

Proceedings held before the Planning Board of Brighton at 2300  
2300 Elmwood Avenue, Rochester, New York on September 17, 2014  
commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman  
Laura Civiletti  
David Fader  
Josh Babcock Stiner  
Thomas J. Warth  
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 September 17, 2014 meeting  
of the 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 August 20, 2014 meeting with any corrections?

MR. FADER: So moved.

MR. OSOWSKI: Second.  
ABSTAINED ( since not present ) MS. CIVILETTI and  
MR. BABCOCK STINER

UPON ROLL CALL VOTE MOTION CARRIED

MR. CHAIRMAN: I just want to let  
everyone know that we have a postponement of 8P-NB1-14 the U of R to  
the October 15, 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 September 11,  
2014.

MR. CHAIRMAN: Before we get started the  
Community has suffered a substantial loss here this in the last 10 days  
Larry and Jane Blazer were residents if not Brighton but they were

property owners and developers and we as a Board and a Town knew them well and I would like to take a moment of silence in their honor.

( a moment of silence was observed in their honor)

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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 September 17, 2014 MEETING AT APPLICANT'S REQUEST.

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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

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MR. CLARK: Good evening, my name is John

Clark and I am with the DDS Companies and we are here tonight on behalf of Clinton Avenue South LLC. They are interested in subdividing the portion of the property located at 2090 Clinton Avenue and they would like to construct a new medical office facility. We have been in front of the Board a couple of times most recently back in June and at that time we had received some good comment back from the Planning Board and Town Staff and we were moving right along with our project and we were preparing for Final Site Plan Approval at the July Planning Board meeting. Between the time we submitted to that meeting and the actual meeting the owners took some time to really sit down and study what they needed exactly in the building as compared to what they were willing to financially commit to that building. So what happened was the building got smaller.

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We previously were proposing about a 12, 900 square foot print building we have now reduced that to 10, 400 square foot. So there has been a 2500 square foot reduction in that actual

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building foot print. Every thing that goes along with the building site happened as well so we reduced pavement, gross floor area, a lot of reductions so the overall density of the project did decline quite a bit. I noticed this is the public hearing portion and I wanted to be brief with my description but I certainly can get more into the detail of that now or at a later time if you would like but the overall project is a new 10,400 square foot footprint building and it 12,060 foot of gross square foot area and basically what is happening is we are keeping the building and the parking lot within the existing parking lot that is there today. So I certainly can expand on that but I know you want the public hearings first and then move on so I guess it is up to you.

MR. CHAIRMAN: John would you just tell us generally the whole foot print is it narrower or shorter or is it just narrower because it does appear to be further or at least a few feet away from the residents toward South Clinton.

MR. CLARK: Yes, what happened was the building itself and I did bring a plan that shows the old plan so we can get a good idea of comparison. Okay the lower plan is the old proposed plan and what happened obviously both buildings got smaller. We have reduced all the new additional pavement that's proposed to the west side that is all gone now. We were able to slide the building slightly to the north which provides a little bit more room to the south and everything up on the eastern end pretty much stayed the same. We obviously have quite a bit more green space between the building and the apartment area now as well. So it actually shrunk to the west more so than north to south but it did shrink in that area.

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We were able to minimize the amount of

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impervious area that was previously proposed had this been an already developed site there was a lot of impervious area there but I think there was about 11,000 square feet that we were proposing to add of impervious area meaning building, parking lot, sidewalk that number has now been reduced to about 1700 square feet. So it is a pretty good reduction there. We are increasing green space from the previous approved plan from 45 percent up to 55 percent. Gross floor area we are reducing that from approximately 15,600 square feet to 12,000 square feet. So that means less parking required. We previously had about 105 required by code now we are down to about 81 required by code so it is quite a bit less.

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The density overall per code is 10,000 square feet per acre is the max. We were previously proposing about 5600 square feet per acre that is down to about 4300 square feet per acre. I think the overall theme here is everything got smaller so there is less of an impact to the site. One of the things that we were asked to look at last time we were here that is the location of the generator. We previously had it proposed in the south east corner which was closest to the actual residents. So now we have moved that to the south west corner. So it is not in the back yard and it is in the side yard but it is behind our building and it is closer to the commercial use property than it is to the residential use property.

MR. BOEHNER: Can you tell us a little bit about that generator what is the fuel and what is it's decimal.

MR. CLARK: It is natural gas and the decimal level is 67 DV. So I believe it fits within town code.

MR. BOEHNER: Okay that is good, thank you.

MR. CHAIRMAN: On the back side you show an area for a retaining wall and it looks like it will have a recess for HVAC for a cooling tower.

MR. CLARK: Yes.

MR. CHAIRMAN: I am wondering how deep is that?

MR. CLARK: I believe it is about 6 feet deep so it is going to have a wall around it. So I think it is going to be mainly covered. I don't think it is going to be very visible from that area.

MR. CHAIRMAN: So you are saying it is all recessed?

MR. CLARK: Yes.

MS. CIVILETTI: So the housing is protected by a top from somebody falling?

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MR. CLARK: There is a handrail that goes around the retaining wall.

MR. CHAIRMAN: There is an exterior light shown on the south east entrance, is it right on the corner, it looks like something you will have over that door where employees exit. Does it have a cut off for the glare?

MR. CLARK: Absolutely dark sky compliant we will have a cut off on that light and I will make sure if it is not completely detailed on there we will be showing that. It's typical residential type door light that you would see so it is pretty low voltage but I'll make sure that we address that.

MR. CHAIRMAN: Any other questions?

MR. BOEHNER: I am a little bit concerned and I don't know if the Board is about the landscaping in the south east corner of the project by the town homes. It seems to be a little thing there. I think you may have a grading issue is there anything that can be done to make an adjustment to give that some screening in that area.

MR. CLARK: That is an area where we are having a little bit of trouble making sure that we can get the drainage to stay within our property. Right now what it does it comes off the back side of the existing sidewalk and just goes on to the preexisting parking lot or the neighboring property. So what we are trying to do is put in a swail there that captures that and makes sure the water that comes off stays on our site and goes to the pond in front. We are able to accomplish that. Now I may be able to speak with the landscape architect and see if there are any sort of plantings to cope with that but I also don't want to impede the flow of water and create some sort of channel that works its way off the property. So we felt it better to keep the water off our neighbors property rather than screening that commercial use business.

MS. CIVILTETTI: Further to the east it looks like there might be an opportunity to go directly to the north of that end compound unit where there is not as much going on, I believe there is only four evergreens and it looks like a continuation of the existing buffer and there might be an opportunity to add a little bit more.

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MR. CLARK: Yes, we actually did do that. We relooked at the landscaping plan and we are adding in there now six trees because we were able to make things a little bit smaller so we could increase that berm and we added two more trees on the end. That will be reflected in the final plans.

MR. BOEHNER: What are the hours of operation and are the lights going to be on a timer.

MR. CLARK: The lights will be on a timer Chris Lestorti from the clients offices here can talk about the hours of operation.

MR. LESTORTI: Hours of operation are basically 8 a.m. until 4 p.m. Staff are there no earlier than 7:30 and no later than 5:30. The lights will be on a timer.

MR. BOEHNER: So I am thinking about recommending a condition, so what is the latest and earliest you would want those lights to go off and come back on?

MR. LESTORTI: I think 6:30 a.m. and maybe 6:30 p.m.

MR. BOEHNER: Do you have people that clean the building?

MR. LESTORTI: We do.

MR. BOEHNER: So when do they leave?

MR. LESTORTI: Typically until 7 or 8 p.m.

MR. BOEHNER: So you would want the lights on until 8 p.m. is that okay?

MR. LESTORTI: Yes.

MR. CHAIRMAN: All set thank you. This is a public hearing does anyone care to address this application. Seeing none we will move on.

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8P-02-14 Application of NMS Winton, Inc., owner, and T-Mobile Northeast, LLC, lessee, for a Tower Permit to install nine (9) cellular antennas on the roof of a building located at 919 South Winton Road. All as described on application and plans on file.

MR. RICHMAN: Good evening my name is Tim Richman and I am a real estate agent for T-Mobile. This is a continuation of our August the 20<sup>th</sup> hearing and I guess I will address the eight items that the Board requested from us from the previous hearing. I guess I addressed them all in a letter but I will just run down and I guess I will also introduce Dan Ford as our engineer from T-Mobile and we can further answer any questions on two of these items. The first one being a mistake in the narrative stating that we were going to install 6 antennas and our technical memo says 9 I am sorry I have that reversed but essentially we are asking for approval for 9 more than likely T-Mobile will just install 6 but in case there is future growth required we are proposing the 9. That was item number one.

Item number two was basically propagation maps to address the six foot rule in the code on anything above six foot in case it triggers a tower permit application and to address that further in detail but the long and short of it is due to the height of our antennas we picked the 56 inches and the business we need off the top because we are in the center essentially it is going to add in 3 more feet so with the mount our antennas are 3 feet off the ground and right there we are over 62 inches. So a propagation map for 6 feet over just isn't technically possible for construction and Dan can further speak to that but that is basically what that was.

Number three was the redacted lease agreement which I did provide to Ramsey and the Board. We also provided number 4 which was all of the existing T-Mobile facilities in the Town as well as what they proposed. Basically the two that are being proposed right now one is on Pinnacle Hill besides this one today and the other is at the Fire Department. Both of which are still in preliminary stages and I believe one application was submitted this morning so those two will be addressed at a later date. Number six was the photo simulations and I believe you all received those. They are in my opinion I guess I will leave it up to Don they really don't change the characteristic of the neighborhood. There are existing antennas at the site today. This does add triangular mount at the center of the roof and as you can see from the five locations that we chose you will see the top of those from those locations but they have minimal visual effect. We also addressed number 7 I believe you guys did get

comments back from Monroe County and they had none. So I wanted to make sure you guys received that. And lastly violations on the property there were none that we were aware of so I did not list any but that was all you guys asked us for. I believe at this point we have addressed all the items in the code .

MR. BOEHNER: Could you talk about the search ring.

MR. RICHMAN: Sure, What it came down to is the code prioritizes locations based on first tower existing tower in the area and then secondly and this is one through five, co-existing communication facilities on a roof top or something existing. Since there are no towers within this ring we had to go to number two and that was this only facility other than the high school which as I said the last time Verizon has used up the space in those cupolas for the facility. We did address the middle school as well or take a look at it. We provided a propagation map and as you can see it doesn't work as well because of the ten feet differential between the building we are proposing on now and the middle school. There were no other town facilities or anything that would allow us to build the tower on it.

MR. BOEHNER: Did you talk to the school about potentially putting it on the middle school?

MR. RICHMAN: We have not, just from our perspective that site does not cover as much as this due to basically 10 to 12 feet. Due to the small geographic area we are trying to cover that is not really very significant so. I guess I will leave it open to questions.

MR. CHAIRMAN: Are there standard colors or do you just paint them?

MR. RICHMAN: I would leave it up to the judgment of the Board but what we usually recommend is sky gray and this is central New York so it seems to be most fitting color based on our weather patterns. I would prefer gray so we wouldn't see them as much and that is what we will do.

MR. CHAIRMAN: How about the structure itself the triangular mount.

MR. RICHMAN: You shouldn't see that but that can be painted as well. That is not an issue at all. We can paint the whole thing.

MR. CHAIRMAN: In layman's terms the location that is best for this area.

MR. RICHMAN: I have propagation maps and the yellow area is what we are trying to improve. So it is kind of a relative small area with all the commercial buildings right in the 12 Corners area and trying to be as close to the center there is the best and then the antennas that are already on location that we are looking at that is one of our top choices because there is already a carrier there and that was my main focus.

MR. CHAIRMAN: The difference between these figures in yellow is in there the coverage is not good?

MR. RICHMAN: Yes, if you were to be driving along the coverage at 12 Corners and you were to go in the buildings the coverage might not be good and your phone may or may not work.

MR. BOEHNER: Again the antenna will not be any higher than 11 feet above the roof?

MR. RICHMAN: No it would not.

MR. WARTH: Is there anything preventing them from putting antennas on the roof. Co-locating antennas on that roof?

MR. RICHMAN: Nothing from T-Mobile's standpoint would prevent them from putting antennas on the roof. Technically we don't have any exclusivity contract so some other carrier could if they wanted to I guess. There are starting to have limitations on the space and they would have to rent another room in the building in order to achieve that and those antennas would have to be put on the edges of the building more towards I believe Monroe Street so aesthetically it might not be as pleasing but it would be possible yes.

MR. WARTH: Is there anything in the lease that prohibits that?

MR. RICHMAN: No, nothing at all.

MS. CIVILETTI: Is there a need for a generator here?

MR. RICHMAN: Yes, actually we wouldn't have a generator here but we have battery back up in our cabinets so the cabinets would run a couple of hours.

MR. FORD: It is usually 8 to 12 hours is what they shoot for if that were to happen they would bring in a technician to check the site. And they could swap out the batteries if they had to.

MR. CHAIRMAN: Ramsey you were able to confirm there were no violations on that property?

MR. BOEHNER: Yes.

MR. OSOWSKI: On one of your photo simulations on the south east corner it shows some pre-existing structures there do you have any ideas what that is?

MR. RICHMAN: Yes, that is a repeater that shoots to Mr. Slofia's (phonetic) other building on Monroe Street. I am not entirely sure where it is pointing. It goes to 2171 Monroe Street, he has his headquarter building there and I believe it communicates between the two buildings. That is not Sprints or T-Mobile's repeater.

MR. OSOWSKI: Thank you.

MR. CHAIRMAN: This is a public hearing. Is there anyone that cares to address this application?

MS. COLLIN: Cherill Collin. So I believe I am suppose to direct my questions to Mr. Price. I just want to be sure. My first question is regarding alternate sites when we last met in August you had given them a list of alternate sites to investigate and it seemed to be there were several and I didn't get the feeling we covered all those sites. So that is one of my concerns. I don't know if we have a list of

those sites. Do you feel that we have covered all of the alternate locations that were provided to them.

MR. BOEHNER: Just to answer your question the only alternate site we gave them was the Brighton High School and the Middle School

MS. COLLIN: And my last question is regarding the Middle School and I thought the applicant made an interesting comment which was that they felt it was adequate but did not feel it was the best place and my question would be to defer to Mr. Dollinger on this question. I believe legislation says there must be no alternative site. It doesn't say they have the prerogative of choosing the absolute best site. I would appreciate an answer to that because I think that the applicant itself stated that the Middle School is an adequate site but not the preferred site. I think it is very important to make that distinction to find out if there is an adequate site although not the preferred site and whether or not we can require them to use the site which is adequate although not preferred. I think that is a question that goes to legislation itself. Because I know legislation is very restricted in our ability to push back on this as a matter of fact it takes away almost all of our rights to push back but I do believe the legislation says if there is an adequate alternate site available we can require them to use it. Okay so can we look into that.

MR. BOEHNER: I would respond that the new legislation that came out within the last year it talks about the right and our ability to deny an application on an existing facility. The laws have changed.

MR. DOLLINGER: The new statute that came out is a little confusing and the definition is pretty loose as to the definition of what a site is, is pretty loose but it was fashioned on this historical legislation that has been around for a while and it really limits it as long as it is not a substantial change in character of the site itself .

MR. BOEHNER: It also talks about using the existing structure which a building is which is a preference.

MR. DOLLINGER: It seems to imply an existing structure and it limits our ability to change things.

MS. COLLIN: The Middle School is an existing structure as well as the building on Clinton Avenue.

MR. BOEHNER: The High School is an existing structure, my understanding is they don't want any other antenna on that that has been established by the antenna on that structure. This building has an antenna on it, our laws allow antenna on it. The existing law allows this building to have the antenna that is on it. The issue here is that it is above the six foot limit they are at 11 feet. So this building is already a co-located facility our code is preferenced to co-locate facilities and if you read our criteria this would be less preferable . I also believe and I haven't checked in a few years that they don't want an antenna on the Middle School .

MS. COLLIN: My next question is the application of the Fire Department, considering the proximity between Fire Departments locations why is there a need for two locations?

MR. CHAIRMAN: I believe it is a smaller area that they are trying to cover and we will ask them that question when we ask them to address all of your questions later on.

MS. COLLIN: Okay, my next question is you talk about paint but are there other forms of camouflage that we can use. I notice with other applicant's you ask them to build walls and other things that would block the view. Is there any reason that you couldn't make a similar request here?

MR. BOEHNER: What are you suggesting?

MS. COLLIN: I don't know, you guys should know.

MR. BOEHNER: Usually painting it is one of the main things that we have seen. You can't block the cell tower. There have been cell towers that have been created as trees and they to be honest with you they don't look like a tree. Painting them to match the building if they are on the side of the building and painting them to match the sky if they are up in the air is what we have done in the past on other applications for cell towers. We usually ask them to paint them to match the gray sky. And you have to understand we have no jurisdiction over the fire district.

MS. COLLIN: No, I was just wondering about the proximity. I am a little bit concerned I came specifically tonight to see the pictures. And I am not sure why pictures were not provided and visual demonstrations. It is kind of hard to have a public hearing when we are not looking at the same materials that you are looking at.

MR. BOEHNER: He is not under any obligation to show those to you but we will let you look at them.

MS. COLLIN: My next question is another member of government to contact all of you about this particular application. There seems to be a bit of confusion about the height of the structure. They were given information that the structure was 7 feet tall. How exactly tall is the structure?

MR. CHAIRMAN: We are given information supplied by the applicant. What is your question?

MS. COLLIN: How high is it off the ground?

MR. CHAIRMAN: It is 56 inches and 3 feet off the ground so that is 92 inches and it is 11 foot above the roof line. The issue of this application is that it is over 6 feet above the roof and that is the focus of the application, not how tall the antenna is per say it is how high it is going over that 6 feet, the top of the antenna. There is a lot of different ways of measuring it.

MS. COLLIN: Okay and I appreciate the clarification. I sense a great deal of frustration at my questions to the point that I feel intimidated at this point from Mr. Price coming particularly from Mr. Price and somewhat less from you. You seem much kinder than Mr. Price.

MR. CHAIRMAN: Please accept my apologies, it is just unclear to us what your questions are leading to.

MS. COLLIN: I am asking for information. It is a public hearing and I am asking for information and being treated as number one I am an amusement and number two, my questions are in some ways inappropriate. It is a public hearing.

MR. CHAIRMAN: What is your intention, do you want us to in some way deny this application. What is your intention?

MS. COLLIN: It is my intention to gather enough information to make a decision about how I personally feel about this and what further action I can take on this and what action I can ask you to take on this but at this point I feel tremendously frustrated by even asking the questions to try to get the information and I will tell you something sir, I am 54 years old and I am a responsible questionnaire of developers all over the world and it's hard to make me feel this way and I am not used to someone making me feel I am a nuisance and go away and not ask my questions. All I am asking is for information from my hometown government so I can come to a conclusion about what it is that I feel and what I think the actions are that I want you to take and I thought that is the purpose of a public hearing. I am sorry I didn't come here with an agenda. It is possible that this is perfectly viable. That it is not going to be this eye sore that it is not a health risk but you know something I don't know that and I have a right to ask those questions of my government.

MR. BOEHNER: I would like to say that if my directness of my responses intimidate you I apologize for that. I am just trying to answer your questions very honestly and sometimes the truth is tough to hear. I want to be real clear I don't want to be wish washy and I don't want to give you a false impression that is one thing that I am trying to do so if my directness is throwing you off it is not intended to keep you from asking the questions but for me to give you a very direct response and my directness is meant to be honest with you from what you know because I am sensing that is what you want to know, what is it that we know, what is it that we think and what do you feel and that is all I am trying to tell you.

So if that's throwing you off I do apologize but I am just trying to be direct and honest with you. I know standing up there is intimidating and it is not Mr. Price's nor my objective to throw people off but to try and answer people's questions honestly and directly. So there is no real meant of intimidation or having you not ask your questions it is the intention to do that and that is why we came here to do and we will sit here for many hours to listen to people.

MS. COLLIN: I understand and I am just trying to understand what is going to happen, what exactly are our rights

as a town and what exactly are my rights as an individual. What I am trying to get at and what I think to a certain extent perhaps the internal logic to that is not coming across and I am sorry about that and I think my objections to not seeing the application and there not being a visual recommendation of what he is trying to explain is the fact that it's hard to gather information if it's not presented in the manner I came to expect from the other applicant's. That is what I am trying to point out and my question about the law is what are our rights? I called several offices to try to better understand our rights and I understand our rights as a government at a high level and I wanted specifically to know the restrictions and I had specific questions about what those restrictions were to know whether or not we had an option to push back or not and I am trying to determine exactly what the visual impact is because I was at the meeting when we talked about the Monroe Avenue Corridor and I spent time trying to do that and I feel I have a right to question this and this is congruent with that and if it is not congruent with that what can we do about it.

MR. CHAIRMAN: I think we will talk about this later on amongst the Board members and I will ask Mr. Ford to come up and speak to this.

MR. FORD: I think the area she is talking about is to the east of us, the proposed fire department. This location and I don't have propagations for it but it's way to far to cover the area. Actually we are a tower much closer than either Fire Departments and the monopole on Monroe Avenue and 590 we are on that and that doesn't even cover the 12 Corners area. We don't want to build any more towers than we have to. We need the tower we are going after.

MR. CHAIRMAN: How tall is that building?

MR. FORD: I think 25 feet.

MR. CHAIRMAN: When you did his propagation in figure number 3 what height do you think it would have to be and where on the building would it have to be.

MR. FORD: I think 25 feet we were guessimating the building to be and to be where we wouldn't see them it would have to be a lot taller because that building is so big that the

antennas are going to be shooting down such a long stretch of the roof that they would have to be higher to clear that. The other option would be to bring the antennas closer to the front or side of the building and it would make it a lot more visible too and we tried to pick a building that already had antennas on it

MR. BOEHNER: I would say this the Federal Communications Law is there for a lot of reasons largely for safety commerce and that law trusts local governments and that law has even gotten harder for local governments. And my understanding of that law our ability to deny these things is very, limited and what we can do is place conditions on it and there is not a lot of conditions that you can place on them. We can tell them what color to paint them, change the location, some things we can do but I am finding the latest rendition of that law if really tough for local governments especially if you have a neighborhood that doesn't like it our hands become very, very tied. There are people that take the position that you shouldn't be hearing these matters and I feel conflicted because you get people's expectations up. The problem is you spend time only to find out that when it is all said and done we don't have very much power but what we do is a conditional use permit or site plan or some of these other things that you hear that we do because we do have control over local zoning underneath these powers.

MS. COLLIN: That is why my question about the actual letter to the law and whether or not it had to be the best location or whether or not alternate locations that provide adequate coverage could be required. I just want to point out real quick and it might not be helpful for this application but in the future all the applications that are filed with the Town Planning Department you should tell people you are free to come in and take a look at the application, take a look at the photos and the plans and that might help ease your mind or bring up concerns rather than getting to the hearing and finding out you might have concerns with in this case being visible from the Monroe Avenue Corridor.

MR. CHAIRMAN: Do you have any further questions?

MS. COLLIN: Yes, I do have a few questions. I think number one is I would like somebody to look at whether or not it has to be a preferred location or can it be an alternate location. I do think it's worth investigating. At this point I do want you to

turn down the application and I am also concerned that the application itself isn't accurate and I would ask that before you rule on it they resubmit the application. He said the height of the structure is incorrect. I believe the mounting is incorrect. So what exactly is in the application.

MR. BOEHNER: I believe he misspoke and it has been corrected as resubmitted and he did revise it on the record.

I did want to let you know the sighting of the preferences are by local law. The first criteria is existing towers that are suitable for co-location, the second one is property with existing structures suitable for location or co-location. And if we have a property that is government owned property that would be the first consideration and then it starts going down from there so they are fairly high on our list and its our law that we get to follow if they meet this. It says we can do a preference so there is a criteria and it says if it is technically feasible and structure is available for co-location and that is a guideline for the Town's preference from the most favorable to the least favorable districts of property. So it's location in our list is fairly high on that list.

MS. COLLIN: So you are saying location?

MR. BOEHNER: It's on a building that has antennas. It has one antenna that you can see in the photos.

MS. COLLIN: I think the point is per Town code it is the most preferable in that search ring.

MS. COLLIN: So you are saying location?

MR. BOEHNER: It's on a building that has antennas. It has one antenna that you can see in the photos. I think the point is per Town code it is the most preferable in that search ring.

MS. COLLIN: I have a question about propagation maps when you go in do you look at all physical features of the area?

MR. FORD: The normal process is I go by the Town Code and as far as this location it is the best location.

MS. COLLIN: So what are the other locations that you looked at?

MR. FORD: I basically drive down all the roads and look for a building and knowing this Board is going to make me go on an existing tower I slowly x out certain properties.

MS. COLLIN: I find it hard to believe in the Monroe area there is not a site that provides you with coverage.

MR. CHAIRMAN: We spent almost 15 years crafting a code to minimize the number of towers in the Town.

MR. RICHMAN: I would like to speak real quick, this area has such a small hole that we can't go too much further than a quarter of a mile from 12 Corners location. That is why we have limited possibilities.

MR. CHAIRMAN: Before we move on is there anyone who wishes to speak on this?

MR. BARELLI: Joe Barelli. I was here last time and spoke I live directly behind this about 15 or 20 yards away and less is better. The Town mixes residential area and commercial area and I asked everybody last time I was here if you had some time to go walk around. Has anybody done that?

MR. CHAIRMAN: Yes, we have.

MR. BARELLI: The only other angle I have and you have covered quite a bit is the financial end of it and if there is money involved wouldn't it be better spent in a school district where we are already over taxed so we could filter some of this money back into the public schools. If there is any room at all over there or any modification the schools can make. I don't know how much money it is annually. Less is better and we have a residential area there. I have been in Brighton four years and I would like to get a copy of all your codes because I am a little confused on how fixated they are in some areas and how loose they are in others. It's starting to look pretty bad over there.

It is getting pretty ratty over there. If you let people put things on their roof and at the same time other people get away with all kinds of stuff. You have people with tarps over their pool, weeds growing and all kinds of stuff and on and on and it seems to be there is no clearly defined codes on what Brighton should look like. I know Monroe

Avenue is not a good representation when you look around there, there is dumpsters open and garbage flying all over. I don't know if there is an alternative site with a quarter of a mile radius. I don't know if you have people from T-Mobile that aren't getting reception is that your main issue.

MR. RICHMAN: Poor coverage.

MR. BARELLI: Poor coverage for the people that live in that quarter of a mile area. Well I live directly behind there I don't mind people doing things there but they should have to other things as well. You give and you take. In this case they are takers and they don't put anything back and there should be codes that enforce that.

MR. CHAIRMAN: Is that the extent of your comments?

MR. BARELLI: Yes.

MR. CHAIRMAN: Than thank you very much. Does anyone else care to address this? Let's move on.

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9P-01-14 Application of William Heberle, owner for EPOD (steepslope and watercourse) Permit Approval to reconstruct a barn destroyed by fire on property located at 751 Browncroft Blvd. All as described on application and plans on file.

MR. FROMBERGER: Good evening, Tom Fromberger from MRB Group. We are here tonight to request two EPOD permits as Ramsey said one is for steep slope and the other is for the watercourse. On March 3<sup>rd</sup> one of the stables unfortunately burned down and it was used for several purposes, storage of supplies and loss of the building has been detrimental to his business as well as need for additional space for storage and in accordance with the Town of Brighton code with the destruction of the barn we go back and look at the existing code, the existing structure is non compliant based on the height of the existing barn.

We would like to reconstruct a new pole bard and increase the space by 1,000 square feet and the pole barn would be an additional 10 feet bringing the height to 28 feet and that allows him to have additional space inside for storage of his supplies. Obviously we are

getting closer to fall and right now he is storing most of his materials either outside or inside his riding arena and with the fall weather the horses will now have to come inside and the supplies are going to have to go outside. So part of our emergency is to get the pole barn up and running. In regard to the EPODs we are not encroaching additional spaces into those EPOD's we are maintaining the existing setback for the proposed building part of the building is slightly larger as indicated. The site is also located in a 100 foot buffer and we have acquired that permit. We did make application to Monroe County DRC and we have not received any comments from them. AT this time we will open it up for questions.

MR. CHAIRMAN: Can you start by defining what this structure is? Is this simply an accessory structure to a residential use.

MR. FROMBERGER: It is a barn use for utility purposes and storage of supplies.

MR. CHAIRMAN: That is right out of the code?

MR. FROMBERGER: That is what it is used for.

MR. CHAIRMAN: What does the code consider the barn.

MR. FROMBERGER: It considers it as a utility / storage.

MR. CHAIRMAN: So is this any different than a garage that is adjacent to a single family residence.

MR. BOEHNER: It could be because the garage is an acceptable.

MR. CHAIRMAN: I am just trying to figure out how we are going to get the square footage that it was to what they want.

MR. BOEHNER: It has to go to the Zoning Board of Appeals.

MR. CHAIRMAN: If there was a condition that allowed me to go to that size.

MR. BOEHNER: No, there isn't.

MR. FROMBERGER: Unfortunately we have to go to the Zoning Board for both of those.

MR. BOEHNER: They kept it both the same size and height but when they went bigger or taller it is non-conforming and they have to go to the Zoning Board of Appeals.

MR. CHAIRMAN: So the addition of square footage is again for storage of materials and supplies.

MR. FROMBERGER: It is a standard dimension that the pole barn is providing. They are customizing it. It could be done but he does need the additional square footage.

MR. CIVILETTI: Any utility plugs or any electric underground?

MR. FROMBERGER: Yes.

MR. BOEHNER: Any utilities electric or plumbing?

MR. FROM BERGER: Yes electric underground.

MR. BOEHNER: How about lights?

MR. FROMBERGER: We are only planning on lighting inside we are proposing no exterior lighting.

MR. BOEHNER: No generators?

MR. FROMBERGER: No. It is gravel and stone.

MR. OSOWSKI: There will be no storage of a vehicle?

MR. FROMBERGER: There would be the potential storage of a vehicle or carriage or horse drawn materials, tractors.

MR. BOEHNER: Did you submit to Monroe County ?

MR. FROMBERGER: We did but we haven't heard back from them.

MR. OSOWSKI: It is for storage of motor vehicles does it require a concrete floor?

MR. BOEHNER: It would be NYS Building code.

MR. OSOWSKI: It might require that. I don't know for sure. You might want to check into that.

MR. FROMBERGER: We can check into it.

MR. WARTH; I have a hard time understanding this increase to the structure doesn't encroach into the EPOD because I thought EPODs were steep slope and it looks like it is going closer to the stream. Topographically it looks like it is going closer to a more steeper area.

MR. FROMBERGER: The building line if I can point it out on the plan the existing structure the proposed building is following that existing line. We are not moving it closer. We are filing in the gaps.

MS. CIVILETTI: Is the floor area changing.

MR. FROMBERGER: No, it is the same as what was proposed. The reason we can't go any closer to the riding stable is because the ring is in the back. We did look at rotating it that was part

of our discussion even with rotating it we are still in the EPOD areas. The reason for the location is based on the doors and entry into it.

MS. TOMPKINS - WRIGHT: Where are the doors?

MR. FROMBERGER: A sketch was provided in the package the doors are on this location to go outside. We are proposing three garage doors. The colors of the roof is actually going to be ivory.

MR. BOEHNER: Under the State SEQR regulations it is an unlisted action and under the Town of Brighton regulations it is a type 1 action and it requires me to have to coordinate a review with all the agencies regarding the application. There might be something else that they are submitting that they don't know about I don't know. I think it is good that they got the wetland permit. If they couldn't get that we would need to change this plan. Back on the process coordinated review takes some time. We have to coordinate that review. I plan on sending that out tomorrow but there is 30 days that are allowed for them to respond and the next Planning Board is less than 30 days away. I will ask that you follow up with DEC and try to get them to sign that form and send it back. Any help you can give will help us with this process.

MR. FROMBERGER: Do you know who you will be sending it to?

MR. BOEHNER: I don't know that now. If you think you have a good person I can send it to and sign off on it I will be glad to send it to them. I just have to send it to DEC.

MR. FROMBERGER: We will get our contact person.

MR. WARTH: Are their variances that you need?

MR. FROMBERGER: Yes, one is the height our code requires 16 feet and we are asking for 26. We are going from 38,000 to 48 ,000 which is an addition of 1,000 square feet.

MR. BOEHNER: How high was the previous structure?

MR. FROMBERGER: The previous structure was 18 feet so we are going up an additional 10 feet the riding stable is actually 36 feet so it will be well below the existing structures.

MR. CHAIRMAN: Any other questions?

MR. FROMBERGER: So our next step is to go before the Zoning Board and then come back to the next Planning Board.

MR. BOEHNER: And then we will declare ourselves lead agent and make a determination of significance which the Zoning Board will need in order for them to make their decision.

MR. FROMBERGER: Can we anticipate a determination of the Zoning board.

MR. BOEHNER: They can not make a decision until the Planning Board declares themselves lead agency and makes a determination of significance.

MR. FROMBERGER: Will they or can they condition that.

MR. BOEHNER: They can not. Sorry.

MS. CIVILETTI: This is a point of clarification it will be 48 square feet?

MR. FROMBERGER: Yes. Thank you.

MR. CHAIRMAN: Does anyone care to address this application? Hearing none let's move on.

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9P-02-14 Application of Broadstone Real Estate, LLC, owner for Site Plan Modification to replace a building façade and install new landscaping features on property located at 125 White Spruce Blvd ( Tax # 149.09-01-010). All as described on application and plans on file.

MS. TOMPKINS-WRIGHT IS ABSTAINING FROM THIS APPLICATION

MR. SMITH: Good evening Gary Smith from Parone Engineering. I am representing Broadstone Reality with regards to site plan modification and with me is Frank Daluca from SBR architects. The site is at 125 White Spruce Blvd or Southview Common Plaza. We are proposing a facade modification to the building as well as removal of some of the asphalt and putting in some planters. As you can see on the plan the facade changes and begins on the northeast corner and comes around my way through the facade changing. The existing site is a covered sidewalk along the north face and along the south face. The facade modification would basically be in the same spot or a little bit closer to the building than what is existing out there now. All the changes to the landscaping will be on the north side of the building. Basically right now everything is paved right up to the sidewalk what we are doing is putting in modifications that allow central areas closer to the retail.

MR. CHAIRMAN: One of the concerns is some of the improvements are going over the property line.

MR. SMITH: Actually this site is subdivided all over the place, its existing and the facade and roof covering the sidewalk is already there. So basically what we are doing is replacing the facade in place if you will and not making it any more onerous as far as the property.

MR. CHAIRMAN: Is the adjacent property owner the same owner?

MR. SMITH: No.

MR. CHAIRMAN: So they are different are there easements for these?

MR. SMITH: No.

MR. BOEHNER: Are you going to get easements?

MR. SMITH: To the best of my knowledge no from what I understand there is some negotiations between Broadstone and neighbors as far as the repurchase of that property. I don't know what stage that is at.

MR. CHAIRMAN: You understand our problem with approving something else on someone else's property? Let's proceed with what you are proposing, what is the material of the landscaped island you are creating?

MR. SMITH: These are all going to be concrete curbs. We are making some modification of existing concrete curb and also on the site there are marked jaded islands. We are making a modification of this one because that is a curved one because that is where the transformer is located. So because we are putting these areas in here we have to make a modification to that island. We need 25 foot to meet the requirement for a fire lane. Outside of that we are not losing any parking spaces so it doesn't have any changes to the parking or layout per say.

MR. BOEHNER: One of your mediums the to the north it doesn't have 25 feet and you need to modify that now. Check you distance there and you need to fix that.

MR. SMITH: That's a restriping.

MR. BOEHNER: The other thing is how are you addressing these overhangs with the code? Are you putting fire walls up? How is that being handled?

MR. SMITH: The overhangs are not exceeding where the current overhangs are.

MR. BOEHNER: That doesn't matter now it means that you are going to be applying for a building permit for those overhangs. How are you bringing it into compliance with the building code because you are crossing that property line.

MR. SMITH: The structures have changed so we are relying on a new skin on the existing steel structure.

MR. BOEHNER: I understand that but you are coming in for a back up building permit so you are going to need to address that. You would probably want to talk to the Town Architect and make sure you are clear on what you need to do in order to build across the property line.

MR. CHAIRMAN: Did you go to the Conservation Board meeting.

MR. SMITH: I did not.

MR. CHAIRMAN: They mentioned one of the varieties of plant material that you are proposing is considered invasive and the only surviving one is the roses but I believe the variety that you are proposing is not. Again I am not sure about the suitability. Okay one other question I have. The plan your plan showed a 35 foot opening where the curb looks like it is actually coming back right to the building. Is that the case?

MR. SMITH: No I stopped it at the sidewalk.

MR. BOEHNER: Has this been reviewed by the Architectural Review Board

MR. SMITH: It has been submitted to the county.

MR. CHAIRMAN: Has the canopy been replaced or –

MR. SMITH: The intent is to use the existing concrete island. There is some minor work on the concrete that the owner is undertaking on his own.

MR. CHAIRMAN: Any questions folks?

MR. OSOWSKI: Is it the existing light fixtures?

MR. SMITH: There are two instances of the light fixtures that are pertaining to the building façade that would be

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MR. SMITH: There are two instances of the light fixtures that are pertaining to the building façade that would be

affected by this along the west side of the building there is a couple of building mounted lights that will be taken down and put back in kind. I am sure the current owner wants to replace it with an LED version of it but it is still going to be the same box mounted light. The other lights that are going to be affected by this are recessed lights in the ceiling of the covered walk. Those locations are going to remain simply because the electrical services are already there for those. They are going to be updated with and exterior grading recessed light. The only other light associated with this is the lighting sign. Thank you.

MR. CHAIRMAN: Thank you, this is a public hearing is there anyone who cares to address this application? If not we will move on.

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9P-03-14 Application of Brighton Commons Partnership, LP, owner and John Norton lessee for Conditional Use Permit Approval to allow for a specialty food store (bakery) with 10 seats for customers on property located at 1865 Monroe Avenue. All as described on application and plans on file.

MS. TOMPKINS-WRIGHT HAS RETURNED TO THE MEETING

MR. NORTON: Good evening thank you for giving us the time to appear. My name is John Norton and I am the founder of Martin King traditional handmade foods and we are a specialty food primarily baked goods not limited to bake goods. There is fresh pasta and candy and a variety of traditional products of that nature. We are proposing to move into the Brighton Commons building at 1865 Monroe Avenue. It is the location right next to Commons Taylor shop. I will address the uses that we plan to put into this space. There is a little bit of confusion in the agenda. It says that we are a bakery. We are not actually proposing to put the bakery in the building. We have an existing facility down town in the Rochester Public Market. That is where all of our baking and production work is happening. What we are seeking to achieve is to create a retail outlet at that location not install a bakery. So I wanted to clarify that a little.

MR. CHAIRMAN: Our questions revolve around the preparation of food.

MR. NORTON: I will go through the three items we put in our cover letter. Retail sales of our existing product line which is the traditional French break and Italian Bread, scones, cookies, muffins and cupcakes, things of that nature and the production of those goods is in our down town location and brought to this location as finished goods. The second item is to involve take out for prepared foods and it includes pairing the breads with a soup or salad, or sandwich. Again it does not involve the making of those goods in that location as well the finished goods come from that location downtown for retail sale. Soup for example will be produced down town brought to the location and the only activity that we would have it would be reheated. It might involve the making of a sandwich but not the baking of the bread for the sandwich, not the roasting of roast beef. So I want to clarify that there is no actual production happening in there. It is a retail outlet. And the third item involves light bakery preparation or finishing activities. That would include something like making of a cupcake downtown but the frosting and decorating would be done on site. Glazing of cookies, decorating of a cake that sort of activity but it would not involve the baking of the cake. To be more specific about the nature of these activities none of these activities involve the venting of exhaust gases out of the facility itself. We will not be installing an exhaust for example. So we wanted to clarify it does not involve that kind of activity. Our physical location down town will facilitate all of that type of activity.

MS. TOMPKINS-WRIGHT: What heating element will you have on site? You are talking about reheating of soup –

MR. NORTON: You are talking about electric say an induction heating element, so it would not be a stove. It would be more like an electric countertop appliance. So there wouldn't be a gas range with an open flame for example. The type of appliance that we are talking about is what is required by the county health to achieve the necessary safe temperatures for the food. For example 140 degrees for a soup for example which is considerably lower than the type of temperatures that we use to actually make the soup which is 300 degrees. It would involve on the other side for cooling we might have a pasta salad and we are required to have some kind of cooling mechanism to keep that below 40 degrees.

So it would be a refrigerated display case. We are talking about a display case that is on wheels and rolls in not a built in refrigerator. There was a number of other areas of concern and we

think the Town might have in particular hours of operation. As I tried to make clear we don't plan on doing production baking, baking is typically done in the late hours of the day or early hours of the day and we don't propose to do that activity in the location we are talking about here. So all of the hours of operation fall within the Town's hours of operation. We don't produce any unusual waste so for example we don't have fryers and all that type of activity. We are not creating grease or that sort of thing. I believe I have covered most of the areas that are a major concern.

MR. BOEHNER: How many seats are you proposing?

MR. NORTON: We are proposing 10 seats maximum. We anticipate that most of our business will be take out. It's not our intention to create a casual dining type of environment or a restaurant type of environment. We wouldn't have waiters or waitresses or that sort of thing. You are talking about a minimum amount of seating probably stools and a counter kind of thing.

MS. CIVILETTI: Were you proposing any outdoor seating?

MR. NORTON: No.

MR. CHAIRMAN: When you bring the product down from the city is that several times a day.

MR. NORTON: We would expect the majority of the deliveries to occur prior to 9 a.m.. I spent a considerable amount of time looking at the traffic in this location. Before 9 a.m. there is literally never a car in the parking lot on that particular side of the street. So we don't perceive delivery causing a traffic issue in that location.

MR. CHAIRMAN: Do you foresee a parking issue?

MR. NORTON: Well there is no parking or garages, all the parking is behind the building between the Brighton Common building and the other out building and all of the parking is back in that area.

MR. CHAIRMAN: Will there be deliveries in the front?

MR. NORTON: No, because there is no actual sidewalk that spans from those small spaces to the front side. The only real access to that location is from Monroe Avenue to right next to where the tailor shop is. Typically what happens there like today when the tailor shop has a delivery a truck pulls into that sort of alley driveway there unloads and then goes out. We do at our down town location receive semi trucks but none of that activity would happen here. We are talking about a delivery van, a fairly common household mini van type of thing. Typically deliveries in that building the vehicles would stop on the side of the building unload and then go away.

MR. BOEHNER: What are the hours of operation?

MR. NORTON: We would expect to operate mostly through the lunch time hours we would expect between 11 in the morning until 7 in the evening. However in our application here we would anticipate the potential that we would operate in any of those hours that someone typical to us would operate. So a place like Starbucks, or Montana Mills they typically operate 100 hours a week, we would not propose to operate that many hours a week but we could anticipate our business dictates that we be open in the morning for morning business. What we expect today is that we would probably open in the 10 to 11 range in the morning and be open to the lunch hour and we would expect the majority of our business to be on the way home from business hours. So you are talking between 4 p.m. and maybe 7 p.m. It would not extend beyond say 9 p.m.

MR. BOEHNER: Did you tell someone 6 to 9 by any chance?

MR. NORTON: I think what we said is we are a bakery type business and it is typical for businesses like us and other businesses that exist in the neighborhood today to operate between 6 in the morning and 9 p.m.

MR. BOEHNER: You could have a condition placed on you as to what your hours of operation are. So 6 to 9

is better than the other hours you gave because you may want to be in there at 6 a.m.

MR. NORTON: We may wish to be in at 6 a.m. until 9 p.m., within the existing hours of operation that the Town is looking for. So we would not be proposing to ask for a variance on hours of operation let me put it that way. We would propose to operate within the existing hours of businesses that are typical to or similar to us. Banker hours would not work for us I can tell you that.

MR. BOEHNER: Are you going to use the existing dumpster.

MR. NORTON: I don't believe there is a dumpster there. If you look at the property there is a what looks similar to a garage door in the back of the building and it's between the Abbots and the jewelry store next door. It is enclosed and secure and my understanding all the waste removal is by a typical waste removal contractor.

MR. CHAIRMAN: You bring your waste to that spot?

MR. NORTON: Exactly but it is indoors as far as I know there is no outdoor dumpster.

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

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9P-04-14 Application of Francis Perticone, Landing Heights Apartments, L.P., owner for Final Site Plan Approval, Final Subdivision Approval and Final EPOD (woodlot) Permit Approval to construct 50 townhouse 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.

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 the project manager, Nicole Mix, she is the landscape designer and in the audience we have the owner, Mr. Frank Perticone. The last time we were here was back in July I went through the whole project history. Originally it was further back into the EPOD into the steep slopes and we have done as much as we can to limit those disturbances. Since that time we have received comments from Town Staff, the DEC, the County Planning, Monroe County Water Authority and DOT. I will just go through real quick all the updates to the site plan here. We have added sidewalk internally mainly to connect to the bus shelter that is going to remain on the site just to keep people off of the main road. We can do that.

We have added a fairly significant amount of trees along the back here to better screen the buildings from the Town dump road. I think we added about 25 more trees and there is still 300 or 400 perennials to go and shrubs to go around the buildings. We are showing some snow storage areas right here along side this building and a couple of other smaller ones. There will be no snow storage on the opposite side of the building. On our plot map there is an easement for the bus shelter and the turn around is here. Some of the other changes we just updated some of the swift calculations to satisfy the Town Engineer requirements. Procedural wise we have gone to the Zoning Board of Appeals and they have approved our variance. It was an area variance for building number 35 here. We encroached on the front yard setback a little but they did approve that in the August meeting.

We also have had an archeological study done and that has been signed off on by "Shipa" (phonetic). We have done an environmental review some ground where there might be some possible contamination or dumpsite, that issue was raised by the DEC and we found there is no impact to our project on that. We have submitted plans to the DOT regarding the intersection of Knollbrook and Browncroft. What we are proposing is a dedicated left turn lane into

Knollbrook, the DOT had some very minor comments on that and our next step was to obtain SEQR and apply for a permit. It's going to help eliminate some of the cuing and not having a dedicated space to go into Knollbrook. Another thing that has happened is that we were in front of the Architectural Review Board in August and we have been tabled until September since I have made a couple of little changes to the buildings. There is no change in the foot print or the square footage of the building. Some of the units instead of a right hand garage a left hand garage and flipping some of those so that the garages are going to be next to each other. So you are not going to have a garage and a door and a garage and a door, we will have two garages next to each other and two doors next to each other. It kind of breaks it up a little bit. That was some of the concerns of the architectural people. Other than that I will open it up for questions.

MS. CIVILETTI: Was the traffic study addressed for cars trying to pull out of the development onto Browncroft?

MR. YANOSH: I believe it did again the traffic study was prepared for previous versions of this plan when we had 86 or 87 units and now we are down to 50 so there is a decrease in the amount of traffic coming out of here from that traffic study, part of that traffic study did bring up the idea of putting in the dedicated turning lane.

MR. BOEHNER: What type of gaps did that study show?

MR. YANOSH: I don't recall off the top of my head.

MS. CIVILETTI: Ramsey did you get copies of that study?

MR. BOEHNER: No.

MR. YANOSH: There should be a letter form SRF.

MR. BOEHNER: Let me check.

MR. WARTH: The Architectural Review Board wants to look at this again if we were to approve this and there were

some changes to accommodate the Architectural Review Board would you have to come back here again. Do you have any thoughts on that?

MR. YANOSH: Again the plans that we have that we are going back to the Architectural Review Board in September they are not a great deal they are flipping some of the units. It doesn't increase the square footage of the building at all. It just puts the garages side by side instead of separating them.

MS. TOMPKINS- WRIGHT: Is part of the flipping of the garages to alleviate some of the Architectural Review Board's concern as brought up at that meeting?

MR. YANOSH: Yes.

MS. TOMPKINS-WRIGHT: Any other changes to the Architectural nature aside from that concern?

MR. YANOSH: There might be some changes to the architectural component but as far as the site where the driveway are and the layout of the building no, maybe some of the roof lines and things like that.

MR. BOEHNER: The traffic report has a paragraph on trip generation and this was submitted in the engineer's report in June of 2014 and they gave the trip generation for a 50 unit development. You don't know what the gap analysis says?

MR. YANOSH: I don't.

MS. CIVILETTI: The additional plantings on the west boundary of the parcel I was wondering if there was given any consideration to more mitigation perhaps a replacement to the trees.

MR. YANOSH: I will let Nicole speak to that.

MS. MIX: My name is Nicole Mix. In regards to the mitigation I spoke with Andy Clevenger the Urban Forester and he suggested a couple of tree species different than the first tree species that I have on the plan. I took his suggestions and I am using I don't have it off the top of my head. Second of all he made a comment

that the trees be within the woods but not see a great mitigation plan because they would not be a great way to survive and he felt that they would be better to be put in a maintained area. ‘

MS. CIVILETT: The recommendations that he made were to put more trees in the maintained areas to the buffer in the west.

MS. MIX: And to add trees within the development itself. To put more along the bus loop, along the buffer of the entire site not just the road.

MS. CIVILETTI: Has an analysis been done to check the turning radius.

MR. YANOSH: Yes, an analysis has been done by running a truck through there.

MS. CIVILETTI: Has that been reviewed by the Fire Department.

MR. BOEHNER: I don't believe the actual turning radius was submitted. They need to submit their form to the Fire Marshal.

MR. OSOWSKI: Is there a hot box for that?

MR. YANOSH: No it is going to be a public owned water main, the water main will have an easement by the Monroe County Water Authority so we won't have to worry about boxes out there.

MS. CIVILETTI: This is a public hearing is there anyone that would like to address this application?

MS. APOLANT: Good evening my name is Susan Apolant. My mother and I are concerned with the Landing Height's plan. Our home is at 646 Browncroft which is right here. We are already long term victims of the poorly managed rain and snow run off. The newly proposed expansion will only serve to make our situation and damage to the environment much worse. It has been our experience that the Landing Heights Management not only from us but from the Town

engineers have asked them to direct the plows away from our property line. They will for convenience push the snow from parking areas and driveways directly onto the hill towards us causing considerable hill side erosion and tree loss. And as the water continues towards the creek it goes through our basement and garage resulting in flooding and causing structural damage. County Park land which our property line is here and this is all County Park land and plowing these driveways they shove it over to the County Park land. The big slope has been badly damaged by the havoc of their plows. On the rare occasion when they do plow the snow towards their own building they flood their own basements.

Either way clearly there is a problem here and I believe part of the problem is the lop sided portion of permanent ground versus the hard top with the existing complex there is insufficient forest landscape to accommodate natural absorption of rain and snow. The situation could be improved if they simply moved the snow to the very area that they are planning to build. There is no snow storage space for the old buildings it was supposed to be that field. And now they plan on building more there that has to be plowed. Obviously there is a little concern there. The situation could be improved if they installed better curbing and changed the housing patterns. I am sure there are provisions in the new storm drains and curbing yet it is the direction of flow curbing and storm drainage that currently exist are any indication of what they consider successful management they are about to wash down the hillside and into the creek.

And now with the new development plan even with the slope consideration they are just going to transfer the problem in the new area to the other slope. I appreciate the extra trees they are planting it would be nice if they would put some of them along the front slope because they were damaged. Granting approval of this plan will surely make their property more profitable I have not doubt about that but it is going to be at the expense of the environment and the neighbors. I know this project will be approved but we kind of hope some of those profits will be dragged into improving the record on the environment and the neighbors.  
thank you.

MR. BOEHNER: Can I ask you a question  
where are they storing the snow now?

MS. APOLANT: They don't store it they simply shove it over the property. The first 3 or 4 buildings this is huge parking back here and it is basically one way in and same way out so they simply plow straight down over the hill. All of these driveways get plowed back over the hill, all of this area is pushed towards the park. That's what they have been doing and we are steep slope.

MR. BOEHNER: So you are saying they are pushing it off their property onto your property.

MS. APOLANT: Yes, and the town has been there year after year and its always been they have 24 hours to move it. Once the banks are 20 foot tall they are not moving it all. They just keep pushing it over. They have done so much damage to their own curbing over the years that they recently had to put in new curbing and they put in just sloped asphalt. They had plowed snow so much over the years that the curbs are over the hill including some of the guard rails. Any thing else.

MR. BOEHNER: Thank you.

MS. CIVILETTI: Does anyone else like to address this application? Alright thank you.

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8P-NB1-14 Application of the University of Rochester, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 3 story 92,000 +/- sf medical imaging and office building on property located at 250 East River Road ( Tax ID # 148.08-01-001). All as described on application and plans on file. TABLED AT THE AUGUST 20, 2014 MEETING – PUBLIC HEARING REMAINS OPEN- ADJOURNED TO THE October 15, 2014 MEETING AT APPLICANT'S REQUEST.

MR. CHAIRMAN: The public hearings are closed.

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PRESENTATIONS:

NONE

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COMMUNICATIONS:

Letter to Supervisor Moehle, from Karen Annechino, 502 Browncroft Blvd, dated September 16, 2014 with comments and concerns regarding the proposed townhouse development at Landing Heights Apartments.

Letter from Sheila Fustanio, Brighton Commons Partnership, dated September 17, 2014 regarding Tanning Bed and Brighton Commons.

Letter from James Wentworth, RA – University of Rochester dated September 17, 2014 requesting adjournment of application 8P-NB1-14 to the October 15, 2014 meeting.

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PETITIONS

NONE

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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 September 17, 2014 MEETING AT APPLICANT'S REQUEST.

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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

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

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves application 6P-NB2-14 and 7P-01-13 based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. An operational Permit shall be obtained from the Town of Brighton Fire Marshal ( Chris Roth, 585-7845220).
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town code shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard.
12. The parking lot shall be striped as per the requirement of the Brighton Comprehensive Development Regulations.
13. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
14. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
15. All proposed landscaping along the south property line shall be installed prior to the issuance of certification of occupancy.
16. All outstanding Site Plan Comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
17. Fire hydrants shall be fully operational prior to and during construction of the building.

18. All County Development Review comments shall be addressed.
19. An ingress and egress easement from Lot 1 to Lot 2 shall be filed with the Monroe County Clerks Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
20. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
21. All easements must be shown on the subdivision map with ownership, purpose, and liber/page of filing with the Monroe County Clerk's office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
22. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
23. The proposed building shall be sprinklered in accordance with Town Requirements.
24. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
25. Erosion control measures shall be in place prior to site disturbance.
26. The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval. The ground elevations at the building corners shall be added to the grading plan and the architecture elevations.
27. The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations regarding generators shall be met.

28. All comments and concerns of the Town DPW Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.
29. prior o the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
30. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 31, The location, details and size of any hot box required by MCWA shall be shown on the plans.
- 32The following comments of the Conservation Board shall be addressed.
  - A. Deciduous shade tree plantings shall be 3-31/2 inches in caliper.
  - B. Evergreen screen plantings shall be at 7-8 ft in height.
  - C. Verify street tree plantings will not be in conflict with utilites and utility easements.
33. Proposed building setbacks as shown in the site data chart on the site plan does not appear to be accurate, although the project appears to meet zoning requirements. These numbers should be reviewed and corrected as necessary.
- 34, Sidewalks along South Clinton Avenue will be inspected and may require some replacement in conjunction with this project.
- 35 The parking lot lights shall be placed on a timer that should be turned off from 8 p.m. to 6:30 a.m.
- 36 The proposed freestanding sign will require a variance from the Zoning Board of Appeals.
- 37 The lights shall have residential shields on the residential areas. The plans shall be revised to address this issue.
- 38 The landscape plan shall be revised to include additional landscaping along the southern property line adjacent to the new residential property. The revised plan shall be reviewed by the Planning Department.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION WAS UNANIMOUSLY CARRIED

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8P-02-14 Application of NMS Winton, Inc., owner, and T-Mobile Northeast, LLC, lessee, for a Tower Permit to install nine (9) cellular antennas on the roof of a building located at 919 South Winton Road. All as described on application and plans on file.

MR. FADER: I move to close the public hearing.

MR. OSOWSKI: 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.

CONDITIONS:

1. The tower and all buildings shall comply with the New York State Uniform Fire Prevention Building.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.

4. The tower and antenna shall not exceed 11' above the roof.
5. A certified load analysis report for the proposed structure shall be submitted. This report shall be submitted with the building permit application. The report shall be signed and sealed by a licensed Professional Engineer.
6. After construction of the tower extension the applicant shall provide a certification from a qualified, licensed engineer, certifying that the tower meets applicable structural safety standards.
7. The antennas shall be operated only at Federal Communications Commission (FCC) designated frequency and power levels. The applicant shall comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulation.
8. Prior to the issuance of a building permit, the applicant shall provide certification and proof that liability insurance is in effect on the property covering damages due to tower failure or other hazards created by the tower installation.
9. The tower and antennas shall be a galvanized finish or painted matte gray unless otherwise required by the FAA. The tower shall not contain any signs, displays or advertising devices.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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9P-01-14 Application of William Heberle, owner for EPOD (steepslope and watercourse) Permit Approval to reconstruct a barn destroyed by fire on property located at 751 Browncroft Blvd. All as described on application and plans on file.

MR. FADER: I move that the application be tabled based on the testimony given and plans submitted. 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. Zoning Board of Appeals approval is required. If approved all requirements of the Zoning Board of Appeals shall be met
2. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
3. The project and it's construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control. This shall include silt fencing around any proposed soil stockpile. Erosion control measures shall be in place prior to site disturbance.
4. The project shall not encroach into the 100 year flood plain or floodway.
5. The project shall not encroach into any NYS or federal wetlands.
6. Tree protection shall be shown around all trees to be saved. A tree protection detail shall be included in the plans. 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.
7. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
8. Meet all requirements of the Town of Brighton's Department of Public Works.
9. All Town code shall be met that relate directly or indirectly to the applicant's request.
10. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code.

11. 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.
12. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
13. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
14. There shall be no bulk storage of petroleum products or any other products.
15. Should excavation disturb any apparently archaeologically sensitive areas, there shall be immediate cessation of work and notification of the Town.
16. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.
17. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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9P-02-14 Application of Broadstone Real Estate, LLC, owner for Site Plan Modification to replace a building façade and install new landscaping features on property located at 125 White Spruce Blvd ( Tax # 149.09-01-010). All as described on application and plans on file.

MS. TOMPKINS-WRIGHT IS ABSTAINING FROM THIS APPLICATION

MR. FADER: I move to close the public hearing.

MS. CIVILETTI: Seconded.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves application 9P-02-14 based on the testimony given, plans submitted and with the following conditions and Determination of Significance.

#### DETERMINATION OF SIGNIFICANCE

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

#### CONDITIONS:

1. All required approvals shall be obtained for any changes in floor plans within the building.
2. The property line along the west façade (as designated on plans) runs along the building wall. The façade improvements are extending across this line. The applicant shall ensure that the project in general, and in this area in particular, meets the requirements of NYS Fire & Building code. The applicant shall also provide documentation of an easement/agreement with the neighboring property owner for any extension of the façade in this area.
3. The entire building shall comply with the most current Building & Fire Codes of New York State.
4. The project shall meet all drive aisle fire lane requirements. The applicant shall review the widths between the building curb and parking lot islands on all sides proposed to be modified to ensure that

5. these requirements are met. The applicant shall contact the Town Fire Marshal( Christopher Roth, 784-5220) regarding the project and parking lot changes. All comments and concerns of the Fire Marshall shall be addressed.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town code shall be met that relate directly or indirectly to the applicant's request.
8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting maintenance or removal of tress shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. The parking lot shall be stripped as per the requirements of the Brighton Comprehensive Development regulations.
12. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
13. All County Development Review Comments shall be addressed.
14. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
15. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to landscaping, stormwater mitigation, infrastructures and erosion control. Theh applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.

16. All comments and concerns of the Town DPW as contained in the attached memo dated September 16 ,2014 shall be addressed.
17. A letter or memo in response to all Planning Board and Town DPW comments and conditions shall be submitted.
18. The following comments of the Conservation Board shall be addressed
  - The Board encourages the use of native plants
  - The Board specifically discourages the use of Rosa rugosa and Spriaea japonica as they appear on the federal list of invasive garden plants.
19. Building signs shall obtain all necessary reviews and permits.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION CARRIED

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9P-03-14 Application of Brighton Commons Partnership, LP, owner and John Norton lessee for Conditional Use Permit Approval to allow for a specialty food store (bakery) with 10 seats for customers on property located at 1865 Monroe Avenue. All as described on application and plans on file.

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

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves application 9P-03-14 based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality

Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment.

CONDITIONS:

1. The operation shall be limited to retail sales of bakery and specialty food items, and the ancillary assembly/sale of soups, sandwiches and salads. There shall be no cooking, baking or heating of foods other than reheating/ warming of soups without the further approval of the Planning Board. The approved use requires 9 parking spaces. (1 space per 300 square feet plus 1 space per 2 seats).
2. Interior seating shall be limited to ten. There shall be no exterior seating without further Planning Board approval.
3. Any changes to venting/HVAC systems shall meet all town requirements.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicants request.
6. All applicable requirements of 207-14.1, Waste Container and grease/oil container standards and 207-14.2, Supplemental restaurant regulations shall be met.
7. Hours of operation shall not exceed 6:00 am. -12:00 p.m. without further approval by the Planning Board.
8. No outdoor storage or display of goods, material or equipment shall be permitted.
9. A grease trap shall be installed as required by the Brighton Sewer Department. All requirements of the Brighton Sewer Department shall be met.

10. A building permit shall be required for remodeling the space and for the change of use.
11. An operational permit shall be obtained from the Town Fire Marshal (Chris Roth 784-5220)
12. Signs shall require separate review and approval.
13. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRIED

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9P-04-14 Application of Francis Perticone, Landing Heights Apartments, L.P., owner for Final Site Plan Approval, Final Subdivision Approval and Final EPOD (woodlot) Permit Approval to construct 50 townhouse 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.

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 to table both Applications for the following conditions

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling.
2. The building shall comply with the most current Building & Fire Codes of New York State.

3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town code shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three yeats.
10. Any contractor or individual involved in the planting maintenance or removal of tress shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. The parking areas shall be stripped as per the requirements of the Brighton Comprehensive Development Reguations.
12. The response letter dated August 19, 2014 prepared by Fisher Associates indicates that the NYSDOT has reviewed a traffic assessment for the project and concluded that an eastbound let turn

lane on Route 286 at Knollbrook Road is warranted. The final plans must show the Knollbrook Rd/Route 286 intersection and associated improvements. The improvements must be installed at the applicant's expense. The improvements must be installed prior to the issuance of a Certificate of Occupancy. The proposed improvements must be reviewed by the Town Engineer. Additionally a copy of the traffic assessment must be submitted to the Town of Brighton.

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 by the Town Engineer.
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. issuing its final approval.
19. Meet all the 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 Clerk's 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 no 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, traffic improvements, 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. Prior to any excavation, grading other site disturbance Larry Thomas of the NYSDEC Division of Environmental Remediation at 518-402-9813 shall be contacted.
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 the 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 Ramsey Bohner, 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. The architectural design and building materials of the proposed building shall be reviewed and approved by the Town of Brighton's Architectural Review Board prior to final approval. Modification to

the site plan as result of the Architectural Review Board review and approval may require Planning Board review and approval.

- 33 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.
- 34 Snow storage and removal for the entire complex shall be shown on the plans. Snow should not be pushed across Knollbrook Rd.
- 35 Snow removal and storage along the southeast side of the complex shall be addressed.
- 36 A traffic report should be submitted to the Town Engineer with a traffic analysis.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

\* \* \* \* \*

57 SIGNS

1.

1341 Wine & Liquor for a building face sign at 1900 South Clinton Avenue

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

1342 Golden Dynasty for a building face sign at 1900 South Clinton Avenue.

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

1343 Hair & Us for a building face sign at 1988 South Clinton Avenue

1. Upper and Lower case letters should be used
2. The font should be narrower, more similar to the adjacent "Amitas" sign

1344 DiBella's for a building face sign at 1900 South Clinton Avenue

1345 University of Rochester Larry & Cindy Bloch Alumni & Advancement Center (4) freestanding Signs at 200 East River Road.

1. All required variances shall be obtained.

1346 Holiday Inn Express for a building face sign at 717 East Henrietta Road.

1. The signs shall comply with variances previously granted.

1347 Tops Shoppes at Lac De Vile for Freestanding Pylon Signs at 1900 South Clinton Avenue.

1. All required variances shall be obtained.

1348 Wall sign "A DiMarco Group Property" for a Freestanding Sign at 1900 South Clinton Avenue.

1. Only the text shown on the rendering "A DiMarco Group Property" was considered approved.
2. All required variances shall be obtained.

1349 Enter/Exit – Shoppes at Lac De Ville for (4) enter/exit signs at 1900 South Clinton Avenue.

1. All required variances shall be obtained.

1350 Dollar General for a building face sign at 1900 South Clinton Avenue

1 All required variances shall be obtained.

1351 Lifespan for a building face sign at 1900 South Clinton Avenue.

1 All required variances shall be obtained.

1352 Southview Commons- Rite Aid Pharmacy, AFC, Printing Plus,  
Chopsticks Chinese Restaurant rgoa Brighton Dental Group for (6) signs  
at 125 White Spruce Blve.

1. Signs shall be accurately shown and scaled on a sealed building elevation.
2. The top of the signs shall not exceed 20 feet in height from grade.

MS. CIVILETTI: I move to approve the above sign as recommended.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

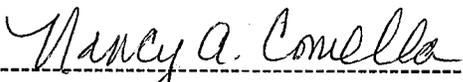
\* \* \* \* \*

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,  
Lyons, New York 14489, do hereby state that the minutes of the September 17  
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.

  
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Judy Almekinder

On this <sup>5<sup>th</sup></sup>----- day of October 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.

  
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Notary Public

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