

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on July 16, 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 July 16, 2014 Town of
Brighton's Planning Board to order. Before we get started at this time I
would like to ask for a motion of approval to approve the minutes of the
June 18, 2014 meeting with any corrections?

MS. CIVILETTI: So moved.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: I just want to let everyone
know that we have a couple of postponements 7P-01-14 Word Christian
Center and 6P-NB2-14 also Word Christian Center and under New
Business 5P-NB1-14 Holy Ascension of Christ Church have been
postponed to the August 20, 2014 meeting at applicant's request.
With that, 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 July 10, 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 dinning 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 .

MR. SCHAAF: Eric Schaaf, Marathon Engineering, representing 2600 Elmwood Avenue, LLC, and Buckingham Properties. We were here before the Planning Board earilier requesting site plan modification and we went right to the Zoning Board and as a result of our meeting with the Zoning Board we are hereby requesting a revision of that site plan modification based upon guidelines from the Zoning Board. I believe we have distributed to you the revised plan in accordance with the parameters established by the Zoning Board. We are now requesting permission for an outdoor dining area consisting of five tables with a maximum of ten seats. The distribution that we have shown is five tables on the south side of the building, two seats per table and in addition there is a trash receptacle to be used by the outdoor patrons or anybody using the restaurant. So that is all consistent with what the Zoning Board has allowed the applicant to do at this time. We respectfully request permission for the site plan modification consistent with those guidelines.

MR. CHAIRMAN: Ramsey were we on tract to approve the conditional use for the other application?

MR. BOEHNER: Yes, really what is happening here is that the variance application was denied without prejudice. What they did is turn the variance application into a temporary revocable use permit with conditions. The temporary permit expires November 1st, at that time if they want to continue having it they will need to go back to the Zoning Board of Appeals. Because they do not have the variances and part of the conditions were they could only use the existing outside concrete area there is no need for site plan modification because they are not modifying the site. The only thing they will need is a conditional use permit from this Board and because the variance was denied by the Zoning Board this Board will also need to deny that site plan as not meeting code and deny it without prejudice. So they could bring it back at another time after this outdoor dining has been given an opportunity to see if it is going to cause any problems with the abutting neighborhood.

MR. SCHAAF: It is our expectation that we will be before this Board and the Zoning Board again and we hope this operation will go smoothly and after that we will be back in. But again we know the parameters and are fully aware of those and are ready to operate within those.

MR. BOEHNER: One of the things that I would recommend to this Board if you would like to move forward with this Conditional Use Permit that you tie into the same condition as the Zoning Board of Appeals having the conditional use go to November 1st, 2014 with the right to renege. If at that time they feel like they want to pick up the Site Plan Modification and expand that patio they can do it at that time but then they would need a variance from the Zoning Board of Appeals at that time. I have one question for you will there be trash receptacles outside?

MR. SCHAAF: Yes, we are showing one trash receptacle at that location and that may change as operational needs change in order to find the best location but we are showing one and that is the intent.

MR. BOEHNER: And will an employee regularly patrol the area to pick up litter?

MR. SCHAAF: Yes.

MR. BOEHNER: There will be no lights installed outside.

MR. SCHAAF: Not as part of this project.

MR. BOEHNER: No music, no broadcasting outside?

MR. SCHAAF: Nope, the chatter of happy children perhaps.

MR. BOEHNER: That's good and then my last question is you will not exceed the 99 seats previously approved?

MR. SCHAAF: That is correct, 99 inclusive

of indoor and outdoor as the maximum.

MS. TOMPKINS-WRIGHT: Because this is temporary there will be no plantings, no screening or anything?

MR. SCHAAF: Correct.

MR. CHAIRMAN: Any other questions? This is a public hearing is there anyone in the audience who cares to address this application? All right thank you. We will move on.

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 I D #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. TABLED AT THE JUNE 18, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. CLARK: Good evening I am John Clark of DDS Companies. I am here tonight on behalf of Mr. Brian Geary and he is the owner of lots 40 and 41 the cul de sac of Avon Road. He is proposing to construct two new single family homes on his property. We were last in front of the Board on June 18, and at that time we were tabled as we were still in need of obtaining a variance for lot coverage for lot 40. Since that time we did receive that variance. It was granted at their July 2nd Zoning Board meeting. We have also received approval from the Conservation Board June 10th, and from the Architectural Review Board on June 24th. So we are here seeking preliminary and final site plan approval tonight.

We did resubmit revised plans to the Town on July 2nd, addressed all the Town Engineer's comments and all town staff comments. I did have a conversation with the Town Engineer today and there are a very few minor comments that needed to be addressed before the final plan is signed by the Town. But I certainly do not see any problem getting those done. There were no comments on Monroe County DRC on the project and we have submitted the plans to Monroe County Water Authority and we should be getting those comments back tomorrow

I believe that is what they told me. We are here tonight seeking our preliminary and final site plan approval and I would be happy to answer any questions if you have any.

MR. CHAIRMAN: There are no conditions as a result of the variance?

MR. CLARK: No.

MR.. CHAIRMAN: You got exactly what you asked for?

MR. CLARK: Yes.

MR. CHAIRMAN: ARB has no problems?

MR. CLARK: No.

MR. BOEHNER: The building coverage that you got approved for by the Zoning Board of Appeals there is a little inconsistency on the Site Plan. This project is going to conform the variance that was granted?

MR. CLARK: Absolutely.

MR. BOEHNER: And that is your intention?

MR. CLARK: Yep.

MR. BOEHNER: There is some concern about the house encroaching into the sewer easement.

MR. CLARK: Yes, right now on lot 41, the southern lot there is an existing storm sewer that runs through the property that is 18 inches and there is a 10 foot easement that runs over the top of that. It is 10 foot from the northern property line of that lot. It is 10 foot south. Right now the house is proposed to be 6 inches to the south of that so that is where our building foot print will be. What happens is you have overhangs and you have footers obviously that go beyond that that get closer to the property line. So the Town is concerned that with an

overhang within that easement and with building footers within that easement that there could be potential for conflict down the road if there is a need to replace that pipe. So what the owners agreed to do is shift the building approximately 6 inches to the south and then have a one foot footer that would be then on the easement line and a one foot overhang for the roof so we would be completely outside of any easement.

MS. CIVILETTI: What is going to be proposed to do right now?

MR. CLARK: Right now what is going to happen is lot 40 will be constructed first obviously all the storm water that has to be in place will be done during that first phase. So the plan is to go in and build lot 40. Do site work on lot 41, the earth work grading to make sure that all the drainage gets to where it is going and then at some later date lot 41 will be constructed.

MR. BOEHNER: On lot 41 would you be doing all the grading or just enough grading to make lot 40 work?

MR. CLARK: We intend to do all the grading and get that site absolutely ready to go when the building is ready.

MS. CIVILETTI: When you say some later date there is no time frame?

MR. CLARK: At this point there is not a definite time frame.

MR. CHAIRMAN: John I guess I recall asking last time that there was a tree in the back of lot 40 that might provide some shade to the porch. It bothers me to see you demolish that tree.

MR. CLARK: I know the owner would like to keep a number of the trees in the back if possible and I think he has had some differing opinions from arborists as to whether or not they would be able to survive. So his intent would be to try to keep what he can in there but I didn't want to commit to it because based on the grading that is happening back there, there is a good chance we will be getting into the root structure. I think he would like to keep it.

MR. BOEHNER: I think it is best to show it being removed and then try to keep it as opposed to showing you trying to keep it. I think that is the best way to deal with it.

MR. OSOWSKI: I have a question about the floor elevations. Last time you were here you mentioned one of these houses potentially being used for an older pad.

MR. CLARK: Potentially.

MR. OSOWSKI: I wonder if a one and a half foot change in elevation from the garage to the house, did anyone consider making the house more level less elevation change from outside to inside from the garage to the inside might make it easier if it is occupied by an elderly couple.

MR. CLARK: I think that is a very typical step down for any garage and I think the thought that the owner is using is the garage is a bit extended to the back as you can see and this bottoms out and if there is a need for a wheelchair they can actually build a ramp within the garage itself.

MR. CHAIRMAN: Does anyone else care to comment?

MR. WARTH: I would prefer to see trees on lot 41 be kept until you start doing work on Lot 41. We have seen where the applicant decides not to go forward on the second lot because circumstances change.

MR. CLARK: I think the owner like I said is going to try to salvage as much as he can while he has the equipment out there and he can get that grading done and get the drainage to work the way it has to work there is going to have to be some clearing that has to take place. The water from lot 41 has to make its way to the drainage structure that is in the middle of the lot and that has to be done during phase one. So again I think he is going to make every effort to keep all the trees that have some significant value.

MR. BOEHNER: If the owner was going to try to save those trees we would need a modified grading plan to show

how it would work because you said you were going to implement the whole drainage plan.

MR. CLARK: That is the intent.

MR. BOEHNER: And if you want to try and save some of those trees and that is a back up plan you are trying to do we would work with them on an alternative grading to make sure the water is getting where it needs to be.

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

7P-01-14 Application of Word Christian Center, owner, and Clinton Ave, South LLC, applicant, for Final Site Plan Approval and Final Subdivision Approval to construct a 15,680 +/- sf (12,840sf first floor and 2,840 sf full basement) medical office building and to subdivide one parcel into two parcels on property located at 2090 South Clinton Avenue. All as described on application and plans on file. POSTPONED TO THE AUGUST 20, 2014 MEETING AT APPLICANT'S REQUEST.

7P-02-14 Application of PEL Associates, LLC, owner, and Brennan Strimple, lessee, for Conditional Use Permit Approval to allow for a martial arts studio on property located at 2240 Monroe Avenue. All as described on application and plans on file.

MS. PHELAN: My name is Lee Phelan.

MR. STRIMPLE: Brennan Strimple: a little bit of back ground. I have had 20 years in martial arts and served for five years with a professional instructor at one of those schools in Rochester.

MS. PHELAN: I have fifteen years in martial arts and four of those years as an instructor and three of those years as an internship as a school manager. We are looking to build a multi style martial arts school with really high quality instructors in each one of our programs. So what we are looking to do is to bring high quality martial arts to the Brighton area.

MR. STRUIMPLE: We are planning to conduct group classes and also hold private lessons during the day on a one on one basis and sell merchandise, kind of like a pro shop uniforms and basic things that students need.

MS. PHELAN: We are looking to be open seven days a week Monday through Friday, 12 to 9 and Saturday and Sunday 9 to 12. Our projected busy times are going to be Monday through Thursday 4 to 9 and then busy times on Saturday from 9 to 11 and the other times is going to be mostly office work, maybe some one on one instruction, we are not going to be having lots of students other than those projected busy times during the week. We are very flexible and if those aren't working we are more than willing to adjust.

MR. STRIMPLE: So currently there is two business's in the plaza South Jenkins Firs (phonetic) and Michael Spitali Salone (phonetic). We have talked with both of them and both were very excited for us to be coming in with them because it is a very good fit with the plaza. Our busy times are when the Fir business is closed at 4 p.m. and Spitali Salone's we went to the secretary and she said that their business after 6 really starts to dwindle down and the parking surveys that we submitted should show that. So given those students we have during the busiest times really have two sort of circumstances kid's classes and adult classes. With the kid students we are expecting no more than 30 at a time and no more than one in five parents will actually stay and watch their kids. So 30 students does not mean 30 cars, 30 students would actually be about six cars in the parking lot. So given that and figure four employees you are looking at 10 parking spaces for that. At 4 o'clock there is 28 spaces available on average and come 4:15 there is 33 spaces available, so given those numbers there is ample parking for our needs during that time. For adult classes that start around 6:30 that is when the parking lot opens up due to lack of use by the salon.

Most of the clientele that we tracked are people that run, walk or bike to their class rather than getting in the car and driving that is not the usual person who comes and takes martial art classes. So given if we have 30 people we are estimating probably around 15 to 20 cars and given the number of average spaces at 6:30 there is 40 we will have ample parking for our needs.

MS. PHELAN: There is also a lot of times when

couples will come and you will have two people in one car and we are going to give incentives if it becomes a problem for people to car pool if that becomes an issue. Also we will have special events and these will be planned way ahead of time and we will hold them on Sundays when the other business's are closed. So we will have the whole parking lot and to be sure we don't jam anything up we will sell tickets for those and routinely that will work. That way we will manage the load in the parking lot and school as well.

MR. STRIMPLE: If there are any questions we will be happy to answer them.

MR. CHAIRMAN: When you pull into the parking spaces that are closest to your door, are they all handicapped or are some of them reserved for specific tenants.

MR. STRIMPLE: Just two are reserved for handicapped spaces, again we have talked to the Projanski's and there are two for them and they are willing to submit those to us once they close. The other ones were reserved for Rochester Linoleum and Carpet and those would open up to us once they are closed.

MS. PHELAN: We also would be encouraging the martial arts instructors to park far away/

MR. CHAIRMAN: That is a point those spaces are at an angle and people who are dropping kids off they have to actually back out to the main driveway past 5 or 6 parking spaces and if somebody else is waiting for them to drop off their kid you are going to get bottle necking at the driveway turn. So I think one of the things we will say is the parking drop off has to be managed and watched closely and you need to work with your fellow tenants and it can get kind of crazy right in there.

MR. BOEHNER: Educating the parents will help a lot for a safe drop off and pick up.

MR. STIMPLE: We have considered multiple scenarios, because it is tight in there and we did think about that. One of the possibilities is pulling up to the side of the building and have one of the instructors escort people in. We are looking at having 15

minutes between classes in order to prevent congestion.

MR. BOEHNER: How long does a class last?

MR. STRIMPLE: Forty-five minutes for kids, adults usually an hour sometimes an hour and a half.

MR. BOEHNER: So you have about three kids classes at night.

MR. CHAIRMAN: Do they overlap?

MR. STRIMPLE: No we have a 15 minute space in between.

MS. TOMPKINS-WRIGHT: I am not very familiar with martial arts classes, one in five parents drop their kids off and leave , is that more a function of how old the child is, my concern is in younger kids you might have 3 in five parents staying or five in five parents staying, is that how the classes are run?

MR. STRIMPLE: Classes are run by age 4 to 6 and then 7 to 12, it depends on the statistics once we start getting in there. If we do see 5 out of 5 staying they will be moved to a later time.

MR. WARTH: The pro shop you mentioned do you envision having folks who don't take your classes shopping there?

MR. STRIMPLE: The martial arts classes aren't very large. The martial arts community is not very large. It's not the sort of place where you go and walk around and shop. We will order something for you that type of thing.

MR. WARTH: Where would you have the pro shop?

MR. STRIMPLE: We were thinking right as you walk in probably on the right. This plan is pretty close to what we will have. We are working with an architect and fire marshal to make sure

it is up to code as far as amount of space.

MR. WARTH: So you would have a small store area.

MR. STRIMPLE: Yes, its for uniforms and weapons not thousands of items, the space required is very small.

MR. CHAIRMAN: You will not sell, food or popcorn on the side?

MR. STRIMPLE: No.

MR. OSOWSKI: There is a pretty fair overlap from 10 to 3 on Saturdays.

MS. PHELAN: Saturday's are usually reserved for dedicated martial art students. I don't imagine we are going to get a ton of people. If it does become an issue we can adjust our schedule to fit during the none busy times in the parking lot.

MR. STRIMPLE: We will have a children's class but those are generally around 9 a.m. but again it is not a busy time on Saturday morning and it is much diminished.

MR. BOEHNER: One of the items I have called out and the Planning Board has a recommendation that the conditional use be reviewed within one year of the date of its approval if the Board is so inclined. And at that time the Board would reassess the effects of the business on the parking so all the things that you have said it is important for you to figure out how to manage and readjust and try to make sure we have a safe environment. There are not as many parking spaces as is shown on the site plan and as the Chairman suggested the traffic circulation is a little awkward so you have to be diligent to make sure the other tenants aren't impacted and most importantly that the kids get in and out safely especially at night.

MR. CHAIRMAN: Questions or comments? This is a public hearing so does anyone care to address this application.

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.

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. TABLED AT THE JUNE 18, 2014 MEETING – PUBLIC HEARING REMAINS OPEN

MR. CHAIRMAN: We will hold this until later.

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. TABLED AT THE JUNE 18, 2014 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE AUGUST 20, 2014 MEETING AT APPLICANT’S REQUEST.

7P-NB1-14 Application of Francis Perticone, Landing Heights Apartments, L.P. , owner for Preliminary Site4 Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct 50 townhouses units and a 1,500 +/- sf clubhouse and reconfigure two lots on property located on Knollbrook Road known as Tax ID # 108.17-01-001 and 108/17-01-003. All as described on application and plans on file.

- MR. CHAIRMAN has recued himself and Ms. Civiletti will take over.

MR. YANOSH: My name is Dan Yanosh, from Fisher Associates and I am the project engineer representing Landing Heights with me is Bob Winer, the project manager, Nicole Mix who handed out all of the pictures for you and she is the landscape designer and in the audience we have the owner, Mr. Frank Perticone. A little bit about the project, it's been conceptualized a number of times and it got to Fisher Associates last year. This shows you the overall site dealing with the project. There are 210 apartments to the east also owned by Mr. Perticone and also to the west in this little grass field is our project. Back in March of 2013 this plan was 7 apartment buildings with a total of 78 units and part of this plan did encroach into the steep slope buffer and it went much further back into the wood lot EPOD back here. So this plan had a lot of extra disturbance into some of the environmentally areas so we went back and looked at things. In the spring of this year we worked up this plan and pulled everything from Clover to Knollbrook Road, a private drive from Knollbrook back to Knollbrook. This has 34 units individually owned slab on grade, a clubhouse and we looked at the numbers for this and they really weren't working.

So then we came up with the plan that you have in front of you now. Today we are proposing 50 units, 50 townhouse units with the same footprint as the spring plan the units are just going to be condensed a little bit. We have added basements to them. Each unit has a one car garage as well as space in the driveway for a second car, so there are two parking spaces per unit. There are a few parking areas around the private drive. We do require one variance. The plan for the 34 units requires five variances, setback variances so we have reduced that. The spring plan which is also slab on grade we are going to have to grade a little bit into the steep slope buffer. So the basement can expose a little bit of that foundation so we won't need to push the grade into the buffer at all. So we have stayed out of that. The disturbance into the woodlot is point 86 acres I believe of the woodlot being disturbed.

MS. TOMPKINS- WRIGHT: What was it before?

MR. YANOSH: It was 9.44 acres of woodlot on just this property. So it's about a 10th of the wood lot. The woodlot had a tree survey completed and most of the trees we will be taking out small caliper, low quality, they are not big trees. I think there will be one or two mature trees that will come out of this area but most of

them are four inch or smaller.

MS. MIX: My name is Nicole Mix and I helped out with the tree survey a little bit, and there is a pretty mono culture in this area, there is a lot of Black Locust species and Boxelder and that is the highest prominent feature within the area that we will be disturbing, there is a couple of Cottonwood, and a couple of Maple and Black Walnut but along this edge that was surveyed a lot of them will actually be staying but what we will be taking out is about 160 trees.

MS. CIVILETTI: Were any of those trees identified?

MS. MIX: There was one Cottonwood that was 30 inches or more in diameter that our tree surveyor said was significant. There were a couple that he suggested saving, one was a nice Black Walnut and this Maple here which we are not going to disturb.

MR. BOEHNER: Is the Cottonwood going?

MS. MIX: Yes the larger Cottonwood is going.

MR. YANOSH: But yes, the majority of them are small 4 inch, early growth, it's not a mature forest by any means. As you get back further the trees are much better quality, more spaced out and larger in diameter and those are the trees that are going to stay. Storm water management lines, there are three different stormwater areas, two of which are going to have to have support measures for settling and the middle area the infiltration area is designed so it can handle a 100 year storm. There are overflows and emergency measures just in case something plugs or something of that nature.

MR. BOEHNER: Can you explain how that works most of the storm water goes to the north, is that correct?

MR. YANOSH: Correct. Right now, Knollbrook Road and the existing development most of that road has a 24 inch pipe which comes behind the existing pool and outlets down into this ravine here and down to Irondequoit Creek. The storm water from the road is going to be maintained and it is going to flow in the same way it

does now but we will as it gets down here our run off will be reduced as it goes through the rest of this area here and it will all be draining into this infiltration basin which infiltrates into under ground soils so we will have less run off leaving the site.

MS. CIVILETTI: Have you done a study on this?

MR. YANOSH: Yes, we have done an infiltration testing out there with borings in the back here because the soils were getting a little bit close to the steep slope.

MR. BOEHNER: Is there any chance of that water for your proposed project heading out towards the south?

MR. YANOSH: No, it all goes to the north.

MR. BOEHNER: One of the concerns that the highway sewer department has is that the increase of storm water going into that 24 inch pipe goes down that steep slope that will have an erosion problem at the bottom and that is something that will need to be done to correct that and that is in the Town Engineer's comment but it is something now that needs to be addressed.

MR. YANOSH: Again like I said it will be reduced from existing conditions so we will be helping it that way and as far as improving it down there it is very difficult to get equipment down there without cutting a road and having a big disturbance down that steep slope and through the woods.

MR. BOEHNER: I don't know what you want to do to minimize that but we will have to talk about that.

MR. YANOSH: Now we will have our typical water main going through there, sanitary sewers, electric, gas and public utilities. We are going to be looking to screen as much as we can. This here is the cut away for the Town's dump site. So we will be taking out some trees here but we are looking to replace it with a screened buffer along that edge. Those large diameter sycamore tree that line the street those are going to remain and the Maple tree back here we are going to try to save those have been preserved.

MR. BOEHNER: There are a couple of trees close to possible the town's right of way and you need to check in with the Highway Department to see if they show that they are town trees you need to verify that.

MR. YANOSH: Yes, we need to check into that.

MR. BOEHNER: One of the trees seems to be just on the Town's side of the lot and it is designated to be removed and you will need special approval to do that and you probably won't get it so we need to figure that out.

MR. YANOSH: That was one of the comments I believe from the Conservation Board we were in front of them last week and that was one of their comments just to verify with the Highway Department what trees are what so that is most definitely going to happen.

MR. BOEHNER: Another thing that we noticed on the plans is that at some point a bus loop was installed. The bus loop is partially within the right of way and it goes out onto the project site. Probably now would be the time to correct that because my understanding is the Town maintains that but it's on private property and you will probably need some type of easement or something over that if that is going to be continue I guess.

MR. YANOSH: That is correct.

MR. BOEHNER: Now would be the time to find out how it got like that.

MR. YANOSH: That is this area and the bus shelter is on the private property right now. This little crescent here is on private property. Another thing that we are asking for is subdivision approval as shown on the larger plan existing is one straight line that comes through here and we are looking to take part of this property where the existing apartments are and we are going to transfer it over to this property where we are developing this small little area here and keep it all on one property and split the town houses here and here. The property line that we have shown is a little bit funky in that it comes through right on

the proposed private drive. The reason why I did that is to keep from this building needing a variance. So our only variance that is required is on this building here and it's 11 feet into the front yard setback and we have made application to the Zoning Board of Appeals for that.

MS. CIVILETTI: Is there additional lighting proposed?

MR. YANOSH: The lighting is all on the buildings and there is going to be two lights on each garage which they are close enough to the street that it illuminates the street a little bit and doesn't provide a ton of light but they are all dark sky compliant lights. There are no sidewalks along the private drive so we don't have to worry about people walking on the sidewalks. So in the site plan package I believe there were photometrics of the lights on the front of it.

MS. CIVILETTI: There is no lighting on Knollbrook Road.

MR. YANOSH: No just in the front along the right of way here.

MS. CIVILETTI: What is the proposed phasing of the project?

MR. YANOSH: We are going to put the road in and start building units right around the horseshoe. The last piece that would go in would be the clubhouse to the pool. We will start with one building and work our way around. I am not sure if we are going this way or this way but it would be all at one time.

MR. BOEHNER: Will the units have basements?

MR. YANOSH: Yes, these units do have basements.

MR. BOEHNER: Does the site balance with the amount of dirt coming off?

MR. YANOSH: There is going to be some

export and that will go off site.

MR. BOEHNER: And will the buildings be sprinklered?

MR. YANOSH: No.

MR. BOEHNER:: Do you know we have a sprinkler ordinance in the town and you probably need your architect to verify they aren't going to be and two, have you talked to Monroe County Water Authority about the requirement for a hot box and if you have where is that going to be located?

MR. YANOSH: That is next.

MR. BOEHNER: Let us know when you find out where they are going to put that and I have a funny feeling that is going to be required.

MR. YANOSH: The existing water main is back through here and it is going to connect the water main over here swing around and connect back on to itself and provide a loop system.

MS. TOMPKINS-WRIGHT: That clubhouse is that for walking what is the idea for that?

MR. YANOSH: Yes, it is going to be mostly for resident's use.

MS. TOMPKINS-WRIGHT: Is that going to be rented out for events?

MR. YANOSH: It is only 1500 square feet so there will be a couple of bathrooms in there but it is not a banquet hall or anything like that.

MS. CIVILETTI: Did you apply to ARB?

MR. YANOSH: We will be.

MR. BOEHNER: How do you plan to

handle snow storage? The Highway Department has a concern that you might be pushing it across Knollbrook and they really don't want that. So we want to see how you plan on dealing with the snow.

MR. YANOSH: Again the road is like a regular road and it is not going to be like a parking lot, it is going to be winged to the sides so if there is a big mass of snow it will be pushed to each side. There is a little bit of room in here some of these visitor parking spaces might be used up.

MR. BOEHNER: That is what you are going to have to look at there is not a lot of road there if you get a heavy winter. The Town does not want it to be pushed into our right of way. You need to have some areas where it can be pushed outside closer to where the storm water ponds are might be helpful in the lot to the south.

MS. CIVILETTI: Is the fence around the pool going to be removed?

MR. YANOSH: Yes we are going to refence that with a new fence.

MR. BOEHNER: How high is the fence now?

MR. YANOSH: I don't know.

MR. BOEHNER: I will tell you the height of the fence that is there now can not be exceeded if it is you are going to need a variance because it is grandfathered. It is non-conforming. So you can keep it the same height hoping it is at least four feet that is required by the New York State building code for a pool. Your drawings show a five foot fence.

MR. YANOSH: We will verify what the existing height is and match it.

MR. BOEHNER: How does trash work does each person have a tote?

MR. YANOSH: Yes, each person has their own tote and on trash day we will back into the inside of the garage and they will store it inside the garage.

MS. CIVILETTI: Did the Fire Marshal review the plan.

MR. YANOSH: I haven't seen a review from then yet.

MR. BOEHNER: Have you met with them?

MR. YANOSH: No, we have talked with them about the width of the road.

MS. CIVILETTI: Was it sufficient?

MR. YANOSH: I am pretty sure we went through that.

MR. BOEHNER: You will need to follow up with the fire marshal and make the extra effort with them.

MS. CIVILETTI: Do you have the resubdivision of the parcel?

MR. YANOSH: Yes the subdivision is again both parcels are owned by Mr. Perticone, the intent is just to take and separate the existing apartment units from the Townhouse units. They operate as a single property but on the tax rolls it is two separate parcels. So we will be taking from the apartment complex parcel the small chunk of property and adding it to where the town house is located.

MR. BOEHNER: Did you get any feed back from Monroe County Planning?

MR. YANOSH: We have not seen anything from Monroe County Planning. The only thing that we got prior to this meeting was Conservation Board comments.

MR. BOEHNER: You will need to follow

up with them.

MR. YANOSH: It has been submitted so.

MR. BOEHNER: I wasn't worried about it because we have a type 1 action on SEQR but you have to do a coordinated review so you need to have them the next time you come back I am sure.

MR. YANOSH: It is a type 1 action because we are at 50 units not because of any environmental thresholds and EPODS that we are disturbing.

MR. BOEHNER: Yes it is the 50 units the EPOD is a different deal and you just met the 50 unit mark and it doesn't necessarily mean an environmental issue.

MS. CIVILETTI: Any comments?

MR. OSOWSKI: I know there is a sanitary sewer that is 14 or 15 inch deep and is there any concern about hitting rocks?

MR. YANOSH: We didn't hit any rock or anything.

MS. CIVILETTI: Anything else?

MR. YANOSH: That is all I have any other questions?

MS. CIVILETTI: This is a public hearing does anyone care to address this application?

MS. ANNECHINO: I am Karen Annechinno of 502 Browncroft Boulevard. I live on the other side of the fence. This was a complete surprise to us and we would appreciate –

MS. CIVILETTI: Please address your comment to the Board.

MS. ANNECHINO: I would appreciate a little warning instead of just getting it in the mail from the Town. There are several issues that you didn't mention at all. You have the safety at the corner of Browncroft and Knollbrook the neighborhood has already nick named it the Kelvorkian (phonetic) corner because of all the accidents there and to add an extra 100 cars trying to get in and out of there especially if you are adding families with children that are going to be making a left out of there in the morning to go to Indian Landing School you are going to end up with more problems as the Brighton Police Officer who sits in our driveway says it is just a very dangerous spot as everybody knows.

The Officer recently ticketed two people going 94 miles per hour I mean they are just flying up the hill and it's a blind spot. And taking away more of the green space up there is going to add less places for people to walk and you are going to be adding more people back there. And people right now there is no place to walk so they are cutting across Browncroft to walk down Shaftberry (phonetic) and walk that neighborhood. And there is so many close calls it's incredible. So when my kids were home we use to put their bikes in the car and drive them across the street to let them go because you couldn't let them drive across Browncroft. That's my main issue with the traffic and the safety, adding that many more people back in there and personally it looks like they are going to come close to the Town roads and who is going to want to listen to all the dump trucks in the fall bringing all the leaves down to the town dump, they are going to have all the dump trucks running in their back yard.

MS. CIVILETTI: Thank you would anyone else care to address this? Okay thank you.

MR. YANOSH: We do have a meeting scheduled with New York State DOT about the traffic so the New York State DOT will be involved, looking at this and at this intersection so that is scheduled for Tuesday. So we are taking steps to look at that intersection.

MS. CIVILETTI: Have you thought about a traffic study?

MR. YANOSH: There was one done back in 2009 by SRF and they had a couple of recommendations one of them was to combine Knollbrook and the driveway to the dump. The town doesn't

really want to do that just because the two uses are so different. It's all residential and then you would have dump trucks so combining those two onto the same access point that really doesn't work. I think there were other recommendations a dedicated left hand turn lane off of Browncroft to Knollbrook and we will be discussing this with the DOT on Tuesday.

MS. CIVILETTI: Have you entertained the possibility of holding a meeting with the neighbors?

MR. YANOSH: We have at this time we need to make one more call.

*MR. CHAIRMAN has returned

MR. CHAIRMAN: All right we will hold this over to the next meeting. At this point the public hearings are over.

MR. BOEHNER: Can we call Debra Pierce one more time I don't know what caused them not to come.

MR. CHAIRMAN: One more call for 6P-NB1-14, application of Debra Pierce? Hearing no one we will hold this over to the next meeting. Shall we hold the advisory reports to the end Ramsey?

MR. BOEHNER: Yes.

OLD BUSINESS

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 submitted.

MR. GOLDMAN: Good evening my name is Jerry Goldman and I am the attorney and agent for Mardanth Enterprises who is the contract vendee at the Clover Lanes parcel 425 parcel located on the northside of Monroe Avenue near Clover street. This application was on before the Board I believe last month you had an initial concept review and the velveteen fact here this evening Mark

Costich has brought attention here, Dan Daniele one of the principles is here and Anthony Daniele another of the principles is here this evening and it has been a busy month with regard to the application since this application was initially heard or at least the concept was reviewed by this Board. A lot of the comments were taken very much to heart relative to evaluations of alternatives a lot of effort has gone into taking a look at how this site fits in with the Monroe Avenue Corridor Plan. You have received some submission already with regard to the this with a number of alternatives as part of your packets and in addition Mark Costich who did the bulk of the presentation has some additional materials for the application and the view of what this property can be and what can be done with it in order to provide the town with a very nice site and development at this location. Mark I think at this point you are prepared to go ahead and talk about some of the sketches which you had already delivered and some of the new material.

MR. COSTICH: Mark Costich. So last time we met with the Board I think you were clearly saying we would like to see how we get to where your plan was some alternatives, how did you think about this. So we went back and we did draw some quick sketches the ones represented in the beginning are newer and we were thinking of not necessarily conventional layouts just some different layouts and then there is a variety of plans that are not altogether different that are enclosed in the rear. So I would just like to spend a few minutes on some of these ideas and then I do have some other things that we have been working on very recently and that relate to the Monroe Avenue Corridor. The first sketches were done after the meeting and one thing you will note in all of those right away instead of one access point there is two. The reason being is some initial thoughts from our traffic engineer was that one entrance would not be sufficient that potentially two points of ingree and egress to Monroe Avenue is needed to have the intersection function properly. Also what we are seeing coming forward and what we talked about a little bit more and a little later on is that we are talking with the DOT about potentially a signal light entrance that is on the table but we are not positive of that and we will get into that a little bit more.

So we will start with some of the sketches. The first sketch A is a sketch where we kind of listened to what the Board said last time and does the access to Mario's have to be where it is today, is there a better way to do it? I think that the plan A does show a way to get back to Mario's in a fairly a direct way. It has a nice long throat and

pushes buildings forward on the site so that is something I think the plan would be considered positive. This plan the way it is drawn has some cons associated with it basically it divides the site of the buildings and there is a pretty high intensity for parking towards the Mario's side of the side. We don't have any parking in the front and we had some visual difficulties that visual associated with the rear buildings are compounded also with the front buildings not having any parking in close proximity to the side or the front. So we fined this to be a bit challenging. The non Mario's side towards Clover more has parking that I think is confusing which would be the front of those buildings so that was a plan that tried to look at how to get to Mario's and incorporate two sides and didn't work very well. You can jump in any where you want.

MR. WARTH: On that one with shared access to Mario's those two northeast two buildings out in the front share .

MR. COSTICH: There is three locations with shared access to Mario's all of the drives that are heading that direction would be cross access so there is very good cross access to Mario's. The down side I think is the buildings aren't very viable from a marketing and visual standpoint. The B option has again an advantage point to Mario's which shows an access to the restaurant towards Clover we could have more cross access here this incorporates a little round about which I think maybe a bit too much for this size site. It does have parking that would kind of work for the buildings in the rear. The buildings up on Monroe are less parked and we don't have drive-through as shown. It's not great traffic patterns and we have really lost parking for Mario's and that is going to be a reoccurring scene. The Board asked do we need to have that access where it is, do we need the parking? Well, the answer is yes, we need parking for Mario's to be as it is, not necessarily a single location but we can't ignore it. We have to leave it where it is or replace it.

I won't beat this to death I think we can all read some of these comments and I'll just try to move through some of these. Option C is an interesting concept to have the buildings up on the street. I think it could work for some uses that could be associated with the site. I don't think it would work for a standard retail or for a drive through but certainly if you were to have office, if you were to have potentially a hotel you know with some down stairs retail that would be a potential to be up on the street like that. You look at this and what comes to mind is something more along the lines of what is going on in Mount

Hope with the U. of R. putting something up on the street. I think this would be something that the U. of R. has the advantage of having more pedestrians. We are going to encourage pedestrians but we don't have them so just walking down the street and walking in front here is difficult. It's very viable but certainly not for retail. The building in the rear becomes quite varied. We certainly could have cross access with that plan but the parking against Mario's disappears. B is just kind of a quick attempt to create some kind of main street kind of thing and it really doesn't work. If you were to have narrow retail on either side to create kind of street scape down the middle, you would have Mario's down at one end and potentially the parcel to the south towards Clover at the other end you could create some kind of street scape but it is just a lot of varied buildings that don't market very well.

Moving to E, there was mention at the last meeting of a right angle building and the classic issue with that kind of building is you get a lot of density of demand for parking in the intersection of the L so that becomes a high demand parking area. This does show an access to Mario's in multiple ways shows a lot of parking, parking is not necessarily oriented the right way. It doesn't have parking up front. It does have access from the front.

MS. CIVILETTI: Can I interrupt, your parking counts are you maximizing the parking are assuming a certain parking ratio in these studies or isn't it important to you?

MR. COSTICH: It is extremely important to us. What we are trying to achieve for this development not having parking lots, the Mario's has a certain amount of parking that is in that front portion without taking that out of the equation we are really trying to get 5 per thousand. Your code is 3.3 per thousand for retail that is okay for certain retail but if you start mixing restaurant in it's going to be very low and your code will obviously go up quite a bit. So our goal is going to be when we get around to it, is 5 per thousand and we are probably going to fall short. Moving to the next page the colored rendering early sketches, the first one would be F and G and that was really the concept of could we have a retail site and then could we put a hotel in there in lieu of a retail box. The hotel was shown against MaMasans and that has some real codes related issues in regards to your code requires quite a bit more land than we have to be able to do what we are doing so that was something we left early on. H was the earlier station again trying to do that little main

street where Mario's was at one end and the hotel was at the other end and the main street and something in between, a very nice concept and I know it is something that has kind of cooled and it doesn't have any real attraction for Monroe Avenue. It would be an interior type thing with parking on the perimeter and certainly you would be seeing parking from Monroe Avenue and not that is not necessarily desirable.

This could be a very nice development and it could kind of have a real different look especially having Mario's on one end and the hotel at the other and retail in the middle. And then we go into a whole wide variety versions of what ultimately came before you and that general theme of larger retail in the rear and two out parcels up in front. We kind of drew it every which way with the drive through on one side of the entrance and drive through on the other side of the entrance and I would be glad to talk about any of those but I think they are kind of self explanatory right now and not all that exciting they are very much similar with slight modifications within all of them. So these are some of the things we looked at. To be honest with you when we started out we looked heavily at the Monroe Avenue Corridor analysis and the share findings after we left here we did look at it closer and so we did modify some thoughts that came in.

Not to jump around to much for you the first page is part of the Monroe Avenue Corridor and I think what it is trying to show is more of a boulevard on Monroe Avenue and with that in mind I did talk about a potential signal and the Daniele's have been meeting with our traffic engineer who have been talking to the DOT and they have had some discussions with regards to a signal. The signal would have to line up with something that is across the street and has to be in the right location. Probably the best picture of where that could fall the last page here I am kind of starting it backwards but that would be the driveway more to the south, more towards Wegmans and that location does kind of line up in the drive aisle across the street. So this gives us the kind of distance we need from the expressway and it's quite fixed it's going to be held to that location and then becomes a start for how can we maybe make this ingress and egress work with some of the thoughts on the corridor. So keeping that in mind now we are looking at potentially two driveways here regardless of a signal or not but probably we would like a signal obviously if not that would be an unsignalized entrance.

Moving to the second page, we have kind of

taken your goals and these are basically for this portion of the Monroe Avenue Corridor and the headers in bold are some of the goals that were listed within the Corridor Study and maybe we could kind of look at the plan as presented. This being the latest plan within the package and see how that maybe works. I know none of you have seen this so is it okay to go through those or - I think all that was trying to show us is that on our side of the street is the buildings that are currently there and how can we have cross access both pedestrian and vehicular to those buildings. So as we develop our plan we are finding that those are important to be accessible to both pedestrians and vehicles without necessarily going back to Monroe Avenue. We also have to look at potentially cross access with vehicles. We can't over night have everybody cooperate with this and provide us with access but we need to look at the big picture in developing our site.

MR. OSOWSKI: About the on ramp that is being installed to 590 north is that to Mario's advantage to make it easier for people to pull out and kind of pull into traffic.

MR. COSTICH: I think it is cutting out right after your driveway -

MR. DANIELE: Good evening, Danny Daniele, the question has been the on ramp and they did bring it up about 75 feet and it is still probably about 30 feet away from the Mario's entrance. If you were to turn right onto Mario's you are still going to go into one of the double lanes and there is a right of way to do that.

MR. COSTICH: And in traffic engineering you would typically want to do that because you don't want the person pulling out of Mario's saying I own this lane and mean while the person who is trying to merge to get on becomes second rate at that point. So they typically don't want that to merge into the driveway. So if I could just spend a couple of minutes and just go through this sheet then maybe we can open it up a little bit because I have been talking too much. Pedestrian friendly development I think if you look at our sketch we tried to show the inner connection on our site we have focused a lot more on cross walks and we basically have had connected the buildings I think rather well as well as the last page shows you in red the pedestrian cross access in answer to other sites it is just everywhere on the site and that is our goal. We also would hopefully have bike racks. The second to the

last and the last page are the same one is just larger. And maybe I should spend a couple of minutes on that sketch before I go into the way it relates to the corridor. Obviously as I said earlier with the access points to Monroe Avenue are kind of fixed.

We have the existing driveway which I think DOT wants to see turn in to a right in right out if it were signalized and then the new signalized driveway again needs to line up across the street and ultimately across the street we would hope that they would all be interconnected in the future. As you come in that signalized driveway you come to an intersection and you can see it's a straight shot down to Mario's if you are going north. There is very little parking. There is some parking associated with the right of way but as you move down towards it there is no parking on the drive aisle so we tried to minimize that. We also have a drive going directly to MaMaSans, a very good connection as you move in towards the site and there is a 15,000 sq foot building there is again cross connections to the back of MaMaSans and then there is another whole road system that runs north south connecting to Mario's and MaMaSans and then you have further connections in front of the 21,000 square foot cross connection to Mario's so there is a multitude of ways to cross connect, the plan has the right in and right out that comes straight up to site and that's good for obviously delivery and access again not much parking or again no parking associated with that drive aisle. It's good circulation.

There is pedestrian access all along that corridor. We have interconnected the out buildings which we tried to enlarge them those buildings and make them more prominent on Monroe Avenue. We have incorporated in the 4,000 square foot if you note that we have a drive through. We haven't put the parking out in front but we actually did put a drive through with a pick up window on Monroe Avenue that was suggested as potentially something we could look at and it works very well here. We have good stacking but its not in your face when we think the parking for that facility could be well screened as well as so could the drive through. In both out buildings we have shown areas with pedestrians that would be out potentially tables and chairs that is associated with both of those facilities as well as the 21,000 potentially having a restaurant associated with it. So that is kind of the driving force.

The plan does also keep quite a bit of Mario's parking that exists again very important to Mario's. We have

roughly one side of that in definition and that is the way it is today. I think I am talking too long so I am going to speed it up a little. Go through the sidewalks and cross walks are shown within the plan. The tree, lawns and buffers I think we have tried to make smaller. Parking fields we don't have any of these vast fields you see. They are broken up more they go in different directions to kind of associate it with the different uses not necessarily big fields they are all sharing. There is parking that is associated with it's use but there is a lot of pedestrian interaction within there. The same environment, cross walks through out and as we get into this some more I think we can do some specialty cross walks, some hard scape or landscape you can obviously tell that an engineer drew this for the landscape architects I apologize. With that I am going to stop because I think you probably have some things to say.

MR. BOEHNER: When are you meeting with NYSDOT?

MR. DANIELE: Danny Daniele, when are we meeting with DOT? We met preliminarily with them and we reviewed the sharet along with the plan similar to what you are seeing tonight on this page right here allowing cross access and we had Steve Feranti work with the project engineering for almost two months. And at the beginning we didn't know if there was a chance to put a light there but after that meeting before we went to that meeting we had quite package put together and we put the screen up where you could see the cars.

MR. BOEHNER: You used a model?

MR. DANIELE: Yes to see if it would actually work and in correspondence with what Monroe Avenue is doing right now with reconstruction. So it's up to date using what they are doing and what is going on afterwards and it seems to work very well. Preliminarily the DOT has said this looks like a very viable option especially based upon the charet that we brought them some of the things they said if the town is behind it that helps adding all these cross accesses that helps. We know it is not going to happen tomorrow but we know technically it is something that might happen in the next five or ten years. There was a tremendous amount of talking going on and at the end of the day we are going to be submitting I think by the end of this week an application to the DOT to put a traffic light in there. So that will come threw your door as well.

MR. BOEHNER: You said they seemed encouraged.

MR. DANIELE: As much as the DOT could be it wasn't that Gee you guys are really stretching it here. This is something that is needed here and I hope we can make it work and it looks like there aren't too many obstacles in our way.

MR. BOEHNER: Did you talk with Bee Walters and MaMaSans any other merchants in the area.

MR. DANIELE: We spoke with MaMaSans, both hotels across the street, he is in the process of purchasing the Pizza Hut right now. We have been in contact with our neighbors and Nunzio to the west of us but again we were cautious to bring everything up because we don't know yet and we don't want to start a storm yet if it is not going to happen. We have seen it landowners, citizens looking at it and we want them to look at it in a positive aspect.

MR. GOLDMAN: I would like to add a couple of comments before you move onto the fuller discussion. I think that the project on the second page are very important. I think the development of the Monroe Avenue Corridor plan was done with a lot of forethought and they are really taking into account existing conditions. I see many of these plans that are pie in the sky and don't address the realities on the ground. The thing that is important to remember is at the end of the day we want to have a good and viable project and to that regard there has been a lot of work in terms of investigating the marketing of the site in terms of taking a look at the impact on Mario's. There is a challenge because of the size of the site quite frankly and it would be nicer if we had a bigger site to play with and we could do that and also when you take a look at the site itself it's constricted in terms of the frontage as opposed to the fact that that impacts the ability to bring some things up front but in that regard what we tried to do is provide for good pedestrian and cross access because that was one of the main goals.

In terms of parking the code does address standard retail that you may expect within a smaller plaza setting or smaller tenants at a ratio of 3.3 per thousand. The standard is closer to the 5 per thousand and we are trying to get there and that is what the tenants if you have the tenants to mandate and that's part of the challenge that we

have as well is that the tenants come in and they argue with us relative to the site plans. So we want to have a viable plaza here and there are a number of alternatives which really address a lot of goals. I think there are some that are more preferable from our point of view but we are here tonight to get your input on the various plans that we have reported on.

MR. COSTICH: The plan that we have been talking about is about 4 per thousand in parking without the strip that is dedicated to Mario's. So that is kind of falling below what we would like to see. It is obviously a function of tenants.

MR. CHAIRMAN: I think fundamentally it appears to be different from the last time is the access issue for one. And then I think the second to focus on the interconnection of the pedestrian and vehicle access management and fundamentally it is much different that the previous one. Opening up access across the back and I would assume and maybe not drawn on here is a trail that extends from Elmwood and would be encouraged through here across the back.

MR. COSTICH: Absolutely, its implied with the squiggly lines on the top of the sheet.

MR. CHAIRMAN: And since the 2010 charet and the plans here and now DOT has finished their work and this intersection is all being reworked that plan which is on the drawing here implied a traffic signal that couldn't happen. So even getting the potential of getting a traffic signal between Clover and 590 is really positive from the Board more than anything as far as pedestrian safety in the area, slowing traffic down and letting people on the west side actually get across the street to Starbucks but getting safely to Monroe and Clover intersection. As to just the configuration again we aren't talking retail use or a retail project but as far as those access points some of those early options that you had presented with these early sketches probably are implying almost three curb cuts.

I am not sure about the three curb cuts there but the two stronger curb cuts for right in and right out allows for a lot of things to the development and also the configuration does appear to be pedestrian friendly. Could there be a little more green space I think we could work on that but the interconnections I would like a little bit bigger buildings out in front because they are doing a little bit of the screening of

the parking and parking does appear to be in smaller chunks almost opposed to what the charet produced and it seems to have a larger parking feel to it. So I think the positives are the interconnections both vehicular and pedestrian and bicycle combinations. And it is possible to see some street lights closer to Monroe Avenue. I guess that is my thoughts.

MR. OSOWSKI: I definitely agree that it is definitely an improvement from what you brought us last time.

MR. FADER: I like the direction you are going in and there is one thought I had did you guys think about subdividing.

MR. COSTICH: That is a very good point just to respond to that quickly we have talked about that and we have considered it. It does present complications one being financing and ownership. We want to integrate the parcels to each other. We don't want to tie one down with another that can't be tied together. So we are looking at it and at this point we are trying to respect the property lines and we certainly are going to need variances and I think that we are encouraged not to be so afraid of a front setback variance and the last meeting that is the way we approached it.

MR. FADER: Don't they own both of them.

MR. COSTICH: They do but there is a bank that owns one of them right now just like you own your house.

MR. WARTH: I agree that you are moving in a good direction here. I think one thing about access to Mario's and it's retail development there will be a lot of value to having access to Clover Street. I know from being in the neighborhood that is going to be a helpful thing. And maybe that might allow you to consider what David's suggestion of having a little bit more stuff up front because you are going to have good access through that intersection and Clover Street. I think that is a key thing about having that intersection there and having people from the hotel be able to cross the street safely and my last thought is just that I would really like to see a good bike run.

MR. COSTICH: We are fully prepared to do that and it is just not showing up at this scale. But we will be detailing

that. We have looked at what's been done throughout the corridor and through Pittsford we have been part of that actually our firm and we will continue that.

MS. CIVILETTI: I think I agree with the other comments and to develop something in connection to Mario's.

MR. GOLDMAN: I think the tenants have become a lot more sophisticated relative to looking at the over all design before they will go into a center. There are some challenges in trying to get some good quality tenants and keeping them. That is part of the issue with parking and having at least 4 per thousand. I have a question back to Tom when you are talking about access to Clover Street are you talking about pedestrian and bicycle or are you talking about vehicular.

MR. WARTH: I was talking about vehicular.

MR. GOLDMAN: I am sure it is something we can look at.

MR. CHAIRMAN: Question or comments?

MR. GOLDMAN: I think at the end of the day there is visions that this Board has and some of that may not fit. We are counting on this Board's support in taking a look at this because I think there is a shared vision here that we are trying to develop.

MR. CHAIRMAN: Thank you very much.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from RamseyBoehner, Historic Preservation Commission Secretary dated June 30, 2014 regarding 166 Antler Drive.

Letter from John Clarke, DDS Companies, dated July 9, 2013 requesting postponement of applications for 2090 South Clinton Avenue to the August 20 meeting.

PETITIONS

NONE

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 .

MS. CIVILETTI: I move to close the hearing for 5P-01-14.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move that the Planning Board deny without prejudice the request for site plan modification to install a 55 +/- sf outdoor dining area in the front yard with 20 seats and that a Conditional Use Permit application for outdoor dining be approved based on the testimony given, plans submitted and with the following conditions and Determination of Significance.

DETERMINATION OF SIGNIFICANCE

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

1. The conditional use is valid until November 1, 2014. The conditional use permit may be renewed pursuant to Section 217-6, A.F.
2. All conditions of the Zoning Board of Appeals Temporary and Revocable Use Permit shall be met.
3. The total number of combined indoor and outdoor seats shall not exceed the 99 seats previously approved for the indoor seating.
4. All requirement of Section 203-84.B(4). Outdoor Dining Facilities of the Comprehensive Development Regulations shall be met.
5. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation and no bars for service of alcohol shall be allowed in conjunction with the outdoor dining facility.
6. During each day of operation of the outdoor dining area a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers, to the extent that such a patrol can be done safely and that permission is obtained from neighboring property owners, where necessary.
7. The outdoor dining area shall only be operated during the hours of operation of the associated restaurants.
8. There shall be no exterior lighting installation in conjunction with the outdoor dining use without further approval by the Planning Board.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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 I D #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. TABLED AT THE JUNE 18, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. FADER: I move to close the public hearing fro 6P-01-14.

MS. TOMPKINS-WRIGHT: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

1. The extents of the building siding and foundation shown on the latest architectural elevations do not conform to the dimensions shown on the site plan for the footprint of the houses, and appear to be encroaching slightly into the required setbacks. All parts of the house that are not listed exceptions shall meet zoning setback requirements.
2. There shall be no encroachment into the 10 foot stormwater easement on Lot 41, including foundation/footer, roof overhang or any other building features.
3. Plans have been drawn to the maximum extent allowed by zoning regulations in a number of instances. The applicant is advised to provide, with conditional drawings, some allowance for as built variability to avoid potential issues with the required foundation and or as built property surveys.

4. Zoning allows for steps providing access to a house to be constructed within a required yard, provided that they are less than 18" in height from grade as measured at the tread. A step or steps is shown on architectural elevations extending into the front setback on Lot 41. Applicant should be aware of the zoning allowance.
5. The building coverage percentage for both lots shall be re-assessed to confirm its accuracy and compliance with zoning requirements or Zoning Board of Appeals approval.
6. The applicant should ensure that all proposed pavement is shown on the site plan and that front yard pavement percentage is included in site notes. Front yard pavement percentage shall not exceed 30%.
7. The location of any soil stockpile and material staging areas should be taken into account for the construction of both houses, along with erosion control. Plans shall be revised as necessary to address this.
8. If partial grading of the Lot 41 is proposed prior to its development with the new house, a grading and restoration plan shall be submitted to and approved by the Town Engineer.
9. Any proposed air conditioners and or generators shall be shown on the site plan, shall meet zoning requirements and shall require a building permit.
10. Zoning requires that air conditioners are "screened with fencing or other suitable materials so as to reduce the visible impact from adjacent property owners and from the road." The site plan shall be revised to show screening of proposed air conditioners as required by zoning regulations.
11. The project shall comply with the zoning variance approval and Architectural Review Board approvals granted.
12. The entire building shall comply with the most current Building & Fire Codes of New York State.
13. 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

14. the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
15. A letter of credit is required as a guarantee of property restoration for this project. Additionally all proposed landscaping associated with the project shall be guaranteed for a period of three years after initial planning per Town of Brighton Town Code Chapter 207-21. The letter of credit shall cover certain aspects of the project, including, but not limited to the sanitary sewer, storm sewer, water main, stormwater water management facilities, landscaping and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval.
16. Meet all requirements of the Town of Brighton's Department of Public Works.
17. All Town code shall be met that relate directly or indirectly to the applicant's request.
18. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
19. 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.
20. 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.
21. Maintenance of landscape plantings shall be guaranteed for three years.
22. 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 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.

23. 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.
24. All County Development Review Comments shall be addressed.
25. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
26. Erosion control measures shall be in place prior to site disturbance.
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.
28. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan and including ground elevations 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.
29. 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.
30. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
31. All comments and concerns of the Town engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner, shall be addressed.
32. All comments and conditions of the Planning Board and Town Engineer shall be responded to in writing.
33. 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.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-02-14 Application of PEL Associates, LLC, owner, and Brennan Strimple, lessee, for Conditional Use Permit Approval to allow for a martial arts studio on property located at 2240 Monroe Avenue. All as described on application and plans on file.

MS. CIVILETTI: I move to close the public hearing for 7P-02-14.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

1. Unless further approval is granted by the Planning Board, hours of operation and group class times and sizes shall be limited to those presented with the application and testimony. Group classes on Monday to Friday shall be limited to Kids, from 4pm to 6pm and Adults from 6pm to 9 pm.
2. At all times, class size, duration and timing shall be limited as necessary to ensure that the parking needs of all of the plaza are accommodated

3. The applicant shall work with the other tenants to schedule special events only at times that the plaza can accommodate the parking needs of all the plaza tenants.
4. There shall be no outdoor storage or display of material goods.
5. The operation of the proposed business shall be such that noise is prevented from intruding on adjacent residential properties.
6. No exterior air handling or other exterior noise generating equipment shall be installed without further approval by the town.
7. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal, Chris Roth 585-784-5220.
8. All necessary building permits shall be obtained and all New York State building and fire codes adhered to.
9. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.
10. This Conditional Use Permit is required to be renewed in one year from the date of this approval, at which time the board will re-assess the impacts of the business on the plaza parking and surrounding properties.

MR. BABCOCK STINER: 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. TABLED AT THE JUNE 18, 2014 MEETING – PUBLIC HEARING REMAINS OPEN

MS. CIVILETTI: I move to keep the hearing for 6P-NB1-14 open and table for attendance at the next meeting to ask some questions.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-NB1-14 Application of Francis Perticone, Landing Heights Apartments, L.P. , owner for Preliminary Site4 Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct 50 townhouses units and a 1,500 +/- sf clubhouse and reconfigure two lots on property located on Knollbrook Road known as Tax ID # 108.17-01-001 and 108/17-01-003. All as described on application and plans on file.

- MR. CHAIRMAN has recued himself and Ms. Civiletti will take over.

MR. FADER: I move the application be tabled based on the testimony given and plans submitted. The Executive Secretary is directed to coordinate the review and to seek lead agency status for the project pursuant to the State Environmental Quality Review Act. 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. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
2. The building shall comply with the most current Building and Fire Codes of New York State.
3. Prior to the 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 (Chapter66), 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 parking areas shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. The plans shall be revised to address the following Conservation Board comments:
 - a. Additional woodlot mitigation is encouraged. The number of trees being removed not only in the woodlot but also in the "manicured" area is much greater than the number of trees proposed for mitigation.

If the site layout and location of utilities makes it difficult to add additional tree mitigation, than consideration should be given to

planting saplings with trunks of one to two inches in diameter in the remaining wooded areas to help enhance the quality of the woodlot.

b. Verify that trees marked for removal in the "manicured" area are not town trees.

c. Green infrastructure techniques for stormwater control mitigation are encouraged.

d. Deciduous shade tree plantings shall be 3-3and ½ inches in caliper, evergreen tree plantings shall be at 7-8 ft in height.

13. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
14. A construction phasing plan shall be prepared and submitted.
15. 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.
16. Fire hydrants shall be fully operational prior to and during construction of the building.
17. All County Development Review Comments shall be addressed.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works.
19. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
20. All easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerks Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
21. The proposed sanitary sewer serving the project shall be dedicated to the Town of Brighton on easement. All easements required by the Town Engineers shall be shown on the Subdivision Map.

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 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 are met.
24. The applicant's architect shall evaluate the project relative to the Town of Brighton's sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted.
25. The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
26. 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.
27. Erosion control measures shall be in place prior to site disturbance.
28. 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.
29. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon, Town Engineer to Ramsy Boehner shall be addressed.

30. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
31. The applicant shall verify with the Brighton Highway Department that the trees marked for removal in the "manicured" area are not town trees.
32. Executive Secretary is directed to coordinate the review and to seek lead agency status for the project pursuant to the State Environmental Quality Review Act. The applicant shall supply all required material and documents for the coordinated review.
33. The necessary front setback variance for proposed Building #35 shall be obtained from Zoning Board of Appeals.
34. The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton's Architectural Review Board prior to final approval.
35. The height of the new fence proposed to be located around the pool shall not be any higher than the existing fence proposed to be removed. Please verify the height of both fences.
36. Snow storage for the entire complex shall be shown on the plans. Snow should not be pushed across Knollbrook Rd.

MS. TOMPKINS-WRIGHT: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

NEW BUSINESS

Advisory report for Jewish Senior Life proposed rezoning.

MR. FADER: I move to send the prepared letter by the Executive Secretary to the Honorable Town Board.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Advisory report for proposed technical code amendments

MR. WARTH: I move to send the prepared letter by the Executive Secretary to the Honorable Town Board.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

* * * * *

SIGNS

50

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

TABLED FOR THE FOLLOWING:

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

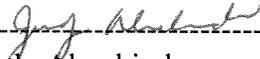
MR. CHAIRMAN: I move to deny without prejudice sign application 1310.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the July 16,
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 ^{5th}----- day of August, 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

NANCY A COMELLA
Notary Public-State of New York
County of Wayne
Commission Expires Mar 30, 20¹⁸
No. 01CO4624987