

Proceedings held before the Planning Board of Brighton at  
2300 Elmwood Avenue, Rochester, New York on August 19, 2015  
commencing at approximately 7:30 p.m.

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

NOT PRESENT : David Fader  
Laura Civiletti

Ramsey Boehner, Town Planner  
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: I would like to call to order the  
August 19, 2015 meeting of the Town of Brighton's Planning Board to  
order. We have minutes from the June 17, 2015 meeting and the July  
15, 2015 meeting do I have a motion to approve those minutes with  
corrections.

MR. WENTWORTH: I will move to approve the  
June 17, 2015 and the July 15, 2015 minutes with corrections.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE      MOTION UNANIMOUSLY CARRIED

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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 August 13, 2015.

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MR. CHAIRMAN: Okay we will hold those  
hearings at this time. However first I will announce that application 5P-

NB1-15 has been postponed at the applicant's request to September 16, 2015 and application 8P-NB1-15 has also been postponed to the September 16, 2015 meeting at the applicant's request.

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6P-01-15 Application of Stanley Gordon, owner, for Demolition Review and Approval to raze a single family house on property located at 49 Danbury Circle North. All as described on application and plans on file.

MR. MARTIN: Hello, my name is Ed Martin and I am an Engineer with Lantec and I am here representing the Gordon's application before you and I think you will find they don't come much more straight forward than this. Christmas Eve of last year the Gordon's suffered a fire that makes it uninhabitable and we did submit photos and I trust you have had a chance to review those. The Gordon's would like to demolish the home and at this time there are no immediate plans to rebuild. I understand that in the event they do chose to rebuild they would have to come before you for approval of that site plan. So what we have submitted is a demolition and site restoration plan consistent with the Town's requirements and I understand that the Historic Preservation Commission has reviewed this and does not require any further hearings or designation for Historic Preservation.

We have had a conversation with Mr. Bohner regarding the asbestos removal and most recently what was submitted was a copy of the contract where in the process is described that the asbestos can not be removed in the traditional manner where a person would enter the structure and physically remove it and then demolish the home in a more traditional manner. It is unsafe to enter the home so we are going to do it in a container method where the structure is demolished on site and dust is controlled through the watering down and all material is put into a container and taken to a landfill and again we have provided the Town with details of that. Utilities will be disconnected at the right of way with services to remain for future connection should they chose. There are mature trees to be removed and some ornamental landscaping within the foot print that will be removed. Those are all details in the plans. So as I said it is a pretty straight forward application and I would happy to answer any questions you might have.

MR. CHAIRMAN: Assuming approval of

this when would you chose to proceed?

MR. MARTIN: Immediately.

MR. WENTWORTH: Will the driveway remain?

MR. MARTIN: The driveway is to remain if for no other reason to use it as a construction entrance in the future and we do call for it to remain on the plan.

MR. CHAIRMAN: If the driveway is to remain why wouldn't you use that for a stock pile area?

MR. MARTIN: Because vehicles would be coming in and out in that area where we do show stock piled areas heavily disturbed as a result of this so it is just off the beaten path. If you think it is more valuable on the drive way I don't think we would object to that.

MR. CHAIRMAN: From the picture I have there are a couple of more things you would want to save and that would be a safe place there.

MR. OSOWSKI: Do you know the name of the demolition asbestos contractor at this time?

MR. MARTIN: Sure it is mentioned on the copy we have provided to the Town and I can get that for you. It is Cral Contracting. I have a copy of the contract if you would like to see it.

MR. BOEHNER: They are certified by New York State Asbestos Removal.

MR. MARTIN: Yes, they are certified by New York State for asbestos removal.

MR. CHAIRMAN: Anything else, Ramsey?

MR. BOEHNER: No.

MR. CHAIRMAN: Okay this is a public hearing is there anyone in the audience that cares to address this application? There

being none we will move on, thank you.

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8P-02-15 Application of Mamasan's Monroe, LLC, owner for Preliminary /Final Site Plan Approval and Conditional Use Permit Approval to construct a 416 sf building addition and operate Mamasan's Restaurant, with outdoor dining (417 sf outdoor patio) on property located at 2735 Monroe Avenue. All as described on application and plans on file.

MR. MCMANN: My name is Greg McMann from McMann Larue Associates, the engineers for the owner of the property and also here tonight if there are any questions regarding the site is Randy Peacock who is the project architect. Mamasans is proposing to relocate from their current location to basically across the street to the former Pizza Hut and most recently Ramiras (phonetic) and it has been empty for some time. It is approximately three quarters of an acre, zoned general commercial. The owner is proposing to utilize the existing building and they are going to add an approximate 390 square foot addition to the rear of the structure that will mainly house coolers and an office and also construct a 425 square foot outdoor dining patio from this building. There is some existing parking and a light in front of the building. The net impact is that we are going to decrease the impervious surface by 34 square feet not a lot but a reduction. We will also be adding a single light pole in the rear of the building to light the parking area. It will be a two headed 15 foot high pole with LED lights. There are two existing poles on the property line between this facility and the Comfort Inn next door. Those will remain.

Parking we have based our parking calculation on the building area including the patio which is 3,663 square feet with 37 parking spaces required plus one for employees, estimating 8 employees at the peak for a total of 45 parking places and we have proposed 45 parking spaces. There are just going to be some minor modifications to the parking lot, mainly at the rear to straighten out some curbing so that we can get parking straight in rather than an angled parking lot. There is an existing dumpster enclosed by a brick block enclosure that will remain and we have proposed a relatively extensive landscape plan for the front of the building. And the owner would like to see more landscaping than grass she prefers landscaped plants and so forth rather than just grass. So we did appear before the Conservation Board last week and they seemed

satisfied with the plan and with that I will go ahead and take any questions.

MR. CHAIRMAN: Since we do have a Conditional Use application can you address hours of operation and deliveries? Since this is a Mamasans are we looking at a similar operation?

MR. MCMANN: Yes, Randy can speak a little bit better to that, typically it is a lunch and dinner operation.

MR. PEACOCK: Randy Peacock, she will be doing the same as she does now open from one to ten and closed at ten. Essentially the whole operation is just going across the street. It is a little bit smaller to run.

MR. BOEHNER: There is no live entertainment?

MR. PEACOCK: No.

MR. BOEHNER: Dumpster will that dumpster be enclosed?

MR. MCMANN: It will remain and it is enclosed and is constructed out of the same material as the building and it has gates. It is fully enclosed on four sides.

MR. BOEHNER: The recyclers can go inside?

MR. PEACOCK: Yes, they go in and can get the containers. The outdoor patio will meet all the requirements with trash containers out there. There was an outdoor patio over there now and there has never been any complaints with it. One other thing the outdoor patio across the street the enclosure is taller than 36 inches and I haven't applied for a variance yet but we will apply for one. It is going to be moved over in sections and it is about four foot tall and you allow a maximum of 36 inches and then there are some taller poles on it that have little decorations on it. What we will do is if you put a condition on that we will meet that code requirements and get a variance for it. It probably is not going to go up right away. I don't know that we are going to make the dead line to get it built so I have a little bit of time to get that variance to use that tall fence.

MR. MCMANN: We have purposely left that at 36 inches so we will get the approval for 36 inches and as Randy said if he is successful at getting a variance great but if not we will meet the code.

MR. PEABODY: At that height it is just at head height and it would be a little bit nicer to get a variance and it will end up 7 and a half foot in height because of the poles with the decorations.

MR. BOEHNER: Can you talk about the proposed lighting versus the existing lighting?

MR. MCMANN: The existing lighting fixtures that are proposed, two poles will remain on the north property line between the hotel, those are 30 foot poles and based on the design plans for that those are high pressure sodium heads on those. The new light that we are proposing is a 12 foot pole with an LED fixture actually double head LED and those will generally light the rear parking lot.

MR. WENTWORTH: You said 15 foot earlier?

MR. MCMANN: You are correct 15 foot pole on a three and a half foot concrete base with an 18 and a half total .

MR. BABCOCK STINER: The accessible parking spaces is there a reason they are kept away farther from the entrance.

MR. MCMANN: We put them there because the handicapped entrance is right there at the end of the sidewalk out in the front. We are maintaining the existing walk. The entrance is located right here on the side of the building there is no handicapped access that is a step up. So that is the closest for someone with a wheel chair or a cane or walker to walk on a level slope up to the door.

MR. BABCOCK STINER; One other comment can you make sure to use the newer accessibility symbols?

MR. MCMANN: I can't show it but I will look around and see if I can find one to show we have the new signs. That is on our detailed sheet and I will get the latest symbol for that.

MR. BOEHNER: How is the vents that is being

screened?

MR. MCMANN: All of the existing equipment is in the roof above. We are putting on one new exhaust mounted on the roof towards the back of the building on the roof on the south side of the building. It will be on the sloped roof and that is not screened.

MR. BOEHNER: Is there a reason why that is not screened.

MR. MCMANN: It is hard to screen it because we are going to put a new metal tile that roof is coming off of the building that is on there. It is going to be a metal roof that is like tile and it is difficult to put attachments into that tile roof to create a screen as part of it and we opted to just leave it and paint it the same color as the tile roof. There are plenty of fans you can see on the building next door so it doesn't stand out shockingly. So it is not out of character. We did show it to the Architectural Review Board and they had no problem with it. I specifically pointed it out.

MR. BABCOCK STINER: Would this be considered segmentation at this point?

MR. MCMANN: Mamasan's has been purchased on the other side of the road however at this time she still owns that but nothing is contingent. She just decided she had an option of closing the restaurant when she sells the one across the street and at this time she has decided she owns this property that she is moving to. It was a pizza hut it was a restaurant it will be a restaurant. It's not a new development. We are not putting in a McDonalds or a drive thru. So once she sells the restaurant there will no longer be any segmentation and she will be moving to the property across the street.

MR. CHAIRMAN: The argument is that part of the application for the project across the street includes access management so that would include this property and by approving this without that application being fully heard then it would be segmentation.

MR. PEABODY: And I would counter with that, that this application stands independent of any interconnection with the

property across the street. We know it is beneficial to everybody and as the project across the street moves forward we can participate in it and address that at that time but right at the moment in the current standing of Monroe Avenue that property can function on its own.

MR. BOEHNER: The Planning Board has authority in it's code under access management to require to require cross access easement and that was something I was going to bring up so you can see how it starts to get filled in because right now we are not addressing it. Right now we don't even have a plan for the access management the timing of these things are a little bit off . One of the things that I am recommending to this board is that they seek legal counsels review of the letter and some how recommend that the latter is tabled to next month because we just got the letter yesterday afternoon .

MR. MCMANN: It will give the attorneys a chance to review this. I brought this up to the owners and she would like to get this going given the end of the construction season but she operating where she is now and she understands she is going to have to deal with it.

MR. CHAIRMAN: We will continue this with you tonight and we will continue the public hearings realizing this will be tabled tonight.

MR. MCMANN: We understand.

MR. BOEHNER: Did you look at cross access?

MR. PEABODY: We did not with the application. The sketch plan there is a small piece of property on the rear of this that the Daniele's have applied to New York State DOT and abortion of that land that they are purchasing from the DOT would be appended to this property that opens up the back side to create access across there that actually increases the number of parking spaces on the site and gives some access to some shared parking spaces that would be on some of the additional property back there. It would be fantastic and do you understand the benefits of it if eventually there is a traffic light there. It is just when it comes to the point on that application then we will be part of that .

MR. CHAIRMAN: So you are aware of it and the Board just became aware of it.

MR. DANIELE: May I speak. Thank you Mr. Chairman and I ourselves just got a chance to read the letter as well and the reason I wanted to come up here is to clarify some facts. The question tonight was regarding the purchase agreement. On the purchase agreement we will be closing by the end of the year the reason why we haven't closed already and we can at any moment is because of personal financing in order to make the purchase but there are absolutely no contingencies on that agreement as to whether she opens closes or stays. I believe the traffic study under SEQR process is taking the property as is and continuing the restaurant operation. The rear access they have left out to not muddy the waters and are leaving the site plan as is as if to say this whole project never went through this is still standing on its own merit. So the two are not related and when I read the letter from Bob on the second page it said in summary the relocation of Mamasans is necessary in order to proceed with the project and that is a completely false statement but its statements like that that cause havoc on the business people of today and I understand your apprehension of moving forward I hope I can clarify that and it doesn't seem fair that businesses can be held hostage and they are not doing anything across the street because of false statements.

MR. CHAIRMAN: We are still going to table this and allow legal counsel to weight in on it and the question is segmentation. We are looking for a complete application so we can ourselves determine the agency and proceed with the application itself and again continue the discussion on segmentation.

MR. DANIELE: I will leave it that one has something to do with the other and this project from my legal standpoint for our contracts what she chose's to do over there is no concern to us and has not bearing on us

MR. CHAIRMAN: I think we all concur we also can see a portion of the argument that because your application has been made to the town board with the access management as part of the project that we can see something to be argued. There is not a greatness in the statement that is before us.

MR. DANIELE: I agree 100 percent and I think that will make even more difference to show that access agreement and that is not contingent on the project going forward. This plan has no contingency on this project. Thank you.

MR. CHAIRMAN: Is there anyone else in the project that cares to address the rest of the application?

MR. BOEHNER: I have one question, is there a grease trap.

MR. MCMANN: Yes there is a 1000 gallon grease trap on the Secora side of the building.

MR. CHAIRMAN: You are reusing the existing grease trap?

MR. MCMANN: Yes, it was inspected and she hired Mr. Router to clean it and inspect it and we are able to provide that report to the town or Town engineer. We will follow up and see that it has been done. They also have a video of the sanitary lateral which is typically one of your requirements and that is all going to be done and reported to the town engineer.

MR. CHAIRMAN: One more time anybody care to address this application? Thank you very much.

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8P-03-15 Application of Hurlbut Real Estate, LLC, owner, for Preliminary/Final Subdivision Approval, Site Plan Modification and EPOD (woodlot) Permit Approval to combine three lots into one and construct a 40 space front yard parking lot on property located at 1177 East Henrietta Road (Tax ID #'s 149.17-1-14, 149.17-1-15 and 149.176-1-16) All as described on application and plans on file.

MR. MCMANN: Good evening Greg McMann with McMann Larue Associates 22 Holt Road Webster also here tonight is David Senese (phonetic) who is here with the design and he is representing the owners of the Hurlbut Nursing Home. The Hurlbut Nursing Home is located at 1177 East Henrietta Road on the corner of Metro Park. It has been a fixture on that corner for many years. Along

with the six and a half acre parcel that the nursing home sits on they also own two 1.18 acre parcels to the west of that. Those parcels are currently vacant and sit at an elevation of approximately 10 feet above the parking lot elevation from the road. Our application is for site plan re-subdivision or subdivision approval the subdivision approval will be to combine those three parcels into a single parcel of 8.9 acres and it will encompass all of the property and the new proposed parking lot.. The parking lot being proposed is a staff parking lot of 40 spaces. The nursing home over the years in the changing levels of care and staffing and visitors is currently and certainly has suffered from parking problems particularly during the day. Many times I have been over there and end up parking on the grass or double parking because the parking lot is full.

This new 40 space parking lot will be strictly for staff and will be located on two what are now wooded parcels. There are two variances which we have applied for that are necessary in order to proceed with this project and I will just mention those. One is for a second entrance and code permits only one entrance per parcel, the second entrance is necessary because of the difference in elevation between the existing parking lot and the new parking. The second variance is for parking in the front yard. This parking will be very similar to the parking that is already in front of Hurlbut which is in the front yard or at least in the Metro Park front yard. So we have those two applications that will be heard by the Zoning Board of Appeals in September. With this site plan we will be removing approximately 50 trees of those we have 45 ash and 5 popular and they are necessary to construct the parking lot.

We are installing new lighting with 12 foot poles on 3 and a half foot bases with LED fixtures along with some short ballard lights that will line the walkway from this parking lot to a concrete staircase which is going to take them down to the area of the nursing home and where the employees can exit the nursing home. Storm water is being handled by a retention swail on the south side of the new parking lot. I mentioned the concrete stairs that will be on the nursing home parcel. The sidewalk will be crossing the existing 20 foot sewer easement. Our new landscaping we have right now on the plan that you see before you will see 17 trees with additional bushes and shrubs and the various plantings for the bio retention swail. We did meet with the Conservation Board last week and one of their comments was that they would like to see some more trees. So we have agreed to take a look at that and possibly even

rather than pack this site to see if there might be some areas of the existing nursing home parcel where we may be able to add some new trees. So in the interim between this meeting and when we appear before you in September after the variances are granted we will be addressing the comments of the Conservation Board.

MR. BOEHNER: We also want to see the trees at 3 to 3 and a half in caliper.

MR. MCMANN: We will make that change.

MR. WENTWORTH: The sanitary easement does that actually have a sewer?

MR. MCMANN: It does.

MR. WENTWORTH: Do you know the depth?

MR. MCMANN: No, I don't but from our understanding it is greater than 9 feet but I can't tell you precisely how deep it is. '

MR. WENTWORTH: So that would be about 9 foot in elevation.

MR. MCMANN: Yes. It may be deeper than that but we aren't doing any cutting we are filling over the top of it. We relocated our stairway outside of that easement so the construction for that will be within that sanitary sewer district.

MR. WENTWORTH: Ramsey do you have an alternative layout.

MR. BOEHNER: This was the alternative layout. They had a different layout and we told them we were concerned about the sidewalk going over the sanitary sewer and we were concerned about the canopy being in the front yard and they moved and the stairs to where it is now .DPW does not have a problem with the sidewalk crossing the road .

MR. MCMANN: Our initial layout when we met with the town had two entrances to the parking lot and we were going to

provide an in and an out but that was one of the questions.

MR. CHAIRMAN: One of the questions I do have I understand there are grade changes there so what led to this configuration and orientation instead of it being closer to the facility or literally extending the existing parking lot onto the vacant property.

MR. MCMANN: Extending the existing parking lot is a massive amount of earth work and a retaining wall so that expense would be very difficult and the orientation again we wanted to keep it up front close. We could have pushed it further back but it would have been removing more trees and we are leaving approximately two thirds of that parcel untouched and over the past 30 years at one time that was a totally barren development parcel when Metro Park was first built it has grown up with mostly ash and poplar and a lot of undergrowth. So we felt this would have the least impact. We moved it back beyond the front of the old Seer Brown building .

MR. BOEHNER: What is the height of the proposed canopy?

MR. MCMANN: It is an arched canopy and I believe it is 12 feet at the peak. The interior clearance from the stairway is 8 feet and with the arch it is definitely less than 16.

MR. BOEHNER: The parking lot is going to be lit with LED lights?

MR. MCMANN: LED Bollard lights and LED fixtures on all the lights.

MR. OSOWSKI: How will the snow be stored?

MR. MCMANN: We have significant open space at the ends. We purposely have not done a lot of plantings on the north side of the parking lot. We do have a bio swail along the south side. So we tried to leave open space on the three other sides to push the snow off of it and provide storage .

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

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8P-04-15 Application of Landsman Real Estate Service, agent, and Norland Associates, owner, for Conditional Use Permit Approval for an office and assembly facility to be on property located at 3 Townline Circle. All as described on application and plans on file.

MR. COSS: Good evening my name is Kevin Coss with Landsman Real Estate Services. We are seeking a Conditional Use Permit the building at 3 Townline Circle of approximately 6600 square feet that was previously occupied and has been vacant for two years. We were approached by Micro automation and controls and they currently would like to move into this facility.

MR. BOEHNER: What is the proposed use and what do they assemble?

MR. COSS: It will be office and warehouse and assembly about 3000 warehouse and assembly area and they make multi use process controllers for boilers and nuclear facilities. These are approximately 3 inches by five inches by 16 inches and they assemble them they don't actually truly manufacture the parts. They receive them in pieces screw them together choosing proper boards that are necessary for the application, package them and ship them. They kind of customize them. And then they are inserted into a cabinet and into housing. These modify the functional status for the operation to increase efficiency. They will have 17 employees, three people working in the warehouse and shipping area and the remaining 14 fare administrative engineers for technical support and sales. They don't anticipate foot traffic into their business. Our architects do change studios and they have plenty of parking for this kind of use. The modification that we need to make to this kind of space, is only physically updating the bathrooms since they are dated and are not ADA compliant. The remainder of the work is going to be painting carpeting and replacement of ceiling tiles, construction of an office for the manager.

MR. BOEHNER: No HVAC equipment going

outside?

MR. COSS: All the current HVAC will be operated and because we are not doing any soldering or any processing There will be no more outside HVAC. The hours of operation will be 7 a.m. to 6 p.m. assembly comes in at 7 a.m. and are out by 6 p.m. every night.

MR. BABCOCK STINER: Will there be much customer traffic?

MR. COSS: No or minimal. It's all outside sales.

MR. WENTWORTH: You mentioned the bathrooms are to accommodate ADA the drawings that were submitted do not meet the ADA but I will leave that to you and I would suggest your architect review what was submitted.

MR. COSS: I will touch base on that tomorrow. And the other change was the additional office space on the eastern face. There will be no external changes to the facilities.

MR. CHAIRMAN: Any other questions. Thank you. Does anyone in the audience care to address this application? There being none we will move on. Thank you.

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8P05-15 Application of Floyd and Susan Winslow, owners, for Final 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 316 South Landing Road. All as described on application and plans on file.

**New Business**

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. MARTIN: For the record Ed Martin engineer for Lantech here tonight representing the Winslows who are also in attendance tonight as you mentioned Mr. Chairman this has already been heard before this Board . This is only slightly more complicated than my previous presentation the only difference being is that they do plan to reconstruct and I understand that they have been to the Architectural Review Board and I see from your agenda they are recommending a public hearing I am sorry the Historic Preservation Commission is not recommending a public hearing. I do understand that it has been presented to the Architectural Review Board and an asbestos report has been provided through the architect contractor. I have one correction for you on the plan submitted. There is a note on there that says there are no trees to be removed but to be clear there is one, it is labeled to be removed so if you look at the plan it is accurate. Existing utilities are to be used. We are providing a demolition plan and restoration notes in the event construction lags and the demolition are too much. As I said it is pretty straight forward and I would be happy to answer any questions you might have.

MR. CHAIRMAN: Just to be clear this has been to ARB and has been tabled pending something else, Ramsey?

MR. BOEHNER: A submittal of materials on the application. The Zoning Board of Appeals approvals need to be obtained color selections including roofing, siding, doors trims shutters and types of windows need to be submitted. The applicant shall explore articulation of the exterior siding styles.

MR. MARTIN: And I understand that the two area variances have been granted by the ZBA.

MR. CHAIRMAN: This will likely be approved with the condition that ARB approval is granted. If it is not then they won't be able to approve it.

MR. BOEHNER: I have confidence they will receive it.

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

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New Business

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 SEPTEMBER 16, 2015 MEETING AT APPLICANT’S REQUEST.

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MR. CHAIRMAN: The public hearings are closed.

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New Business

8P-NB1-15 Application of Anthony J. Costello and Son (Joseph) Development, LLC, owner for Concept Review to revise the loft buildings, originally approved as 6 five story buildings containing a total of 168 condominiums, to 6 four story buildings containing a total of 144 condominiums on property located on Reserve View Blvd. (“The Reserve” housing development). All as described on application and plans on file. POSPONED TO THE SEPTEMBER 16, 2015 MEETING AT THE APPLICANT’S REQUEST.

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8P-NB2-15 Application of Wegman Companies, Inc., contract vendee, and Mario Ventures, owner for Concept Review to construct a three story, 55,000 sf office building with associated parking on property located on Sawgrass Drive, known as Tax ID # 149.06-1-5, /RH. All as described on application and plans on file.

MR. CANTWELL: Thank you Mr. Chairman, my name is Bob Cantwell with B& E Associates. I am here tonight on behalf of Wegmans Companies to present the conceptual plan as was mentioned

with me tonight is Andy Morose from our office who will be the project engineer on the project. What I would like to do right up front is to kindly acknowledge that we are here this evening to solicit input as part of the development proposal so that we can incorporate comments that we receive this evening as part of the preparation of the Site Plan that we are looking to submit in September. I would also mention that we would certainly acknowledge that there were previous applications on this property three or four years ago and we have over the last couple of months done a fair amount of research and historical updates on the project. We were not involved with the project so this is a new applicant and the property is no longer owned by the overall Brighton Meadows the property owner and I would also say we have met with Town Staff a couple of times and we certainly appreciate the time Ramsey spent on the history and the evolution of the project and previous proposals.

Just very quickly over the past couple of months of due diligence we also met with the Conservation Board. We met with them a couple of weeks ago to present the proposals to them and I think one of the things that we heard right from the get go on the project. Was that we needed to do our homework relative to the input and the history of the project from prior. So in addition to meeting with the Conservation Board informally on the project we have also had meetings with the New York State Department of Environmental Conservation last week relative to the storm water quality and some of the input that they may have on the development of the site. And we also had lengthy discussions with the Corp of Engineers relative to the wetlands permit that was submitted for a similar project again four years ago and what some of the challenges I would say were relative to that. So as I said we have been busy looking at a lot of things and the history and Andy has done a lot of research into the 1994 original design intent for storm water management and the overall Brighton Meadows project. He has had discussions with Mike Guyon so I think we are in a pretty good direction in terms of knowing what some of the comments prior to these are from not only the other committees and boards but also from the Planning Board's perspective.

What Andy had distributed this evening the first two contacts or aerial photos is just a reduction of what the concept plan. There is a context of what the overall Meadows property and then the third aerial photo is context aerial in a smaller map to show not only the site but its context with the Westfall Road corridor. As Mr. Price had indicated the proposal is to construct a medial office building of 55,000 sf.

The current zoning is BE-1 and in addition to the size of the building it is a three story building which is allowable in the BE-1 zone. In addition to the proposed structure we are also proposing parking to accommodate the higher intensity medical use that is dictated by the town code for parking. I would mention that the reason for the 55,000 square foot building is that our client like the companies do have a single use tenant that is interested in the entire building. So that is what their needs in terms of employment and employee basis are dictating. So that is kind of the background as to the building size.

With regard to the property configuration as shown on the materials that we are going to hand out. The parcel is 12 acres in size and part of the parcel is also the western half of the Sawgrass Drive. That is a private road that provides access to all the individual parcels and the Brighton Meadows project. It just so happens this property as to the ownership essentially there are cross access easements that provide access to all the other properties. So I guess as I mentioned it is a private road it does loop around and has two points of access on Westfall Road. The eastern most access point is signalized which is certainly a benefit relative to the overall campus. As I indicated the project was originally approved in the early 90's 1994 to be exact and at that time the project proposal did go through an environmental impact statement process to address SEQR and so that was addressed and it is our understanding that this parcel was projected to include a total build out of 100,000 square foot building as part of that original plan and approval.

A couple of other factors as it relates to the perspective tenant their interest in the attraction of the property as you can imagine is that the medical use is absolutely consistent with many of the other users in the Brighton Meadows Campus as well as the whole Westfall Road corridor that's and given the fact they are a medical use and that certainly was one of the reasons that they focused in on the site. The location in addition to the compatible uses certainly the location is easily accessible from not only Westfall Road but many of the other services and features and accessibility types of issues in that location. They were also looking at the natural setting of the property as being very desirable certainly the adjacency of the Brighton Town Park is a wonderful amenity to the employees the 300 ish employees that would be located in the building along with the walking trails and other park amenities that the Town has invested in at that park and certainly the visibility from Route 390 to the south of the frontage of the parcel.

Public utilities are available to provide service, full sanitary water connection. We had as I had mentioned earlier and Andy has done a lot of research on Storm water management we feel without getting into excruciating detail at this point we certainly would address that as part of our site plan application to this Board. We do feel that the overall storm water needs of the entire subdivision from a storm water volume standpoint were provided with the existing pond within the Brighton Park relative to water quality and certainly acknowledge that we will have to comply with the great infrastructure practices and Mike Guyon is a big proponent of that. So that is part of the discussion that we have had with the Mike up to this point. So we are working at some of the measures that would be appropriate and recognized by the Town and the DEC for that.

One of the biggest challenges as I alluded to earlier for the development of the site is the existing wetlands on the property. I think my initial discussions with the Corp of Engineers was about an hour and a half relative to the history via discussions between the town and the previous consultant and the approach and comments from the permit application that was proposed at that time. I am sure that – I don't know if any of the Board members were present at that time I do know Mr. Chairman was but I don't know if any of the Board members were but at that time it was presented that the existing wetlands that have been absolutely created because of drainage being blocked on the site. There were various minimal wetlands when the property was originally included as part of the over all subdivision because of some off site drainage to the west of the county's property and the drainage through the site as well as other drainage through the trails. And the area around the park have actually created a lack of positive drainage and because of that the wetlands have grown.

With that wetland expansion the Corp of Engineers feels that trying to mitigate on site would be a very difficult proposition because of the evasive species that were there. And even if we were to mitigate the disturbance of the wetlands on site because of the five year monitoring and reporting that the Corp of Engineers requires I am not exactly sure how she phrased it but it's like chasing your tail which is basically what she said and that because of the invasive species you will constantly be trying to rid the wetlands or to mitigate the wetlands of that.

So the bottom line is that she felt that looking at off

site mitigation was probably the best approach relative to mitigating and providing mitigation for the disturbance of the wetland. So again that is one of the things we are certainly looking for. The Planning Board commented on and we did present as I had mentioned off site mitigation, location hypothetically and in concept that being again on the third page of the concept that actually the applicant owns and had developed the ameritis at Brighton Assisted Living project and as part of that incentive zoning application that also dedicated it was approximately 60 or 70 acres Ramsey help me to the town for the construction of a trail from Westfall all the way over to Elmwood again which is a wonderful project. So the third page shows the location of that labeled shared trail.

So our proposal at this point is that we feel is most acceptable not only to the Corp of Engineers and again we had some real good buy in from the Conservation Board a couple of weeks ago that would enable that site to accomplish the mitigation that would be necessary. The other benefit there is that it's keeping the mitigation within the same water shed and certainly within the Town of Brighton as far as an asset and an amenity to the project. So that is one of the things we are looking for your comment relative to that.

Again as I indicated in some of my opening remarks we are here simply to receive some input so we can move forward with the preparation of not only the site plans but also the SEQR Review as part of the Site Plan application and the wetland permit. In terms of schedule we are looking to start construction in the spring and we recognize that is a fairly aggressive schedule I think everybody in the room can say that is a fairly aggressive schedule but our client feels it is doable. So we will see if we can get it done and the ball is in our court but the sense of urgency that is driving that is again that they do have a tenant that is basically ready to go where the timing works and so we need to accomplish the construction phase of the building within a time frame to accommodate that need

With regard to other details again we have not provided a lot of detail of landscaping or lighting or dumpster, or fencing and things of that nature we certainly will be prepared to provide you with that detail with the Site Plan process. HPT is the project architect and they have provided an initial conceptual plan which is on the poster board on the bottom. So again it is not the final design but it is the initial concept

elevation perspective at this point. With that I will be happy to answer questions that the Board might have and certainly I thank you for meeting with us informally.

MR. CHAIRMAN: Thank you Bob, what we typically do with Concept Review is just let each person either ask questions or give you opinions about the proposal that you have made. So if we find ourselves coming up with issues that concern the Board members we will pole the Board to see if the same issues are a concern to the majority. And you should leave here with a reasonably good idea of what our concerns are. The goal is that you don't have to come back with concept again.

MR. BOEHNER: Can I ask one question about the storm water and wetland mitigation. Are you still proposing to combine that with the Town's obligation for wetland mitigation and do it as one large mitigation and maintenance operation. When we met you guys had talked about taking the town's responsibility for their wetland mitigation for the trail construction and installing that and maintaining that. Is that what you are still proposing?

MR. MARTIN: I guess just a clarification Ramsey when you say town's obligation for mitigation is that I guess I am not sure.

MR. BOEHNER: We designed the trail and it impacted some federal wetlands and they said we had to create some open water wetlands on the Town parkway. When we met Mr. Wegman had proposed that he would pick up that responsibility and the maintenance responsibility along with taking the wetland mitigation and taking it from here and put it over there. Is that what your proposing?

MR. MARTIN: So when this trail was constructed -

MR. BOEHNER: No this is the brickyard trail.

MR. MARTIN: The brick yard is the Farish property?

MR. BOEHNER: Yes, we are trying to stop calling it the Farish property.

MR. MARTIN: I do know that there are some mitigation ponds on that current plan shown currently so I guess in the spirit of hearing input I guess I would say we would write that down and confirm and verify that if that is something that they had.

MR. BOEHNER: It was just the last conversation we had and that is something that starts impacting the SEQR and Supplemental EIS and a few other things and I was trying to figure out what has to be done to get it all together.

MR. MARTIN: That sounds very logical because of the other mitigation that would be done on the brick yard trail so I think that makes a lot of sense.

MR. CHAIRMAN: Mr. Wentworth any questions?

MR. WENTWORTH: Not many.

MR. BABCOCK STINER: I agree that mitigation should probably be off site. The minute you stop monitoring it as Ramsey mentioned combining the two would be beneficial and I think you are creating a larger size and joining those two together would be beneficial because Wegman is going to own the building and property.

MR. BOEHNER: I think there might be an easement to share that access.

MR. MARTIN: Initially because Wegman is going to own the building and property he was less concerned about combining the access point because he would have control there. So his comment was if the board felt strongly about combining the access between those two sites and there is an access easement in place currently so that is something that can be done and be positive there and enable that clearing to the drive and disturbance to that area there.

MR. BABCOCK STINER: That is all I have.

MR. WENTWORTH: Ramsey do you know how the building to the north is signed.

MR. BOEHNER: It has a free standing sign in the front yard and I can't remember what it says but there is a signage directing people on where to go.

MR. BABCOCK STINER: It is so remote from the road they are going to need something.

MR. BOEHNER: Normally what they have done on this project is say you can have a free standing sign but you can't have any building face signage or they have to apply for a variance.

MR. BABCOCK STINER: So that would be my only concern with sharing the driveway that there would be signs on both sides of the driveway.

MR. CHAIRMAN: When he came in years ago to do the building to the north he also was going to develop the parcel to the south so that is where the whole access easement came from and access alignment so this parcel would share that. So you can share that for some reason. As far as your configuration of the three story building certainly reduces the impacts to the wetlands the idea of mitigation and technically within the water shed is positive. I know one of the Board members that isn't here tonight would be adamantly opposed to a remote gates location or some other mitigation. The question that Ramsey asked would follow in my comments is that this does not put a burden on the town taxpayer to perform to take on the obligations to perform the actual mitigation for a long term monitoring. I love where you are putting it and I like combining it with other mitigations on the other project .

MR. MARTIN: Just to follow up on that our client has unequivocally understands that this is on his plate and his responsibility and is part of the wetland Permit.

MR. CHAIRMAN: We encourage that. One thing I understand Wegman will own this and we are ready to get this on the tax rolls. I would just ask for some of the materials to sneak in with the other architecture. Good luck with your application.

MR. OSOWSKI: I assume that because Sawgrass is a private drive RTS buses don't go down there.

MR. MARTIN: It's a good question. I do know RTS just came out with new routing and we can certainly follow up on that..

MR. BOEHNER: The RTS says if you pay them they will come. Do you think you will be going into the Conservation Easement? I like the Conservation Easement. It seems if you wanted to do something in there you may need to go through the amendment process on that. I did get a chance to read the easement. If we have a difference of opinion on that we can talk about that. There is a process to go through to amend that.

MR. MARTIN: I guess the only question that I would have is we have a trail connection from the building over to the trail in the park is that something that will require a similar level?

MR. BOEHNER: I would have to read it again with the trail in mind.

MR. MARTIN: Our client as I indicated earlier in capitalizing the frontage and the park and the other amenities in the park.

MR. BOEHNER: The other thing I have to say to the Planning Board and I have talked with you about a lot of stuff that needs to be done. I have to go back and figure out where the SEQR is but we need to sit down and talk about it. I do want to let you know that is something that has been hanging out there and that may mean a meeting with Monroe County DOT and what I recommend is to go through that finding statement and find what has and what has not been achieved.

MR. MARTIN: I guess as a clarification is that something because the Planning Board is the lead agency is that something you would get involved with those findings or conditions or is that the Town.

MR. BOEHNER: It is the Planning Board

because we are the lead agency. We need to go through that and come back with a recommendation and check with David. I need to talk to the County and they have no interest in holding up the development of this project. When they redid Westfall Road we anticipated the rest of the development coming out of here. When we made those improvements we made anticipation of this project. That is why we have to go back to the county and make sure they are in concurrence. The signal has been put in right in and right out is in there.

MR. MARTIN: I think it was one, three and four that were the conditions.

MR. BOEHNER: I have to revisit it myself because it has been years.

MR. MARTIN: Alright, thank you.

MR. CHAIRMAN: Have we given you some ideas to make you ready to go.

MR. MARTIN: Yes, thank you very much.

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## PRESENTATIONS

NONE

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## COMMUNICATIONS

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated August 6, 2015 stating that the Historic Preservation Commission decided not to schedule a public hearing to consider 316 South Landing Road for landmark status.

Letter from Gregory McMahan, P.E. dated August 18, 2015 requesting postponement of application 5P-NB1-15 to the September 16, 2015 meeting.

Letter from Bill Daly, The Costello Group dated August 18, 2015 requesting postponement of application 8P-NB1-15 to the September 16, 2015 meeting.

Letter from Robert Burgdorf, Nixon Peabody dated August 18, 2015 regarding application 8P-02-15 and SEQRA segmentation.

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PETITIONS

NONE

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8P-01-15 Application of Stanley Gordon, owner, for Demolition Review and Approval to raze a single family house on property located at 49 Danbury Circle North. All as described on application and plans on file.

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

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. BABCOCK STINER: I move that the Planning Board adopts the following findings based on the application submitted and testimony presented.

DEMOLITION FINDINGS:

1. Prior to demolition, the existing building, will be reviewed by the Historic Preservation Commission to determine whether it is a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Conservation Board has reviewed the project per the requirements of this article and their determination and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.

5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.
8. The project will comply with the requirements of NYS DOL, Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton Lead Based Paint Removal. In addition to an other requirements of Code Rle 56, the project will comply with Sectin 56-3.4(A)(2) regarding onsite 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 the asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood
10. The project doe not have a significant negative impact on affordable housing with the Town.

MR. BABCOCK STINER: I move that 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. Prior to application for a demolition permit, the existing house shall be found not to be a candidate for designation by the Historic Preservation Commission.
2. As the house cannot be abated of asbestos prior to demolition because the house is not structurally safe to work in, the house shall be demolished as a controlled, viable demolition project by a certified NYS asbestos contractor, demolition shall comply with all state and local requirements..
3. Tree protection shall be shown around the trees to be saved, and a tree protection detail shall be provided. 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. Any proposed development of the lot in the future shall require Site Plan Approval by the Planning Board.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town codes 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 comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.
- 10 A sewer permit is required prior to demolition.
- 11 Security construction fencing shall be included on the plans.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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8P-02-15 Application of Mamasan's Monroe, LLC, owner for Preliminary /Final Site Plan Approval and Conditional Use Permit Approval to construct a 416 sf building addition and operate Mamasan's Restaurant, with outdoor dining (417 sf outdoor patio) on property located at 2735 Monroe Avenue. All as described on application and plans on file.

MR. WENTWORTH: 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. Details of the existing and proposed parking lot lights shall be submitted. The new lights in the parking lot shall not exceed a pole height of 15', 17.5' from grade with base.
- 2 Tree protection shall be shown around the trees to be saved, and a tree protection detail shall be provided. 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.
- 3The Town has received a letter from Robert Burgdrof dated August 18, 2015 concerning improper segmentation under SEQR. The letter shall be reviewed by legal staff and legal advise provided regarding the issue of segmentation.

4. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
5. All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner shall be addressed.
6. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
7. Applicant shall verify and plans shall show that retaining walls and fences meet height requirements. Fencing and retaining walls shall not exceed a height of 3 and a half feet from grade in any front yard or 6 and a half feet from grade in any side or rear yard.
8. All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day one half hour before the business is open to the public and to terminate one half hour after the close of business.
9. Paragraph 201.16B(1) of the Code of the Town of Brighton states, "Where deemed appropriate and feasible by the Planning Board, Zoning Board of Appeals or authorized official, a cross-access easement shall be required to connect the parking areas between two or more adjacent lots. Cross-access easements shall be considered when reviewing proposals for new development, changes of use or any site Modification". A cross access easement should be provided. A sketch plan should be provided demonstrating that the project can accommodate that anticipated parking requirements while providing cross access to the adjacent parcels.
10. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal ( Chris Roth 585-784-5220).
11. The building shall comply with the most current Building & Fire Codes of New York State.
12. 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.

13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All Town code shall be met that relate directly or indirectly to the applicant's request.
15. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
16. 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.
17. Maintenance of landscape plantings shall be guaranteed for three years.
18. 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.
19. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
20. Fire hydrants shall be fully operational prior to and during construction of the building.]
21. Erosion control measures shall be in place prior to site disturbance.
22. A letter of credit shall be provided to cover certain aspects of the project including but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineering shall prepare an itemized estimate of the scope of the project as a basis for the letter.

22. A letter of credit shall be provided to cover certain aspects of the project including but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineering shall prepare an itemized estimate of the scope of the project as a basis for the letter.
23. The proposed building shall be sprinklered if required by NYS or Brighton regulations.
24. Erosion control measures shall be in place prior to the site disturbance.
25. 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. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board Approval.
26. The location of the HVAX shall be shown on the site plans.
27. All requirements of Section 203-84B.3 ( restaurant regulations), 203-84B.4 ( Outdoor Dining Facilities, 207-14.1 ( waste container and grease/oil container standards), and 207.14.3 ( supplemental restaurant regulations) as well as any other pertinent sections of the code, shall be met.
28. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
29. All other reviewing agencies must issue their approval prior to the Department of Public Works. issuing its final approval.
30. Applicable Town standard details and notes will need to be incorporated into the design drawings.
31. Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
32. Per elevations, submitted to the Architectural Review Board kitchen exhaust vents will be located on the south roof of the

building. How the kitchen exhaust vents will be screened shall be addressed.

33. The Fence shall not exceed 36 inches or a variance must be obtained.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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8P-03-15 Application of Hurlbut Real Estate, LLC, owner, for Preliminary/Final Subdivision Approval, Site Plan Modification and EPOD (woodlot) Permit Approval to combine three lots into one and construct a 40 space front yard parking lot on property located at 1177 East Henrietta Road (Tax ID #'s 149.17-1-14, 149.17-1-15 and 149.176-1-16) All as described on application and plans on file.

MR. BABCOCK STINER: 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 stairs and canopy shall comply with the most current building & 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 Marshall shall be addressed within 30 days.
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. All easements must be shown on the subdivision map with ownership, purpose and liber page of filing with the Monroe County Clerks

Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.

16. Prior to the issuance of any building permits, a letter of credit shall be provided to the Town to cover the cost of materials and installation for all landscaping to insure that all landscaping conforms to the approved plans and that the landscape survives in a healthy condition.
17. Prior to the issuance of any permits, a letter of credit shall be provided to the Town, to cover the cost of construction of the proposed drainage system to insure that it conforms to the approved plans and that the landscape plantings and the existing buffer survives in a healthy condition.
18. 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.
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. The proposed canopy shall meet all requirements of Section 207-6 B of the Town of Brighton comprehensive Development Regulations.
21. All necessary variances shall be obtained from the Zoning Board of Appeals.
22. All comments and concerns of the Evert Garcia, Engineer as contained in the attached memo dated August 18 2015 from Evert Garcia to Ramsey Boehner shall be addressed.
23. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
24. The landscape plan shall address the comments of the Conservation Board.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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8P-04-15 Application of Landsman Real Estate Service, agent, and Norland Associates, owner, for Conditional Use Permit Approval for an office and assembly facility to be on property located at 3 Townline Circle. 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. BABCOCK STINER: I move that application 8P-04-15 be approved as presented based on the testimony given, plans submitted, and with the following conditions and Determination of Significance.

#### DETERMINATION OF SIGNIFICANCE

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

#### CONDITIONS

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal ( Chris Roth 585-784-5220)
2. The entire building shall comply with the most current Building & Fire Codes of New York State.

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. Maintenance and repair of equipment shall be prohibited outside the building.
6. There shall be no display or storage outside of the building without further approval.
7. There shall be no storage of petroleum products or any other hazardous products/materials.
8. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed within 30 days.
9. This conditional use permit is issued to Micromod Automation and Controls for assembly operations and office use only.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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8P-05-15 Application of Floyd and Susan Winslow, owners, for Final 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 316 South Landing Road. All as described on application and plans on file.

New Business

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. CHAIRMAN: I move to close the public hearings.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Demolition Findings

MR. CHAIRMAN: I move that the Planning Board adopts the following findings based on the application submitted, testimony presented, and the determinations, comments and recommendations of the Historic Preservation Commission, Architectural Review Board and Conservation board.

1. The existing building has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.
8. 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 an other requirements of Code Rle 56, the project will comply with Sectin 56-3.4(A)(2) regarding onsite 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 the asbestos survey and removal requirements of Section 56-5.

9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood

10 The project does not have a significant negative impact on affordable housing with the Town.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: 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 entire building shall comply with the most current Building & 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. 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.
- 9 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.
- 10 All County Development Review Comments shall be addressed prior to final approval.
- 11 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 12 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.

- 13 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 an other requirements of Code Rle 56, the project will comply with Sectin 56-3.4(A)(2) regarding onsite 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 the asbestos survey and removal requirements of Section 56-5.
14. The height of the proposed house shall be shown on the plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
15. 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.
16. The zoning notes on the site plan shall include both required and proposed information for each zoning category. The information contained on the submitted Single Family Zoning Information Form shall be shown on all plans.
17. Erosion control measures shall be in place prior to site disturbance.
18. 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.
19. Prior to the issuance of any permits, the Single Family Zoning Information form shall be submitted and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the stie plans and architectural drawings.
20. 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.

21. An asbestos survey shall be submitted.
22. Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.
23. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
24. The restoration plan included with the site plans must depict proposed gradings for the site should construction of the proposed house not begin shortly after demolition.
25. All comments and concerns of Evert Garcia as contained in the attached memo dated August 16, 2015 to Ramsey Boehner shall be addressed.
26. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
27. Prior to issuance of a Building Permit final Architectural Review Board approval shall be obtained.
28. All trees to be removed shall be shown on the landscaping plan.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SIGNS - 1

1387 Speedway for Canopy Signs at 1677 Elmwood Avenue  
Condition

1. All requirements of variances granted shall be met.

1388 Speedway for Canopy & Bldg Face signs at 222 Jefferson Road.  
Condition

1. All requirements of variances granted shall be met.

1389 Speedway for Canopy & Bldg Face Signs at 3000 Winton Road.  
Condition

1. All requirements of variances granted shall be met.

\ 1390 A&A Beauty Supply & Salon Design for a Bldg Face Sign at  
1712 Monroe Avenue

1391 East of Chicago Pizza for a Face Sign at 2171 W. Henrietta Road  
Condition

1. The trim behind the sign shall be painted to match the building color.

1392 East side Medical Supply for a Bldg Face Sign at 210 Monroe  
Avenue

1393 Jubilee Center for a Free Standing Sign at 2080 South Clinton  
Avenue

Condition

1. ALL required variances shall be obtained.

1394 The Landing at Brighton for a Free Standing Sign at 1350 Westfall  
Road.

Condition

1. All required variance shall be obtained

1395 Clover Center for Arts & Spirituality for a Building Face Sign at 191  
Clover Street.

Condition

1. All required variance shall be obtained.

(TABLED)

SIGNS - 2

1396 UR Medicine for an Awning Sign at 2337 South Clinton Avenue.

1397 UR Medicine for an Awning Sign at 2613 West Henrietta Road.

1398 UR Medicine for an Awning Sign at 5901 Lac de Ville Blvd.

MR. CHAIRMAN: I move to approve signs 1387 through 1398 as presented with the exception of 1395 which is to be tabled.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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