

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on March 18, 2015
commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman
Laura Civiletti
Daniel Cordova
David Fader
John J. Osowski
Jason Babcock Stiner
James Wentworth

Ramsey Boehner, Town Planner
Kenneth W. Gordon Town Att. (sitting in for Mr. Dollinger)

FIRE ALARM PROCEDURES WERE GIVEN

MS. CHAIRMAN: Good evening Ladies and
Gentlemen, I would like to call to order the March 18, 2015 meeting of
the Town of Brighton's Planning Board to order. We will approve the
February minutes next month. I would like to draw your attention to a
couple of items that we are going to modify on the agenda tonight. First
is application 2P-02-15 Application of Brighton Corners LLC, that is
being postponed to our next meeting in April. Also tabled to our next
meeting under new business is 8P-NB1-14 application of the University of
Rochester that will not be on tonight. We are going to combine two
applications one is 3P-05-15 the application of Metro Parks Reality and
DiMarco Group which is on the first page of the agenda and we are going
to combine that with application 3P-NB2-15 application of 1950 Brighton
Henrietta Town Line Road LP those applications have subsitive drawings
that are together so we will discuss it with 3P-05-15, but when it comes to
the actual discussion and comments from the public we will only be
seeking comments on the Metro Park Reality application. We will have
some further announcements that typically under New Business Concept
Review we do not take public comment but tonight's application 3P- NB#
-14 Mardath Enterprises we will receive comment and we will address that
when that is heard. With that said, Mr. Secretary were the public
hearings properly advertized for February?

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of March 12, 2015.

3P-01-15 Application of Anthony J. Costello and Son Development, owner, for Site Plan Modification and EPOD (watercourse) Permit Approval to reduce the canal bank slope adjacent to the loft buildings within the "Reserve" housing development located east of South Clinton Avenue. All as described on application and plans on file.

MR. TOMLINSON: Good evening my name is Matt Tomlinson from Marathon Engineering. With me tonight is Bill Bailey from the Costello Group, we are here tonight requesting Site Plan Modification as well as EPOD Permit Modification for the "Reserve" for drainage and grading at the rear of the Section 2 loft buildings. Up here there is an overall mass area that we are modifying or requesting modification for highlighted in green. During the previous approval process with the loft buildings and grading along the canal we developed a drainage swail along the tow of the embankment of the canal and as far as the development that has earth work in overall site development has progressed it became apparent that visually and aesthetically along the rear of those loft buildings there was quite a significant grade change in between the loft buildings as part of the planning in ARB Review process and the canal path. So in looking at that and thinking of ways that we could amend or fix that situation we are proposing to increase the grade in that swail between 5 to 7 feet convey the storm water that is conveyed in that swail through a storm sewer and provide the green infrastructure practices that were originally approved as part of the overall swift on top of that new graded swail instead of at the tow of it. We have appeared before the Conservation Board and they had no comments during the discussion portion of it. I am not sure if anything else was raised as part of that and just as a representation of it on the plan I have highlighted the proposed grade a blue, the canal path elevations existed through that section as well as the fence floor of the loft building to show the representation of those to each other and then right below is the grade as it exists today because that was part of the original proposal. So with that I would like to answer any questions that the Board may have with regards to this application.

MR. BOEHNER: Matt, who is going to own and operate and maintain that storm sewer?

MR. TOMLINSON: That will be owned and operated by the HOA under use and occupancy permit with the Canal Authority.

MR. BOEHNER: Has the Canal Corp reviewed and approved these plans?

MR. TOMLINSON: They have. A copy of that permit was included in the application and as well as some e-mail correspondence that was had with them regarding the Canal embankment.

MS. CIVILETTI: Is there any change to the grading in between the buildings?

MR. TOMLINSON: No, there is not in between the buildings and finished floors of the loft buildings stay exactly the way they were proposed originally.

MR. BOEHNER: Do you know if you had the previously approved elevated walk way - is that going to change anything on that?

MR. TOMLINSON: That will not be changed as part of this. This is all east of that area.

MR. CHAIRMAN: What is the finished surface will it be seeded?

MR. TOMLINSON: It will be seeded. We will be using upland seeding mix that was used consistently on the embankments for the storm water management facilities. It will probably be mowed in frequently, once a month or something like that just to keep it down.

MR. CHAIRMAN: All this material is on site material.

MR. TOMLINSON: Correct. We won't be bringing anything else in.

MR. OSOWSKI: On the section of storm sewer from the catch basin manhole will it be 380 foot dimensions and there is no other structure along that line. Is that the standard guideline?

MR. TOMLINSON: The standard guideline in the design standards is 300 feet and we did discuss that with the Town Engineer and we have significantly oversized this pipe to eliminate any

potential issues with clogging and it fully conveys a 100 year storm. So we are working with that with Mike Guyon and if we need to add a structure we will.

MR. CHAIRMAN: The HOA is responsible?

MR. TOMLINSON: It is a wholly private system.

MR. CHAIRMAN: This is a public hearing. Does anyone wish to address this application? Hearing none we will move on. Thank you guys.

3P-02-15 Application of the Sisters of Mercy of Rochester, owner, for Site Plan Modification and EPOD (woodlot) Permit Approval to construct tennis courts and associated fencing on property located at 1437 Blossom Road. All as described on application and plans on file.

MR. TOMLINSON: Good evening Matt Tomlinson from Marathon Engineering. With me tonight is Joanie Lucas representing the school and Nicky Young who is the Director of Facilities for the Sister's of Mercy. We are here tonight to request a Site Plan Modification with and EPOD Permit for the construction of four tennis courts at Mercy High School. Mercy High School is located at the intersection of Clover and Blossom with 590 to the west. It is a mature campus with the school. This school was placed on the Brighton Registry and there are some State restrictions on that represented by this figure here.

This tennis court improvement cannot be located within 250 feet of the north east or the south faces of the building. With the presence of playing fields and parking area the location that we have selected for this while in the Woodlot EPOD really is the only spot on the campus where tennis courts could be constructed. It's adjacent to the recently completed tract and field event project on the site represented on the site plan there. And Mercy is the only secondary school in Monroe County that does not have tennis courts on its campus and this is something that is very important to the school both from a tennis program standpoint wanting to be able to host matches, provide practice facilities for the tennis team but also from a physical education standpoint in being able to utilize it for their students. The Woodlot EPOD we did appear before the Conservation Board last week and they had several comments. We did not have a mitigation plan prepared at that time.

We have subsequently prepared that and I would like to pass out a figure of what we are proposing. It is our understanding that we will have to go back before the Conservation Board, at least that was what was discussed then. If possible we would like to request a condition approval tonight. If that is not the case we will come back before you guys subsequent to that next meeting.

So the first page on that handout is the figure that is up here on the board just to give you guys a visual of that and the restrictions for area for development on the site. The second page is what we are going to be formalizing in a plan but it is a mitigation plan developed by the landscape architect on this project, Hyland Fischer, on this project. He appeared with us on the Conservation Board and this plan reflects some of the comments that he received at that board. This has gone before the school. The school obviously is very interested in the look of this campus. It is a home for the sisters as well as a school campus and it is something that they are very invested in themselves as part of how the campus is going to look. One of the challenges on this campus is the significant amount of mature trees. We don't want to plant trees just to get to a number but to have them sustainable and not crowd out existing vegetation and that kind of thing.

So this represents a one to one replacement for the trees that we are removing. It appears to be the maximum that we can place on the campus without impacting existing vegetation or making the new planting non feasible from a success standpoint. So with that I would like to open it up to questions and again like I mentioned we would like to get a Conditional Approval if that is something the Planning Board would entertain and if it is not we understand and we will appear back before you.

MR. CHAIRMAN: Let's start with a couple of basics as to why its at this particular location. We understand the 250 foot, were there other options considered as far as location?

MR. TOMLINSON: We looked at several options up to and including relocating portions of the practice facilities for the softball the field amenities that were just completed as part of the tract project but impact and cost and the limitations of space for the field events as you can see on the aerial there. There is practice fields or parking on the remainder of the project. You would have to lose another event or playing field in order to construct this in any other location.

MR. CHAIRMAN: Are their javelins?

MR. YOUNG: I am Nicky Young, Facilities Manager for the sisters and the school for tract and field only has shot put and discuss. It is right adjacent to the proposed tennis court area.

MR. BOEHNER: Do you see any conflict because it is so close if someone threw into the tennis courts?

MR. YOUNG: Well the tennis courts are going to be surrounded by fencing and the orientation of the shot put and discuss area leads it away from the tennis courts.

MR. BOEHNER: Would those activities be going on at the same time?

MR. YOUNG: We have tract and field practice nearly every day so I would think there is some of the times where you would have the tennis team practicing, primarily tennis is a fall sport for Mercy High School so unless it was something where the girls wanted to get out on their own or the tennis coach wanted to have some additional practice in the spring. I would think not.

MS. LUCAS: Joanie Lucas that is correct, actually tract and field activities are in the spring and the tennis is in the fall. So they are at completely different times of the year.

MR. BOEHNER: So you guys have thought about potential conflict and you are comfortable with it and you have talked about it with the coaches.

MS. LUCAS: Yes, absolutely.

MR. CHAIRMAN: That was another question, about the other activities adjacent to it and also any configuration where you can move the tennis courts onto the shot put or discuss area to allow you to take down fewer mature trees rather than putting those activities into the woods in other words flipping it.

MR. TOMLINSON: Sure what is represented on the plan for the shot put and the discuss are the minimum high school reg's for the dimensions so we have to have the same amount of cleared

level area to hold those events as well. We did look at several different configurations and we can share those with the Board. Originally we wanted to get six courts on here that was taking down all the trees, four was the minimum that we could utilize out here. And again as you can see from the dimensions shown it is not a small area but it is what is required.

MR. CHAIRMAN: I just didn't know if that cone shaped landings took up less area than the tennis courts.

MR. TOMLINSON: It also comes down to a cost as well rebuilding two events versus just the construction of the one that is a consideration as well for the school.

MR. YOUNG: Part of it also is the orientation of the tennis court for sunset when the girls are out playing from a safety perspective that you want to turn the correct way so you are not going to have the sun in your eyes from the opposing players.

MR. BOEHNER: Did you look at putting it on the west side behind the west side parking lot in that area?

MR. TOMLINSON: This maintains the buffer towards the road and we felt that was important from a vegetation standpoint and there was also some additional grade change over there that we don't have here. We were able to potentially limit the grading to about 8 feet off the edge of the court and that helped us to maintain as many trees as possible. So if we had to do additional grading that would impact some of the trees as well. We did study that in depth Ramsey, mostly for the reason of having the front yard invisible from the expressway.

MR. YOUNG: There is also some long placed gardens and statues that have been with the sisters for 70 or 80 years that are directly in that area you are referring to and the elevations is quite significant from the parking lot up that hill.

MR. CHAIRMAN: How about lighting?

MR. TOMLINSON: There will be no lighting.

MS. LUCAS: We are not going to be putting lighting on the courts which many other schools don't have lighting either.

MR. BABCOCK-STINER: Do you have sufficient parking?

MR. YOUNG: Being it's a fall sport the only other competing athletics at that time is soccer. In the spring we have tract and field where there are many more participants and soft ball going on at the same time in the same area.

MR. BABCOCK-STINE: I am questioning the whole facility, do you have the right amount of parking for the whole facility or is there an excess?

MR. YOUNG: There is not an excess of parking. We have I believe 192 spaces that the school is able to use 172 on the lower and about 20 on the upper parking lot. Parking is a challenge some times only when there is full events that we have for mostly the auditorium.

MS. LUCAS: Tennis is not a sport that brings in a lot of parents to observe. So significantly the few times that we hosted at our school which would not be often they would come by bus and it would be just one bus coming to drop the girls off so it rarely creates a large audience that is coming to the school and the other days that the girls have practice they would just leave school and go practice on the court so there would be no extra cars there.

MR. WENTWORTH: Could we take some of the parking area which is close to being flat currently and maybe put that sport there and maybe expand existing parking in other places that is easier to put spots and the cost becomes a factor with that scenario but that would be a way to do that without significantly impacting the site.

MR. TOMLINSON: I will let you speak to the number of spaces and what the school needs, frame of reference is about half an acre which is about 40 to 50 parking spaces that we would be talking about relocation plus drive aisles and that kind of thing. So it would be a pretty significant under taking to try to come up with that many spaces else where on the site.

MR. YOUNG: I would say it is almost impossible, we do have some concern about when we do have all the school activities, open houses, any of the performances on the auditorium. We actually use

the sisters parking on the other side for all the staff because there is never too much parking over there.

MR. OSOWSKI: Did you consider placing the tennis courts just north of the flat area, it looks it might be sloping area there. It looks like there is enough room to fit them in.

MR. TOMLINSON: There is a very significant grade change between that tract and the parking area.

MR. YOUNG: It is probably 10 to 12 feet I would say minimum.

MR. CHAIRMAN: Quickly just looking at it, it appears there are very large very mature red oaks and Norway spruces and what is proposed to go back in are maple, magnolia and some skyline locus, I would like to see you look at more of the red oak or trees that would be larger or more consistent with what you have now rather than some of the smaller . I do understand why some smaller flowering trees have been proposed.

MR. YOUNG: The sisters had significant input into what we are proposing for the trees that is an area that is out of view of most of the residents where we are talking about putting in the tennis courts. To your point those are very mature red oaks and they are so mature at this point they become some what of a safety issue in need of constant care and maintenance. So they are getting towards the end of their useful life at this point.

MR. BOEHNER: But do you see a problem with the suggestion of including oaks into your landscaping ?

MR. TOMLINSON: As Micky said the sisters did want to see some flowering trees but we would be open to adding them. In addition the Conservation Board had some suggestions about the native species which are coordinated into this but as far as putting some more oaks in we definitely can consider that. I think we can be open to whatever.

MR. BOEHNER: I just wanted to make sure it wasn't going to be a problem.

MR. CHAIRMAN: Any other comments?

MR. BOEHNER: I had one comment the 250 foot radius that is the local landmark radius you can do things within that 250 foot radius you just have to get a certificate of appropriateness from the Historical Preservation Commission. I just wanted you to know it is not a prohibited area. There is a process you would have to go through.

MR. WENTWORTH: One more question are there any other registers.

MR. TOMLINSON: It is just the Town of Brighton.

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

3P-03-15 Application of 2600 Elmwood, LLC, owner and Yolickity Brighton, LLC, lessee for Conditional Use Permit Approval and Site Plan Modification to install a 555+/- sf outdoor dining area with 20 seats, located in the front yard on property located at 2600 Elmwood Avenue. All as described on application and plans on file.

MR. CLASS: Good evening my name is John Class, owner of Yolickity Frozen Yogert Bar. We are here for Conditional Use Permit and Site Plan Modification. We started this process last April and we quickly realized that when the weather was getting nice that we had a major safety problem on our hands. People wanted to go outside and enjoy the frozen deserts and there was no place to sit so they started sitting on the curbs with their legs dangling in the parking lot. So we had little kids with cars pulling up towards them literally six inches from where their feet were so that was one issue and then our next door neighbor adjacent to us had addressed some concerns with the kids that were sitting on the grass over his property line. So we knew that the patio would help alleviate those problems.

We ran a T & R last summer to see if there would be any negative impact on the neighborhood and we are happy to report there was none. We have submitted a plan to the Zoning Board and they made some applications and now we think we have a great plan and our

neighbor has signed off on that plan. So the Zoning Board asked us to use kind of the existing space a little bit more than the original plan that we had submitted so we have done that. We have actually ripped out a lot of concrete that is currently there making use of permeable pavers. We have 43 new plantings that we are adding so we really think that we are kind of beautifying the neighborhood with this project and it will also help us address the safety concerns and we also think behind this designated area that is where people are going to sit. So it is going to help our adjacent neighbor as well.

The patio will not have outside lighting. It will not have outside music. There will be trash receptacles. There will be staff assigned to walk around the grounds to clean the patio up after guests. As far as the hours of operation, it will be the same hours of operation as we have. Although it will be kind of determined by sunset, there is no outside lighting so when it is dark even if we are open nights we don't imagine people will sit out there in the dark. So with that being said I would like to entertain any questions that you guys have.

MR. CHAIRMAN: Do you have a fence around there?

MR. CLASS: Yes, we have.

MR. CHAIRMAN: Is it actually gated?

MR. CLASS: There isn't a gate because the new plan – this is an existing sidewalk right here. So now there is a fence here which is kind of a safety railing if you will, or these cars are going to drive directly up to it so we have a fence here. The fence kind of cuts in a little bit. It's open here because there is a walkway and then it is fenced all the way to the building. So you can come out this door and this is all open, and this is an access as well.

MR. CHAIRMAN: The tree is staying?

MR. BOEHNER: The tree is staying.

MR. CLASS: Yes, there are three existing trees two of the trees are staying one of the trees is coming down but we are replacing 43 additional plantings including some smaller trees.

MR. CHAIRMAN: So the one tree actually closest to the building is coming down?

MR. CLASS: That's correct.

MR. CHAIRMAN: The ones by the street are staying.

MR. CLASS: Yes, the two closest to the street are staying and the one by the building is coming down. We did have a landscape contractor take a look at that to see if that was feasible to save that tree but the trees are a little bit overgrown and that one is already touching the building and it would have to be cut back significantly and they just determined that by taking that tree down that is actually going to improve the health of the other two trees.

MR. BOEHNER: The fence how far off from the curb is that fence, what I am worrying about is the front end of cars hitting it. Have you taken that into consideration?

MR. CLASS: Yes, we put it 18 inches behind the curb overhand is typically 18 inches to two feet in this area. This is an extension along the column line so we want to try to create that barrier as close to the curb as we can.

MR. BOEHNER: You understand what my concern is?

MR. COLUCCI: Yes,

MR. BOEHNER: People pulling in too close

MR. COLUCCI: And bumping it with their bumper. It does only extend through two spaces a little bit so that it is a concern but I suppose we would like to put it in and see how it works at keeping people from pulling in too far there. If it does get damaged we will relocate it a little bit further out.

MR. CHAIRMAN: So the existing sidewalk right out to Elmwood gets taken out and a new sidewalk put in, the flag pole

tenant in the plaza and tell you a little bit about what they are and if there is any questions Tim can answer them as it relates to the operation of Project Green Nation also note we did appear last month before the Architectural Review Board for the façade modifications and basically they are the exhibits I put up there and several exhibits that are in your package. This tenant is going to be located in the southwest corner of the plaza. We have re-tenanted pretty much the whole plaza last year we were here for the façade modifications and for the landscape improvements and we were pleased with the way that has come out and we worked our way around and we are pleased to say that this project is the last remaining vacant 1800 square feet. So we are pretty pleased with that.

Project Green Nation is a retail outlet of prepackaged healthy meals and also provides nutritional consultation a wrote a little bit of that in the packages that you have. I will read a little bit of that. They are proposing to a larger space as a retail outlet they will sell prepackaged meals which are prepared off site at a location that produces their meals. This would be partially a location where clients can pick up their meals that normally otherwise would be delivered to them. So this could be a location where they can pick them up and it's also a retail outlet where people can stop in and there will be coolers in the tenant space where they would be able to walk in and pick up healthy meals solutions. There would also be a service bar where we would prepare nutritional shakes, smoothies, healthy alternatives and then there is that nutritional consultation component where there will be consultants that will engage with individuals that want to either discuss a healthy life style or solutions for meal plans or maybe they are struggling with weight loss or some other relationship with food.

There will be five employees anticipated at the location. We will be open from 6 a.m. to 9 p.m. Monday through Friday and Saturdays from 10 to 6. We are really excited that this is the final occupant to be occupying the space. We developed the whole plaza. I am pretty much going to open it up to questions and we can try to answer everything that you have for us.

MR. CHAIRMAN: One question you probably answered in addition to this being a consultation for pick up of a week can someone walk in and have one meal here. Come in and sit down and have a meal?

MR. COLUCCI: Yes, they would be able to come in to the cooler and they may select a lunch. There will be a microwave station that is adjacent to the coolers and then there are tables in what we are calling the floor area or showroom area the dining area. So they can sit down and have a prepared meal, yes.

MR. CHAIRMAN: There is no menu, no cooked to order, no vents or food preparation.

MR. COLUCCI: No food prep besides the blenders that are going to mix nutritional shakes.

MR. BOEHNER: Where is the food cooked?

MR. COLUCCI: Red Osier is our production partner so all the food is prepared at 398 West Ridge Road where they prepare all the food for us.

MR. BOEHNER: You are comfortable that you have enough parking on that side of the plaza?

MR. COLUCCI: Yes we are. Tim actually sought us out on that location. We have done the additional parking around that corner that will primarily service what we are hoping it to be a grab and go type tenant that Tim anticipates he will have and he doesn't envision that it will be a location where numerous people come and want to occupy the dining area during a lunch hour that is really not designed in that capacity nor is his business catered towards that. Without pedestrian amenities being made and pedestrian linkages in the main parking field and a generous sidewalk across that western façade Tim is confident that we have the parking for that.

MR. BOEHNER: You are not planning on any outside seating?

MR. COLUCCI: Not at this point I would be open to it if it was available. We do have outdoor dining or outdoor seating that we have done previously with this Board as an improved use at locations. So if we wanted to revisit that with this Board we can come back and show another location with outdoor seating. It would be common area seating there again it wouldn't be outdoor dining because no one is actually serving meals.

MR. BOEHNER: If you wanted to accommodate that –

MR. COLUCCI: We would come back to this Board.

MS. CIVILETTI: Do you have deliveries from this location?

MR. COLUCCI: Not from this location, we have currently about 75 percent of the client base is delivered right to the home and those deliveries are taken right from the Red Osier facility right to the door. So this would be either for people who are going to pick up the product or for people who want to get consulted on starting a program or picking up a single meal or stopping to get a shake.

MR. WENTWORTH: So those are heated by microwave?

MR. COLUCCI: Yes.

MR. CHAIRMAN: This is a public hearing is there anyone that cares to address this application? There being none I will move on and as I mentioned before we will listen to the two applications at the same time.

3P-05-15 Application of Metro Park Reality, LLC owner, and DiMarco Group, LLC, contract vendee, for Site Plan Modification to construct a gravel drive connection to an adjacent property to the west and Conditional Use Permit Approval to allow for equipment sales, leasing and warehousing on property located at 330 Metro Park. All as described on application and plans on file.

3P-NB2-15 Application of 1950 Brighton Henrietta Town Line Road, LP Owner, for Concept Review to expand the existing outdoor storage area, create an interconnection with a parcel to the east and to resubdivide two lots on property located at 1950 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. COLUCCI: Paul Colucci again, appearing on behalf of 1950 Brighton Henrietta Town Line Road and thank you very

much for allowing these two applications to be presented and linked together. We are here primarily for reasons that we are under purchase contract with the seller of 330 Metro Park and I did put a letter in the application with their consent to have this particular conditional use permit for the property. We also own 1950 Brighton Henrietta Town Line Road which immediately west of this property.

So when this property became available and we have seen it vacant for some time, talking with the current owner it became of interest to us because we are a growing company with several companies who work out of our corporate office. We have Dimarco Constructors, Admar Equipment, Admar Supply Company, Baldwin Real Estate, DiMarco Realty Services, J. DiMarco. Builders and pretty much have outgrown the building. It's a good problem to have but certainly one that we are looking at as to how do we solve our space issues. So 330 Metro Park is a 43,000 square foot building. It's zoned light industrial and the real interesting reason that we are looking at the building is that we are looking to relocate our Admar Supply Branch Office out of 1950 Brighton Henrietta Town Line Road into 330 Metro Park.

So we did have an informal meeting with Town Staff to talk about this as an option to know what would be some of the pitfalls if there were any in moving the branch over into that location. And in sitting down with Town staff it was brought to our attention that our current facility 1950 Brighton Henrietta Town Line Road has exceeded the conditional permit we had on that property for outdoor storage. Essentially Admar has grown to a point and we own 16.3 acres away from – we do own Brighton Henrietta Town Line Road all the way to Metro Park in the rear and in one of the exhibits that I gave you 1950 Brighton Henrietta Town Line Road our corporate office runs on that 1950 Brighton Henrietta Town Line Road and the outdoor storage that Admar uses has overgrown a lot so one of the dilemma's you have when loaded equipment shows up and it has to find a place to go the bulldozers tend to make room for itself. So that is what happened and this product delivery ebs and flows and this being brought to our attention I spoke with the owners if he wanted to clean that up. And acquiring 330 Metro Park helps that because we would otherwise take a lot of the equipment that is stored outside right now and move it inside.

So that is why we have two different applications. Really the consideration that we would like is for the approval of uses that are not permissible in light industrial so that we can satisfy the

contingency on closing and move forward with the acquisition of that property. And then come back to you with a solution on how we clean up the existing Conditional Permit for outdoor storage at 1950 Brighton Henrietta Town Line Road and how we utilize 330 Metro Park. I did give you in the application some percentages of what we envision the building would be occupied by I think I have on there 10,000 square foot of office space, 3,000 square foot of service, 1,000 square foot showroom which an Admar facility has a walk in showroom and then 29,000 square foot of storage.

So those are the uses that we envision right now. As we really program that facility we think that, that is approximately how it will shake out but we don't know exactly because we haven't truly studied that facility and looked at how we are going to program it. So what I am offering is that we would like the consideration that that use or those uses is permissible or conditioned uses by this Board so we can satisfy the contingencies and close on the property and then we know we can close on the property and come back to this Board with some final Site Plan configurations and a final plan on how we occupy the building.

MR. BOEHNER: What you are asking for Paul is a Conditional Use to allow for equipment sales leasing and ware housing. These are the components that make up that.

MR. COLUCCI: Correct.

MR. BOEHNER: We can tell in your application that you guys weren't sure what the actual mixes were going to be because you had three different scenarios. We chose the one on the floor plan which are typical of the numbers you presented. We want to say to the Board that they had enough property because the numbers he presented are different than the ones I had written here but it comes down to they do have enough parking and those mixtures aren't as important because really what it is for is to allow the equipment, sales, leasing and warehousing and based on the scenarios there is enough parking.

MR. CHAIRMAN: And you are thinking that if you do any reconfiguration of or modification to the site with regard to certain areas you are going to keep the same amount of parking.

MR. COLUCCI: Yes, and ultimately we know

what an Admar branch will need for parking and it's under what is required based on the mixes of uses. So we have nine branch locations and they are all parked based upon number of service technicians, number of drivers, a rental coordinator and the over the counter, the public is the smallest part of that. Admar is 95 percent delivery of equipment and contractor based. It does have a showroom which is more catered toward contractors who are coming in to sign up for credit apps and come in and talk about dealing on equipment whether we are taking pieces of equipment from them that they are depreciating that they are going to sell at auction or they are also Kabota dealers and they want to look at a new line for their equipment. So it is really minimum amount of over the counter or retail traffic but there is that retail showroom because we are dealers in certain products.

MR. BOEHNER: You are proposing a driveway to connect the two properties?

MR. COLUCCI: We are and I think that this is one of the main components that helps us clean up the existing storage yard because right now the existing trucks come in off of 1950 and we have two driveways in there it would be the western driveway to come in and you have to turn around in the back storage yard and that kind of dictates how they are aligning the equipment so that truck would be a lowboy can come in make a loop there. What we envision if we acquire 330 Metro Park is that that driveway would come right through and they would be able to stay back here load equipment and then drive out and they would head either east or west. All of the outdoor storage of equipment would remain on 1950 there will be no outdoor storage on 330 it will be basically for parking of employees, for customers in the front and any staging that would be coming out of storage onto a truck.

MR. BOEHNER: How about when it returns?
How does that work ?

MR. COLUCCI: Returns would likely go the same way they would just come back in -

MR. BOEHNER: And then drop off - okay. You won't have any equipment outside over night?

MR. COLUCCI: No, the only equipment will be on 1950. on 330 Metro Park we don't envision - a lot of time what drivers

do – the drivers will load equipment at 5 or 6 o'clock at night so they can get in in the morning and they are the first ones out. They need to be on site by contractors by 6 a.m. or 7 a.m. So if anything it stays on low boy ready for delivery the next day.

MR. BOEHNER: Because the issue that you get into on the Metro Park site is that storage of equipment can only be in the rear yard and you have no rear yard there. So it becomes a code issue for you.

MR. COLUCCI: Yes, we would have it gated. And there is a fence around the yard and we would fence and gate it so we would have it protected and secure the outdoor storage yard.

MR. CHAIRMAN: Help me out with this. Is there anything else you want to do with 330 Metro park?

MR. BOEHNER: That is why I was asking about outside storage just to make sure they would be good because what they need to know when they run their service office for Admar out of that site some of the issues is you can't store vehicles on that site per code and that is what Brighton Henrietta Town Line Road is in place for.

MR. COLUCCI: The only other item we would like consideration for is the display of equipment because we are dealers of smaller lines of equipment kabota's, bobcats types of equipment like that typically the branch has its small fleet of new equipment that is for sale not for rental or lease. So all of their rental equipment would be stored on 1950 the branch may want to have that small fleet of new display and it is typically displayed outside not scissor lifts not boom lifts or anything of that nature I am talking about mini excavators.

MR. BOEHNER: You would need a variance for that because code does not permit outdoor display. That was a question we were going to have.

MR. COLUCCI: That is a lesser concern to us because of the uses we are describing, getting that contingency cleared off of the purchase agreement is more of a concern to us than having to come back for a variance once we know that Admar can operate there and we

can have an equipment supply company there and we can have warehousing then we can come in and talk about outdoor display.

MR. BOEHNER: You just have to plan ahead, repair and maintenance activities.

MR. COLUCCI: All inside the building.

MR. BOEHNER: Would there be painting of equipment?

MR. COLUCCI: There is no painting.

MR. WENTWORTH: So the maintenance occurs at 1950, will you move that to Metro Park?

MR. COLUCCI: The branch will move which brings the majority of the back area of this building over to Metro Park. There still will remain a service component because Admar Corporate will still exist in 1950. So this location will still service equipment that would then go to other branches. So there is a different level mechanic here than at the other branch. So the Buffalo branch or Binghamton Branch or Watertown branches in Pittsford P.A. if they have a piece of equipment that can't be serviced there, there is different level of mechanic here that they can come here and be serviced here but all of the branch operation the service techs for that branch as a stand alone branch would move over.

MR. WENTWORTH: So logistically that is interesting you have a truck coming in off of Brighton Henrietta the service road for 1950 through the gate back to Metro Park drop the equipment to be serviced and then it has to be transferred back to the storage yard of 1950. Ramsey do we need to look at any of the service processes inside?

MR. BOEHNER: Part of it is going to be tied to the building permit review, that is why I was asking about repair, painting which could be done in the building they just have to bring that building up to code to do those kinds of things. Any changing in exterior lighting?

MR. COLUCCI: There is four light poles that go across the front that are older I think they are high pressure sodium, shoebox style. We would like to convert those over to LED. There is no

site lighting on the parking lot to the west, there are wall pacs and I don't envision we would put in any additional lighting on the north parking lot that is there.

MR. BOEHNER: Paul, because we are still working on and you are going to come back with an application for tonight for 1950 Brighton Henrietta Town Line Road –

MR. COLUCCI: Yes.

MR. BOEHNER: Do you have an issue that, that gravel drive not be constructed until you get the approvals necessary for 1950.

MR. COLUCCI: No.

MR. BOEHNER: Because I can't have you storing equipment over there until you get that cleaned up.

MR. COLUCCI: We will go through with the acquisition, close on the property and we would then come in with a exhaustive review of exactly how we are going to program it. There is probably some deficiencies on how that drive connects. I have generalized it at this point so I would like to look at that a little bit further and we wouldn't be able to go over there and operate. It is going to be 6 to 8 months before we are in that building even if we closed on it next week.

MR. BOEHNER: When do you think you will come back with an application?

MR. COLUCCI: One of the issues was the fact that we had 3 feet of snow two weeks ago so a survey was kind of a futile thing so we wanted to do some survey. We want to understand how we can move some of that fleet into this building and then we are working with the branch folks right now on how we would organize that yard to be more efficient because ultimately this subdivision that would potentially happen would be a subdivision so there would be compliance on 1950 based upon the appropriate amount of green space that is required. So we control essentially both sides and we can move this line where we need to but I don't want to move it any further because this is a pretty desirable piece of property and we don't want to diminish it's value. So to answer your question really quickly within 30 to 60 days.

MR. BOEHNER: You are not going to have any bulk storage or tall product on the site?

MR. COLUCCI: No, there is no bulk storage.

MS. CIVILETTI: Will you have a generator?

MR. COLUCCI: We don't have generator back up. We have a battery bank so that it just really supports our critical function which is IT based. If the power goes out unfortunately we stop work or they open the doors and get more light inside. Now they do have generators, hundreds of them –

MR. BOEHNER: Do you have any questions Paul or anything you can think of?

MR. COLUCCI: No, really I primarily appreciate your consideration given where we are. We have the purchase contract I know that we are going to be back before you and this step helps us get through to close on the property.

MR. CHAIRMAN: Reminder, this is a public hearing on 330 Metro Park for conditional use permit. Is there anyone in the audience that cares to address this application? There being none we will move on. Thank you.

3P-06-15 Application of John Cortese, 2400 West Henrietta Road, LLC, owner for Site Plan Modification to expand the parking lot for new car inventory storage on property located at 2400 West Henrietta Road. All as described on application and plans on file.

MR. COSTICH: Good evening Al Costich from Costich Engineering and with me is John Cortese, owner and applicant of the project. The application before you tonight is for the Cortese Dodge dealership. We are looking to put out a parking expansion in the north east corner of the site which is located at 2400 West Henrietta Road but it also has frontage on Crittenden a little farther east of the intersection. It is zoned BF 2 General Commercial Zoning District, we proposing approximately .58 acres of new parking, total area of disturbance would be about .8 acres. Fortunately you will notice the project is to the rear, its only intended for vehicles storage. It is deeded off from the rest of the

property where perspective buyers all of that would be visiting the dealerships. But essentially what has necessitated this need is John's business as grown over the years and he gets a larger allotment of cars from the franchise and as he gets more cars he also needs more space. Currently he has been using other space in the area idea being that with spring we would keep them all on the property right there. There will be less safety concerns and less cars being transported in and out of the property. Being a parking lot our primarily objective with this design is to be focused around storm water and landscaping. It maintains a bumper around Crittenden and along the adjacent property to the east. All the storm water will be surface drained to a combination of detention and bio retention area along the edges of the parking.

Our in house landscape architect has worked with Brighton's plant list. We also appeared last week at the Conservation Board meeting and the project was well received from the Board members there. We attended a pre application workshop with Town staff, at that and there expectations performed to code would be the one variance we are going to require for the project is for lot coverage BF-2 Zoning and General Commercial District required a maximum of 65 percent. The site as it is now is non conforming at 77 percent and after the improvement it will be at 87 percent. We have made application to the Zoning Board and we are on the agenda for the April 1st meeting. There was one clarification that was made after we submitted to the Planning Board you will see on your site data it has a star saying that there is variance required for parking setback and that was clarified with Town staff and there is no longer a need for that variance so. I guess at this point I would like to turn it over if there is questions for myself regarding operation I'll be happy to handle those questions.

MR. WENTWORTH: A question about drainage, you have additional impervious surface proposed along the north and east side of the lot and it is swaled with storm water. Is there any bio retention or a component to that?

MR. AMERING: Yes, let me explain, what this is, is spiking under the acre threshold we worked with Mike Guyon and we are going to meet all the requirements of the DEC despite not having to go for a formal permit. So with that comes the requirements for run off reduction volume, water quality and peak flow attenuation. The system that we have designed provides all three of those components. What it does is it collects the one year storm which has most of the

fluidness and what we are going to be doing is bringing in an engineer soil which is mostly top soil and sand. It has a filter component to it and that will filter through the one year storms during larger storms the swail itself will provide storage and there will also be a chamber underneath the swail that will provide traditional volume. Down in this corner there is a manhole that will have an out flow control structure which will provide the peak flow attenuation component slowly releasing the water from the swail site.

MR. FADER: Are those inlets or outlets?

MR. AMERING: These are all inlets up north and they are all set at the same elevation. Its more of a preventative maintenance I'll say when you have these overflow structures in the swails they tend to accumulate trimmings and stuff like that.

MR. FADER: So the main control is the one to the south.

MR. AMERING: Yes, you will see where it ties into the existing system and it all routes through the existing storm sewer system which goes through Cortese's system so that provides peak flow attenuation.

MR. FADER: So it twists and turns so in the heavy rain the water will flow inside.

MR. AMERING: Yes. There is a storm water model and it has all been routed and provided for Mike.

MR. CHAIRMAN: The light poles that you are showing they are all existing.

MR. AMERING: Yes, no lighting is being proposed as part of the project. We reviewed that component with John the owner and again being for storage he wanted minimal light which will already be provided by the existing poles. It is not going to be a public space so we are not going to light it up any more than it is today. We think by actually cleaning it up – if you have seen any aerial maps it is pretty overgrown in that corner, John has actually had security issues with people trying to gain access to the lots and we think this will clean it up nicely and improve that area.

MR. BOEHNER: The lot is fenced now.

MR. AMERING: Yes, we are proposing well there are sections of the fence missing that has come down to the security issue John has had people come and cut sections of the fence to try to gain access. So we will be removing the fence and replacing it with landscaping.

MR. BOEHNER: I am sorry, you said you would be replacing the fencing with landscaping?

MR. AMERING: Well I should say it is already overgrown so our side will be a no grow seed mix which will be cut once a year and allowed to grow.

MR. BOEHNER: So will you have a fence going down that side of the lot?

MR. AMERING: No we are not proposing one.

MR. CORTESE: I am John Cortese we do have a fence that is down here and that is mainly from us pushing the snow but the fence is all solid in here, all the way around the perimeter so as far as I am concerned that can stay.

MR. BOEHNER: I was just trying to understand what was going on

MR. CORTESE: This fence here I haven't put it back up for the last five or six years because if they really want to get in they cut it anyway. I don't typically have problems over here. When we are removing snow we have to stack it and when we push too much of it against the fence it eventually collapses and you can only buy so many fences. So this is where I have a gap in the fence but that whole area is fenced in and I propose to keep it that way.

MR. BOEHNER: That fence goes down to the road doesn't it?

MR. AMERING: It does take a 90 degree turn I think for – there is actually a sanitary sewer easement that we have

worked with Mike on to make sure we weren't impacting that. There is also a sidewalk easement.

MR. BOEHNER: You may want to reflect that on the plans because right now it is not showing any fencing.

MR. AMERING: We will check our survey.

MR. BOEHNER: Because that will affect how that looks.

MR. WENTWORTH: You have a lot of landscaping up against the fence.

MR. AMERING: Honestly if we get snow we have all the cars in the center so we push it against the fence.

MR. CORTESE: I like it neat and clean and to look a certain way and I think if you drive by you will be very satisfied. So I like to have grass there and once a month I have someone cut it but you can't run a lawn mower over it. So it probably looks nasty rather than looks good I can't afford to have a guy come and mow it but I think if we do get the variance and once it is paved my goal is to make it look as nice as possible. Any kind of maintenance here would be a mistake just from my experience.

MR. CHAIRMAN: Okay thank you, this is a public hearing is there anyone here who 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. 15, 2015 MEETING.

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 JANUARY 21, 2015 MEETING – PUBLIC HEARING REMAINS OPEN POSTPONED TO THE APRIL

3P-NB1-15 Application of the Country Club of Rochester, owner, for Preliminary Site Plan Approval to demolish and remove the existing pool areas and a 5,423 +/- sf portion of the club house and construct a 12,848 +/- sf two story building addition and new pool area on property located at 2935 East Avenue. All as described on application and plans on file.

MR. VARS: Good evening my name is Peter Vars from DME Associates an appearing tonight on behalf of the Country Club of Rochester with me also is Jim Meyers from SWBR architects who will be speaking to the architecture of the proposed expansion and there are also representatives from the Country Club of Rochester here this evening also to answer any questions you may have for them. We are here this evening to request Preliminary Site Plan Approval for a proposed reconstruction and expansion of what we are calling the north club house wing of the club house and the redevelopment of its pool area. The Country Club is located at 2935 East Avenue. The parcel under consideration is 29.04 acres and its bounded by East Avenue by the east, Elmwood Avenue to the South, and then Ambassador Drive neighborhood to the north and the west. The property is zoned Residential Low Density RLA that the private golf course use is an allowed conditional Use per section 203-2.1C of the Town Code.

The proposal is to demolish approximately 5400 square feet of the existing north wing of the building. To demolish that area is the current members activity area and replace it with a two story addition, the two story addition would have a foot print of approximately 7200 Square feet and the total square footage of the addition would be approximately 12,850 square feet. The demolition that is proposed is less than 50 percent of the total construction area therefore it does meet the definition of substantial per Section 73-54 of the code and therefore there is no Planning Board review required for the demolition portion of the project. But we do acknowledge that obviously demolition permit through the building department will be required. All of this was confirmed with the Town Planner back in January when we did have a reapplication meeting with staff.

It is the intent that the proposed addition would mimic the architect and appearance of the south wing of the clubhouse and Jim will go through that in a few moments with you. The proposed addition will conform with the building height requirement of the code. It's proposed at a height of 34 feet and the code allows a

maximum height of 40 feet for the private country club use in a residential district.

The proposed redevelopment will include minor site improvements and site modifications. As we talked about we will reconfigure the pool area that is located to the north of the club house area. We will reconfigure drop off and parking area that is to the east of the club house that will include relocated a couple of light bulbs but there are just going to be relocated. There is no lighting required or necessary its just utilizing the existing lighting that is there. The area to the north and west that is the pool area will be re-landscaped with a mixture of shrubs and planting beds and that will be coordinated with the horticulturist that works for the club.

There are no utility extensions proposed or required for this expansion, everything is going to be handled through the existing utilities that are on site and internally through the existing building. The plan will include an erosion control plan that will be prepared per the town's swift requirement. The actual extent of the development does not meet any of the thresholds of the New York State DEC or the Irondequoit Creek Water Collaborative but in working with the Town Engineer, Mike Guyon, there are a few coordination's and we will work with him as it relates to erosion control. This site does not have any storm water discharge it all goes to onsite dry wells so that is another aspect that allows us from exemption from the New York State DEC Permit requirements

There is no change to property access or no change in membership as a part of this project, thus no change to parking or the need to increase parking. All these improvements are being proposed to serve the membership. A couple of Zoning matters, the redevelopment of the pool will conform to section 207-11 of the code. It does include the expansion of the existing pool house that is located here to the north of the proposed wing on the pool area that pool building contains all of the mechanicals for the pool. It is currently just about 300 square feet and with the reconfiguration and what not there is the need to expand that building about 175 square feet so it would be just under 500 square feet in total area when its completed. Also as part of the planned pool we adopted there are shaded structures proposed on the east side and along the north side the best way I can explain them there are kind of like pergolas (phonetic) they are 8 feet by 8 feet in size. The reason I point out both the pool building expansion and the shade structures is by definition they meet the definition of structures and they are within the 150 foot

setback that is established for private golf clubs in the RLA Zone. The code requires a 150 foot setback to the lot line. These shade structures will be about 90 feet from this corner here so on April 14 we will be submitting an application to the Zoning Board of Appeals to appear at their May hearing to request a variance to allow the setbacks of the shade structure and the pool building. So we are looking at setback relief in that area any wheres from to allow setback from 90 feet to 149 feet.

In addition the applicant will be making an application to the ARB and they will be looking to make that application in April to appear at the ARB at the end of April. We also intend on intending the Conservation Board meeting in the month of April also. We have prepared a short form EAF for this unlisted action pursuant to the SEQR regulation. We are here this evening to request comments from the Board and we will address staff comments once we receive them and at this time I am going to allow Jim Meyers from SWVR to go over the proposed architecture.

MR. MEYERS: We are the local architects for the project. The architects couldn't make it tonight because they had conflicts so they asked me to review a couple key components of the project. So much of this project is designed primarily to match the existing facility to the greatest extent possible. They are not really interested in breaking architectural ground here. So this project is going to match as many features as possible. For example the roof lines aren't going any higher they are going to be lower, the gables etc, all of that is going to harmonize with the existing facility. So there are going to be a number of gable dormers and they are going to match all of the existing protrusions from the building. All of the trim items surrounding the area are going to match to the greatest extent possible and when I say match I mean the exact profile of the wood trim. The copper gutters will not be existing. They want to match everything. The window trims everything to the greatest extent possible. So my job is really quite easy The whole concept is to match the existing building. So siding the asphalt roof shingles everything is there to make it look like it belongs to the existing structure.

One of the features I would like to present was that the original building that was demolished had an angular it wasn't quite aligned. This one will angle back a little bit matching the end one and creating more of an enclosed out clove if you will and it is a little more symmetrical and I think that the new design is going to be more

complimentary and look like it belongs better with the club house. It is really an enhancement to the membership in terms of its function. Peter talked about how you get to the building from the pool itself.

MR. CHAIRMAN: Thank you. One thing that does jump on is on your demolition plan you are proposing to take out 46 trees or 45 trees I am not sure I see many trees going back in.

MR. VARS: Part of that is obviously the club is very sensitive to the landscaping on the property. The trees that are being removed are in this area in here and at this area but the club is comfortable with what they will end up with at the end with the proposed landscaping. Our landscape architect that is going to work with them, they have horticulturists that are on staff that is going to create the environment that they desire. The important thing is there is nothing being done as it relates to the perimeter landscaping or anything so the fact of the matter is as it relates to the outside public view there would be noticeable difference because all of the work you see being done on the exterior property if you look at the general overlay it is in this area here. So all of the landscaping around the perimeter is staying in tact there is no need to go into those areas.

MR. CHAIRMAN: I understand and we just had an application by the Sister's of Mercy with a similar situation by putting the tennis court on and I don't know if I can hold you to a different standard.

MR. VARS: We will relay that to the club to designate what areas are suitable in the landscaping and we will be sure to show that on the re- submittal.

MR. BOEHNER: I want to ask about lighting, exterior lights you talked about the parking lot lights but we didn't see anything about exterior lights around the pool and the building. We need some details I saw a reference saying that will be handled on the architectural's.

MR. VARS: When we submit the final site plan application that is when we will have the pool design lighting complete because there will be pedestrian style type lighting in the pool area. They do want lighting in that area and that will be provided with the final site plan application.

MR. BOEHNER: Have you guys met with the Fire Marshal.

MR. VARS: Yes, they did.

MR. BOEHNER; He was okay with the access and hydrant locations?

MR. VARS: Yes. The hydrant locations they were satisfied with. With regard to access the only caveat is this area here is a vast improvement over what is there today but it is constrained as to the radius. He had just asked that this walkway have a mountable curb that would just give them that much more room to work with that actually can accommodate most of their vehicles so we have agrees to do that.

MR. BOEHNER: The addition is going to be sprinklered?

MR. VARS: Yes.

MR. BOEHNER: Generators, HVAC where are they located?

MR. VARS: I don't believe there are any generators proposed. HVAC system most of it is all hidden. I know there is a hidden wall proposed right here for a the kitchen unit and they are trying to hide as much as they can so nothing is on the roof.

MR. BOEHNER: You guys need to make your other applications.

MR. VARS: Yes, as I mentioned our other applications will be made in the month of April.

MR. BOEHNER: So you are anticipating trying to have your final approvals in May.

MR. VARS: I think we are on target for that. As we identified on our application they are anticipating or hoping for a fall construction obviously they have no desire to be demolishing during the warmer months.

MR. BOEHNER: Maybe we can talk schedules, just to make sure.

MR. VARS: Yes.

MR. OSOWSKI: I notice there is a 3 and a half foot elevation difference between the entry level and the main level are you okay with ADA access into the new buildings .

MR. MEYERS: Right now we think we are going to be okay with everything. We do have an elevator planned right at the entry.

MR. OSOWSKI: I would ask you to reverify the Short Environmental Assessment forms page 2 item 14 and 17 I just want you to check there might be some discrepancies.

MR. MEYER: Okay.

MR. VARS: I can answer those now if you would like.

MR. OSOWSKI: On item 14 it is checked off as receptacle habitat as urban is it suburban rather than urban?

MR. VARS: I would say it is by definition through the work book that SEQR provides now with the new forms.

MR. OSOWSKI: Item 17 it is check off proposed action creates storm water discharge and you checked off no.

MR. VARS: Correct there is no discharge from this site it goes to an on site drywell system.

MR. OSOWSKI: Any hard surface does produce discharge.

MR. VARS: The workbook that supports the EAF that talks about discharge it is discharge off site.

MR. OSOWSKI: The next question is will storm water discharge flow to the adjacent property? That is no?

MR. VARS: Correct. These are working as gate keeper type questions.

MR. CHAIRMAN: Other questions?

MR. WENTWORTH: In New York there is a new accessibility for accessibility needs to be included on your parking spot.

MR. BOEHNER: You need to activate that?

MR. VARS: Yes, thank you. We will activate that.

MR. CHAIRMAN: Any other questions. Is there anyone who cares to address this application? Thank you very much. The public hearings are closed.

FIVE MINUTE BREAK

3P-NB3-14 Application of Mardanth Enerprises, Inc., owner, for an Advisory Report in regards to an Incentive Zoning request to demo three commercial buildings and construct four new commercial buildings totaling 90,000 +/- and Resubdivision Approval on properties located at 2740 Monroe Avenue, 2750 Monroe Avenue, 2900 Monroe Avenue and 175 Allens Creek Road. All as described on application and plans on file.

MR. DANIELE: Good evening Dan Danielle, we are here with legal counsel, Jerry Goldman, Steve Ferranti with the traffic studies and Costich regarding engineering. I want to thank you for allowing us to come in this evening and interestingly enough we have been before the Planning Board two times before and you have given us a lot of direction that has brought us to where we are now today. We are dealing with Clover Lanes a bowling alley, Mario's Restaurant and MAMASans property. You probably remember this photo, this is earlier on when we were putting in a hotel and some retail and we had some conversations with the Town and Planning Board and it didn't seem to be

working very well. This is the plan where we tried to keep Clover Lanes exactly as it was. I had an architect draw this for us and see what we could do and reuse the building although after having our engineer look at it and it didn't seem very apt for long term. It was built in 1957.

This is what we brought in last time at our last presentation after the first meeting and we showed two buildings in the back and two front parcels and what brought us to here and moving forward was some of the comments that were made from the Planning Board based on the desire to move some of the building closer to Monroe Avenue rather than having a large parking lot in front and I believe David actually mentioned it would be really nice if you guys could work something out and connect all these properties because it looks like you are trying to jam this piece in. There are a lot more possibilities with the use of additional land. My first response was we are dealing with the financial banks and we can't just combine all those properties.

After the direction we got from the second Planning Board we went back and looked even closer at the Monroe Avenue charet (phonetic) and it was probably six years ago and what we did notice right away was this traffic light and by combining the properties we were able to come up with such a large change to have the DOT approve such a large investment and change to Monroe Avenue to help with the safety and flow. Another item that we realized was the request of the charet to combine these properties at the south end of Monroe Avenue so that they all have access to this light and reduce some of the curb cuts through time as the properties get redeveloped and become overdeveloped. You will also notice in the back there is a road connecting Clover Lane which has been discussed and Allen's Creek to the west we incorporated that as well and hopefully we will see a road making maintenance get a little better.

I took these pictures about a month ago as we were talking about and public comment that I heard that some of the neighbors are not big on having the use of this entrance on either side Allen's Creek or Clover and we realize that we have been seeing it throughout the years all these busses that are here on Clover Lane they all enter and exit for the most part along with Salvatores and they are used. This is a picture of that exit coming from behind the animal hospital and this is another picture here that shows different views. Right now this is a shared access with RG&E and they have the legal rights to maintain the utilities and this is also shared with Brighton 10 foot the off road trail and the pedestrian easement that runs through the back of all the properties and the old

railroad bed. So right now they are all going through here and it is a bit of concern. There are some more pictures and the conditions are not the best and they are not being maintained properly and this is another direction in the back for the animal hospital. The ideas that we have in this project is to make it look a little bit more like they have on the other side of Clover where through development they have been able to separate them the road, parking and the pathway to maintain safety and aesthetics. This picture is showing where it is right next to the road. The aluminum fence and there is grass in between and our property sits at a distance and has significant grade change in certain areas and this is what that trail would look like and we have something very similar to this in areas where we have the grade change.

Going back to the aerial photo, what we did was superimposed so you can see what this looks like right over the existing plan. So you see those three buildings, you see the access road in back to give you an idea of what that property will look like. And I am going to show you one more slide because right now this is not going into the south end and what we are going to do is reduce those southern curb cuts and add easements and keep your eye on the lower the south side you will see that we plan on putting access back so all these properties have access to the traffic light. That doesn't mean we will be getting rid of the curb cuts now but as time goes by and they go for development we would assume that the Town would have the ability to reduce some of those curb cuts because they would have an access to a traffic light. So this is also a request that some of the other Boards have made as part of making this project a success.

As you all know there have we have gone through quite a few variations of this project starting from just using the Clover Lanes spot to encompassing all three properties and all these variations. One thing that you will see here is Whole Foods and that tenant that was interested helped us to dictate because before then we did not have a definitive tenant that really necessitated design in any particular fashion. This is a plan that we kind of gave up on and said you know the parking is not working, with the easements and variances so lets go back to one property. This is putting Whole Foods in the back leaving Mario's as it is and MAMA Sans as it is and the tenant did not want to have this weird entrance here so we swapped to the other side but the problem we now have is Mario's is now behind this building and it may have an effect on the business that we have let's go back and see what happens with the resulting properties as we kept going back and that led us to the current

the business that we have let's go back and see what happens with the resulting properties as we kept going back and that led us to the current plan similar to what you are seeing now.

Where we have one large tenant here, we have parking that they require it has turning and circling back for the trucks which keeps the traffic open in the rear. One of the problems was all the traffic was being followed straight back to the tenant and the majority of the traffic was ending up at this building so what we ended up doing was changing it so that the entrance goes to the west actually it flows mostly right here and there is also traffic outlets to the main tenant. One thing we are going to do here is focus to the back corner this is the north east corner.

This here is the animal hospital the other thing is that the other thing required by this project is having those go to the left have a secondary option and then make a right and going to Clover on to Monroe and continuing on. One of the concerns the animal hospital had was traffic going through their lot and they have to have traffic go back and forth and they already have issues now. Our engineers came up with was we created their lot so that they have a private separate lot and moved the entrance slightly to the west Shorn Drive is here so it is still offset. There was a comment at one point saying wouldn't be a really good idea if we put this access point even with Shore Drive. We discussed it with our traffic engineer and unless there is going to be street light right there which we don't believe there is going to be that it is better to actually have those access offset and the left hand turns won't be affected by the left hand turns coming from the other side. As opposed to this being on the west side of that road this works out the best. Probably the primary design would be on the left and we would prefer not to have to do all the extra work or purchase additional property.

This is the big concern right now and just to give you an idea of some of the visuals that we have given our architects of what the center would look like a very high end called the life style center in a beautiful part of Brighton. These are some of the stores we have talked to that have contacted us and we are going to work on in particular the Whole Food Market. This a primarily a rendition of the elevation of the Whole Food Market building perspective and the retail center elevations.

MR. DANIELI: Anthony Danieli And obviously the purpose of showing some of these is to get that two dimensional view of the plan. It looks like a bunch of big boxes. On the top left and most notably that gives you an aerial view and one of the main comments from this Board was the desire to kind of break things up take a look at how they did that across from Pittsford Plaza and you don't want to end up with these long retail center in the back and certainly bringing it up towards the front and as you can see from the renderings making sure it is not some big monolithic or big box and that certainly is not Whole Food's style and this is a good representation but not the final design just kind of a direction that they are going in.

MR. CHAIRMAN: What about the incentive zoning?

MR. GIANELI: Anthony Gianeli, you got a big package I believe that explains some of the incentive zoning. One of the primary incentives is green space, density and our zoning district out to the north, possible relocation of the pedestrian access trail, drive through use and conditional signage these are some of the proposed amenities and enhanced pedestrian access in the rear, dedicate a preserve on Clover Street for cross access shared parking and a bunch of curb cuts including the south side. Aside from this taxes I believe will double, taxes right now for all three properties is 190, 650 the future taxes will be 438 so it is about 248,000 dollars extra taxes per year. That concludes my presentation and I will turn it over to Costich.engineering.

I think as you look at this plan one of the primary feedbacks with this Board at that time and for that matter looking at the Monroe Avenue Corridor and trying to really look at this project in its magnitude and the very busy part of town making sure that we look at this thing from not just our parcel but the whole stretch from the expressway all the way to Clover Street, and hence some of the requests from the Supervisor and Board members and given the other departments and talking about some of these things across the street.

Quite frankly we don't own those properties across the street and we are negotiating with the New York State Department of Transportation to buy some of the excess land off of 590 and facilitate that cross access easement we have gotten signed preliminary letters of intent from a couple of landowners across the street who are willing to participate in that cross access, shared parking and by us being able to purchase a little land from

DOT we can do it without compromising the parking field and again Danny touched on the Animal Hospital and we are touching on across the street. We have had conversations with Ramsey and fully understand that we are talking about land that we don't own and tentatively aren't part of this application and Ramsey you can correct me if I am wrong there is a lot more to it. When we start encompassing plans on other people's properties and other properties across the street, so at this point we are trying to look at comprehensively and take an active roll in making those things happen. How we go about it with the permitting process and the application process that is kind of the next step to figure out whose on board if its appropriate with that Mike.

MR. CONTALTO: Good Evening Mike Contalto with Costich Engineering. I will give you a quick summary of the two plans that we have prepared. There is an incentive zoning site plan that was submitted and then there is a non incentive Site Plan that was submitted. My first focus will be on the incentive Site Plan that was submitted and I guess some of the elements that were takeaway's from previous Planning Board meetings and comments that were made and how the current incentive plan we believe addresses some of the concerns. Those being the roadway presence there's three things that I can do either behind you or over here. Here is where it starts right here the Whole Foods building is set directly to the front of the property. The architecture is being proposed so it has a true street presence and is a prominent feature of the site. We have a few out parcels that are purposely pulled to the Monroe Avenue corridor to help bring the presence and then we have the remaining retail buildings of 35,000 square feet in the back so bringing Whole Foods directly up to the front instead of having the main parking field in front of it, the two out parcels pulled to the front are purposeful approaches to try to bring some of the project to the Monroe Avenue Corridor for a road way presence. We believe it brings a little bit more creativity than some of the other layouts that we have seen.

I believe one of the comments that was taken away from some of the meetings is that some of the previous layouts potentially lack a little creativity in terms of the way this can be done. What is important to note in the plan is that the signalized access point for the project is primarily being dictated by DOT . So a lot of our layout efforts have been controlled by Whole Foods and in order to get their commitment to come to the site how their standards are from the

development standpoint and how a sense of arrival was felt. So there is a fair amount of back and forth in the layout that really took place behind the scenes at Whole Foods to establish what a parking field was and they were comfortable with associated with that portion of the project.

We have also lanes on a couple of places on Monroe Avenue penetrating into the site for pedestrian and we also have a raised pedestrian island and additional lanes back to the trail. So we have a high level of pedestrian access through the site and adjoining area as well as looking at how the access points to the site work and we will have further discussions on that layout. Some of the layout has been affected by discussion with the DOT about how access on Monroe Avenue should work and if there needed to be a secondary point. They will be able to turn left into the site headed eastbound so they would not be delayed at the light. With all three properties being re-developed as Danny pointed out we have incorporated cross access to the animal hospital and we will be tweaking that a little bit to make sure that the cross lot access doesn't adversely affect them. There is secondary access leading towards Whole Food and Allens Creek. This plan brings with it approximately 90,000 square feet of space with the parking code requirement is for 450 spaces. Current plan is showing roughly 469 spaces. It is a conceptual plan at this point and as we continue to go through the remaining processes that there will be tweaks to the Site Plan but we believe it is a sound layout plan and we do believe that there will be changes to islands and such and potential parking layout as we work through the requirements of tenants and as we nail down potentially more tenants for the general retail space.

Currently the Mario property is well landscaped and there is a decent amount from MAMA SANS and Clover Lanes has none so one of the things we have done here is to try to make sure that there is a continuation of landscaping. Due to the size of the land here and the size of the parking lot that should the infiltration numbers be less than what we are anticipating that there is ample room for subservice detention pond and that is currently the plan. We did meet with the Conservation Board last week and they agreed there are elements that need to be worked through as the project moves forward. I don't see any road blocks right now. There is ample water supply Mario's is served by private access as you can see here there is a sewer there. Whole Foods has sewer connections at the end of the site. It is anticipated the water demands for redevelopment and utility will actuality less because currently you have 3 restaurants, MAMA Sans, Food preparation in the Bowling Alley and Mario's so we

don't feel there are any utility issues associated with the incentive plan as proposed.

We also did develop a non incentive plan which approximately represents 79,460 square feet of building space that would be developable on the site with no incentives. With 352 parking spaces required and that is exactly how many are there. Obviously the conventional plan doesn't speak as well for the objectives for roadside presence for pedestrian amenities and such. At this point I will conclude my review of just the general site plans that have been submitted relative to the incentive application and conventional plan and we will let Steve Feranti discuss traffic.

MR. CHAIRMAN: Before you start this Board is charged with an advisory report to go back to the Town and as you start to speak to traffic please bear in mind our objective here is to be very objective and to think of the safety and accessibility for all residents in the Town. We are not trying to ignore certain desires of certain residences but we do need to know how to handle traffic, sidewalks, pedestrian access and the access management on the opposite side of the street, trying to clean up both sides of the street. These are things we do want to look at. We do ask that the traffic will have our own expert to review this being aware of not just trip generation from 50,000 square foot and 34,000 square foot but it caters to ITE standards and is based on the network that we know.

We believe this will be an estimation because of it's uniqueness to the area and you are going to be getting trips generated in places where if it were another use it wouldn't necessarily be counted. So I know you are trying to project a minimized access point on Clover in response to something but I want to make sure that the best access management if there is separate truck access from one location, if its different access points from Clover and from Monroe I want to make sure that we are not sacrificing or compromising the safety that is what goes into our advisory report and the adequacy of this site plan to accomplish that on the incentive zoning. So as you speak to the traffic keep that in mind.

MR. FERANTI: Good evening, Steve Feranti with SRF Associates. We have been with this project for over six

months late fall last year. I don't want to inundate you with traffic not at this hour so do you want a five minute version or 10 minute version?

MR. CHAIRMAN: Let's speak to knowing the fact that you have an operation –

MR. FERANTI: That's good I get it. That is about what I suggested to our client. We will keep it high level and you can dig as much as you would like to time permitting. So we have been involved with this as I said all of last year every step of the way we have worked collaborately with NYS DOT, every step of the way. This is one unique project where we don't normally work one item after another and get review and approval until we move on to the next. We have done that. What does that mean? Here's what it means, and we are going to keep it on a higher level. This was not an easy project to tackle at first because of the construction going on. We had to go out and get data collection and how do you do that with construction. You don't.

We used NYS Department of Transportation peak hour volumes, the dining hour volumes initially for all of our initial analysis. They use projections a lot of those projections were based on information that came from our office over the years. We have done a lot of work on this corridor as you know and so that was the first pass to go through and arrive and all agree on the volume of traffic used. We had to do that the second round as well and we are in the process – we have that approved already as far as base volumes, post construction. We sent crews out to actually do a count on the major intersections, Allen's Creek, Westfall the ramps of Clover Street to see if those projections were on or off. We have actually counts now.

We adjusted that data for seasonality, extremely important that is 9 percent seasonality not that you have to get the plate numbers because traffic is low in January versus March or other times of year. Standard procedures the State uses they give us the factors for adjusting that, the bottom line is base line volumes are agreed upon today for morning peak study, afternoon commuter peak, people coming back from work, as well as Saturday shopping. We had to do the shopping peak we had it dead on what we didn't do at the initial time because of the supermarket, Whole Foods use, Saturday is a big generator. So base volumes are agreed upon.

Then we get into traffic generation, trip generation, and anybody can spend as much time as they want, on the internet you can find a lot of material on trip generation for Whole Foods, that's what we were concentrating on. They have trip generations for Starbucks, for banks, for specialty retail, and retail so we those quite nailed. It's the Whole Foods we wanted to make sure we were solid on. We know what Tops generates, we know what Wegman's generates, we know a lot of these places generate, but what does this place generate, what does our gut tell us. You're determined to make judgment and we put a lot of stock in them because we have pretty good sense of what these places generate. We have worked on so many these past years.

We did our research and what we found you guys can do the same thing, we found some studies that there was documentation of post studies that said the estimates in the original traffic reports were low so they should have been higher and then we found and I contacted the Director of Planning in Dearing, Connecticut, they gave an additional permit to go out and do a post study of a Whole Foods of this comparable size that was constructed and up in operation in Dearing, Connecticut. That study showed that the volume afterward were lower than what was projected. So we were getting mixed messages but the bottom line of all of our research is that the majority of traffic reports and agencies that accept them, the traffic reports, used ITE supermarket trip counts.

We looked at that and we didn't take that as gospel truth. We wanted to know is that reasonable. We compared that rate from what we know at Wegmans. We worked on those but this is not a Wegmans, Wegman's is going to have a higher rate, it's not a Top's, Top's has a lower rate but somewhere in between. At that level we said we said we have done diligence on that and we are comfortable with that. We sent that to DOT and they approved that.

MR. BOEHNER: Would you compare the trip generation from Connecticut to some of the other sites?

MR. FERANTI: Yes, they were similar in different places. Most places started out as an ITE, that was a post study that would determine if it was lower or higher, what comes into play and what makes it so complex are all the variables that affect trip generations. Not one of the sites had the traffic volume of this road, 40,000 vehicles a

day other sites had demographics that were off the chart, socio economic demographics, income demographics that were different than what we have in our market here. We looked at that. We were trying to find the closest comparable site out there on the internet that is up and operating and we did a post study that we could then use for here. So there was too many variables California had a walking customer base, large biker customer base and we don't have that here. We hope to get there but we don't have that yet.

So that is why we defaulted back to ITE because there was so many variables out there that affected trip generation. As part of next step, so there is adjustment to that too. For example one of the key elements that Whole Foods or anybody in the retail business is planning on targeting what everybody knows here you have a major attraction and its none of the retail, it's the wraps for 590 in the morning as everybody knows traffic on Clover has escalated significantly. You get the high traffic volume on Clover, Monroe east/west bound in the morning going to the 590 ramp. The Whole Foods Retail wants to take advantage of that both coming and going, both in the morning and at night and when you look at that this block captures that high volume because after that Clover Street peels off the competing intervening opportunities down a block at Pittsford Plaza and they do not have the luxury of that Clover Street traffic unless they decide to go there on a trip. Anything here has natural exposure.

So that's why we stuck with what we thought were higher rates. It has specialty and novelty effect initially it will high more coming into the area and it won't be full from such a large geographic base. But that is our thing and we gave a lot of thought to it. Trip distribution aligns largely with – you have such tremendous draws with 590 ramps. Here's a figure that we looked at today which is important to the residents and everyone who lives on Allen's Creek, that School house, Shorn, Pick wick any of the areas to that side. Here is an interesting figure and a good one for the residents because we know the sensitivities not unusual in a lot of projects.

85 to 90 percent of the traffic generated by this whole entity this whole site development is contained within – from that back access road, from this point on all the ramps from Allen's Creek and Westfall down this way and then Clover this way and then if this point is indeed going in because it is good access management the predominance of traffic is in that envelope that I just defined. 10 to 15

percent of the total shares of both of those roads is split over both of those roads. So it is down on that order of magnitude. If you have a point of access there obviously the more people that know it that patronize Whole Foods or anything here what do you do? Traffic takes the path of least residence. Traffic 101 are the left turns are going to wait here, DOT is only allowing so much green time to get out.

So these patrons if they are repeat patrons will find out it is real easy to come this way and the predominant movements are Clover and this way eastbound to Monroe and the weekday afternoon, Friday after you get your paycheck going home. Those are the movements. It's not this way. It's not that way. It's to the ramps. So that is a very important number. Then those percentages you can qualify. So DOT has agreed with that and they did make a comment most recently they thought the numbers we used and we had about 25 percent of the traffic going here eventually they thought that maybe a little bit too high. That's yet to be seen I don't know.

Traffic engineering is not an exact science. There is a lot of grey I don't have all the answers but we give it our best shot and we just know coming out here and making a right and if you know this intersection at all this leg of the intersection is the most underutilized approach in that intersection all the others are just about fully loaded as you can see when you drive out there it repeats. If this is where we would want to introduce traffic this is where we would want it. We are far enough back from the intersection and that comes out in all of our analysis the cuing and effects and this is a Monroe County road and they will scrutinize this over thoroughly. You have the double lefts here so we've got – it's a very good arrangement to allow another point of access and a choice for motorists to exit the site. That is trip distribution let's keep going. We are almost there.

Putting it all together, we have to analyze then we have base conditions, we have site generated traffic and it is distributed and then we have to analyze – we have full development lines – we have to analyze all the intersections. The intersections are from Westfall and Allen's Creek into the redundant on ramp if you will I want to call it that, just to the other side of that intersection we have included this intersection and Allen's Creek. We have included this intersection and all this in our study analysis. We used procedures used by New York State and accepted by New York State. We simulate the traffic so we actually at another time period could show you if you have an open house

dynamic simulation, the cuing that occurs the back up that occurs on Monroe Avenue. It's all there. It's very transparent and we share our files with DOT or with any consultants that the Town brings out. What we know to get to some of the results here this signal is essential. NYS DOT took a real good, hard look at that I didn't know if this project was going to justify a signal. You need to meet warrants as somebody said it earlier. It is very important don't just put it down. It does increase delays and stops on the corridor. That is DOT's responsibility and our responsibility is to make sure that that increase is not undue delay and congestion and that it is manageable and what comes into play Phil you did a unique intro there that I had not heard because what is happening with this plan, where it's going it's evolving into your vision plan more quickly than I have seen any project in 30 years evolve in the direction that the community or someone prescribed.

And I will give you an example we worked on good old 250 and 441 and made an access management plan and we got a lot of notoriety on that one. That project is in Penfield and it has access roads consolidated drives, mediums, this is a little mini one of it. That is still evolving. That is 20 years old. This, at the rate it's going look at the unified parking and circulation and you tell me what percent of that side of the street that is significant. It's going in the right direction by those standards. So that's a really good thing. I do know property that is on the south side. I don't know why wouldn't you want to have the ability of a guaranteed out at a light for left turns. It will make these properties almost sustainable.

Let's touch on access management a little bit. The plan that the Town put together with all these backage roads, is right on target. It is not funnel roads we don't want those but backage roads. This backage road unified access across properties and unified parking if you can get more units by parking anywhere is a good thing. Multiple points in ingress and egress why would we want to load up one point of all the traffic in and out from development on this side of the road as well as this side of the road. You don't. Good planning is using access management as a tool, but make sure that if you can do it, because often times when you go to the side streets the neighbors come out in droves. And they prevent you from getting in but to have multiple points of access - again to provide relief so we don't need as much green time at its signal to get traffic in and out of the side streets and instead to keep - and this is where DOT is holding us pretty tightly to give you an over magnitude. This signal works at a very long cycle length 149 seconds for it to go fully

around and service everybody. This will be about 120 or 110 similar to the ramps it may coincide with this. They will give us 20 seconds for the sidewalk that means 100 seconds of time is going to be given it's called band width of green time for Monroe Avenue.

So that is how this is allowed to operate quite frankly otherwise if it wasn't giving some magnitude like that we would have backup for more congestion than we want. The State in one of their first review letters said these are out priorities from day one. We know we can't have traffic back up on the ramps. We know that Monroe Avenue has some flow as it is. We know that Clover Street intersection is critical. It is a key to this whole area and how that operates how it really benefits, it has to continue to operate while reasonably well but because it has a split phase meaning northbound Clover Street goes whole the other one is stopped and then the other direction goes while everybody else is stopped. So what that does is create tremendous gaps and this is how Mario's has survived all these years giving left hand traffic in and for the lefts getting in on this side is a savior but this side of the street needs help and that's where this comes in.

So this is going in that direction and I am not getting into the levels of service but we have to maintain the flow. New York State will not allow us to create grid lock. We have too many safety concerns. Let's touch on safety a second. There is so much I could talk about here that you have imbedded in this plan. Your vision plan that this is going in the direction of it's fascinating and I can keep talking about it. Safe ingress and egress especially for left turns, left turns are difficult right now and I'm going to cut out right now.

MR. GOLDMAN: Jerry Goldman, attorney of record. There is a lot of content here and what I want to do is focus for a minute or two on what it is we are doing and where we are in the process. As everyone knows the incentive zoning process is a multi step process. The Planning Board has a very important role at this early stage and also as it goes forward at the end of the site plan stage. And I think what we are trying to drive home is that this particular development has already had a lot of thought in incorporating the Monroe Avenue Corridor plan and everything else. The charge under the code is the Board to evaluate the adequacy with which the amenities and incentives fit the site and how it relates to adjacent uses and structures and also taking a look at planning design and layout consideration. That is what the code says we are supposed to be taking a look at. And I think to boot strap on a lot of

the comments that have been made one thing which is very important and one thing that is very important traffic is big with regard to this. And I think Phil's comments and the Chairman's comments at a very early stage were very important as well in that this plan while we think we are creating a benefit to Monroe Avenue with a traffic signal. We are also incorporating the ability of defusing that traffic and being able to utilize both Clover Street and Allen's Creek as outlet points as well on this site and therefore hoping to familiarize the overall traffic situation.

One thing that we ought to keep in mind relative to all of this is that we are not starting from a vacant piece of property. We are talking about a property now that has a lot of generations and a lot of forth generation. Danny showed the school buses. There is a lot of traffic that comes in and out right now at Clover Lanes and sometimes at peak hours and sometimes at off hours. Mario's obviously at their peak has a lot of cars as well. MAMA SANS also generates a lot of traffic but what we are trying to do is to ameliorate the flow on the north side by limiting curb cuts. We show the intersection which is signalized and there is also an intersection which is further west if you will on Monroe Avenue and which allows for people to actually make left turns in during the traffic light gap when there is a red light over there.

In addition we are looking at the Clover Street situation trying to work out with our neighbors and trying to do something which will help with traffic flow generally, as Steve points out, the leg between our curb cut and going toward the Monroe Avenue intersection is one of the least utilized and that helps to diffuse traffic as well. We encourage the Board as they make their report to actually speak to the multiple access points. What we are doing as far as pedestrian traffic obviously is to enhance the trail system. Multi mobile or on bus line is the call of Route 7 on Clinton Avenue North and on Monroe Avenue but we are directly on a bus line. So to that extent we also have the benefit of Public transportation which benefits the site as well. These area all elements that I think really work very much into the report which goes into the advisory report back to the Town Board.

Let me speak very briefly, I'm talking a little bit quicker because of the hour. The incentive zoning we are talking about in the whole scheme of things are relatively minimal. Just part of the package you received you received a chart, a colored chart by the

Costich Engineer Firm which talks about the bulk incentives we are talking about check marks and you say we aren't really talking about a whole lot in the bulk requirements. There is a slight use incentive that we are talking about in order to message the parking area in the back. The RAL zoning does come in the back of Daniele's are requiring a part of the church property that comes out to Clover and we are proposing to keep that as open space but it also provides the ability to enhance the trail system and provides good parking through out. Drive through – of course the drive through regulations are pretty stringent in the Town under normal code and of course we are going to try to address those as best we can.

Signage again we want to try to keep it all here with the Planning Board and in the bulk requirements. So in terms of the incentives that we are seeking they are not monstrous incentives relative to the site. There is a slight density incentive that we are talking about. When we came to the Planning Board the first time it was encouraged that we take a look at whether that would be appropriate on the overall site because it is a firmly developed site right now.

There is a bulk incentive that we are looking for relative to green space. Green space now is virtually non existent in the commercial portion of the site. We are actually talking about adding green space but we can't quite get to that 65 percent threshold we will get under code if we were talking about a brand new site. In terms of the amenities that we are talking about offering, the amenities are multiple. The traffic light is a dual purpose situation. It is not only a benefit to our project to one which someone may say is necessary for the site although it has operated without a traffic light for a long time. But the entire access management program which does include trying to deal with cross access on the south side trying to minimize curb cuts on the north side, putting the traffic light there to help break up the traffic if you will, and try to keep flow going in a controlled fashion while dealing with the vibrancy of both the north side and south side of the street.

That's a combination of mitigation and an amenity, trail improvements are clearly an amenity which is being proposed with regard to the site. We think that the outlet is included in the letter which I think you received which is our letter to the Town Board on the incentive zoning. But that pretty much runs through it and I am not going to repeat everything that is in this letter but basically we tried to lay

it out in a fashion to explain how we balance the incentives and amenities on the site and how it impacts adjacent properties. To our mind we are doing a good job of trying to buffer the Clover Street neighborhood by the acquisition of the church property keeping it as forever wild. And those are things that we are doing on this particular site. So we look forward to seeing your advisory report and at this point I am going to stop and be able to direct our group to answer any questions that you may have to aid you in performing that.

MR. CHAIRMAN: This is an advisory report that we need to address to the Town Board. Those may be different than a concept review where we go around and try to assess the major issues as we look and examine alternatives to a site plan and a mix of use. What I would like to do is let each of the Board members ask the questions that they feel are critical to make this determination on the adequacy of the Site Plan and to point out anything they would like to see addressed. Thoughts that they have relative to what they would like to see. Let's start with Mr. Wentworth.

MR. WENTWORTH: Okay in your letter number 4 – A, under proposed executive use, you state that proposed incentive is to permit commercial use slightly into the RAL district? Could you explain that briefly?

MR. GOLDMAN: Michael I don't know if you have ample calculation, right now we are about to approach 30 feet beyond the line. I do think the actual parking district maybe another 50 beyond that maybe a little bit more about 70 feet beyond what we will be allowed under code to approach the RAL district. It will be pretty much the edge of the parking

MR. WENTWORTH: So the turn around is an extra what?

MR. GOLDMAN: The turn around is an extra 10 feet at best.

MR. WENTWORTH: Another question, page 10, the fence you are requesting that the requirement for the solid fence be waved you state the fence would cover public view, accessibility and be a disability to the trail. Could you explain that a little bit more?

MR. GOLDMAN: Dan do you want to address that?

MR. DANIELE: You will see areas where they don't have a fence and there are other areas that they do have fence. So I think the reason we did that is once we start developing there may be areas that requires a fence and there might be areas where you may not find it visually appealing to have a fence there. As a developer obviously when we get to that point we will probably have some fence but we won't have all fence there.

MR. GOLDMAN: For example some of the areas which have pretty decent developed green space we feel may be sufficient.

MR. WENTWORTH: So the two properties are attempts to create massing and retail services to the street edge.

MR. DANIELE So the intent is to make sure there are structures in the back. Obviously there is advantages to development of out parcels. If you are going to do a drive-thru for Starbucks for example that is fine but if you are driving down the road you will not have to deal with parking but in the front you will see sidewalk, trees and some parking but trying to break some of those structures up as far as square footage goes there is still some variability to start. This one is pretty much set. This one could get a little bit larger. I think this Board wants to see something a little bit larger right now it is designed as a bank but it doesn't have a tenant yet.

MR. WENTWORTH: Is the Starbucks location fixed?

MR. DANIELE: More or less fixed.

MR. GOLDMAN: And the idea was to bring some of the massing up.

MR. DANIELE: And part of that is about 40 percent of the parking is on the back of that lot. And we are also keeping the biggest building the Whole Foods away from the residential district as far as possible and keeping the trucks as far away as possible.

MR. BABCOCK-STINER: I just had a couple of things really, first is looking at the east pedestrian crossing from south of the north side. There is not a walk way there and the shortest path maybe I just don't see it on here but some sort of pedestrian path that takes you straight back. Right now if you cross you have to turn right and then cross over at the bank and then want to go up most likely people are going to want to go straight that shortest distance. So it might be nice to do something along those lines. You have a couple of high end developments, Whole Foods and it might be nice to work with RGRTA and come up with a nice bus stop along Monroe something that doesn't look like your typical bus station. You have a very nice development planned.

MR. GIANINI: We have talked to them about that and then do some type of pedestrian waiting station. It is something from our perspective we would like to approach to them.

MR. BABCOCK-STINER: That is all I have.

MR. FADER: I have two concerns one is traffic we need to we need to take a look at the lights better, will the traffic be a problem we need you to come in and look at the traffic but I believe there is other members of the Board that want you to look at this even harder than I do. The other concern is I realize right now that height is horrible as far as storm water. I would hope you guys would do that better on this site .

MR. GIANINI: And in conversations with our neighbors who own Caruso's over here, Clover Lanes over there and RGA over here all the water currently sheds back onto their property so there comment is exactly the same and Mike Guyon want to make sure it doesn't end up that way.

MR. FADER: I don't think you are making it worse but maybe you could make it better.

MR. GIANINI: That is our desire.

MR. CHAIRMAN: The only thing I think I could add is some minor tweaks on the interior of the site. We need to focus on traffic on the highway and on Monroe Avenue and some of the interior conflicts that I see might need some tweaking, a number of intersections

coming together, a number of moves where people are crossing. I would like to know if there – I know you are trying to minimize the amount of exposure to Clover with the access point and trying to make it work behind the Animal Hospital. Is there another alternative that could be better. And Steve inherently in the traffic we try to say how we are not making it worse, how can you make things better. I think that projecting, using the new signal where you have it located in the driveway and some call it an amenity –

MR. GOLDMAN: And that is how we termed it.

MR. CHAIRMAN: But what is it doing to traffic speeds if those people flying up to Clover at 7:30 in the morning they can hit 55 or 65 miles an hour and does that offer a benefit of slowing that traffic in that section? So I would like to know that and as well are there benefits to providing a designated truck access to the site? Is there a benefit to an alternate location aside by the Animal Hospital? I don't think you have to necessarily line up with Shore but if its better, controversial or not is it better, is it safer. Does it keep people from taking that trip out to Monroe Avenue by providing a better access off of Clover. Just tell us what is the best solution?

MR. GOLDMAN: Just quickly I guess –

MR. CHAIRMAN: Just let me finish up. Again minor tweaks for the Site Planner, I am not quite sure the turn around for the vehicles or the trucks is necessary. I am not sure you couldn't do a hammer network.

MR. GOLDMAN: The hammer network might work better.

MS. CIVILETTI: The 91 percent coverage on the two main lots to me it looks too dense. I am struggling a little bit also with the geometry of the incoming driveway on lot 2. It just seems too complicated. I understand what you are trying to do in terms of developing the driveway before you have to enter a parking field, trying to maintain the flow of traffic off of Monroe Avenue but with the geometry of the property it just seems awkward. You come in and you come to that t and there is a very long expanse of cross walk and pedestrians coming

across and having somebody on foot trying to cross that section of the driveway and parking lot. A question I guess would be I see sidewalks along the entire frontage .

MR. GIANINI: DOT added that frontage and continued the sidewalk from in front of Mario's where it is now all the way across to Clover Lanes and MAMA SANS. I believe but I don't know for certain if the Animal Hospital will take it all the way to the corner I know at least it is going in front of the properties we are talking about.

MS. CIVILETTI: In terms of the parking requirements where are you in terms of numbers? Are you just meeting the requirement, do you have excess?

MR. GIANINI: We are over we have 450 and I believe as we move through the site plan process there will be a couple lost here and there with the alignment issues we are talking about. We haven't taken into account the shopping cart houses or whatever they are. Whole Foods calls for 8 spots and there are still some spaces blocked out for dumpsters. I do believe there will be some natural attrition of parking and I do believe Whole Foods drives their parking needs by 5 spots per thousand.

MR. GOLDMAN: Certainly more than we require by code.

MR. BOEHNER: What standard did you use?

MR. GOLDMAN: We used the community parking center.

MR. BOEHNER: It meets the definition of that? Whole foods has a minimum requirement?

MR. GIANINI: Five to one plus handicapped parking.

MR. OSOWSKI: I noticed going into Lot 1 it shows the entrance coming off just before the 590 ramp and the exit coming out, do you really want to do that?

MR. GIANINI: That was recommended by DOT at one point we had limited the access just right out.

MR. OSOWSKI: You are not afraid of people accelerating as you go out to 590 and slamming into someone turning into Whole Foods or someone coming out of Whole Foods getting slammed into.

MR. FERANTI: It all ties together and they are to lower the speed down to 35 miles per hour. You need that entrance in as well because you are taking advantage of all the traffic created at Clover Street.

MR. CORDOVA: I would like to reiterate as far as pedestrians go crossing there on Monroe you are going to take that shorter distance there. I think that makes a lot of sense and just in general it looks like you guys have done some work in order to try and figure out the walking within the entire development. I guess you need to insure that there is some efforts made to try and shield it from the public traffic. I mean even just talking about it, with that crossing, making the signage and what not. Let's say here's the walkway and I am standing next to the cars coming in and I think it needs something whether it be shrubs or something would be helpful for pedestrians walking around and navigating through the cars. One question I had as far as with the adjacent buildings here is there any possibility of shared parking or connecting into that eventually.

MR. GOLDMAN: You are talking about Executive Square Offices?

MR. GIANINI: Talking about Allen's Creek office park?

MR. CORDOVA: Yes.

MR. GIANINI: We have a great relationship with them and quite frankly that is not something we would explore because it is a very different use but if that is a recommendation of the Board we certainly could approach them. You start connecting Allen's Creek with a - I know one of the comments was about trucks and Allen's Creek entrance is really designed more for that truck traffic than vehicular traffic. The way it is designed now vehicles could get to Allen's Creek

but it is kind of like driving behind Pittsford Plaza you can get there but it is not really set up to make that conducive and if we start introducing the cross access with that office park it might start becoming more of a cut through . It is a valid point but not something we have explored.

MR. CORDOVA: You are right that is going to be more of the access point for deliveries as opposed to shoppers.

MR. GOLDMAN: Yes, and in terms of cross circulation and I think coming in from Allen's Creek would be preferable I think from a traffic point of view. But again School House Lane people may differ in terms of their view but there aren't that many trucks and this is something that everyone should keep in mind what we basically have is two loading docks in back here one dedicated for Whole Foods and one for all the vendors. So we aren't talking about massive flow of trucks coming in here all the time.

MR. GIANINI: Wegman's has 12 loading docks down the street and this has two. This building is 50,000 square feet and Wegmans is 128,000 square feet. That is the scale difference and hopefully so if you have 1 to 2 trucks a day but it is not a constant and School House Lane people they preferred or their comments was if you can make it just trucks that would be ideal because the trucks are going to come back and remain left and go to the expressway and that is fine with us because they area already doing that now. Which was an odd comment and not what I was expecting from a residential neighborhood.

MR. CORDOVA: I really like the Whole Foods concept and in citing. I am a little concerned about the potential of this site. I agree with Laura that the density is high. I think the gesture of having the two retail buildings out near the street falls short. They are small and are going to be perceived as afterthoughts and we just wanted to put more retail on the site to maximize it because we could. In a perfect world I would put it a lot further out to the street edge kind of like across from the Spring House, that kind of model. This is a potential transition from size, scale and mass of the Pittsford Plaza area coming into Brighton. I think this wants to be a tighter density, with more street presence. I think the buildings on the south are lacking but they are closer to the street so it has a lot more potential there. Hopefully it will evolve over time and be replaced. I think in the City what has happened on Mount Hope and College Town is tremendous in terms of scale and density. This is a tough site because it is a heavily trafficked corridor, a lot of people are thinking

only of getting onto or off of 590. So it is not like traveling to some other place where you are trying to focus on retail and enjoy the experience. My comments may not be germane to the Advisory Board Report but I want to put them out there early enough in the process that if you do want to make changes or explore alternatives its been said.

MR. GIANINI: We have explored those alternatives and that was a lot of the general comments we had at first from the Planning Board. From a retail liability standpoint when you start pulling those buildings up front generally people don't like to park in the back walk around and if the entrances are in the back of the store it doesn't work that well in case in point. The places across the street from the Spring House are right up on the street but they also mostly empty. The objects that I have explored like on Mount Hope you start talking about doing a 3 or 4 story mixed retail residential and parking garage in back, now you are talking about something that has street presence because you are truly building that kind of environment.

The problem there is you go from being dense to being real dense and kind of changing the look especially when you have residents you can see. When you get something that is 3 or 4 stories high that has their own challenges, so I think more to your point we would like to see a little more mass in this building as we explore the tenants that is one thing we are hoping for and wishing for and hopefully have all that mass up front so it doesn't have that afterthought look. Starbucks is going to be a small building but this will look nice they have landscaping and trees. So it is not this little building that is in this big old parking lot. The other structure hopefully will be a little bit bigger. This is obvious that it looks small but it is 4,000 square feet which is not puny and it is not huge but it is not a small building.

MR. CORDOVA: One more comment about the trail. Right now, we have the existing trail and this is going to be the perimeter of it? I am wondering what would it look like if that trail actually became a part of the development. I'm on the trail and I am coming up from north or the south from Pittsford Plaza and the trail actually integrated into the parking lot which takes a back seat to the trail along the back side instead of having to go around maybe cut right through. This becomes a real place that I can bike to. This is going to be used by cars coming in and out of 590 but you do have the trails already there and maybe you can incorporate it a little bit.

MR. GIANINI: That starts coming into the the Planning Department and the Conservation Board and other Boards and what they want to see happen with that trail. Our goal is to make that trail better and obviously there are a lot of opinions of what better is.

MR. GOLDMAN: I will let you people work this out it is getting late.

MR. GIANINI: Our main objective is to keep pedestrian traffic away from vehicular movements and at the rear of the property there is also an increased sensitivity associated with the trucks. We are keeping those off of Allen's Creek ideally we would like to separate the delivery traffic from the plaza.

MR. GOODMAN: It will be a balance as we move forward. Again thank you for your attention. I think we really got some good comments out of this, a lot of them are really going to come into focus when we come back with the site plan but for the most part again our objective tonight is to get ourselves keyed up for the Advisory Report and dealing with the issues, incentives and amenities and general concepts on layout. I think given the traffic is the biggest issue that we have to deal with. The multiple access points is something I think there is an emerging consensus on wanting to see - being able to get through Clover Street and Allen's Creek, defusing going on. We have worked a lot with the State. We will be working more with the County that has jurisdiction over Clover and Allen's Creek as we go forward but again our next step is to see your report. Then it goes back to the Town Board and they make the calls to whether we move this forward and then we would start - notice we haven't said SEQR all night - because SEQR doesn't start until it comes back from your Board and then the Town Board decides to move this forward. Then that commences the SEQR process and then we would be coming back to the Board with the Site Plan at the close of the Incentive Zoning process. So we appreciate your attention.

MR. CHAIRMAN: Thank you. I forgot to do the minutes.

MR. BOEHNER: I will put it on for the next meeting.

Advisory report on proposed code amendments regarding solar energy systems.

* HELD AT THE END OF THE MEETING *

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Stuart Baker, SE Baker & Co., dated March 4, 2015 requesting postponement of Application 2P-02-15 to the April 15, 2015 meeting.

Letter from Jonathan McCann, Associate Project Manager – University of Rochester, dated March 11, 2015 requesting postponement of Applicatoin 8P-NB1-14 to the April 15, 2015 meeting.

Letter from Jay Birnbaum Jay Birnbaum Company, dated March 17, 2015 in support of application 3P-06-15, 2400 West Henrietta Road.

PETITIONS

NONE

3P-01-15 Application of Anthony J. Costello and Son Development, owner, for Site Plan Modification and EPOD (watercourse) Permit Approval to reduce the canal bank slope adjacent to the loft buildings within the "Reserve" housing development located east of South Clinton Avenue. All as described on application and plans on file.

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

MR. BABCOCK-STINER: 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.

The Planning Board of the Town of Brighton adopted a SEQR Findings Statement dated January 19,2011, for this project. Planning Board finds that the proposed action is consistent with the adopted Finding Statement and will not have a significant impact on the environment.

CONDITIONS:

1. 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.
- 2 Meet all requirements of the Town of Brighton's Department of Public Works.
3. All Town code shall be met that relate directly or indirectly to the applicant's request.
- 4 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
- 5 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.
6. All outstanding comments and concerns of the Town Engineer shall be addressed.
7. All County Development Review Comments shall be addressed prior to final approval.
8. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

9. A sewer permit may be required for the installation of the storm sewer. All permits from the Town of Brighton Sewer Department must be obtained prior to the start of construction.
10. Prior to any site disturbance a drainage permit shall be obtained from the Department of Public Works.
11. Erosion control measures shall be in place prior to site disturbance.
12. All comments and concerns of the Town Engineer as contained in the attached memo dated March 16, 2015 from Michael Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
13. 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

3P-02-15 Application of the Sisters of Mercy of Rochester, owner, for Site Plan Modification and EPOD (woodlot) Permit Approval to construct tennis courts and associated fencing on property located at 1437 Blossom Road. All as described on application and plans on file.

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

1. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
2. 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.

- 3 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.
- 4 Maintenance of landscape plantings shall be guaranteed for three years.
- 5 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.
- 6 If the tennis courts are to be lighted, a lighting plan which shows type, location and lighting contours shall be submitted.
- 7 A letter of credit shall be provided to cover the construction of the stormwater improvements, tree mitigation, tree protection, landscaping, green infrastructure and erosion control. The letter of credit should be submitted to the Town for review and approval.
- 8 Prior to any site disturbance, a drainage permit must be obtained from the Department of Public Works.
- 9 A tree mitigation plan shall be submitted. The tree mitigation plan shall be reviewed by the Conservation Board with final approval by the Planning Board. The following comments of the Conservation Board shall be addressed.
 - A. The tree mitigation plan should include one new tree for each tree lost.
 - B. The tree mitigation plan should include a diversity of native deciduous shade trees planted at 3-3 ½ inches in caliper.
 - C. The revised plan should include 50% red oak.

- 10 All comments and concerns of the Town Engineer as contained in the attached memo dated March 13, 2015 from Michael Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
- 11 The Planning Board may have additional comments pending any revision or resubmissions.
- 12 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

3P-03-15 Application of 2600 Elmwood, LLC, owner and Yolickity Brighton, LLC, lessee for Conditional Use Permit Approval and Site Plan Modification to install a 555+/- sf outdoor dining area with 20 seats, located in the front yard on property located at 2600 Elmwood Avenue. All as described on application and plans on file.

MR. FADER: I move that the application be closed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves application #P-03-15 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. Meet all requirement of the Town of Brighton's Department of Public Works.
2. The project shall comply with the most current Building and Fire Codes of New York State.
3. The total number of seats in the outdoor dining area shall not exceed 20, and the combined indoor and outdoor seats shall not exceed the 99 seats previously approved for the indoor seating.
4. There shall be no waiter/waitress service outside without further approval.
5. All requirements of Section 203-64(B)(4) – Outdoor Dining Facilities – of the Comprehensive Development Regulations shall be met.
6. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation, and no bars for service of alcohol shall be allowed in conjunction with the outdoor dining facility.
7. 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.
8. The outdoor dining area shall only be operated during the hours of operation of the associated restaurants.
9. There shall be no exterior lighting installed in conjunction with the outdoor dining use without further approval by the Planning Board.

10. Any fencing shall not exceed 42 inches from grade at its highest point.
11. All Monroe County requirements shall be addressed.
12. All Town codes shall be met that relate directly or indirectly to the applicant's request.
13. Erosion control measures shall be in place prior to disturbance of the site and shall be maintained until site restoration is completed.
14. All disturbed areas shall be restored prior to issuance of final approvals from the Building and Planning Department.
15. 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.
16. Maintenance of landscape plantings shall be guaranteed for three years.
17. 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.
18. The project shall comply with the variances (Modification of Use Variance 12A-04-13 and Front Yard Dining and Impervious Coverage Variance 1A-04-15) granted by the Zoning Board of Appeals. These variances limited hours of operation and signage, among other things.
19. The applicant shall contact Steve Zimmer and Tim Anderson of the Brighton Highway/Sewer Department for their comments and conditions regarding this project.
20. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to landscaping, stormwater, mitigation 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.

21. All comments and concerns of the Department of Public Works, as contained in the attached memo from Evert Garcia to Ramsey Boehner, shall be addressed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

3P-04-15 Application of Neu Lac De Ville Associates LLC, owner and Tim Dougherty, lessee for Conditional Use Permit Approval to allow for a 1,834 +/- sf specialty food store on property located at 1900 South Clinton Avenue. All as described on application and plans on file.

MS. CIVILETTI: I move that the public hearing be closed.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move the Planning Board approves application 3P-05-15 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. Regulations require that any use selling food that is capable of being immediately consumed that is sold in disposable packaging must meet the requirements of # 207-14-2 Supplemental Restaurant Regulations, Subsection A(4), Litter. Subsection A(2) Refuse Handling must also be met. A(4) requires an aesthetically acceptable, on-site, outdoor covered trash receptacle for patron use located near the primary entrance. It also requires that an employee patrols the site each day to ensure that litter is properly disposed of.
2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220) The fire marshal shall be contacted prior to the use of storage of combustible or explosive materials.
3. A grease trap shall be installed if determined necessary by the Town.
4. Outside storage and or display is not permitted.
5. The location of any additional dumpster shall be shown on the site plan and shall be submitted to the Building and Planning Department for approval along with proposed screening
6. Hours of operation shall not exceed the hours between 6:00 a.m. and midnight without further approval by the Planning Board.
7. 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.
8. Any proposed signage must receive all necessary Town approvals.
9. Any additional exterior modifications must receive Architectural Review Board Approval.
10. Meet all requirements of the Town of Brighton's Department of Public Works.
11. All Town codes shall be met that relate directly or indirectly to the applicant's request.
12. All Monroe County comments shall be addressed.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

3P-05-15 Application of Metro Park Reality, LLC owner, and DiMarco Group, LLC, contract vendee, for Site Plan Modification to construct a gravel drive connection to an adjacent property to the west and Conditional Use Permit Approval to allow for equipment sales, leasing and warehousing on property located at 330 Metro Park. All as described on application and plans on file.

3P-NB2-15 Application of 1950 Brighton Henrietta Town Line Road, LP Owner, for Concept Review to expand the existing outdoor storage area, create an interconnection with a parcel to the east and to resubdivide two lots on property located at 1950 Brighton Henrietta Town Line Road. All as described on application and plans on file.

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

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: I move the Planning Board approves application 3P-05-15 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 proposed 30" gavel drive shall not be constructed unless and until approval is granted by the town for the project at 1950 Brighton Henrietta Town Line Road.
2. All IG Zoning district requirements and applicable performance standards shall be met.
3. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220) The fire marshal shall be contacted prior to the use of the storage of combustible or explosive materials.
4. The ratio of office, warehouse, sales and maintenance area shall be regulated by the existing parking lot's ability to meet the applicable parking requirements of the Brighton Town code. Any proposed additional parking areas shall be subject to site plan approval.
5. Outside storage and/or display, including for any special events shall require further approval by the town. There shall be no equipment of vehicles kept on site outdoors.
6. Painting of vehicles or related items shall be prohibited.
7. There shall be no bulk storage of petroleum products or any other products.
8. Special events may require approval by the town, which process could take several months. The applicant should call the Building and Planning Department well in advance of any planned special events to determine town requirements.
9. Any proposed generator or other equipment installed outside shall require further approval.
10. All necessary building permit approvals must be obtained.
11. 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.

12. Any exterior modifications must receive Architectural Review Board Approval.
13. Any proposed signage must receive all necessary Town Approvals.
14. meet all requirements of the Town of Brighton's Department of Public Works.
15. All Town codes shall be met that relate directly or indirectly to the applicants request.
16. Any proposed change in the exterior lighting shall be submitted to the Building and Planning Department and may require review and approval by the Planning Board.
17. All Monroe County comments shall be addressed.
18. Erosion control measures shall be in place prior to disturbance of the site and shall be maintained until site restoration is completed.
19. All disturbed areas shall be restored prior to issuance of final approvals from the Building and Planning Department.
20. The applicant shall contact the Brighton Sewer Department and Town Fire Marshal for their comments and requirements.
21. All comments and concerns of the Town Engineer as contained in the attached memo dated from Michael Guyon, Town Engineer to Ramsey Boehner shall be addressed.
22. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK- STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

3P-06-15 Application of John Cortese, 2400 West Henrietta Road, LLC, owner for Site Plan Modification to expand the parking lot for new car inventory storage on property located at 2400 West Henrietta Road. All as described on application and plans on file.

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

1. All required variances shall be obtained.
2. All comments and concerns of the Department of Public Works, as contained in the attached memo from Evert Garcia to Ramsey Bohner, shall be addressed. A letter or memo in response to all Planning Board and DPW comments shall be submitted.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

3P-NB1-15 Application of the Country Club of Rochester, owner, for Preliminary Site Plan Approval to demolish and remove the existing pool areas and a 5,423 +/- sf portion of the club house and construct a 12,848 +/- sf two story building addition and new pool area on property located at 2935 East Avenue. All as described on application and plans on file.

1. The addition shall comply with the most current Building and Fire Codes of New York State.
2. 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.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town code shall be met that relate directly or indirectly to the applicant's request.

- 5 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
6. 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.
7. 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.
8. Maintenance of landscape plantings shall be guaranteed for three years.
9. 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.
10. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
12. 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.
13. All County Development Review Comments shall be addressed prior to final approval.
14. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
15. The project will comply with the requirements of NYSDOT Code Rule, 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the

project will comply with Section 56. 3.4(a)(2) regarding on site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.

16. 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 with the final application.
17. The height of the proposed addition shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
18. 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.
19. Erosion control measures shall be in place prior to site disturbance.
20. 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.
21. The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
22. The location of the HVAC shall be shown on the site plan.
23. All comments and concerns of Evert Garcia as contained in the attached memo dated March 17, 2015 to Ramsey Boehner shall be addressed.
24. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

25. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred of the Executive Law.
- 26 A letter of credit shall obtain the necessary area variances from the Zoning Board of Appeals to allow some of the shade structures as well as the expansion of the existing pool utility building to be located within 150' of the property line.
- 27 The applicant shall obtain the necessary area variances from the Zoning Board of Appeals to allow some of the shade structures as well as the expansion of the existing pool utility building to be located within 150' of the property line.
- 28 A landscape plan that addresses the Town's landscaping requirements must be submitted. Representation by the applicant at the meeting when the Conservation Board Reviews the revised plan is required. To mitigate the loss of trees, new native trees should be planted within the general area.
- 29A lighting plan which shows the type, location and lighting contours of all exterior lighting shall be submitted.
- 30The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations.
- 31 The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton Architectural Review Board.

MS. CIVILETTI: Second.

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Advisory Report – Code Amendment – Solar Energy Systems

MR. FADER: I move that we direct the Secretary to send the enclosed letter as written.

MR. CIVILETTI: Second

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRIED.

1372 Allstate Insurance for a Building Face Sign at 1900
South Clinton Avenue

Condition:

1. The sign shall be as presented in drawing
B59574 by Philadelphia Sign, not as shown on
photo simulation.

1373 Allstate Insurance for a Building Face Sign at 1709
Crittendon Road.

Condition

1. This approval is for the proposed box sign only. Only
signage as allowed by Zoning regulations shall be
on/in windows/doors

MR. FADER: I move approval of Sign
application 1372 and 1373 with conditions.

MS. CIVILETTI: Second.

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