

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on September 16, 2015
commencing at approximately 7:30 p.m.

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

NOT PRESENT Daniel Cordova
David Fader

Ramsey Boehner, Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MS. CHAIRMAN: Good evening Ladies and
Gentlemen, I would like to call to order the September 16, 2015 meeting
of the Town of Brighton's Planning Board to order. Everyone has
received the August 19, 2015 minutes. I will ask that the minutes be
approved with the amended conditions.

MR. BABCOCK STINER: I move to approve the
August 19 minutes as amended.

MS. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of August 13, 2015.

MR. CHAIRMAN: I want to note that application 8P-02-15 has been postponed to the October 21, 2015 meeting as well as 5P-NB1-15 and 8P-NB1-15 has also been postponed.

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. TABLED AT THE AUGUST 19, 2015 MEETING – PUBLIC HEARING REMAINS OPEN – POSPONED TO THE OCTOBER 21, 2015 MEETING AT THE APPLICANT'S REQUEST.

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 149.17-1-16). All as described on application and plans on file. TABLED AT THE AUGUST 19, 2015 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. MCMAHON: Good evening Greg McMahon from McMahon and LaRue Associates, engineers for Hurlbut. Last month we presented the project to you. I think two weeks ago or a week ago we appeared before the Zoning Board of Appeals and we were granted both of the variances that we had requested for this project. We responded to Town staff comments and submitted some updated plans. So the majority of the revisions were in response to engineering comments and questions and I will be happy to answer any questions you have tonight.

MR. CHAIRMAN: Tell us a little bit about the drainage.

MR. MCMAHON: All of the parking lot drainage is going to sheet flow into a combination of a small detention basin located in the south east corner of the developed property that will discharge to a hard pipe. That's one of the comments from engineering we had this through a culvert through a rip wrap section to the existing storm system. We have since revised that to a hard pipe into the system and there is also a very small drainage area that occurs right up to the entrance and

there was some comments from engineering regarding that and we have created an existing grass swail over to a disaporator to let that flow with the natural flow and it is being handled by a combination of methods.

MR. BOEHNER: Are you meeting with the Town Engineer on this?

MR. MCMAHON: We are meeting with them on Monday morning at 9 or 10 o'clock we are meeting with the Town Engineer. They have a few more questions regarding storm water. I think they are looking for us to clarify some items from what I understand. Generally it will center around the storm water.

MR. WENTWORTH: Does the hard pipe connect all the way into detention area or .stop part way?

MR. MCMAHON: There is an over flow structure in the detention area and it is a hard pipe structure that goes down the slope to a catch basin where it makes a 90 degree turn and ties into this storm water system.

MR. BOEHNER: Do you see revisions to the storm water plan requiring additional tree removal.

MR. MCMAHON: No.

MR. BOEHNER: How confident are you in that?

MR. MCMAHON: As confident as – we did update the tree removal. I think we had a couple of trees intended to be removed that we showed to remain. We clarified that, I have taken the tree removal far enough from all of the drainage so in our opinion based on the locations of the trees not to disturb the tree roots. There were several trees along the detention area that were listed to be removed but they were shaded to remain on the drawing and that was one of the comments that we clarified in the revised plan that we sent in.

MR. BOEHNER: Your plans don't show where the replacement trees are going to be planted. Is there enough room on the property on the existing property to plant all those trees in there?

MR. MCMAHON: There is enough room, our intent was and again in my discussion at least the discussion that I had with the Conservation Board is they will generally be along the Metro Park and a few on the frontage of East Henrietta Road for a total of 25 trees including some common colors. The common colors are intended to end up in here, There is a pump station there is some existing common colors to fill in there and some existing pines and the rest along the frontage And it would be our intent to lay those out where they would be included in the letter of credit. And when the appropriate time comes we will be happy to work with the Town staff as far as a lay out of those trees and picking appropriate locations for them.

MR. BOEHNER: Have you had someone look at that to make sure there is room?

MR. MCMAHON: Yes. The 25 trees there are several areas and not all of these are going right up on the right of way . They would generally be between the parking lot, the existing parking lot and the curb line or right of way line or actually we have sanitary sewers so they are outside the sanitary sewers.

MR. CHAIRMAN: Any changes to lighting?

MR. MCMAHON: We removed one at the request of the engineering department. We have a large pole right here at the entrance and that is casting some foot candles of lighting out to the parking lot and we removed that pole and concentrated the lighting on the parking lot .

MR. BOEHNER: Are the lights dark sky compliant?

MR. MCMAHON: Yes, they are LED dark sky compliant fixtures.

MR. BOEHNER: How tall are they?

MR. MCMAHON: The base is 2 and a half foot high base and 15 foot pole so total height I believe is 17 and a half feet.

MR. OSOWSKI: What kind of lights are provided under the stair well or canopy.

MR. MCMAHON: We have bollard lights that are going to go along the side of the stairway. They are McGraw and Edison three foot high bollard LED.

MR. BOEHNER: Is the height of that canopy still 16 feet?

MR. MCMAHON: Yes it is.

MR. CHAIRMAN: Has ARB had to look at that canopy?

MR. BOEHNER: No, it is an accessory structure.

MR. CHAIRMAN: This is a public hearing does anyone care to address this application? Okay thank you very much.

NEW BUSINESS

5P-NB1-15 Application of James Cerone and Sharon Bidwell- Cerone, owners for Preliminary Site Plan Approval to construct a 4, 480 +/- sf 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 TO THE OCTOBER 21, 2015 MEETING AT APPLICANT’S REQUEST..**

MR. CHAIRMAN: That is all we have for tonight and I am going to close the public hearings.

NEW BUSINESS (cont.)

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 a 6 story building containing a total of 168 condominiums to 6 four story buildings containing a total of 144 condominiums on property located on The Reserve View Blvd (The Reserve" housing development. All as described on application and plans on file. POSTPONED TO THE OCTOBER 16, 2015 MEETING AT APPLICANT'S REQUEST.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter, with attachments, to the Town Board of the Town of Brighton, from Robert Burgdorf, Nixon, Peabody, dated August 19, 2015, in regards to the proposed redevelopment at 2740/27 50 Monroe Avenue.

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated August 28, 2015 stating that the Historic Preservation Commission decided not to schedule a public hearing to consider 46 North Danbury Circle for landmark status.

Letter from William Daly, The Costello Group, LLC, dated September 11 2015 requesting postponement of application 8P-NB1-15 to the October 21, 2015 meeting.

Letter from Gregory McMahon, McMahon LaRue Associates, P.C, requesting postponement of application 8P-0215 to the October 21, 2015 meeting.

Letter from Gregory McMahon, McMahon LaRue Associates, P.C. requesting postponement of application 5P-NB1-15 to the October 21, 2015 meeting.

PETITIONS

NONE

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 149.17-1-16). All as described on application and plans on file. TABLED AT THE AUGUST 19, 2015 MEETING – PUBLIC HEARING REMAINS OPEN.

MS. CIVILETTI: I move to close application 8P-03-15.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MS. CIVILETTI: 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 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 codes shall be met that relate directly or indirectly to the applicants request.
5. The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control. Erosion control structure locations shall be shown on the grading plan.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
7. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Maintenance of landscape plantings shall be guaranteed for three years.
9. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed 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 Clerk's Office. A copy of the filed easements shall be submitted to the Building and Planning Department for its records.
16. Prior to the issuance of any permits, a letter of credit shall be provided to cover certain aspects of the project including but not limited to landscaping, stormwater mitigation and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
17. 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.
18. The proposed canopy shall meet all requirements of Section 207-6 B of the Town of Brighton's Comprehensive Development Regulations.
19. All comments and concerns of the Evert Garcia, Engineer as contained in the attached memo dated September 15, 2015 from Evert Garcia to Ramsey Boehner, shall be addressed.
20. Prior to the issuance of any permits for the project, any revision to the landscape plan necessary to respond to the comments of the DPW shall be submitted to and approved by the Buildnig and Planning Department. The location of all trees proposed to be planted shall be shown on the plan.
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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SIGNS

1399 UR Medicine for a building face sign (3) at 180 Sawgrass Drive.

1. All required variances shall be obtained.

1400 The Men's Room Barber Lounge & Spa for a building face sign at 2450 Monroe Avenue.

1401 Fonte Your Health Care Solutions for a building face sign

1402 J. McLaughlin for a building face sign at 2922 Monroe Avenue

1403 Abar Abstract, Avino, Premium Mortgage for a building face sign at 2541 Monroe Avenue.

1. All required variances shall be obtained.

1404 Petrella Phillips LLP, CPA for a building face sign at 1892 Winton Road South.

MR. CHAIRMAN: I move to approve signs 1400, 1401, 1402, 1404 as presented, 1399 and 1403 with conditions.

MR. OSOWSKI: Second.

MR. WENTWORTH RECLUSED HIMSELF FROM VOTING ON SIGN 1399.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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AMEMDMENTS TO THE August 19, 2015 MEETING

SIGNS

MR. WENTWORTH RECUSED HIMSELF FROM THE 1396-1397
AND 1398 SIGN APPLICATIONS