

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on November 19, 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

MS. CHAIRMAN: Good evening Ladies and
Gentlemen, I would like to call to order the November 19, 2014 meeting
of the Town of Brighton's Planning Board to order. We have the minutes
for September 2014. Is there a motion to approve those?

MS. CIVILETTI: I move to approve the September
17, 2014 minutes with corrections.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: Is there a motion to approve the
October 15, 2014 minutes?

MR. FADER: I move to approve the October 15,
2014 minutes with corrections.

MR. WARTH: Second.

MR. CHAIRMAN ABSTAINED SINCE HE WAS NOT PRESENT

UPON ROLL CALL VOTE MOTION CARRIED

MR. CHAIRMAN: Mr. Secretary were the public
hearings properly advertized for November?

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of November 13, 2014.

MR. CHAIRMAN: We will open those hearing now with a note to the public that is here that application 10P-01-14 is postponed as well as 10P-NB1-14 to the December meeting.

10P-01-14 Application of JPP Real Estate, LLP owners, for Site Plan Modification to pave 52.2 % of the rear yard on property located at 2195 Monroe Avenue. All as described on application and plans on file. TABLED AT THE OCTOBER 15, 2013 MEETING- PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE DECEMBER 17, 2013 MEETING AT THE APPLICANT’S REQUEST

10P-02-14 Application of American Tower Company, owner, and T-Mobile Northeast, LLC, lessee for Tower Permit Approval, Site Plan Modification and EPOD(steepslope) Permit Approval to install nine cellular antenna on an existing tower and to expand the existing equipment compound on property located at 1 Pinnacle Hill Road (Tax ID 136.08-01-006.1. All as described on application and plans on file. TABLED AT THE OCTOBER 15, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. KERWIN. Hello I am Matt Kerwin from Hiscock & Barclay in Syracuse and I am here on behalf of T-Mobile Northeast. First I want to thank you for hearing this public hearing this evening. Last month we were here and there were some additional materials that we hadn't submitted at that time which we submitted on November 4. Hopefully we will have a chance to discuss those tonight. I just want to give you a brief over view. I don't know how much you were given at the public hearing last month but I am happy to go through it again if you would like.

MR. CHAIRMAN: I wasn't hear last month but I think we have gone over pretty extensively what the project entails. I think there were a few details such as structural analysis, the number and impact something about the lighting so if you could tell us Matt what is different since last month.

MR. KERWIN: Sure we submitted on November 4th a structure report that addressed six antennas. AT the time I believe either Shawn or Mike Wilson either had a conversation before the Board and with Mr. Boehner separately about that structure report and it addressed six antennas to be place on the tower by T-Mobile and as you know most of our application has been a request for nine and the thought here has been to go back and amend the structural report that we would seek approval for nine antennas with the understanding we would be installing six and the approval was granted and that would be sufficient. If we were to come back in the future to add the other three antennas we would obviously submit an updated structure report with an application of the building department. We think that is a good way to address that discrepancy right now other wise we would have to go back and address it and give you an updated report.

MR. CHAIRMAN: Any information regarding lighting and the ground structure and how it is controlled?

MR. KERWIN: Sure we submitted two comment letters the first of which was from Eric Connasee's Engineers (phonetic) he reference in the Town letter as stated before that the lighting would be facing the equipment cabinets that were shown on the plans. The lighting would be dark sky compliant and I have with me Shawn Wilson from T-Mobile and Shawn has indicated to me that the lighting will have a timer on it. So when a technical representative goes to the site he will be able to turn on that timer and should he forget to turn that timer off when they leave that facility the light would go off automatically. But that light is not on 24/7 it is only on when someone is there. It has to be manually turned on shut off automatically.

MR. BOEHNER: What is the wattage of those lights? How bright would they be?

MR. KERWIN: I can get it for you but I don't have it off hand but just sufficient to light the equipment cabinet.

MR. BOEHNER: And that would only be during emergencies?

MR. KERWIN: For emergencies or if they are there at night for whatever reason. They don't want to work at night unless something comes up as a result of an outage or something like that.

They would go up at night to address the situation but it's strictly an 8 to 5 operation.

MR. BOEHNER: Were you able to find if they submitted to Monroe County?

MR. KERWIN: They did not. I had a conversation with Paul White yesterday and Paul raised that to me and he said he was not involved in the process and I learned yesterday that referral had not been made so I have an updated referral form here for someone to sign and hopefully I can get that in to the County right away.

MR. BOEHNER: I can sign it.

MS. TOMPKINS-WRIGHT: How long are the timers on?

MR. KERWIN: Shawn do you know, I am guessing not more than an hour.

MR. WILSON: Shawn Wilson. I live at 207 Elmwood Terrace. Normal timing on those are usually an hour. You are not looking to be on the site at night because that is really dangerous conditions to be in. So if they are doing anything on site it is routine maintenance they are not really going up on the tower at night unless there are some extreme emergency conditions so it would be something like one of their boards fry out and there are switches by the cabinet. They can just go in and turn the light on pull the device out and slide a new one in and then turn the light off. In the absence of that person not turning the light off it is done by the timer.

MR. BOEHNER: Do you know how bright that light is? What the wattage is?

MR. WILSON: No, it would be a utility light but I am not sure of exact fixture or wattage of the bulb that is why they put on there it would be dark sky conforming, just because we don't want to get into having a light that is too bright up there. The light is not going to be facing up at all and I wouldn't imagine it would be too many feet off the ground because it will have to illuminate the cabinet's themselves.

MR. BOEHNER: It would be nice to know the wattage and I would like documentation. The other topic I have is the radio frequency report does that address our section of the code. It talks about the entire site being in compliance with the Federal regulations or did he just do that for the antenna themselves.

MR. WILSON: I spoke with him today and that report is specifically for T-Mobile installation based on the information he was provided he was unable to factor in the other antennas on the Tower. There wasn't enough information about the extent of each ray, the wattage of each antenna to include those antennas in the analysis.

MR. BOEHNER: So is that something he ran out of time or are you saying he can't do it.

MR. WILSON: No it is based on the information provided by T-Mobile that is included on the plans. How this works we typically provide the consultant a copy of the plans to fix what the antenna rays look like and given the plans that were provided to him he was unable to decipher enough information from the antenna rays there to model types of emissions that might be released there.

MR. BOEHNER: But can't he get that from American Tower the owner of the tower.

MR. WILSON: It could be possible but I talked to him today and said if we needed you to provide the report would you be able to provide that information and he said yeah I just need the information.

MS. CIVILETTI: Have the access been worked out for equipment during construction?

MR. KERWIN: Yes, that portion of the site is actually on the top of the slopes so there is a way to get up there and we don't need a lot of equipment up there because we are not constructing the tower we are just installing an expansion of the plans and bringing the cabinets in and pouring the concrete. So it is pretty minimal in terms of construction but there is sufficient space there to get construction equipment back there and in and out relatively easily. As the comment response letter indicated there will be no changes to the grade up there as a result of what we are doing and any disturbances will be addressed and

returned to their original grade in terms of impacts on adjacent slopes there will be none.

MR. BOEHNER: What is the height of the fencing that is there now?

MR. WILSON: I believe the fence is 8 feet with barbed wire. We removed our barb wire from a portion of the fence based on my conversation with you but if you want us to include barbed wire on that portion of the fence we can do that.

MR. BOEHNER: I think we need to check that tomorrow with Paul and check out what that variance allows because if it allows barbed wire you can have it. I wasn't sure why you were adjusting it so we may want to check that but it's 8 foot with barbed wire?

MR. KERWIN: Yes we will make it consistent with what is there if that is agreeable to you?

MR. BOEHNER: And I will check the variance to make sure that is why they got the variance for. I think it is.

MR. CHAIRMAN: Anything else? All right this is a public hearing is there anyone in the audience that cares to address this application? There being none we will move on.

11P-01-14 Application of SJH Community Services, Inc. owner, for Site Plan Modification and Conditional Use Permit Approval to allow for a 2,526sf (74 seats) restaurant with a 474 sf (28) seats outdoor dining area and to construct additional parking on property located at 1325 Elmwood Avenue. All as described on application and plans on file.

MR. FARMER: Good evening Mr. Chairman and Members of the Board my name is Mel Farmer with Stantec and with me tonight is Joann Browning and Joe Brofee the perspective tenant and also Randy Peacock the project architect and he is going to talk about the plans and the restaurant it self. We are here tonight requesting Final Approval of the Site Plan Modification and approval of the Conditional Use Permit

for a restaurant with indoor and outdoor seating. Incentive Zoning for the original Brickstone project allowed 6,000 sf of retail tenant space within the Village Square with a limit of 3,000 sf for any single tenant. Of the total parking on the site the original site plan approval outlined 35 parking spaces for the 6,000 sf in retail space. We are requesting a site plan modification to construct 15 additional parking spaces within existing lawn area that is along the site frontage in order to meet the Town's parking requirement for restaurant use. This would bring the total of parking allocated for retail spaces to 15 spaces. Based on Town Code the restaurant uses will require 40 parking spaces leaving 10 parking spaces for the remaining 3,000 sf of available tenant space per Town Code for retail uses. The original storm water management design approval for Brickstone took into consideration an additional 10,000 sf of impervious area over and above what was originally constructed. The plans 15 parking spaces come out to approximately 2500 square feet of impervious area and will not impact storage capacity or functionality of the pond along Elmwood Avenue. Knowing what the utility services are anticipated, it will be serviced by the existing pond. Randy is going to present the architectural plans.

MR. PEACOCK: You all have copies of the drawings. We have three spaces in the retail and restaurant area the one that is a restaurant needs a special permit there were two additional spaces shown on our overall plan for the project. There is a 5.13 sf gift shop and a 628 sf fitness center.

MR. BOEHNER: That is a different process.

MR. PEACOCK: I just wanted to explain what was on the drawings and then I will come to the restaurant. The restaurant is 2,526 sf interior space and then there is an additional 4,74 sf outside the space. We did reduce the outside space so we total out to 3,000 sf enclosing the fence over 2 feet so you may have a plan that shows a little bit different square footage.

MS. TOMPKINS-WRIGHT: How much did you say the outside space was?

MR. PEACOCK: 474 sf. So we meet the requirement in the incentive zoning where the total area of the business not exceed 3,000 sf.

MR. BOEHNER: Randy there was a kiosk that was shown on one of the drawings but not on the latest drawing.

MR. PEACOCK: The original intent was it was being used for the restaurant and I had a conversation with Paul about that yesterday and the owner and operator of the restaurant has agreed – originally the intent was to have the kiosk for pick up where he was selling bagels and coffee and the residences could come in and pick up off the kiosk. It would affect the floor plan and put them over 3000 sf.

MR. BOEHNER: I guess my comment is for the outdoor the indoor and the kiosk has to be 3,000 sf. It's up to you guys how you want to use the 3,000.

MR. PEACOCK: We will go with the 3000sf and take that off the table. The restaurant seating is 60 people inside 14 people at the bar and there are 28 people outside so that is 102 seats altogether that we are accommodating. In the Town standards the restaurant has to have a minimum of 15 sf per person we are at 34 sf per person. The restaurant or kitchen floor area has to be larger than 250 square feet for salad preparation, drink preparation and wash up area if you exclude those areas out kitchen is at 450 sf. So we meet the requirement. Alcoholic beverages will be sold. The bar length is 20 feet the maximum permitted by the Town. The operating hours will be 6 a.m. – they will be closed on Mondays so Tuesdays through Sunday the operating hours will be 6 a.m. until 2 p.m. and then 5 p.m. until midnight. The kitchen closes at 10 so that gives us a two hour window that has to be open serving bar food –

MR. BOEHNER: What was the earliest it was open, I am sorry –

MR. PEACOCK: 6 a.m. full service breakfast lunch and dinner, 6 a.m. to 2 Tuesday through Sunday and then 5 p.m. to midnight for the restaurant bar area.

MR. BOEHNER: So the earliest would be 6 a.m. and the latest would be midnight.

MR. PEACOCK: That is right.

MR. BOEHNER: The reason I ask those questions is we have a condition about hours of operation which would be 6 a.m. to 12 p.m.

MR. PEACOCK: There will be outdoor dining facilities and we will put them actually along the Elmwood Avenue side of the building. There's a sidewalk along that area and it is covered with a two story porch area that will put some light on the front of the building and we are going to enclose that with a railing that will match the railings on the upper portion of the building. There will be four wall sconces lighting the outside area we are just going to match the sconces they used on the outdoor porches on the apartments of the building. The outdoor facility as I mentioned is enclosed. The restaurant doesn't use paper or paper napkins it is all cloth so there won't be any issues with litter in that area or blowing out of that area.

The outdoor seating capacity is limited to 50 so we are in compliance with that. The outdoor area is 754 sf we are at 474 so we are in compliance with that. The area to be patrolled for litter on the outside is now done by the maintenance staff and they will be responsible for their area. The restaurant outdoor spaces situated at grade it is not within 20 feet of the front property line. I don't know the exact distance but it is a good deal away from the front property line. I think that covers it. I should mention the exhaust fans are located on the roof. There is actually duct work installed in the building for the hoods, there is a concealed area on the roof and there are parapet areas around it that are about 8 foot tall so that is all hidden up there.

MS. CIVILETTI: How about a grease trap?

MR. PEACOCK: There is a grease trap installed when the built the building so there are grease lines and plumbing but they are not connected. Garbage will be handled just in the existing garbage facilities there is an enclosed dumpster just outside the eastern service door where the garbage will go.

MR. BOEHNER: Randy the lighting that you are proposing was that shown on any of the plans?

MR. PEACOCK: It doesn't come well on the plans because it is hidden behind the columns of the existing porch. We did call it out on the drawing.

MR. BOEHNER: Can you bring that up when you are at the Architectural Review Board?

MR. PEACOCK: Sure. I should mention we are doing two modifications to the structure. One is the doorway on the west basement wall it is a very short wall entered onto the outdoor dining area. Incentive zoning for the property requires that however all the businesses being entered through the main entrance door that public space there of the building so that will be maintained as such. The door is really intended to be the service area. We purposely chose to put it on that short wall that is perpendicular to the parking lot to down play its importance so people don't try to come in and out of the restaurant through that door. Of course most of the area will be closed a lot on the outside but during the season when the outdoor seating is being used that would be a possibility. The other door is at the far west end into the main courtyard entry space there that will be an actual flush steel door on that end with no hardware on the outside so it won't be mistaken as an entrance to the restaurant.

MS. CIVILETTI: Any loud music?

MR. BROFEE: My name is Joe Brofee and the answer is no.

MR. CHAIRMAN: While you are here is this a new restaurant for you or are you relocating?

MR. BROFEE: We are relocating. I established my restaurant in Fairport in 1992 and we plan on hopefully moving to Brighton.

MR. CHAIRMAN: You mentioned the parking ratios required by the code. Is the parking that you are proposing is a requirement of the operators of Brickstone or Joey or is this something you can show us that you can meet the code rather than actually constructing it.

MR. FARMER: In our initial discussions with Ramsey one of the worries was it's a restaurant use so it is a more intensive use so we wanted to maximize the parking available and we can do that by meeting the code by constructing that parking.

MR. CHAIRMAN: You actually did that?

MR. FARMER: Yes.

MR. BOEHNER: I guess one of the areas would be parking spaces on the far west side you are proposing.

MR. CHAIRMAN: If you all recall we went to great lengths on that western corner to actually minimize parking and minimize all the visuals of the garage doors on the back of the building/

MR. FARMER: I think the intent there was to have all the employees park there. So there wouldn't be a lot of cars in and out.

MR. CHAIRMAN: I think the we went to great lengths with that whole corner not to have that look like a parking lot.

MR. FARMER: There are a couple of trees in that area that we are relocating we could look at some more ground cover over there to soften it up.

MR. CHAIRMAN: That is like sticking a band-aid on it. If its is something you need you need it and its better than having cars lining up on Elmwood. It is not what we wanted to have happen.

MR. FARMER: I think it is not what St. John's want to have happen aesthetically as well. I am sure if it does become an issue and residents complain they would certainly provide additional landscaping in that area.

MR. BOEHNER: Are you having parking problems now?

MR. FARMER: Joann do you want to answer that?

MS. BROWNING: Joann Browning. On occasions when we have large events or when residents come over from the meadows we use quite a bit of the existing parking. A number of the folks that have moved in have two cars and it used to be seniors had one car so the current population has a larger need.

MR. BOEHNER: Well if you want to landbank spaces we are in support of it.

MR. OSOWSKI: Is there a large number of restrooms in the common area?

MR. FARMER: There is a large number of restrooms in the common area. There are two areas right next to the restaurant and there is two restrooms down here there is four fixtures in there so there is eight in there. Per code for restaurants there is 75 people per fixture. So there is quite a capacity available.

MR. BOEHNER: The Fitness Center and Gift shop is not reviewed as part of this application. It does not need a Conditional Use Permit they are permitted uses and it is called a C of C . It needs to be submitted and applied and you can see Rick Desteffano about that.

MR. FARMER: Understood.

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

NEW BUSINESS

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) and to join nine lots into one on property known as the University of Rochester South Campus. . All as described on application and plans on file. TABLED AT THE AUGUST 20, 2014 MEETING – PUBLIC HEARING REMAINS OPEN

MR. LIEBERT: Todd Liebert with Clark Patterson Lee, also with me is Norm Gardner, as well as Jose Fernandez from the University. What we are going to focus on is four or five comments that came out of that meeting in August and how we addressed them. I am going to address them so it is fairly quick to refresh you what those were and obviously there was a lot of questions that came up in Town review which we answered all of those in writing. We can certainly answer any questions you may have related to that we thought we would focus on what your concerns were from August at this point. So with that I am going to turn it over to Norm.

MR. GARDNER: Norm Gardner from Clark Patterson & Lee. At this stage what we would like to do give you a little bit of refreshment on what this application is. I know you are going to be reviewing an application later with respect to rezoning. So we can get those comments addressed them. This is an overall to orient you about where we are and what we are planning on doing at the U. Of R. South Campus. In this area right here south end drive and the residences to the South, Crittenden is down here and then we have the trail. Part of the application was to combine all 166 acres into one lot so that application is in process and that is also something to be addressed later on.

MR. BOEHNER: That is the southern portion and that is all one lot and then in the northern portion are separate lots. So you have three lots left?

MR. GARDNER: Yes, I believe this whole area the 166 lots.

MR. BOEHNER: Yes, that's the one acre and then you would be left with three lots is that right?

MR. GARDNER: Yes. Zeroing in a little bit more if you can call this the eastern portion of the south campus being bounded by the canal and Southland Drive, what we are focusing on in this application is the first building within this zone and what we are calling the imaging buildings. It is basically a medical office building and they will have a significant imaging component to it. So this is the plan that was presented to you in August of this year the imaging building. The comments that we heard as Todd said there were several comments from Town staff and the Town Engineer and we provided a letter responding to each and every one of those comments. But the ones we felt were most important to this board was some of the internal campus circulation pedestrian vehicle complex, things like that were brought up. Typically this is the front entrance of the building where most of the people will come in. Primarily staff entrances will be from these parking lots down in here.

There is currently planned an urgent care facility on this side over here. There is a medical office building with imaging components and there are quite a few uses. There is not one specific use for this facility. So we looked at this area right in here and there were comments that there were vehicle conflicts primarily in this area here. We

talked about end caps on the islands to be defined through code and the other piece we talked about was this area right here. Our primary bus access to the facility for transportation would be coming through here. We have given them a bus stop in this area so concern was vehicles backing out from these spaces so we are going to be looking at that.

Another comment that we received with the result of the water main installation, there has been a significant amount of work being done to get the water to be a benefit to this area. Currently the fire flows are somewhat limited the amount of flows aren't looped so what this project is proposing to do is essentially loop the entire area to provide better flow and better pressures to the system. So originally we had talked about coming in here through the wood lot as you can see this open cut through there. So we are going to look at how we address that.

Another comment that we received was about screening in this area, this is our back door so to speak the ground mechanicals there is a transformer or switch gear a generator and compactor in this area. So we would look at that area. The other area we talked about was the alignment of these entrances and we will get into that. So here's where we are at today with the November submission and the plans that you have in front of you that address all of the comments from the Town staff. So what I would like to do is to take you through those areas we felt to be the important elements of our August meeting and show you how we have addressed those.

Specifically in the areas of pedestrian vehicle conflicts what we have done is we have actually closed off this area right in here and provided transportation because we still want to have a drop off component to where we can drop a patient off at the front door if we need to or if the elderly need to go to this area. But the primary parking for the medical office use the visitor so to speak would be on the north side of the campus in this area right there. Still a significant staff component in this area, more of an urgent care or other uses in this area and the staff parking down here, so by closing this off we feel we have eliminated significant pedestrian and vehicle conflict that was a concern in this area. Now, there is quite a few less options. People were directed to go follow the path so to speak. We have added end caps to the western portion of this parking lot per code and as you can see we have shut this down and we have actually replaced the parking lot down here. We have heard what you have said regarding vehicle conflicts.

We do have a multi- functional building, this is not just one unit. It is not a building where everyone gets there at 8 and leaves at 5. It's a turn over during the day but it is not a high volume turn over. Most of the appointments that we have in this type of use are longer appointments and people are prepped for that appointment so there isn't the in and out, in and out. It's a much more controlled flow in this building.

The other concern we had was with the water installation through the review of Monroe County Water Authority they require us to have what we call a hot box, which is an above ground reduced pressure zone area. Basically it is where the meter is its where RPD is there is a lot of components inside a little hut in this area and it is literally a hut. It is no bigger than these tables here but we have to have access to it. So we have put in an access road which is a 12 foot wide gravel road that we have had to install in this area and I will get into that a little bit more. But what I really wanted to focus in on is how we managed to get water to our building. As I said water comes up from the Southland Drive area and they had some problems with flows and pressures in this area. So now we are able to bring the water up through here and through directional drilling techniques we can actually drill under the ground to get to our building. We don't need to disturb any of the trees within the wood lot area. We don't need to open cut for any reason. Essentially we put in a pit here and they go horizontally all the way to our parking lot for this area. So it is a much cleaner installation that doesn't involve any open cuts or any loss of any trees. We are also able to by doing this to avoid any wetland impacts in this area. So I think with this we are able to maintain this buffer. This 100 foot buffer, landscape buffer with a significant portion of the IPD conversations and we have had no impact to it what so ever.

As I said before one of the items that we need Monroe County Water Authority requires us to have an access to get to the RPZ's in this area. So we have actually put in a road along this area but it also is functioning as a dual purpose. If you remember from the Master Plan the current plan that is being proposed and the whole campus development there is a road that comes down through here and it goes to future development behind the laser lab. Our route for this 12 foot wide gravel road will follow that route the way it is shown on the master plan at this point. So when it comes to the time to build the development behind the laser lab at whatever point in time that is, the road and pathway will be done. It did require that we be able to maintain storm water flow so we

have a for bay on this side, culverts underneath and then upon expansion in this area to manage the additional storm water. We talked with the Conservation Board last week and we actually found that this was a beneficial thing for the project. In their eyes it allowed habitat to be able to cross through the road. So it had an added benefit to them in their eyes.

MR. BOEHNER: Norm, do you want to make a presentation first and then we will come back to questions.

MR. GARDNER: I have one more slide. And then dumpster screening this is what we proposed originally we had the compactor in this area and transformers etc. and now we have installed a screen wall to surround the property . That is what it looks like in the other direction.

The other thing that I want to talk about is the entrance road alignment. Under the plans that you have now we have not realigned this road and the rationale for that is as I said before this is a multi-use building. We have longer appointments. The traffic flow in and out of this building won't be the traffic dump that we would be used to in a normal office building. The laser lab traffic is relatively small with a relatively small parking lot. The other rationale for this is the laser lab is under the current master plan looking at potential expansion in this area. We don't know how that is going to look at this point. At that point maybe it does make more sense to align it but right now we feel with the traffic flow that we have in this area and the types of traffic flow we have on the laser lab and the volumes of the both of them this doesn't need to be done at this point. I am not saying it doesn't need to be done later when the laser lab expands or whatever else happens down in this area as the traffic volume increases but for the time being we feel that this entrance the way we have it shown can manage our traffic. With that I believe those are the points we wanted to address and then we have Jose Fernandez from the college and James Westworth from the architects and they can answer whatever questions you have.

MR. CHAIRMAN: Let's start with the water just out of curiosity is it a private service?

MR. GARDNER: This is private from this point forward all the way to where we connect and we loop the campus that way.

MR. CHAIRMAN: So when you come in and go past the east of the building you go all the way around and next to the east side of the laser lab. I am just curious why is it not dedicated?

MR. GARDNER: Because it is going to serve primarily the campus and you need a hot box within 100 feet of the property line.

MR. BOEHNER: I guess I am asking you a couple of things you have two alternatives I think we need to discuss one is not to have a hot box and trying to avoid that road and I guess the question is I understand that if it is dedicated to Monroe County Water Authority you would not need the hot box and would they allow it to be directional drilled?

MR. GARDNER: The problem with direction drill it requires we have an HBD line or you jack it underneath and you need a few extra pits along the way. This allows us to have a line through the whole campus. I don't believe Monroe County Water Authority would allow us to have HBD lines on dedicated water service. We can certainly address that.

MR. BOEHNER: I think those options need to be looked at a little bit. The other thing is that you have two alternatives one is showing the hot box and road improvements in the buffer area.

MR. GARDNER: In some of the discussions we have had we haven't been flushed out right now with the water.

MR. FERNANDEZ: Jose Fernandez University of Rochester 271 East River Road. We basically wanted to present two options we have a preference but we wanted to let you know how we would address this. There are two ways of dealing with it. One is to put a hot box within the 100 foot buffer area and there is a small easement area here for accessing for public utilities. That is one way of approaching it and the other way we can approach it is to put the hot box outside the 100 foot buffer and then just totally access it from this side and this really eliminates any sort of traffic for Monroe County to service that hot box from this drive. I think the right approach is probably not to have the additional traffic from this neighborhood street and jus service it from this side and keep it outside the 100 foot buffer that is our recommendation

and if the Board wants us to do it the other route we are happy to do that as well.

MR. BOEHNER: The big question I have there will the Monroe County Water Authority allow that?

MR. FERNANDEZ: They will allow either option. The issue is we need the hot box within a 100 feet of where they don't have to patrol from an Eastman perspective that either system works for them.

MR. BOEHNER: Do you have the 100 feet?

MR. FERNANDEZ: Yes.

MR. GARDNER: That would be right at the 100 feet and that is why it coincides with the 100 foot buffer.

MR. BOEHNER: And your saying that the reason you don't want to have it for dedication is the materials that you are going to use for the pipe the different boring stations that you need to have –

MR. FERNANDEZ: I think it is the flexibility, if we create an easement within our property then any time we need to make a change to that we have to coordinate with Monroe County for that and what we would like to do is have freedom to be able to adjust it or take care of all of the maintenance. It's really a matter of it's on our property we are going to be paying for it and we would like to be able to manage it and control it.

MR. BOEHNER: You want to control it and you don't want to give the easement .

MR. FERNANDEZ: Correct.

MR. CHAIRMAN: That is the kind of explanation we wanted.

MR. BOEHNER: That was very helpful.

MR. FERNANDEZ: The issue is we can pawn it off to the county but we are still responsible for all the cost. So at that

point we would rather have more control if we are going to be responsible for all the cost -

MR. CHAIRMAN: You do all the maintenance on the hot box and all the inspections.

MR. GARDNER: Yes. The meter is the first thing and we own everything beyond that.

MR. BOEHNER: One of the concerns I was having was the impacts to the buffer area and that road going all the way down.

MR. CHAIRMAN: Its going in a location where it will serve your second building in the future.

MR. FERNANDEZ: As we go into this what the potential is that road will be a minor road.

MR. CHAIRMAN: It will serve you and you won't have to do any future designing.

MR. FERNANDEZ: This will be designed to accommodate the second building and eventually to loop back and serve other buildings in the future. .

MR. BOEHNER: Can I ask you why you chose that alignment instead of heading north and then cutting over. Why you went through the wood lot buffer area?

MR. FERNANDEZ: Dennis you can probably answer that better.

MR. CANALE: Dennis Canale from TY Lind. When we worked with the Water Authority the University modeled the whole water system and we decided we need connections both at South Clinton and connections to the East River and Kendrick so it forms a bigger loop for the whole system as well as for the University to insure that there is plenty of capacity for the neighborhood as well.

MR. BOEHNER: My question is instead of cutting through and underneath the buffer and wood lot this way why don't you

just go straight and get yourself out and cut over. You need to go back to one of those drawings that showed the alignment.

MR. CANALE: And come out to the south.

MR. BOEHNER: Yes and just follow the road up and then cut it over. Right there go up your proposed construction road and not drill underneath them.

MR. CANALE: It is possible the routing is somewhat optional the idea is to make sure the loops are connected for the capacity. The current building design all of our mechanicals are in this back corner over here that is where the water line comes in the building.

MR. FERNANDEZ: What I can say is your point is well taken and I see no reason for it to be going any where within that setback. This is probably a reasonable path to be looking at.

MR. BOEHNER: We were just trying to understand why it was designed that way.

MR. CANALE: We have a lot of storm water infrastructure where it comes in this area right here without looking at it in detail we are going to have some significant conflicts in this area where the water line may get very deep especially this area right in here. This allows us to keep everything – to keep the storm water stuff focused in this area and keep the water line outside of that.

MR. BOEHNER: We may want to sit down with the Town Engineer and go through the options. I am just trying to get a better understanding.

MR. WARTH: It is not going to impact the 100 foot buffer.

MR. CANALE: We will be able to drill underneath the significant route structure and every tree along this route. We have looked at it from a long term perspective development of this specific portion over there would we be doing any significant cutting we have actually lowered the water line a foot beyond what is required by the Monroe County Water Authority to allow us to have some more flexibility

for future draining and whatever we need to do in that area and to further minimize impact to the tree root.

MR. BOEHNER: Has an arborist looked at this to make sure those trees will survive the booring underneath?

MR. CANALE: Doug McCore is our landscape architect and he has done a complete inventory and that was included in your packet.

MR. BOEHNER: No , I am asking did an arborist look at the routing route of the directional drill to verify that those trees would survive, that's what I am asking because I don't see it in the packet.

MR. CANALE: Doug McCore has looked at the entire routing of this.

MR. BOEHNER: Did he submit a report that the trees would survive?

MR. CANALE: That should be in there. He has done an assessment basically he has the plan.

MR. BOEHNER: I have seen those what I didn't see was any of the mitigation and I didn't see any verification that those trees would survive.

MR. CANALE: We will verify that.

MR. BABCOCK-STINER: In the event that something does go wrong during the drilling I am assuming that you have to get out and clear some of the trees to get to that spot if that were to happen and if that were to happen how would you plan on mitigating for the loss of the trees.

MR. GARDNER: If we had to go back in that area with something a backhoe and the route I am sure we would be in conversation with the Town saying we have to go into the EPOD area for whatever reason to retrieve a broken pipe or something like that but this has become very common practice now. They can pull these pipes quite a distance. This is a relatively short distance there not to say something couldn't happen but I am sure we would be in contact with the Town.

MR. BABCOCK- STINER: Not to say something could happen but I just want to make sure there is some type of contingency plan in place to make sure that if you do on the off chance you have to get to a pipe I like the idea of not impacting.

MR. BOEHNER: I think that is a good point because I have the same concern and two we need to talk about mitigation of the construction of that water line because your response is there's no impacts while there is maybe not from the direction you are drilling but from where that hot box is going road construction is going and some of the other things you are showing on the plans which wasn't real clear. You have to mitigate that because you are in the buffer and you are in the wood lot. If it gets disturbed or if you had a problem as Jason spoke of you need to have a plan of action of what you would do if that did happen. What type of equipment would you use how much of the area do you think you would need to clear and if you did how would that be mitigated.

MR. GARDNER: I also think I would like to go back and look at this one more time with the Town Engineer . Would we do less disturbance because we are going to one location and we don't have to worry about stuff in that area and sitting down with the Town Engineer. I understand the concept and the concerns.

MR. BOEHNER: It is definitely doable. It's options now.

MR. WARTH: Is that wide enough to go in between the two ponds and become a regular road latter on.

MR. GARDNER: Yes, we have looked at this ultimately being a 26 foot wide road and we have graded accordingly. Initially there will just be a 12 foot wide gravel path.

MR. BOEHNER: Do you have over 26 feet there?

MR. GARDNER: Yes, and we did take that into account.

MR. BOEHNER: The size of that hot box isn't it 8 feet tall.

MR. GARDNER: It is 8 feet long and maybe 4 and half feet wide.

MR. BOEHNER: I thought it was bigger than that.

MR. GARDNER: There is a dimension in the plans. We can look at that but I am pretty sure it's at most 10 foot long and four feet wide.

MR. OSOWSKI: What is the size of the existing water main to which you are connecting to your land.

MR. GARDNER: I believe 8 inches.

MR. CHAIRMAN: I think you have addressed circulation on the south east corner and back up of parking.

MR. BOEHNER: Norm I am seeing it as 8 feet tall and 23 feet long does that sound right?

MR. GARDNER: It's in the plans and if that is what is on the plans that is what it is.

MR. BOENER: The reason being is that we have residence that are back there so I am just trying to gage.

MR. CHAIRMAN: As far as the alignment of the driveways that is something we typically ask for and find it to be beneficial. On the laser lab side they are not that significant. As you develop that site if you start to have internal conflicts I am sure you will solve it.

MR. BOEHNER: Can I ask you why the trail pathway in front of the laser lab can't be built now making that connection over to Merlin Drive. Yes, because in the FEIS it talks about this trail connection connecting this parcel or that building all the way over to Merlin Drive and that trail goes right in front of the laser lab on the north side.

MR. GARDNER: Okay and again we have potential for significant development in front of the laser lab at some

point. Do we build it can we have a better understanding of what is going to be in that area?

MR. BOEHNER: If you could look at the plans again you guys build things and tear it up all the time and we could be waiting for that a long time for that connection. It's all the way through over and it connects over to the bike path.

MR. GARDNER: That is certainly something we can talk about. There won't be any above ground utility associated in the entire electrical services underground all the way from the Rotary on into the campus.

MR. BOEHNER: One of the things that is lacking in the landscaping plan or your tree mitigation plan is that the plans aren't really addressing how you are mitigating the loss of wood lot EPOD, I know that there is a discussion with the Conservation Board but they need to be presented in a land form. And two, there was in your comments you talk about that buffer plantings will be installed and I think you said and to be reviewed by the Planning Board. Are you planning to do that now or come back at another time to seek that review?

MR. FERNANDEZ: I think what we are looking at in terms of the trees and the plantings first of all as part of the over all IPD we will be submitting a plan that shows the installation of trees and I think we have in our plan an amenity identified as 100,000 dollars invested to improve the screening. In terms of the impact where the EPOD is and what we talked to the Conservation Board is that – and I don't remember the exact number but I believe it is over 500 trees that are impacted. We are planting approximately 250 new trees as part of the formal landscaping and the informal landscaping that occurred along East River Road and then what we worked out with the Conservation Board is that for the balance of the trees that are being removed what we would do we would hire an arborist or trained staff and we would basically plant the balance of trees that have been cut as samplings.

But rather than try to identify precisely where they are, the thought was to have an arborist go out there and actually field locate where they might best be, rather than trying to do a formal plant. The area is fairly dense in terms of the amount of tree coverage right now and we think that the best opportunity really is to have an arborist go there and we have also talked about incorporating it as part of a student

education program and just identify the right spots and plant it, if there is additional certifications to prove that we have done it we are more than willing to but we feel in this case that is probably the best strategy.

MR. BOEHNER: I don't think we have had anything describing that and submitted to us. I'll let you decide how you want to present that but I think that needs to be added to the project so we understand how that wood lot is going to be mitigated.

MR. FERNANDEZ: We can formalize that.

MR. CHAIRMAN: Is there anything else? Than you gentlemen. This application remains a public hearing does anyone in the audience care to address this application?

MR. CAGNEY: John Cagney a 60 year resident of Crittenden Road. My question is whether the lack of sanitary sewers on the major part of Crittenden Road would be potentially accessible if sanitary sewers became a reality on Crittenden Road.

MR. CHAIRMAN: We will ask the applicant your questions. Taking a look at the bigger issue serving the entire new development with sanitary sewers, is there a potential for other areas within the immediate area to ultimately connect into the system. Dennis can you speak to the sanitary sewer.

MR. CANALE: Yes, there are sanitary sewers throughout the south campus that serve Wibble (phonetic) Park and the laser lab so there is plenty of sewer on site and plenty of capacity to serve the full development without pump stations. The lay of the land I don't think will allow to get down to Crittenden without pump stations. There may be a potential sometime in the future but for the sewers to go in that direction the lay of the land wouldn't allow that with the current sewer configuration.

MR. CHAIRMAN: So is there any anticipation of increasing the size of the sanitary as you progress and add buildings further south of the project or are you using the-

MR. CANALE: We are using the existing sewer system. And we did do the flow calculations and there is plenty of capacity in the existing sewer system and they are located in places where

we would basically just put in new building laterals to the existing system. So there are no plans to expand the overall infrastructure. We are just tying into what is already there.

MR. CHAIRMAN: At full build out would you have maximized the capacity of the system?

MR. CANALE: No we would not.

MR. CHAIRMAN: So the answer to your question is at full build out when all these buildings are done within the next 20 years or 30 years or 10 years there will still be capacity for additional sanitary to get into their system. However the properties on Crittenden I believe you are one of them sit at an elevation which is lower than where that sanitary pipe is. And so for anybody to collectively form a district on Crittenden it would require not only the mains to be put in and the laterals to the houses but also a lift station to pump the sewers up into that system to be able to flow. Am I correct?

MR. GARDNER: Correct.

MR. CHAIRMAN: Other questions? Thank you for coming in. That is it for the public hearings tonight.

10P – NB1-14 Application of Macdanth Enterprises, Inc. owner for Preliminary Site Plan Approval to construct four commercial buildings totaling 43,225 sf on property located at 2750 Monroe Avenue. All as described on application and plans on file. POSTPONED TO THE December 17, 2014 MEETING AT APPLICANTS REQUEST.

NEW BUSINESS cont.

11P-NB1-2013 Application of the University of Rochester owner for an Advisory Report regarding the proposed incentive zoning/rezoning of 180 +/- acres of land located on East River Road pursuant to Chapters 203,207, and 225 of the Comprehensive Development Regulations.

MS. CHAMPION: Good evening everyone. My name is Ashley Champion and I am an attorney with Nixon Peabody and I

am here tonight on behalf of the University of Rochester joining me tonight are members of the University of Rochester team who you have already heard a little bit from on the imaging building, Jose Fernandez, James Farmer and the project engineer Dennis Canale. So everyone on the Board is at least somewhat familiar with the proposed off campus IPD project but tonight in particular we are before the Planning Board for the incentive rezoning application to rezone approximately 180 acres of land known as University South Campus from its current residential district to an institutional planned development district. And under Town Code the Planning Board has the duty to review the resulting application and provide a recommendation to the Town Board and that is what we are here tonight to begin that process of the Planning Board's review which should culminate in a recommendation to Town Board on the rezoning.

By way of back ground the original IPD application was submitted to the Town over ten years ago in 2004. Since that several up dates have been made to the project plan and many at the request of involved agencies, community members and other state holders. Dennis is going to be going into a little bit more detail on the specifics of the project but in general the proposed off campus development will involve institutional development on the northern portion and residential development on the southern portion. The IPD will include substantial protective zones for wetlands also habitats and a substantial buffer that was a preference along all the residential areas to create a visual screening that would not otherwise exist or be required under the code. All of the components of the project are consistent with the objectives set forth in the Town Comprehensive Plan that is another slide that we'll see when Dennis comes up here but the proposed uses and also the mitigation measures that are going to be put in place are all in the Comprehensive Plan.

It is also important to note that any new development that will be proposed or constructed in the IPD will be required to come back before this Board similar to how we are hearing about the imaging building tonight. Every building that is going to be constructed will need to come back to the Planning Board at a minimum for Site Plan Approval and depending on what the use is potentially a Conditional Use Permit.

So I know there is a lot of building shown here and maybe there is questions as to what those particular buildings may look like and the answer is we don't know yet. They are conceptual but at the

time that the plan and design for those particular buildings are created they will be back before this Board and the Board will have the opportunity to weigh in on all of the design details and elements that you otherwise would in a site plan review process.

So briefly I wanted to address the amenities and incentives that this application consists of. It is not only a rezoning to do an IPD with a map amendment but it is also being reviewed under your Town Incentive Zoning Regulations. So briefly the amenities that are being offered to the Town in connection with this rezoning application are the donations of a substantial parcel of land about 42 acres partly owned by the University south of Crittenden Blvd. That will be donated to the Town after the first building is pulled. Again the landscape buffer so there is a buffer that is required to be between the project and residential development but there is no requirement in your town code for that buffer to be landscaped. It would just be a flat grass buffer. Here we are investing about 100,000 dollars which is a substantial sum in making sure that that buffer provides a nice visual screening, keeping the South Campus views contained more on the site.

The third amenity is the elimination of access to and from the IPD lands from Crittenden Blvd that was something that was requested by the Town and then there are three new storm water management related amenities. One is to revise storm sewer connections to redirect drainage another is to close the existing swail and then there is a third to construct an outlet to control ponding in the sensitive areas. The final proposed amenity and it is one of the newer developments is the creation of one or more town infrastructure trust funds to be funded by the University and that will be based on the square footage of new buildings constructed within the IPD. So each time a new building is constructed there will be a monetary repayment made by University on an annual basis to the Town to be used by the Town for whatever infrastructure purposes it desires.

On the flip side the requested incentives that the University is looking for in connection with the application, it is rezoning itself and then also a waiver from the 40 foot maximum building height that is required under the code and that is going to get into a little bit more detail about how the waiver works, where the building heights are in each different portion of the proposed out campus. There are different criteria as to the building height and depending on the type of use and location. As far as the SEQ process for this project as we described in the

application the project is designed to result in the least amount of environmental impact as possible. This is a type 1 action there is a lengthy SEQR review process for many years and a lot of public comment was heard and a lot of comments from the involved agencies were taken into consideration and the project was modified in response to those comments.

And then finally the Town Board as lead agency adopted the Final Environmental Impact statement for this project on September 10, following that the next meeting October 22, they issued their final finding statement and that is when the referral was made to this Board to review and make a recommendation. So just to sort of wrap that all up again the processes in 2004 the University has been working on this project working hard and diligently to try and come up with the best project possible that allows them to further it's goals while spending the least amount of environmental impacts feasible . We got to a place where the Town Board as lead agency agreed that the project results in either the elimination of potentially adverse environmental impacts or a mitigation of those potential impacts with the maximum extent feasible. And now we are here before this Board seeking review and a recommendation on the Rezoning back to the Town Board. So at this point I can turn to Dennis and he can go over a few more projects specifics.

MR. WARTH: Can I ask a question isn't the rezoning tied to the height and density?

MS. CHAMPION: Yes.

MR. CANALE: Dennis Canale from TY Lind, as Ashley mentioned it has been a long process and its been an evolution to get to what we are calling the plan and the other part of the plan of course is the draft Zoning Ordinance which part of the Final Impact Statement for the Town's consideration., So what I plan to do here is just show you a few of the slides and all of the images that are part of the draft zoning board but again these slides were an evolution over the many years of review.

The first one is the district itself which encompasses all of the University owned land south of 390. This is the same map we have been looking at orientation wise with 390 on the top of the page. Some of the lands were donated to the DOT for some of the improvements to the 390 Corridor. So the U. of R. has been a partner of

that process all along. So some land was donated for the round about near Kendrick Road and along East River Road. So some of the numbers of acres has changed a little bit over the years and that's why.

MR. BOEHNER: That leaves them with three parcels one large parcel and two smaller ones.

MR. CANALE: Correct, the resubdivision application is just for the portions south of East River Road, so this would subdivide nine parcels into one and then the separated parcels from the right of way form the other two parcels and that is to everyone's advantage. Right here, the reason for that is it's a little dangling parcel if you will because there has been a utility corridor to RG&E all the way up through the old Lee High Valley railroad and that ends the town trail. So that's why its truncated and is not part of the subdivision only the contiguous parcels. And part of the overall plan that has been part of the application all along is to provide here is Crittenden Road down here, and it is one of the parts of the application and there is to be no access to Crittenden Road but this would be an emergency access for emergency vehicles.

MR. FADER: So it is not really dangling.

MR. CANALE: Correct. But it is truncated because of the utility easement corridor and part of that land is actually owned by RG&E versus an easement. This is the zone map the blue zone is the institutional plan and not residential and below it the yellow is the residentially zoned lands and again that is an evolution. The initial application had all institutional planned development zone and again based on comments received it evolved into a plan that is very similar to the comprehensive plan from 2000. This is side by side where the low density residential is planned for the southern portion of that actually we expanded that further to the north again adjacent to the residents so we will have residential adjacent to residential. And the institutional will be concentrated along the major utility corridors to the north. The protective zone map that was described and what is shown here are the old growth habitat which were mapped out with the help of biologist scientists partly from the University. So those areas will be avoided for the future development as well as the residential buffer along the 100 foot along the entire perimeter of the residential zoned land.

MS. CHAMPION: Right if there was any proposed disturbance in any of those areas that would be an appropriate consideration.

MR. WARTH: I think anything that would require Site Plan Approval I think it should be more clearly in there that it is also an issue if you don't need Site Plan Approval but I think it should be more clear for now and into the future that there shall be no disturbance without the approval of Planning Board. Just so its clear to anyone reading this in the future that it is not up to them, a maintenance guy or some other tenant of the U. of R. that is something that requires authorization from the Town.

MS. CHAMPION: I think that makes sense

MR. CANALE: And the little yellow spots here this is the utility corridor that was described in the last project that we ended up building that exists so there is already utilities there. These other two are pedestrian connections to the adjacent residential streets and those are already there. So that is why those little areas are highlighted. Onto the next is the wetland map. The wetlands have been delineated twice and we are still awaiting the final jurisdictional termination letter from the Corpbut that is then in the works the wetland have been redelineated, remaped, and they haven't changed, virtually not changed but that is all int the works and it is part of the Impact Statement. The southern areas, this is State wetland which is why it is surrounded by 100 foot green buffer zone to avoid the rest which are Federal wetlands. And they are not all lakes as we have shown them in blue some of them have no standing water but there hybrid soils and their wetlands by definition not by standing water as opposed to the large one state wetland there is a large volume of standing water for those of us who have been there. I was standing in it yesterday.

This is the building height again by evolution and I will get into the colors really quickly here but the bottom line the reduced proposed maximum height adjacent to the residential which is this purple zone is a maximum height of 35 feet in height as a maximum and that's the balance of massing with the neighbors next door. And that was a consideration of the Town Board and that generated quite a bit of discussions. We think that is a real positive improvement to the adjacent neighbors to address the neighbors concerns and the Town Board's concern. Yellow is a maximum of 50 feet in height. The blue in the

MR. BOEHNER: Some where I read the three southern there is 3 acres along Crittenden Road that are supposed to be left undeveloped. Where are they located?

MR. CANALE: That would be this trapezoidal shaped down here.

MR. BOEHNER: If that is not to be developed is there a reason that is not being shown on that?

MR. CANALE: Well the proposal shows the 100 foot buffer but the plan as it exists shows no development in this area.

MR. BOEHNER: But I am just saying there are statements saying that that won't be developed and if its not going to be developed couldn't that be shown on that map. I am trying to understand what that statement about the three acres really means.

MR. CANALE: Well right now the plan is not to develop it but its not part of the formal application as part of the buffer dedicated buffer.

MR. FADER: Isn't that wetlands?

MR. CANALE: No it is not, not in this region and right on cue we will go to the wetland map. I'll go back I couldn't resist.

MR. WARTH: With regard to all of those things on the technical map, it says disturbance would be avoided to the maximum

MR. CANALE: That is SEQR language basically.

MR. WARTH: Well I guess it makes sense to me to have a Planning Board approval or a Zoning Board approval necessary to review that whether there is one person or another person -

MR. CANALE: And in the Final Impact Statement and Finding Statement I will clearly state that any project that comes in has to come before this Board.

institutional area maximum again is 75 feet in height and then north of East River adjacent to the expressway has a maximum potential height of 90 feet. That is the only areas of that request.

MR. FADER: I am curious about the larger portion of the 90 foot height is that a wetland and can you build in there?

MR. CANALE: Well it doesn't mean we can't build there is no proposal but again I am going to jump forward to the plan which is again two parts one is the concept site plan and the other part is the proposed district. There are no buildings proposed in that area at this point. It's a potential it's a long term. This is maybe 20, 30, 40, 50 years who knows for sure. Things could change. It's away from the residents. There is a high rise on the other side. There is some balance there with the existing residents on the north.

MR. CHAIRMAN: How high are those?

MR. CANALE: I believe 11 stories.

MR. WENTWORTH: James Wentworth from the University 105 to the parapet and 120 to the pent houses. These are potential maximums that is being requested as part of the incentive zoning. And again these evolved over time to what they are now and we are pushing them away as much as possible. More towers are needed in the neighborhood an it had to be built. This is the culmination of the evolution of the plans and the environmental review and technical review public review over time. And that is all I really wanted to present and all of those are included with the draft zoning ordinance for the IPD.

MR. BOEHNER: Do you have the slide of the side setbacks and the area requirements.

MR. CANALE: Yes, as part of the regulations front yard setback is 20 feet side yard 10, rear yard 20.

MR. BOEHNER: Now, do you think the imaging building and back portion of the site is the only part of this project that is not going to utilize those setbacks? I think when the setbacks were envisioned the thought was pushing the buildings to the road or closer to the road. We have a project now that is offset from the road but yet you

are asking for a 20 foot setback. Do you envision the rest of the project to be utilized in the 20 foot setback?

MR. CANALE: Yes. As you can see along Monroe Drive.

MR. FERNANDEZ: Again what we are looking at there is a potential especially along over here where we might be putting the buildings closer to the property line. Again this is sort of an overall number but again along East River Drive and along Kendrick we might be seeing a potential of 20 feet.

MR. CHAIRMAN: Any other questions? Thank you very much that is it for the public hearings. Do we need a break quickly?

MR. BOEHNER: Yes.

FIVE MINUTE BREAK

Advisory Report for proposed code amendments regarding Animals-Chapter 207, Supplementary Regulations.

MR. CHAIRMAN: I move to direct the Executive Secretary to submit the comment letter on the advisory report to the Town of Brighton as provided in paragraph B. (adding except for six chickens)

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

PRESENTATIONS

NONE

COMMUNICATIONS

University of Rochester Institutional Planned Development South Campus
Incentive Zoning/ Rezoning SEQRA Findings Statement.

Letter from Richard Williams, II, attorney dated November 17, 2014
requesting postponement of application 10P-01-14 to the December 17,
2014 meeting.

Letter from Michael Montalto, Costich Engineering, dated November 18,
2014 requesting postponement of application 10P-NB1-14 to the
December 17, 2014 meeting.

PETITIONS

NONE

10P-02-14 Application of American Tower Company, owner, and T-Mobile Northeast, LLC, lessee for Tower Permit Approval, Site Plan Modification and EPOD(steeplslope) Permit Approval to install nine cellular antenna on an existing tower and to expand the existing equipment compound on property located at 1 Pinnacle Hill Road (Tax ID 136.08-01-006.1. All as described on application and plans on file. TABLED AT THE OCTOBER 15, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

MS. CIVILETTI: I move to table based on the testimony given, plans submitted and for the following information and conditions:

DETERMINATION OF SIGNIFICANCE

The Planning Board finds the action to be an Unlisted Action under the State of New York Environmental Review Act. Additional information is requested in order to make a determination of significance

CONDITIONS:

1. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.

2. Details and cut sheets of any proposed new lighting shall be submitted. The lights shall be dark sky compliant, shall be directed down at the work area, shall not impact surrounding properties, and shall be on a timer.
3. A report, stamped by a qualified professional, shall be submitted that responds to Section 207-42(E)(3). Radio frequency effect, of the Comprehensive Development Regulations.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

11P-01-14 Application of SJH Community Services, Inc. owner, for Site Plan Modification and Conditional Use Permit Approval to allow for a 2,526sf (74 seats) restaurant with a 474 sf (28) seats outdoor dining area and to construct additional parking on property located at 1325 Elmwood Avenue. All as described on application and plans on file.

MR. FADER: I move to close the above application 11P-01-14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move to approve application 11P-01-14, as presented 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 combined restaurant area, including main restaurant, outdoor dining and kiosk areas, shall not exceed 3,000 sf of floor area. Plans shall be revised accordingly.
2. All requirements of the Incentive Zoning approval shall be met.
3. The outdoor dining area shall be used only for dining by seated patrons. No bars for service of alcohol shall be allowed in conjunction with the outdoor dining facility. Live or broadcast music or other entertainment shall be allowed in conjunction with an outdoor dining facility with specific times and controls to assure that noise is prevented from intruding on adjacent residential properties. Any live or broadcast music proposed for the outdoor dining area shall require review and approval by the Planning Board.
4. During each day of operation of the outdoor dining area, a restaurant Employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers, to the extent that such a patrol can be done safely and that permission is obtained from neighboring property owners, where necessary.
5. The outdoor dining area shall only be operated during the hours of operation of the associated restaurant.
6. All necessary building permits and other agency (e.g. Monroe County Health) approvals must be obtained.
7. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)
8. All requirements of the Fire Code, Property Maintenance Code and Building Code of the State of New York and any additional requirements of the Fire Marshal shall be met prior to occupancy.
9. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
10. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control

- 11 measures shall be shown upon the plans. Erosion control measures shall be in place prior to site disturbance.
- 12 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 13 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 14 Maintenance of landscape plantings shall be guaranteed for three years.
- 15 Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 16 The proposed retaining wall shall not exceed 3.5 feet in height.
- 17 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.
- 18 All County Development Review Comments shall be addressed prior to final approval.
- 19 Any exterior modifications must receive Architectural Review Board Approval.
- 20 Any new signage must receive all necessary Town approvals.
- 21 All requirements as defined in Section 207-14.2 (Supplemental Restaurant Regulations) of the Brighton Comprehensive Development Regulations shall be adhered to.

- 22 All requirements as defined in Section 207-14.1 (Waste Container and Grease/Oil Container Standards) shall be adhered to.
- 23 Dumpster pickup shall not occur before 6:00 a.m. or after 7:00 p.m. Deliveries shall not occur before 6:00 a.m. or after 7:00 p.m.
- 24 Lighting associated with the restaurant shall not disturb adjacent residential user and shall be turned off upon close of business.
- 25 No outdoor storage or displays of goods, materials or equipment other than as permitted for seasonal craft shows or farmer's markets shall be permitted.
- 26 Meet all requirements of the Town of Brighton's Department of Public Works.
- 27 All Town codes shall be met that related directly or indirectly to the applicant's request.
- 28 Any change in the exterior lighting shall be submitted to the Building and Planning Department for review and may require review and approval by the Planning Board.
- 29 A grease trap shall be installed by the applicant with approval by the Town Sewer Department.
- 30 All cooking and HVAC exhaust vents shall be located on the roof and shall comply with Section 207-14.2.A.(3) of the Comprehensive Development Regulations.
- 31 All comments and concerns of the Town Engineer as contained in the attached memo from Michael E. Guyon to Ramsey Boehner shall be addressed.
- 32 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 33 Hours of operation shall be limited to 6:00 a.m to 12:00 p.m. Any increase in these hours will require further approval from the Planning Board.

33. A Certification of Compliance shall be obtained for the gift shop and fitness center.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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) and to join nine lots into one on property known as the University of Rochester South Campus. . All as described on application and plans on file. TABLED AT THE AUGUST 20, 2014 MEETING – PUBLIC HEARING REMAINS OPEN

MR. FADER: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make environmental findings and to have a complete application. The following information is required to be submitted.

1. The plans have been reviewed, however future submissions and discussions will likely reveal additional issues that need to be addressed. Therefore, the Planning Board reserves the right to make additional comments on future submissions.
2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585784-5220).
3. The building shall comply with the most current Building & Fire Codes of New York State.
4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
5. Meet all requirements of the Town of Brighton's Department of Public Works.

6. All Town code shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
10. Maintenance of landscape plantings shall be guaranteed for three years.
11. 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.
12. The dumpster shall be enclosed with building materials that are compatible with the existing building.
13. All outstanding Site Plan Comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.
14. 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.
15. Fire hydrants shall be fully operational prior to and during construction of the building

16. 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.
17. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
18. The parking lot lights shall be placed on a timer.
19. The proposed building shall be sprinklered in accordance with Town requirements.
20. The height of the proposed building shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
21. 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.
22. The signage must be reviewed and receive all necessary town approval prior to installation.
23. Erosion control measures shall be in place prior to site disturbance.
24. 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 plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
25. The location of any proposed generators shall be shown on the site plan. Information shall be submitted verifying that the

proposed generator meets all requirements of Section 207-14.4 of the Comprehensive Development Regulations.

26. The applicant must demonstrate how the proposed development meets all the conditions of the Incentive Zoning/Rezoning Approval along with all the requirement of the IPD.
27. It appears that the proposed project will disturb these wetland areas and a permit will be required. The SDGEIS also indicates that these wetlands were re-surveyed in October 2013. However, it does not appear that the 2013 boundaries were verified with the USACOE. The wetland delineation must be verified by the USACOE.
28. The following Conservation Board comments must be addressed:
 - a. Consideration shall be given to using more native plantings that what is proposed.
 - b. Tree mitigation should include a replacement tree for every tree removed. Tree replacement can include sapling plantings in the buffer area near the building site. The total number of sapling plantings should be no less than the total number of trees removed minus the trees(both deciduous and evergreen) shown on the final approved landscaping plan.
 - c. When this area of the campus is built out, will there be enough usable upland to support the amphibian wildlife that exists.
29. How the loss of trees will be mitigated must be submitted. A tree mitigation plan must be submitted with the landscaping plan. The landscape plan shall be revised to show the proposed buffer plantings.
30. The trees to be removed as a result of the watermain installation must be shown on the plans. Additionally, plantings should be provided to maintain the screen between the residential home and the U. of R. property.

31. The extent of the wetlands must be shown on the plans, the wetlands extents should be consistent with those most recently delineated and the plans must accurately show the disturbance within the wetland areas.
32. All easements must be shown on the subdivision map with ownership, purpose, and liber/page of filing with the Monroe County Clerk's Office. The liber and page must be provided for the 30' storm sewer, 40' storm sewer and 20' watermain easements. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
33. All comments of the Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal to obtain and discuss any outstanding comments.
34. Site data for the project was not included in the site plans. The site plan should include all site data. The proposed total height of the proposed 3-story building including the mechanicals and penthouse shall be noted
35. The application is tabled until completion of the SEQR process and approval of the Incentive Zoning/Rezoning application by the Town Board.
36. All comments and concerns of the Town Engineer as contained in the attached memo dated August 19, 2014 from Michael Guyon, Town Engineer, to Ramsey Boehner, shall be addressed.
37. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
38. The architectural design and building materials of the proposed building must be reviewed and approved by the Town of Brighton Architectural Review Board.
39. We reserve the opportunity to comment further regarding the watermain, The Planning Board prefers Watermain Plan 2.
40. An arborist must be consulted regarding the impact of the directional drilling process on the survival of the existing trees.

Verification must be submitted from the arborist that existing trees will survive.

41. The proposed trails/sidewalk should be extended to Murlin Drive along the north laser lab as shown in the FGEIS. A bicycle/pedestrian crossing should be delineated at the LLE entrance drive/Murlin Road intersection to facilitate access from the newly constructed shared use path.

MS. TOMPKINS-WRIGHT: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SIGNS

- 1353 Nail Salon for a Building Face sign at 1900 South Clinton Ave.
- 1354 Pet Star Grooming for a Building Face sign at 2398 Monroe Avenue.
- 1355 Roc Cellular for a Building Face sign at 12829 West Henrietta Road
- 1356 Farmers Insurance for a Building Face sign at 892 South Winton Road.

MR. FADER: I move to approve signs 1353, 1354, 1355 and 1356 as presented.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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ADDENDUM TO THE SEPTEMBER 17, 2014
MINUTES OF THE PLANNING BOARD

PAGE 1 last line Glazer not Blazer

PAGE 8 MR. CHAIRMAN: Is that curbed? Not curved also next
line It is not curved – not curbed

PAGE 10 MR. DUERR NOT MR. DOOR all through out Mr.
Duerr speaking

PAGE 13 MR. BRICK: I LIVE AT NORTHUMBERLAND NOT
North Embley Road

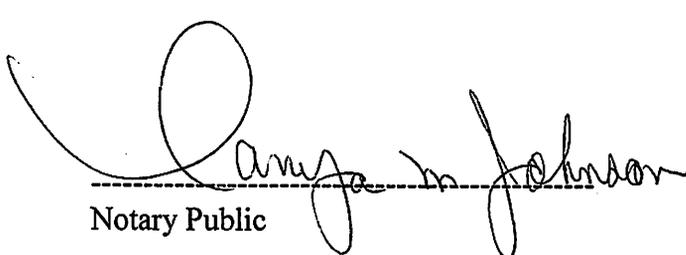
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the November 19,
2014 , meeting of the Planning Board of the Town of Brighton
at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to
the best of my ability as recorded and transcribed by me.



Judy Almekinder

On this ^{12th}----- day of December 2014 before me personally came Judy
Almekinder to me known and known to me to be the person described herein and
who executed the foregoing instrument, and she acknowledge to me that she
executed the same.



Notary Public

