

Proceedings held before the Planning Board of Brighton at
2300 Elmwood Avenue, Rochester, New York on June 17, 2015
commencing at approximately 7:30 p.m.

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

NOT PRESENT : David Fader

Ramsey Boehner, Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: I would like to call to order the
June 17, 2015 meeting of the Town of Brighton's Planning Board to
order. We have minutes from the April 15, 2015 meeting do I have a
motion to approve?

MS. CIVILETTI: I will move to approve the April
15, 2015 minutes.

MR. BABCOCK STINER: Second.

MR. CHAIRMAN: There are no amendments so
we will vote.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: Mr. Secretary were the public
hearings properly advertised for June?

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of June 11, 2015.

MS. ACTING CHAIRMAN: A couple of
housekeeping items before we get started. I want to make note that 2P-02-15 the application of Brighton LLC has been postponed at the applicant's request to July 15, 2015 and application 5P-NB1-15 the Cerone's application has also been postponed to the July 15, 2015 meeting at the applicant's request.

2P-02-15 Application of Brighton Corners, LLC, owner and S.E. Baker and Company, agent, for Site Plan Modification to construct a bank video teller drive-thru lane on property located at 1900 Monroe Avenue. All as described on application and plans on file. TABLED AT THE FEBRUARY 15, 2015 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE JULY 15, 2015 MEETING AT APPLICANT'S REQUEST.

5P-05-15 Application of the University of Rochester, owner, for Final Site Plan Approval, Final EPOOD (woodlot) Permit Approval and Subdivision Approval to construct a 3-story 92,000 +/- sf medical imaging and office building on property located at 250 East River Road (Tax ID # 148.08-01-001 and to join nine lots into one on property known as the University of Rochester south Campus. All as described on application and plans on file. POSTPONED FROM THE MAY 17, 2015 MEETING AT APPLICANT'S REQUEST.

- MR. WENTWORTH HAS RECUSED HIMSELF

MR. GARDNER: Good evening, I am Norm Gardner, Project Manager for the development of the medical imaging and office building located on the South Campus of the U of R. With me tonight is Jose Hernandez, the Director of Facilities for the U. of R. who has been to the Board a couple of times, I believe this is our fourth appearance in front of you regarding this project. Just to refresh your memories what we are talking about this is the South Campus of the U. of R, here is 390, and just north of that is West Henrietta over to Keating and this is an extension of Hendrick and Marvin Drive, over here is the laser laboratory which is adjacent to the campus, and down here is the subdivision of South Land Drive and that is how we get to the south end of the site. Just recently the Town Board approved rezoning this property to an IPD and with that IPD comes certain requirements for development

of this land. We have worked over the past couple of years trying to make sure that the property is developed in accordance with the IPD regulations.

So I think over the past two years that we have been affording you with the various sketch plans and preliminary plans and I think we have achieved what you asked for within the IPD and was recently approved. Just to summarize where we got to, this is a 92,000 sq ft building, with 3 stories designed to be a fourth story, the maximum height of the building is 60 feet 2 inches. To the south we have residential property within the IPD regulations we are required to have a 100 foot buffer of no build and we have met that so there will be no disturbance within that dome with the exception of – I think we are allowed to come through this utility corridor with the sewer lines, currently storm and sanitary come up through this portion of the site right in here. We will maintain that for utilities to service this building.

We will be bringing in water through this corridor in the south and running it up through a gravel access road. This gravel access road follows the future build out of the campus. So when we do ultimately build more of this campus which we will be permitted to do under the IPD this road will then be developed but for now it is going to be a 12 foot lot that allows us to access the hot box, which Monroe County requires us to have the hot box and it will be located at the 100 foot buffer line. The building is a 10 by 24 foot building with Brick façade, no windows and it is significantly screened by natural vegetation and then within the IPD we will be required to enhance this buffer area. So we will be focusing on those areas.

As I said this is a 3 story building, currently we have approximately 493 parking spaces shown on the plan. We have based that parking on a demand analysis of what we are putting into this building so it is based on what we feel the actual usage will be which is the way it is designed for in the IPD plan. We have reviewed the landscaping and we have incorporated the landscaping IPD requirements with a species of tree lined boulevard concept. We have minimized the amount of trees which are practical for this project. All these little dots are trees that meet the tree requirements which is five inches and there is over 37 hundred trees in this lot and we are going to be impacting 528 lots approximately and we have 240 trees that we are incorporating into the landscaping and then that additional difference as a requirement to address

the wood lot as an EPOD project and will be to supplement with saplings like this to remove the buffer area.

So I think we have met all of the IPD zoning requirements for the project and I can go through them further if you want to discuss those elements but as I said we have been here a couple of times and I think you have heard everything that you were concerned about. At our last meeting in January we had a lot of discussion about how this water line was going to be routed through here, about the building down here at the buffer line. We have rerouted the water line. The water line will follow the road. There will be no additional disturbance other than what we are required to have in putting in the road. One of the comments that was brought up from the January submission was the storm water management facilities and this lighter blue color is what happens in a 100 year storm event and we were asked to address that and also one of the key elements was to separate the current storm water that is coming in to the south and take that out and around the storm water pond and put it back into the storm water pond. So this pond is only treated to the east of the gables.

So we have done some enhancements to this area and added this little spur down in here and this dark blue line represents what we inundated under the 100 year storm. The actual foot prints of those ponds will be smaller obviously because this is the top of the bank. All of this comes in from the south I will route it around into this pond so that we can turn the volume down. So we have addressed all the storm water potential from the east side and then it comes out at approximately this location and discharges directly down. So that is kind of a background on the project. I would be more than happy to answer any questions you have.

One other item I want to bring up is all along through the Environmental Impact Statement we have identified that this is a decent generator and all the other laser labs and at the facility across the street are on decent generators. We will have the diesel generators located on the rear of the building. It will be behind the screening wall. It won't be visible at all. We have sound evaluations and there won't be any impacts. We are leaving 300 feet approximately to the property line and 200 of that is full of vegetation before we get to any residential properties but we would like to identify there is a diesel generator on this property.

MR. BOEHNER: You are going to meet the decimal of 72?

MR. GARDNER: Under the test conditions it is an acceptable rate.

MR. BOEHNER: You will need to meet those requirements of 72.

MR. GARDNER: We will have to work on that. .

MR. BOEHNER: So you are saying you are meeting all of the other requirements except for the diesel aspect.

MR. GARDNER: That's correct.

MR. BOEHNER: And you are requesting to have the generator be diesel?

MR. GARDNER: That is correct or propane.

MR. OSOWSKI: Is there a reason for that? Is it too big?

MR. GARDNER: Yes, right now the loads that we are anticipating on that generator we are running a fire pump and the fire pump is actually sized to control under the IPD the second building to the east and that fire pump will support that so it is a large fire pump and we need that so we don't have to put in a fire pump for the second building. We also have MRI's in this building so we are looking at maintaining a cooling system on those.

MR. BOEHNER: So you are saying under operating situations it will be 73 decimals instead of 72?

MR. GARDNER: That is correct. Under testing conditions which monthly they are tested for an hour we test them and that is under full load under emergency situations. The current generator we have is submitted with the engineering report and it is 73 decimals.

MR. BOEHNER: Is that shown as a diesel?

MR. GARDNER: Yes, and we also have the screening all around it shown, it's fully enclosed. We also have the transformer switched gears back there and it is all fully enclosed in this location at the back of the building.

MR. BOEHNER: Norm, what is the parking lot setback from the front property line?

MR. GARDNER: We have a 20 foot setback currently show from the front property line and ten is required.

MR. BOEHNER: Okay I just wanted to know. How is that backflow? Did you add any additional plantings or how is that going to be screened from the residential properties?

MR. GARDNER: Buffer plantings will be incorporated in two locations.

MR. BOEHNER: To help shield that?

MR. GARDNER: Yes. The buffer plantings not only includes saplings but evergreens.

MR. BOEHNER: So you are saying the buffer plantings that are part of the amenities that are going in that buffer strip.

MR. GARDNER: To the extent we can we will plant trees obviously we won't be planting trees on top of the current storm and sanitary running through this corridor and we are going to add water so we have a pretty tight area back in there. The buildings I believe are 20 foot tall and are 24 foot long?

MR. BOEHNER: Yes, it is pretty good size and I was concerned about it's visibility,

MR. CHAIRMAN: Do you have ARB approval?

MR. GARDNER: Yes, we went to see the ARB in

Town and just with the course of everyone's business we are tighter on parking and we are only asking to go over the green space requirement by 2 percent. I don't feel it is significant enough to need a variance but we did?

MR. CHAIRMAN: Did you receive your variance?

MR. CERTO: Yes, we did. It was subject to the plantings.

MS. CIVILETTI: Any changes to the lighting?

MR. CERTO: No changes to the lighting.

MR. BOEHNER: You are going to remove a light?

MR. CERTO: We are going to remove a light that has never worked since we bought it. It has just been sitting there on the grass.

MR. BOEHNER: Kirk have you looked at the two parking spaces proposed up front? Do you feel confident people will be able to get out of those spaces okay?

MR. CERTO: It's a little tight but the alternative what happens right now there is 8 or so spots that face the front of the building and people now come in and park right next to the curb, parallel next to the curb which makes it even harder for people to back out. So what we are hoping is getting two people in two designated parking spots will eliminate that albeit agreed it will be a little bit harder to get out.

MR. BOEHNER: Maybe if someone could be an all day parker? People that are there all day if they could try to park in those two spots?

MR. CERTO: Well, I have Jeff Reese with me

from Micro Works and I walked the site with Jeff and Bob Volpi from Brighton Personnel Training and they are very proactive with their employees trying to get most of those people to park in the back and they park tight in the back and the way this building is laid out two of the tenants enter on the east side which is Allen's Creek Family Optometry and Micro Works and then Brighton Personnel Training enters on the left side. So, I really think it makes the most sense to keep all those spots on the south side including the two new ones open for Brighton Personnel Trainings because most of the people that are there are there for a half hour or hour and then they are gone.

MR. BOEHNER: Mine was just a suggestion for all day parkers.

MR. CERTO: All day parkers are going in the back.

MR. OSOWSKI: The back of the lot you have a stripping zone and then another stripping zone but no wheel chair symbols? Is that an oversight?

MR. CERTO: No because where the dumpster is that is not really a parking spot so that is why that is hashed out that way and the other one is for the over head door.

MR. BOEHNER: So they are existing, do you know they are changing the handicapped signals. So if you are replacing or getting new you are supposed to go to that new sign.

MR. CERTO: There is a new symbol?

MR. BOEHNER: The ones that are existing are grandfathered.

MR. CERTO: Micro Works uses that overhead door so that is why that is hashed out.

MR. CHAIRMAN: Okay, this is a public hearing. Does anyone on the audience care to address this application? There being none we will move on.

6P-02-15 Application of Peter Sun – Sakura Home, owner, for modification of approved Conditional Use Permits (1P-03-08 & 3P-01-09) to allow for the expansion of restaurant seating into the “storage” area where not allowed by conditions of approval on property located at 2775 Monroe Avenue. All as described on application and plans on file.

-MR. CHAIRMAN RECLUDED HIMSELF MS. CIVILETTI WILL CONDUCT THIS HEARING

MR. LOGAN: Good evening my name is Shawn Logan from Fischer Associates, representing the owner of Sakura Home which is a Japanese restaurant at 2775 Monroe Avenue in the general commercially zoned district. He is seeking a Conditional Use Permit for a modification of two existing Conditional Use permits to expand into the rear area which is currently being utilized for storage purposes. It is approximately 2200 square feet and the applicant went before the Zoning Board of Appeals on June 3rd for two area variances for 16 parking spaces and for four parking spaces leaving a 20 foot setback in the front lot. We don't see this as having any adverse impacts to the surrounding adjacent communities. It is in line with the character of the businesses. There is going to be no structural changes, no increase in impervious surfaces simply the applicant is adding some additional seats to the rear area of the restaurant.

MR. BOEHNER: I have a question for you. The numbers you gave us does not include the patio, do they use the patio. Is it our understanding that they are not going to use the patio.

MR. LOGAN: That was one of the variance requests back in 2009 was to use that he has not used that since that approval and that was one specific question I did have for him. There are no tables out there. They don't use it for any purposes what so ever.

MR. BOEHNER: The reason I say that if they were to use that they would have to lose some of the spaces because if you use the outside you are going to have to lose spaces on the inside.

MR. LOGAN: I understand.

MS. ACTING CHAIRMAN: Any changes to the operation? Hours or anything?

MR. LOGAN: Nope the hours are going to stay the same which is 11 a.m. to 10 or 10:30 the reason is they are offering more dishes?

MS. ACTING CHAIRMAN: Is there any entertainment?

MR. LOGAN: No live entertainment of any sort.

MR. WENTWORTH: Any changes to the outside of the building?

MR. LOGAN: There is no structural no changes to the outside other than stripping and putting a directional up on the parking lot. One of the conditions from the Zoning Board of Appeals was to place a sign on the one way drive alerting traffic not to enter. That is one feature we added to the exterior of the building.

MR. WENTWORTH: What is the storage area like?

MR. LOGAN: It is just one big open space.

MR. WENTWORTH: It is still on the same mechanicals?

MR. LOGAN: Yes.

MR. WENTWORTH: One other thing any symbols for accessibility?

MR. LOGAN: Yes, we can do that.

MS ACTING CHAIRMAN: Is the dumpster screened?

MR. LOGAN: The dumpster is currently screened, I did point out to the applicant it could use a little touching up and that

Would be one thing we would replace the front gate.

MR. BOEHNER: Yes, because you have the enclosure but the gates are off.

MR. LOGAN: Yes.

MS. ACTING CHAIRMAN: Any changes to the landscaping?

MR. LOGAN: No changes to the landscaping in the rear of the building there is a flower bed and extends out into the actual parking lot and it is probably two foot high concrete planting bed and we are going to remove that to add two additional parking spots to the rear but other than that nothing.

MR. OSOWSKI: Are those shown on the plan those two parking spots?

MR. LOGAN: Yes. They are in the southwest corner back there. Currently they have 82 spots and we are proposing two spots where the curbing was.

MS. ACTING CHAIRMAN: Anything else? This is a public hearing does anyone care to address this application. Hearing none we will move on.

NEW BUSINESS

THE CHAIRMAN HAS RETURNED

8P-NB1-14 Application of the University of Rochester, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 3 story 92,000 +/- sf medical imaging and office building on property located at 250 East River Road (Tax ID # 148.08-01-001) and to join nine lots into one on property known as the University of Rochester South Campus. . All as described on application and plans on file. TABLED AT THE JANUARY 21, 2015 MEETING – PUBLIC

HEARING REMAINS OPEN – THE FINAL AND PRELIMINARY
HAVE BEEN COMBINED

5P-NB1-15 Application of James and Sharon Cerrone, owners, for Preliminary Site Plan Approval to construct a 4,480 +/- single family house with an 898 sf attached garage on property located on East Avenue (between 2940 and 2980 East Avenue) known as Tax ID #138.05-1-70. All as described on application and plans on file. TABLED AT THE MAY 20, 2015 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED UNTIL THE JULY 15, 2015 MEETING AT APPLICANT'S REQUEST.

6P-NB1-15 Application of Floyd and Susan Winslow, owners, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single family house and construct a new 1,925+/- sf single family house with a 625 +/- sf attached garage on property located at 315 South Landing Road. All as described on application and plans on file.

MR. CROW: Good evening my name is David Crow I am with DJC Architect, John Schrab is our civil engineer and surveyor on the project. We are here talking about 316 South Landing Road. What is being proposed is the existing house which sits towards the front of the property right now is to be demolished and replaced with a similar home and at a similar location. The reason for it, it is a very old home and they have been working very hard for 35 years to keep the house in good condition and make it livable but it is beginning to get a head of them in terms of heat during the winter they have tremendous issues with water leaks and the house was built in approximately around 1825. We have been before the Preservation Committee to their open line forum presented the project and I am working with Wayne Goodman and the rest of the group to investigate further as to whether or not any historic designation is appropriate for the property.

I think we need to go back to them one more time for final determination on that. So far the opinion has been that pending historic content of the house may have been lost because of renovations that have happened. Numerous renovations have happened so it is impossible to find the original house unfortunately unless you go into the

basement. So what we are proposing is to remove that house and then to put a new house which is approximately 19 hundred and 25 sf conditioned space with another 600 square feet of garage. Right now the house sits 21 feet from the front property line and it sits 1.8 from the north property line and because of the nature of the property and it is a beautiful piece of land they have done a very nice job of landscaping it. We are hoping to just push the house back 30 feet which is an improvement of 9 feet and then take 60 from the north property line which is really close so we can comply with the temporary building codes in terms of fire ratings and property lines and stuff to try to keep the setting of the house as close as we can in location.

We also did submit a preliminary plan. We tried to come up with something very similar to the foot print . It will be one story. It is above the minimum requirement of 1500 square feet. It will be below the required height. It will be a single story with a whole basement and detached garage.

MR. CHAIRMAN: The demolition does include the basement.

MR. CROW: It does. It is in very bad condition. In fact they dug a basement in the house to make room for more contemporary items such as a coal burning steam furnace. Yes, its an old farmhouse and it was never built well in the first place and unfortunately it has some charm but there really isn't much left of that. They can't insulate and they can't deal with the leaks. It beginning to be a liability at this point. They love the property and they love the location and they don't want to leave Brighton and I will say for Sue's benefit this is not an easy decision for them and they have been struggling for years to make this decision to build. The last two winters have been so extraordinary with the ice and cold weather that its either them or the house. So unfortunately that is where they are with that.

MR. CHAIRMAN: Let's go to the historic preservation aspect of it. Do you have a formal application with them that is in for review with them.

MR. BOEHNER: It's on the agenda for next Thursday night.

MR. CHAIRMAN: And you are aware of what the potential is if that is deemed a historic structure.

MR. CROW: Sure they are going to follow the rules. They want to do what is right and they understand this process.

MR. CHAIRMAN: Ramsey I guess all bets are off and what would happen if the board did come back with a recommendation what would the proper procedure be.

MR. BOEHNER: They would have to apply for designation and I am going to reverse that and say if they take no action they will need to go to the Architectural Review Board. They know that. And we don't know what will happen until we get there.

MR. CROW: We understand that and taking guidance from Ramsey and we have our workshop and gone to the Historic Board for round one and now we are ready to go for round two. I assume we will have to go to Zoning as well.

MR. BOEHNER: Wait till after Thursday for the Zoning Board. Could you talk a little bit about why you placed the house where you placed it because you are asking for front setback and side setback..

MR. CROW: Back to the concept they don't' want to do the house in the first place they are only doing the house because it is not sustainable any more. They like the home. They like the location and it is a old farm house and it sits on the high point of the property and if you look at the survey it drops considerably, it drops gently and then considerably to the creek. And there is very mature trees to the south and to the east and just trying to be sensitive after 200 years of existence that property has grown up around the trees. It grew around the home and so trying to keep that house in that location. It gets back to the original look and character and grace that is there. And they love their backyard and that really is the reason they want to stay there because it is an extraordinary piece of property for Brighton that is 400 feet deep and they love that charm.

The grandkids camp back there and they are

hopeful to try to preserve that character and charm. We are improving it and we are hopeful there is some compromise that can be struck on that so they don't have to move the trees and the garden and property and also keep a contemporary building being closer than 5 feet to the property line requires fire protection and nobody wants to go there. They have letters from their neighbors in support of the project. Everybody is in favor of the project. It's hard to change things on a 200 year old site.

MR. BOEHNER: Have you done an asbestos investigation?

MR. CROW: We have not but we absolutely will again you need that before demolition happens.

MR. BOEHNER: We want that report before we would grant approval for demolition just what does the report say. I know it is an old house and I don't know if it has any or not. We will find out.

MR. CROW: Sue is saying they did abate the insulation on the furnace because they had a coal burning furnace when they first moved in 34 years ago and if it is not abated it will be. We understand the requirements.

MS. CIVILETTI: Any change to the existing fencing or modification to the existing landscaping?

MR. CROW: No, at this point we weren't planning on that. Landscaping of course will be lost. It will be very difficult to put in a new foundation that replaces and then some I am certain of that.

MR. BOEHNER: Have you submitted plans to Monroe County.

MR. CROW: Yes, but we haven't received any comments yet.

MR. BOEHNER: You will follow up?

MR. CROW: Yes.

MS. CIVILETTI: Is the existing shed remaining?

MR. CROW: It is to remain after the survey was done they realized it was slightly over the property line and that has been corrected.

MS. CIVILETTI: Is there a generator proposed?

MR. CROW: Nope it hasn't come up.

MR. CHAIRMAN: Any other questions? It is out of our hands so we will see you next month. Thank you very much. This is a public hearing does anyone care to address this application. There being none that is the end of our public hearings and they are closed.

NEW BUSINESS cont.

Establishment of Lead Agency pursuant to SEQRA for the Palazzo Plaza project located on Monroe Avenue, Town of Brighton project #ER-6-15 (see letter from Ramsey Boehner, Environmental Review Liason Officer, dated June 2, 2015.

MR. CHAIRMAN: I move to establish lead agency pursuant to SEQRA to the Town Board?

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

PRESENTATIONS:

NONE

COMMUNICATIONS

Letter from David Grant and Roberta Kerry, 10 Schoolhouse Lane, dated May 20, 2015 with comments and concerns regarding the proposed Clover Lanes redevelopment.

Letter from Ramsey Boehner, Environmental Review Liaison Officer, dated June 2, 2015 regarding SEGRA Lead Agency determination from the Palazzo Plaza project located on Monroe Avenue, town of Brighton project #ER-6-15.

Letter from Greg McMahon, McMahon LaRue Associates, dated June 10, 2015 requesting postponement of application 5P-NB1-15 to the July 15, 2015 meeting.

Letter from Stuart Baker, S.E. Baker & Co. requesting postponement of application 2P-02-15 to the July 15, 2015 meeting.

PETITIONS:

NONE

5P-05-15 Application of the University of Rochester, owner, for Final Site Plan Approval, Final EPOOD (woodlot) Permit Approval and Subdivision Approval to construct a 3-story 92,000 +/- sf medical imaging and office building on property located at 250 East River Road (Tax ID # 148.08-01-001 and to join nine lots into one on property known as the University of Rochester south Campus. All as described on application and plans on file. POSTPONED FROM THE MAY 17, 2015 MEETING AT APPLICANT'S REQUEST.

8P-NB1-14 Application of the University of Rochester, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 3 story 92,000 +/- sf medical imaging and office building on property located at 250 East River Road (Tax ID # 148.08-01-001) and to join nine lots into one on property known as the University of Rochester South Campus. . All as described on application and plans on file. TABLED AT THE JANUARY 21, 2015 MEETING – PUBLIC

HEARING REMAINS OPEN – THE FINAL AND PRELIMINARY
HAVE BEEN COMBINED

- MR. WENTWORTH RECUSED HIMSELF

MS. CIVILETTI: I move to close the public hearing for 5P-05-15.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

FINDINGS

The Planning Board finds that suitable park or park lands of adequate size cannot be properly located on the proposed subdivision, requiring payment of a sum of money as adopted by the Town Board in lieu of the setting aside of recreation land.

The Planning Board of the Town of Brighton hereby adopts the SEQR Finding Statement dated October 22, 2014 adopted by the Brighton Town Board acting as Lead Agency.

MR. CHAIRMAN: I move the Planning Board approves the application based on testimony given, plans submitted and with the following conditions and above findings:

-
1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220)
 2. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
 3. The entire building/store shall comply with the most current Building & Fire codes of New York State.
 4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval

by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town code shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 10 Maintenance of landscape plantings shall be guaranteed for three years.
- 11 Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 12 The dumpster shall be enclosed with building materials that are compatible with the existing building.
- 13 All outstanding Site Plan Comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.

- 14 All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
- 15 Fire hydrants shall be fully operational prior to and during construction of the building.
- 16 A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
- 17 Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
- 18 The parking lot lights shall be placed on a timer.
- 19 The proposed building shall be sprinklered in accordance with Town requirements.
- 20 The height of the proposed building shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
- 21 Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
- 22 The signage must be reviewed and receive all necessary town approval prior to installation.
- 23 Erosion control measures shall be in place prior to site disturbance.
- 24 The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

25. The generator maybe operated on diesel and shall not exceed 73 decibels.
26. The landscape plan must be revised to address the following comment of the Conservation Board.
 - a. A note should be added to the landscaping plan that verifies sapling plantings will be planted as part of the tree mitigation plan as described in response #29 of the letter of intent dated April 21, 2015.
 - b. Deciduous shade trees shall be planted at 3 to 3 ½ inches in caliper.
 - c. Consideration should be given to the use of more native planting than what is proposed
27. All new accessible parking space signage to be installed or replaced shall have the logos depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
28. The detail fro access sidewalk ramp "A" must be revised to meet all accessibility regulations.
29. The Current Plan shall be revised to reflect the requirements of the IPD Regulations.
30. The extent of the wetlands must be shown on the plans, the wetland extents should be consistent with those most recently delineated and the plans must accurately show the disturbance within the wetland areas.
31. Meet all subdivision filing requirements of the Town of Brighton's Department of Public Works.
32. All existing and proposed easement must be shown on the subdivision map with ownership, purpose, and liber/page of filing with the Monroe County Clerk's Office.

33. All comments of the Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal to obtain and discuss any outstanding comments.
34. All comments and concerns of the Town Engineer as contained in the attached memo dated June 14, 2015 from Michael Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
35. 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 UNIMOUSLY CARRIED.

6P-01-15 Application of Winton Place Business Centre, LLC, owner, for Site Plan Modification to expand the parking lot and add seven parking spaces on property located at 20 Allens Creek Road. All as described on application and plans on file.

MS. CIVILETTI: I move to close application 6P-01-15.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the

Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

- 1 The project shall comply with the conditions of the variance approval granted.
2. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 3Meet all requirements of the Town of Brighton's Department of Public Works.
- 4All Town code shall be met that relate directly or indirectly to the applicant's request.
5. Any proposed change in the exterior lighting shall be submitted to the Building and Planning Department for review and may require approval by the Planning Board.
6. All County Developmental Review Comments shall be addressed prior to final approval.
7. All other reviewing agencies must issue their approval to the Department of Public Works issuing its final approval.
8. Maintenance of landscape plantings shall be guaranteed for three years.
9. Any contractor or individual involved in the planting maintenance or removal of tress shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. The project and its construction entrance shall meet the New York State Standards and Specification for Erosion and Sediment Control.

11. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
12. All 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.
13. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
14. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon to Ramsey Boehner shall be addressed.
15. A letter or memo in response to all Planning Board comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

6P-02-15 Application of Peter Sun – Sakura Home, owner, for modification of approved Conditional Use Permits (1P-03-08 & 3P-01-09) to allow for the expansion of restaurant seating into the “storage” area where not allowed by conditions of approval on property located at 2775 Monroe Avenue. All as described on application and plans on file.

-MR. CHAIRMAN RECLUDED HIMSELF MS. CIVILETTI WILL CONDUCT THE VOTING.

MR. WENTWORTH: I move to close the hearing on application 6P-02-15.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

- 1 The project shall comply with the conditions of the variance approval granted.
2. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 3 The outdoor patio area shall not be used for drinking or dining unless 750 square feet of seating area inside the restaurant is taken out of service.
4. All necessary building permits and other agency approvals must be obtained.
5. Any exterior modifications must receive Architectural Review Board Approval.
6. All requirements as defined in Section 207-14.2 (Supplemental Restaurant Regulations) or the Brighton Comprehensive Development Regulations shall be adhered to.
7. All requirements as defined in Section 207-14.1 (Waste Container and Grease/Oil Container Standards) shall be adhered to.

8. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The plans for the enclosure shall be submitted to the Building and Planning Department for review. A building permit is required for the construction of the enclosure.
9. The parking lot shall; be striped as per the requirements of the Brighton Comprehensive Development Regulations.
10. Any new signage must receive all necessary Town Approvals.
11. Hours of operation, delivery hours and hours when machinery may be operated on the property shall be limited to no earlier than 6 a.m. nor later than 12 midnight.
12. A building permit shall be obtained. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code.
13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
15. Any change in the exterior lighting shall be reviewed and approved by the Planning Board.
16. All County Development Review Comments shall be addressed prior to final approval.
17. All other reviewing agencies must issue their approval to the Department of Public Works issuing its final approval.
18. The location of any newly proposed HVAC mechanicals shall be shown on the site plan. Plans for HVAC mechanicals and proposed screening shall be submitted for review by the Building and Planning Department.
19. 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 one of the Executive Law.

20 A letter or memo in response to all Planning Board comments and conditions shall be submitted.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

6P-NB1-15 Application of Floyd and Susan Winslow, owners, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single family house and construct a new 1,925+/- sf single family house with a 625 +/- sf attached garage on property located at 315 South Landing Road. All as described on application and plans on file.

MS. CIVILETTI: I move to table application 6P-NB1-15 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 following comment of the Conservation Board shall be addressed.
 - The board encourages the use of green infrastructure techniques.
2. The existing house shall be reviewed by the Historic Preservation Commission.
3. Zoning variances are required for front and side setback. Application shall be made to the Zoning Board of Appeals.
4. It appears that an existing shed and several existing fences are proposed to remain. These structures will be required to meet zoning requirements. If construction of the new house is delayed after demolition of the existing house, then these structures will have to be

removed or a variance will be required.

5. The project shall be submitted to Monroe County for review. All comments and conditions of Monroe County shall be addressed.
6. An asbestos survey shall be submitted.
7. Prior to issuance of a demolition permit, asbestos shall be removed according to NYHS and Town of Brighton requirements and verification shall be provided.
8. The entire building shall comply with the most current Building and Fire Codes of New York State.
9. 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.
10. Meet all requirements of the Town of Brighton's Department of Public Works.
11. All Town code shall be met that relate directly or indirectly to the applicant's request.
12. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control. Erosion control measures shall be in place prior to site disturbance.
13. 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.
14. 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.
15. Maintenance of landscape plantings shall be guaranteed for three years.

16. 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.
17. All outstanding Site Plan Comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
19. The project will comply with the requirements of NYSDOL, Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5.
20. The applicant shall review the site plan, architectural elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Architectural elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan and including ground elevations at the house corners shall be submitted.
21. The location of any proposed generators and air conditioner units 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. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
23. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia 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.

MR. WENTWORTH: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

SIGNS

1381 Frey Heavy Duty for a building face sign at 250 Metro Park.

Condition

1. The wording "We Keep trucks rolling" shall be removed unless it can be shown that it is part of the business name.

1382 Five Star Bank for a Time and Temp Sign at 1900 Monroe Avenue

1383 Five Star Bank for a building face sign (2) at 1900 Monroe Avenue

Condition

1. A variance is required for the sign on the east side. All required variances shall be obtained.

MR. CHAIRMAN: Sign application 1381, 1382 and 1383 are approved as submitted and recommended.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the June 17,
2015 , meeting of the Planning Board of the Town of Brighton
at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to
the best of my ability as recorded and transcribed by me.



Judy Almekinder

On this ^{20th}----- day of June 2015 before me personally came Judy
Almekinder to me known and known to me to be the person described herein and
who executed the foregoing instrument, and she acknowledge to me that she
executed the same.



Notary Public

Daryl L. Snyder
Notary Public, State of New York
Qualified in Yates County
No. 01SN6249379
Commission Expires October 3, 20¹⁵