, Woods, Oviatt, Gilman, dated June 13, 2014 withdrawing application 5P-NB3-14.

Letter Peter Bushunow, Ascension of Christ Church, dated June 17, 2014 requesting postponement of application 5P-NB1-14 to the August 20, 2014 meeting.

PETITIONS:

NONE

6P-01-14 Application of Brian Geary, owner for Preliminary /Final Site Plan Approval to 1) construct a 1,909 +/- sf single family house with an 891 sf attached garage on property located on Avon Road. Lot 40 (Tax ID #123.13-03-022) and 2) construct a 1909 +/- sf single family home with a 71 sf attached garage on property located on Avon Road. Lot 41 (Tax ID # 123-134-03-021). All as described on application and plans on file.

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

1. The attached garage area shown on the plans and architectural floor plans appears to be greater than noted on the site plan. The garage areas shall be re-examined and corrected as needed. Any required variances shall be obtained.
2. The building coverage percentage for both lots shall be re-assessed to confirm its accuracy.
3. The lot numbers should be shown on the site plan, along with lot line dimensions. The storm sewer easement on Lot 41 should be labeled on the site plan.
4. The applicant should ensure that all proposed pavement is shown on the site plan. Front yard pavement percentage is given in site notes as < 30 %. A number shall be provided.
5. There are conflicts shown on the site plan and/or the existing conditions plan regarding grading (shown in a protected tree area) and existing trees (shown to be removed, but still shown on the site plan). These should be addressed.
6. The location of any soil stockpile and staging areas should be shown, along with erosion control
7. Any proposed air conditioners and/or generators shall be shown on the site plan. Air conditioners and generators shall meet all requirements of the Brighton regulations.
8. The house to the south, 173 Avon Road, should be shown on the site plan and its first floor elevation should be provided.
9. All required variances shall be obtained.
10. Architectural Review Board approval shall be obtained.
11. The entire building shall comply with the most current Building & Fire Codes of New York State.
12. 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.

13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All Town code shall be met that relate directly or indirectly to the applicant's request.
15. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
16. 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.
17. 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.
18. Maintenance of landscape plantings shall be guaranteed for three years.
19. 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.
20. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
21. 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 prior to final approval.
22. All County Development Review Comments shall be addressed.

23. All other reviewing agencies must issue their approval to the Department of Public Works. issuing its final approval.
24. Erosion control measures shall be in place prior to site disturbance.
25. The project will comply with the requirements of NYS DOL, 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.
26. 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.
27. 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, and including ground elevation at the house corners, shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
28. The location of any proposed generators 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.
29. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
30. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-NB1-14 Application of Debra Pierce, owner, for Preliminary Site Plan Approval and Demolition Review and Approval to raze a single family house and construct a new 1,941 +/- sf single family house with a 262 attached garage on property located at 166 Antlers Drive. All as described on application and plans on file.

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

1. Site notes shall be reviewed and adjusted so that the zoning district is correctly noted and all required zoning standards are properly listed and required/proposed data is included. The property is noted as RLA zoning. Required/proposed data includes, but is not limited to, lot area, building coverage, liveable floor area, proposed building height (given in feet and calculated in accordance with Brighton;s definition of Building Height).
2. There is a front porch shown on plans submitted to the ARB. The site plan does not make it clear that the porch is there, and the front setback measurement line was drawn and noted to the house corner, not the porch corner. This should be corrected.
3. The required side setback is given as 9'-9.5" in site notes. The lot width at the 40" front setback line should be included in notes and the required side setback should be specified based on 15 % of the lot width.
4. The first floor elevation of the existing house should be shown.
5. The location of any soil storage and staging areas shall be shown, along with proposed erosion control measures.
6. The following comments of the Conservation Board shall be addressed:
 - Plant or retain at least one tree for every 5,000 sf of lot size.
 - Verify that stormwater will be controlled and not have an adverse impact on neighboring properties.

7. The existing house shall be reviewed by the Historic Preservation Commission.
8. The proposed house shall be reviewed by the Architectural Review Board.
9. Plans shall show that one tree shall be planted or preserved for each 5,000 sf of lot size. The tree to be saved shall be shown on the site plan with protection fencing.
10. Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.
11. The entire building shall comply with the most current Building & Fire Codes of New York State.
12. 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.
13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All Town code shall be met that relate directly or indirectly to the applicant's request.
15. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
16. 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.
17. 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.

- 18 Maintenance of landscape plantings shall be guaranteed for three years.
- 19 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.
- 20 Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
- 21 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 prior to final approval.
- 22 All County Development Review Comments shall be addressed.
- 23 All other reviewing agencies must issue their approval to the Department of Public Works. issuing its final approval.
- 24 Erosion control measures shall be in place prior to site disturbance.
- 25 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.
- 26 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.
- 27 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, and including ground elevation at the house corners, shall be

submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

- 28 The location of any proposed generators 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.
- 29 All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
- 30 All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-NB2-14 Application of Word Christian Center, owner, and Clinton Avenue South, LLC applicant, for Preliminary Site Plan Approval and Preliminary Subdivision Approval to construct a 12,900+/- sf medical office building and subdivide one parcel into two parcels on property located at 2090 South Clinton Avenue. All as described on application and plans on file.

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220)
2. The entire building shall comply with the most current Building & Fire Codes of New York State.

3 Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

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

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

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

7 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.

8 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

9 Maintenance of landscape plantings shall be guaranteed for three years.

10 Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

11. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard.

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

13 Meet all plat filing requirements of the Town of Brighton's Department of Public Works.

- 14 All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
15. All proposed landscaping along south property line shall be installed prior to the issuance of certification of occupancy.
16. 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 prior to final approval
- 17 Fire hydrants shall be fully operational prior to and during construction of the building.
- 18All County Development Review Comments shall be addressed.
- 19An ingress and egress easement from Lot 1 to Lot 2 shall be filed 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.
20. All other reviewing agencies must issue their approval prior to the Department of Public Works. issuing its final approval.
- 21All easements must be shown on the subdivision map 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.
- 22 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.
23. The proposed building shall be sprinklered in accordance with Town requirements.
24. 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.
25. Erosion control measures shall be in place prior to site disturbance.

- 26 The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 27 The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations.
- 28 All comments and concerns of the Town Engineer as contained in the attached memo dated June 17, March 15, 2010 from Michael Guyon, Town Engineer, to Ramsey Boehner. Shall be addressed.
- 29 Prior to the issue of any permits the applicant shall obtain and submit a 239-F permit from Monroe County DOT.
- 30 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 31 The gross square footage of the proposed building is not provided. The submitted plans indicates that a full basement is proposed. It appears that the square footage of the basement area was not included in the square footage calculation. The proposed project does not meet the parking requirements of the Town Code. A parking variance must be obtained from the Zoning Board of Appeals or the ceiling height of the basement must be lowered to under 7.5 feet and be restricted to storage and for building mechanicals.
- 32 The architectural design and building materials of the proposed buildings must be reviewed and approved by the Town of Brighton Architectural Review Board.
- 33 The site plan show a generator proposed on the southeast corner of the building near the existing townhomes. The generator should be relocated further away from the residential properties.

- 34 The lighting plan does not show the lighting contours for the proposed building mounted lights. Exterior lights should be placed on timers.
- 35 The location, details, and size hot box required by MCWA shall be shown on the plans.
- 36 The submitted landscape plan does not show any landscape treatment along the south property line and residential properties. The existing berm and landscape treatment along the south property line should be carried to the west to help screen the new construction from the townhomes. The landscape plan should be prepared by a licensed Landscape Architect.
- 37 The following comments of the Conservation Board shall be addressed:
 - A. Existing landscaping to remain or to be removed should be shown.
 - B. The existing berm and landscape treatment along the south property line should be carried to the west to help screen the new construction from the townhomes.
 - C. Green infrastructure techniques should be incorporated. Where possible.
 - D. The landscape plan should include street trees closer to South Clinton Avenue where feasible.
 - E. The board encourages the use of native plantings.
38. The lighting plan must be revised to show the lighting contours for the proposed building mounted lights.
39. Sidewalks along South Clinton Avenue will be inspected and may require some replacement in conjunction with this project.
40. The parking lot lights shall be placed on a timers and be turned off from p.m. to a.m.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

RE: Planning Board advisory report in regards to an Incentive Zoning /Rezoning request to construct four 3 story senior living "Green House" building, two one story senior living "Green House" buildings and a 3 story 65 unit senior independent living apartment building on the grounds of the Jewish Home of Rochester, 2021 Winton Road South, known as Tax ID #149.12-01-34 and 150.09-01-001.1.

MR. FADER: I move to direct the Senior Planner to send the attached letter dated June 18, 2014 and offers the following comments regarding the adequacy of the proposal as it relates to the site and the adjacent uses and structures to the Honorable Town Board.

MS. TOMPKINS-WRIGHT: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SIGNS:

1310 TOPS Pharmacy Deli Bakery Café for a Building Face Sign at 1900 South Clinton Avenue

ARB tabled for the following:

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

1333 Boy Scouts of America for a Building Face Sign (2) at 2320 Brighton Henrietta TL Road.

1334 Di Maria Travel for a Building Face Sign at 1840 Monroe Avenue
ARB Condition

1. The sign shall be raised 8"-10" to provide a margin between the sign and the window.

1335 Ballet Prestige for a Building Face Sign at 1865 Monroe Avenue.

1336 Southside Health & Wellness for a Building Face Sign at 1900 South Clinton Avenue.

1337 CVS Pharmacy for a Building Face Sign at 1900 South Clinton Avenue.

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

MR. CHAIRMAN: I move to approved signs 1310, 1333, 1334, 1335, 1336 and 1337 as recommended.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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