

Proceedings held before the Planning Board of Brighton at 2300 Elmwood Avenue, Rochester, New York on February 17, 2016 commencing at approximately 7:30 p.m.

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

NOT PRESENT: John Osowski

Ramsey Boehner, Town Planner  
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the February 17, 2016 meeting of the Town of Brighton's Planning Board to order. We will approve the January minutes at our next meeting in March. Mr. Secretary were the public hearings properly advertized for January?

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of February 11, 2016.

MR. CHAIRMAN: I want to note that application 2P-NB1-16 is postponed to the March 16, 2016 meeting at the applicant's request.

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2P-01-16 Application of Glynda Dancy Edwards, owner, for Preliminary/ Final Site Plan Approval to construct a 2,806 +/- sf single family house with a 899 sf attached garage on property located at 49 North Dandury Circle. All as described on application and plans on file.

MCMAHON: Good evening my name is Greg McMahan with McMahan Larue, engineers for the applicants and also

here tonight are the applicant and their builder if there is any questions that you have that they maybe able to address. This is a fairly straight forward application. The site is 49 North Danbury Circle and it was the location of a former single family residence that was destroyed by fire I believe in December 2014. The existing house was demolished and the site was restored. The applicants wish to build their new home in approximately the same location as the existing house. Utilities are all on site, storm sewer, sanitary sewer and water. They will utilize the exiting driveway with some minor modifications on the site. The home that they are going to construct has impervious surface slightly less than the former home. So we are not increasing the impervious and it is a very small reduction.

There is just one tree being proposed for removal located out in front of the property. The tree was damaged either during the demolition of the house. It's a small ornamental and it will be replaced by an oak tree which is shown in our plans. There are two larger trees a Fir tree and a large oak in the back yard and those will be protected.

MR. BOEHNER: So just one tree is going to be removed?

MR. MCMAHON: One tree will be removed and with that I would be happy to answer any questions.

MR. CHAIRMAN: Greg where is ARB approval?

MR. MCMAHON: ARB approved the project and they had a couple of conditions. Those conditions were addressed by the architect and revised plans were submitted. I submitted them after our application but it amounted to a window I believe on the garage side and just a comment that the garage door finish was to match the front door finish or the look but that was approved.

MR. BOEHNER: Greg have you calculated the front yard impervious surface coverage and do you know if that meets code?

MR. MCMAHON: I did not compute that specifically. It is strictly the driveway and I can do that for you I know it is no greater than the existing driveway. We did cut the driveway back on the east side in order that we would meet the town code with pavement setback. The current driveway is almost on the property drive way.

MR. BOEHNER: I saw that.

MR. MCMAHON: So the driveway is slightly reduced in area but I didn't break that out as a specific calculation. I can address that.

MR. BOEHNER: Okay.

MS. CIVILETTI: IS there a generator?

MR. MCMAHON: No there is no generator being proposed. I am assuming there will be an air conditioner compressor located on the exterior. I can add that to the final plans before we bring that in for signature.

MR. BOEHNER: Make sure it meets code or you will have to get variances.

MR. MCMAHON: The only other exterior feature that is a little bit different is there is an emergency exit window that is shown on the plans.

MR. CHAIRMAN: Good thank you, this is a public hearing is there anyone who wishes to heard on this application?

MS. PHATE: Carol Phate and I live on North Danbury Circle. I just want to know how tall the building is? I didn't see the plans so I need to know that.

MR. CHAIRMAN: We do have a building elevation .

MR. BOEHNER: It says here just over 20 feet.

MS. PHATE: Does that mean it is a one story building?

MR. BOEHNER: No it is a two story building but the height is not the total height to the very top of the roof. It is the mid point of the gable. Do you know the total height.

MR. CHAIRMAN: This says 29 from the lowest to the highest.

MS. PHATE: Thank you I just wanted to know how tall it was. Thank you.

MR. CHAIRMAN: Thank you for coming. Any other questions? There being none we will move on.

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2P-02-16 Application of Kaupp Family, LLC, owner, and Marathon Engineering, agent, for Final Site Plan Approval to construct a 5,896 +/- sf building addition and to expand the parking lot on property located at 1500 Brighton Henrietta Town Line Road. All as described on application and plans on file

12P-NB1-15 Application of Kaupp Family, LLC, owner and Marathon Engineering agent, for Preliminary Site Plan Approval to construct a 5,622 +/- sf building addition and to expand a parking lot on property located at 1500 Brighton Henrietta Town Line Road. All as described on application and plans on file. TABLED AT THE NOVEMBER 18, 2915 MEETING -- PUBLIC HEARING REMAINS OPEN

MR. HAKOLA: Good evening my name is Kirk Hakola with Marathon Engineering. I am here on behalf of J & K Jeweler with us tonight we have Jenny Lucas, John Kelp from J & K Jewelry as well as Robert Mendon (phonetic) from Marathon Engineering. We are here tonight requesting Final Site Plan Approval for 5, 896 sf building addition as well as a parking lot improvements. These improvements are limited to 10 additional parking spaces, a dumpster enclosed relocation to the rear of the building.

We appeared before this Board in the 16th of December and received preliminary approval, part of this is we needed to get a couple of variances, one for modification for the existing variance for front yard parking and maximum lot density. We received both of those variances as well as Architectural Review Board Approval. We have worked through comments of the Town staff as well as the Town Engineer and plan on continuing to work with them until they are satisfied. At this time we would be happy to answer any questions.

MR. FADER: How is storm water going to be handled?

MR. HAKOLA: We have a small storage areas proposed as well as ones by the retention area. We were able to reduce our cutoffs for the small storage vents and there are smaller numbers and I spoke with Mike this morning on the phone Mr. Guiyon and we're are going to work through this concept and he didn't seem concerned about that.

MR. FADER: Are the retention areas in marked?

MR. HAKOLA: There is a 30 inch deep about 500 square foot surface area. The first is the detention area and that is just grass just a little bit the front elevation inverts a little bit higher. The second one is the actual detention with some storage in it.

MR. FADER: But it is not shown on the plan?

MR. HAKOLA: Not on this they should be on the site plan there is a detail sheet.

MR. BOEHNER: A quick question about the gazebo is that there.

MR. HAKOLA: Yes, sir.

MR. BOEHNER: Is that a temporary or permanent gazebo because we don't show any record of that.

MR. HAKOLA: It is just a slab on grade . I don't think it is a permanent structure. It is a light frame.

MR. BOEHNER: Do the covers come on and off of it?

MR. HAKOLA: I am not sure.

MR. BOEHNER: Could you come up with what it is?

MS. LUCAS: Jenny Lucas with J & K Jewelry. The gazebo is temporary. We have actually moved it from the company owners home to our premises. So our employees would have a place to picnic in the summer. You take the top off during the winter time. It can be moved at anytime.

MR. BOEHNER: Okay so it is just temporary?

MS. LUCAS: Yes. We do have a concrete pad there that we did for that.

MR. BOEHNER: Okay.

MR. CHAIRMAN: Ramsey, do you have any questions about sky lighting?

MR. BOEHNER: I am just trying to understand about the lighting, what do those lines represent or foot candles?

MR. HAKOLA: I believe it is 1, 2.5, 5 and 10. So the light fixture itself is just a shoe box fixture.

MR. BOEHNER: So it is an LED not a metal halloid?

MR. HAKOLA: Yes.

MR. BOEHNER: Do you have a wall pack?

MR. HAKOLA: We don't have one shown on here but there will be one for the emergency exit.

MR. BOEHNER: Your letter said there is an existing generator on the site.

MR. HAKOLA: It is on the west side of the building and it won't be moved.

MR. CHAIRMAN: In addition to the location we need to know whether it is natural gas or whatever.

MR. BOEHNER: We will need a more in depth analysis of the sprinklers.

MR. HAKOLA: I do have a letter from the architect.

MR. BOEHNER: You do need to submit that to the Fire Marshal.

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

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2P-03-16 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Final Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with associated parking on property located on Sawgrass Drive, known as Tax ID #'s 1491.06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file.

11P-NB1-15 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Preliminary Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with associated parking on property located on Sawgrass Drive, known as Tax ID #'s 1491.06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file. TABLED AT THE NOVEMBER 18, 2015 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. CANTWELL: Good evening my name is Bob Cantwell of B & E Associates. I am here tonight on behalf of Wegman's Companies Inc, as was read in the notice. I am here to present the final plans for the 3 story, 55,000 sf medical office building which is located on a 12 foot 7 acre parcel within the existing Brighton Meadows Office park. The Final Site Plan is consistent with the Preliminary Site Plan that was presented to the Board back in November. A public hearing was held for that as well which has remained open since that time. Since that time we have been working very diligently to address Town staff comments those comments were addressed in writing in addition to our Final Site Plan application. So we have addressed those. We have also since the last time we were in front of the Board we have received the jurisdictional determination from the Corp of Engineers for the renewal of the wetland permit if you recall. An original proposal was presented back around five years or so and that jurisdictional determination at that time was due to expire in June so again we did prepare a new jurisdictional determination and the Corp also walked the site at the later part of the past year.

We did send over this morning the actual JD that was signed and accepted by the Corp. So you must have that in its possession and that was done actually about three weeks ago. In addition to the Jurisdictional Determination we have also submitted a wetland letter permission request to the Corp and that letter allows for disturbance of under one acre of regulated wetland and with our proposal we do comply below that acre of about 7 tenths and that is approximately one acre less than disturbance for the previous proposal that was presented back in 2011.

In addition we have received initial comments from the Corp of Engineers relative to their review of the letter of permission and I think the Corp of Engineer's reviewer said that the letter of permission, the only thing that is left is the swirling whatever that means to her, but we are getting close to the letter of permission for the wetland disturbance. We did submit with our Final Site Plan admission an actual summary of how those wetlands conditions not only for the permit but the jurisdictional determination again that was just a quick snapshot of the history of the wetlands.

In addition since the last time we were before the Board we have met with the Conservation Board a couple of times that included several back and forth discussions with them which included

some out of town I am going to call it educational simply for the Board to have an appreciation for what the wetland mitigation is all about. That was done towards the end of November and since that time we also gotten direction from the Corp of Engineers that the existing cornerstone wetland bank would be an accessible mitigation piece of property for their review of his disturbed wetland on the Sawgrass parcel.

One of the things that the Conservation Board I think even the Planning Board going back to the previous application four or five years ago asked about was on site wetlands, enhancements and mitigation on this property. So we did go back and forth on that with our Final Site Plan application we have shown an open water wetland enhancement area on the site, again that is this location here. However, That is not part of the mitigation that the Corp of Engineers is going to want to have anything to do with because quite frankly the outside wetlands are an evasive species and so they did not want to make that a condition of the wetland permitting. So, all of the mitigation that would be necessary as part of the wetland disturbance and permit application would be taken care of through that existing mitigation and the onsite enhancement is simply in response to the Conservation Board's interest in seeing something done to diversify the wetlands on the site. So that is just part of the application.

We have also had a number of meetings with Monroe County Department of Transportation and that is relative to the potential traffic impacts onto Westfall Road. McCarlin Johnson did prepare a traffic report and we did submit that to the County and they had initial comment on that report and we are anxiously awaiting those formal comments so we can address those comments. The conclusions on that report said that this proposal would have a negligible effect on the traffic on Westfall Road. I am sure the Board is familiar there is two access points from Sawgrass onto Westfall Road the eastern point of Sawgrass Drive actually this is an intersection and other than some minor timing adjustments we believe the County will be satisfied with the report.

It is also my understanding that Mr. Boehner has had some discussions with the County just from the standpoint of looking at the overall buildout for Sawgrass Drive and we may need to include the remaining parcel or two just to project to include that in the projection numbers again just to satisfy the original environmental impact statement process that was done back in the early 90's.

With regard to utilities this site is served by existing utilities, sanitary water service those extensions is located in Sawgrass Drive and those will be extended to the back part of the property. As was mentioned the Sawgrass Drive access is actually a looped road and it is currently a private road as a reciprocal easement agreement for all of the property owners in the office park and that is in place. It just so happens that the part of this piece of property does contain the western portion of Sawgrass Drive.

In addition at the time the overall office park was created there was approximately a 100 foot Conservation Easement along the existing town park here that is what is shaded in red as well as along 390. So that red portion of the property actually does include a Conservation Easement for non disturbance. So that remains to be largely undisturbed so we have asked for a minor disturbance in order to extend the utilities to serve this piece of property.

In addition we understand that the Planning Board has the review and approval authority to grant generators with diesel fuel and we are proposing a generator in the south west corner. So we are requesting approval of that.

MR. BOEHNER: What is the decimal levels of that?

MR. CANTWELL: The decimal levels I have no idea.

MR. BOEHNER: Do you know he dimensions of it?

MR. CANTWELL: The dimensions are 16 by 20. Let me check on that.

MR. BOEHNER: A couple of things Bob, you will need to come back with that information and show it on the Site Plan and compare it to what the code does or does not allow. Just so the Planning Board knows what you have. I couldn't find it in your letter.

MR. CANTWELL: Okay. I would also mention a couple of other boards that we have visited, the ARB did give us approval, for the architectural plans back just before Christmas, the Zoning Board approved the building height variance on February 3<sup>rd</sup> and that was for a double height of 44 ft 6 inches and as I mentioned before the Conservation Board did support the proposed application as it is shown and submitted to this Board. Other than that I would be happy to answer any questions that the Board might have and thank you for considering the Final Application.

MR. BOEHNER: Bob, I did explain to the Board during agenda review a little bit of what went on at the Army Corp but I am not sure that I have the whole story right. Originally the Army Corp gave us the impression that in lieu was the way to go but then they found out a wetland bank did exist and the watershed is that correct?

MR. CANTWELL: That is correct.

MR. BOEHNER: You said that the wetland water bank was an option that was okay with them. Are there other options that are okay with them, other than that bank?

MR. CANTWELL: As there list of protocol priorities a wetland bank is the highest priority and I want to say they strongly require it. So it is almost a known entity and that is why they strongly require. Our conversation with Judy Robinson of the Corp she said that is not a preference it is a requirement that they start with a wetland bank and if there aren't banks available then you go to the end land fee (phonetics) and then from there on to on site mitigation.

MR. BOEHNER: So they are going to be asking everyone to go into the bank?

MR. CANTWELL: If the bank is within the service area and the watershed then that is what they look at.

MR. BOEHNER: So they are not going to be allowing any more on site?

MR. CANWELL: Ramsey I can't speak for what they are going to allow for, I am just saying in the law they have the hierarchy.

MR. CHAIRMAN: There is a different criteria on quality of wetland, isn't there?

MR. CANTWELL: I think the wetland bank is there requirement that they go through. I don't think that the quality of the wetland plays in to that as a first priority that is the way they look at mitigation.

MR. CHAIRMAN: Your proposal does include what the Conservation Board asked for regardless of the fact the Corp is not going to recognize it as mitigation?

MR. CANTWELL: That is correct.

MR. CHAIRMAN: Do you know what you are going to do with that material once it is excavated?

MR. CANTWELL: That could be used for some of the areas around the site. It could be trucked.

MR. CHAIRMAN: The caution is don't assume that can go to a landfill or to a DEC regulated C & D landfill either. That is very difficult to just do that, so the Conservation Board needs to understand what that requirement is actually obligating the owner to and that may not be easy to do. Staying on site is not an issue but if it has to go off site it is where it is going and you get into all kinds of soil tests and chemical analysis of the material .

MR. CANTWELL: The intent is for that to stay on site.

MR. CHAIRMAN: Okay.

MR. BOEHNER: Maybe you can take other areas on the site and truck it off.

MR. CHAIRMAN: Is everyone semi clear on all the wetland issues at this point? Anything on the Site Plan itself ?

MR. BOEHNER: I needed to know about the generator and Bob I have a question something the Town Engineer is going to ask. You are going to need us to modify Conservatoin Easements so we are looking for the least amount of disturbance through that area understanding that you don't have too much choice but to go through that area because you are landlocked by it but we went to minimize damage there. Have you thought about going across the street and connecting into the storm sewer on the north side of Sawgrass Drive? It might even by the south side.

MR. CANTWELL: There is an existing manhole on the southside and that is what we are connecting to.

MR. BOEHNER: This is the storm?

MR. CANTWELL: The storm –

MR. BOEHNER: Because I think it looked like you were going into the pond. The other thing I was going to say is Mike is going to talk with you about that. I would ask you guys to look at it once again if you would or he is going to.

MR. CHAIRMAN: Does Mike have an alternative?

MR. BOEHNER: Yes he does. I think he should talk to them to see why that doesn't work.

MR. CHAIRMAN: That would mean a reduction on the impact?

MR. BOEHNER: Right that is what we are trying to do.

MR. CHAIRMAN: Bob, you are showing a path through the pedestrian access?

MR. CANTWELL: The pedestrian path yes.

MR. CHAIRMAN: Ramsey are you satisfied that is minimum disturbance?

MR. BOEHNER: Yes, it is a little bit different.

MS. CIVILETTI: Are there any signs proposed?

MR. CANTWELL: There would be a sign proposed out at Sawgrass Drive. At this point it hasn't been designed we recognize we would have to come back to the Board for that sign application.

MR. CHAIRMAN: And no other sign on the site?

MR. CANTWELL: Not to my knowledge at this point no.

MR. WENTWORTH: Do you have any screening for the generator?

MR. CANTWELL: We have not gotten the screening shown on the site plan, we just have bollards to protect the panel it self.

MR. BOEHNER: Is that the generator or an electrical box?

MR. CANTWELL: That is where the generator would go. The pad is within that 12 to 16 foot area.

MR. BOEHNER: I thought that was an electric box because it doesn't say generator.

MR. CANTWELL: It's a generator pad.

MR. CHAIRMAN: There is no residence nearby and there are hundreds of feet from the trail. Bob, we are waiting for comments from the County confirming the traffic.

MR. CANTWELL: Yes, we need written comments so we can address those written comments.

MR. CHAIRMAN: So the jurisdictional determination is step one and step two is coming back with your permit. Do you have a sense with the banking how that works? Is the money in the bank as you get the permit –

MR. CANTWELL: The Corp of Engineers needs to determine what the mitigation ratio would be which would be the multiplier, again we have .78 areas of disturbed wetland. They dictate whether it is one to one mitigation or anything from that. Once they have established the mitigation ratio that is how the calculation is done and the credits are therefore based upon a partying of credit and that is an agreement between the applicant here and the owner of the wetland bank which is the Cornerstone Group.

MR. CHAIRMAN: And assuming the worse case on the amount of mitigation 2 to 1 is there sufficient land banked to accommodate?

MR. CANTWELL: Yes, I think the Corp did confirm that there's approximately 3 acres of available credits remaining in that bank. We did confirm that and preliminary discussions have been had between the applicant and the owner of the bank.

MR. CHAIRMAN: Let's hope for an expedited process for you. Any other questions? Is there anyone in the audience who would like to address this application? Thank you.

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2P-NB1-16 Application of James Cerone and Sharon Bidwell-Cerone, owners for Preliminary Site Plan Approval to construct a 4,200 +/- sf single family house with a 898 sf attached garage on property located on East Avenue (between 2940 and 2980) known as Tax ID # 138.05-1-70. All as described on application and plans on file. POSTPONED TO THE MARCH 16, 2015 MEETING AT APPLICANT'S REQUEST.

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MR. CHAIRMAN: The public hearings are closed.

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NEW BUSINESS

2P-NB2-16 Application of 11925 South Clinton, LLC, Owner, for an Advisory Report regarding an Incentive Zoning proposal to develop 11.2 acres of land for uses including medical and professional offices, child care center, restaurant and retail on property located on South Clinton Avenue, know as Tax ID#'s, 136.15-1-7, 136.15-1-6 and 136.15-1-9. All as described on application and plans on file.

MS. CHAMPION: Good evening Ladies and Gentlemen, my name is Ashley Champion. I am an attorney with Nixon and Peabody and I am here tonight on behalf of the DiMarco Group in connection with their proposed incentive zoning development to be located on the west side of Clinton Ave right across from the Lac de Ville Plaza. Joining me are Phill Dertal of the DiMarco Group and also Garth Wherecorth (phonetic) from Costich Engineering and they may be coming up to help if you have any questions that pertain to their expertise.

I am assuming that the Board is somewhat familiar with this property. It is approximately 11.2 acres of land. It's currently zoned BEL which is the Town's Low density office district. It was at one point slated for potential development in connection with a higher occupation use, for various projects that have been conceptually proposed throughout the years for various owners. It has been a bit of a struggle for the various owners of the property through out the years in that the current market demands are not necessarily coinciding with the zoning uses permitted in a low density office district.

So we are planning to be here before the Board tonight with this application. We think that we have struck a nice balance being able to provide a potential project that does meet current market demands but still has relatively low impact some of which are even lower than could be realized under current zoning. So to date the applicant has had several meetings with various members of town staff and they had a neighborhood meeting. The neighbors came out and all of the feed back was very positive and that is how they got to the point that they are today which is up on the board in general. It is five buildings with potential uses that are being considered with incentive zoning application including day care, retail, restaurant, medical office and other professional office and including drive-thru facilities.

So the Planning Board has two separate functions throughout this project. The first is what we are here tonight for which is

the report and recommendation to the Town Board on the Incentive Zoning process. Then second will be what you are all very familiar with which is the site plan approval which will come later in the process if the Town determined that it is a viable incentive zoning application and the incentive zoning approval was granted although the law would be passed and the application would be back before this board to deal with all of the details and site considerations that the Board particularly considers when it is considering the site plan.

So as I said we are here tonight for Incentive Zoning Review and Recommendation and I thought it would be helpful to read a couple of lines from our Town code and to frame the conversation. "This Board is under the Town Code, the duty under 2095 C is to consider the adequacy with which the amenities and incentives fits the site and how it relates to adjacent uses and structures." And the code goes on to say the "Planning Board's review shall be limited,'in this phase of course site plan is later,' to planning design and layout considerations involved or other issues specifically required by the Town Board." So being that the incentives and amenities are the primary focus of this meeting and the report that needs to be issued to the Town Board I want to take a few minutes to go over those in a little bit of detail. All of this is contained in the January 19<sup>th</sup> application that hopefully you all have a copy of as well.

So we will start with the incentives these are what the applicant is coming to the Town with. The first batch of incentives relates to the uses to be proposed here including the day care, medical office, restaurant and retail some of which are permitted by Conditional Use Permit others are not permitted at this site. So the incentive would be to allow the proposed uses without Use Variance or Conditional Use Permit. And when I talk about amenities will come back to some of the uses because it is interesting that although we are asking for these uses as an incentive there are some concepts that will also show up on the amenity side as well. The rest of the incentives that we are looking for are related to area density requirements. Three relating to the size of the building one is the building height looking for a maximum of approximately 40 feet rather than 22 which is what is currently permitted under code. The first floor building square footage code currently permits 7,000 square feet and we are looking for 15 and total building square footage 14,000 is what is permitted and we are looking for approximately up to 30. And it is

interesting those three of the five incentives that we are looking for relate to the size of the building.

Interesting under the code low density office district allows two story buildings at 14,000 total 7 on the bottom and 7 on the top but in speaking with our engineers and the folks at DiMarco that is really not a viable way to construct an office or other type of commercial building. You would need higher than 22 foot height. So some of the internal restraints within the code are why we are looking for incentives on the building maximum size, square footage and height. And the fifth and final incentive that we are looking for is the total impervious surface, not the total lot coverage we are okay there but it is just the impervious surface we are looking for 60 percent where 50 percent is permitted under code.

So that is what we are looking for from the Town Board to allow in order for this development to move forward. Now the code requires that incentives and amenities should be weighed against one another and there should be a fair balance for a project to move forward. We think we achieved that here. The amenities that we are offering one is a multi use pedestrian and bicycle trail. There is going to be a portion of an existing trail coming from the plaza across the street that will continue throughout this development. It will be in this general area here. Hopefully the applicant has a willingness if and when all the appropriate town and county approves it will continue the trail along the western portion of the site in order to make that happen as well. This is in furtherance of the town's plan, the town has a pedestrian and bicycle plan master plan in furtherance of the town over there.

The second amenity is this increased buffer area along the western border of the property. It is going to be a natural buffer area coincidentally that is the area of the project site where most of the old growth is the hard wood trees. So a lot of those will be able to be preserved in their natural state going from 80 feet which is required from code to an additional 14 and a half feet of buffering area which is a little over a quarter of an acre of additional properties are going to remain in the natural state.

Another amenity that is being offered is the cross access that will be offered on both sides of the plaza that is another town

initiative. They are looking for cross access from neighbors property to commercial development. That ends our statement of amenities but there are a couple of other points that are not necessarily amenities but we thought it would be helpful to point out on how the project relates to requirements under town code.

The first is as I mentioned earlier medical facilities are not permitted for a reason I am not sure of but apparently in low density office you can't have medical office. You can have other types of offices but not medical office. But in your incentive zoning regulations one of the amenities listed and called out as something that is desired by the Town is health related facilities and other facilities that benefit residents. So we think medical office facilities and health related facilities - we are asking to be allowed to have a medical office in the low density district. We are not using them as part of the balancing but it is something we thought the Board should be aware of. If that is called out as an amenity, a type of amenity that the Town is seeking in your code.

Similarly we are looking for as an incentive the proposed day care facility which is permitted by Conditional Use Permit under the current zoning. So it is not a huge asking we have to go for a Conditional Use Permit rather than having it wrapped in incentive zoning but that again is called out under the list of preferred amenities under the Incentive Zoning regulations and health care facilities are listed there as well.

Additionally although these are not true amenities we wanted to point out that there are areas where the proposed development does better than required under existing zoning. If you remember aside from the uses the only tenant that we are looking for as far as the bulk area requirements all relate to the size of the buildings we want them to be so much taller and larger than would otherwise be permitted under the current zoning but the overall lot coverage is less than what would be permitted under current zoning.

So if you follow along on Exhibit C I believe it is your application shows what could otherwise be constructed under current zoning and you will see rather than the five buildings that we have proposed here it would be 8 smaller buildings that would end up taking up more of the lot than the proposed buildings here. So that is not an amenity per say but it is something that is nice for the Board to be aware of that

three of the five incentives that we are requesting relate to building five, what we think is we are doing better on than the current zoning with the layout on and the way the buildings are going to be formatted and we think it is a more attractive design as well than would otherwise be constructed.

I believe that covers everything that I wanted to mention as far as incentives versus amenities. We really appreciate the opportunity to bring this application before this Board and the Town Board and Town staff and everybody has been very cooperative to date and we are excited about the project and we hope we can keep it moving forward. So we can answer any questions that you may all have.

MR. FADER: You said that the alternative took up 60 percent and it took up 50 percent before so it is taking up more.

MS. CHAMPION: It's not going to be taking up more of the lot it is just that there is more permitted on first floor buildings square footage under current zoning. So we run into the same lot issue but you are allowed to have up to -- it's a little over 78,000 square feet per first floor coverage area based on the size of the lot and we are at 77,000 so it's about 1,000 square feet left.

MR. FADER: So it is more square feet?

MS. CHAMPION: Yes.

MR. FADER: I am just curious you are giving up 10 percent of the green space and then you come up with the amenities is 10 percent.

MS. CHAMPION: It's not really the same feature as the buffer area so it is not the same as the general green space.

MR. CHAIRMAN: Excuse me, we have a lot higher level discussions to have before we get into the green space. I think I should just come right out and tell you that as a Board we discussed this one thing is we would accept nothing before we accept this. This is really a very disappointing effort from both the land use and incentive request to the Town. So let's step back and see if we can understand and Phil you might want to come up and join this conversation

understand where you came up with this idea for the types of uses that you are proposing. I have a feeling this was hey I can get so and so in here and we can get x,y and z office guys. This looks like we took the land use kitchen sink and threw it altogether and came up with a site plan. This is not mixed use. It is not any part of what urbanism is or the way mixed use is designed. So I think we want to find out what it is your goal is here other than buying 11 acres and filling it up with as much leasible space as you can with as much outside parking as you can which we understand the business side of this but we are along way from what this community wants. This is taking and creating it's own zoning district. I think we have a zoning district F1 and F2 that would allow this type of development where you bring in a lot of different types of uses onto this site. The low density zoning does not permit that.

So one way to go about this would be rather than incentive would be to rezone to a district that allows this type of mixed use. If you went to the Zoning Board of Appeals with an F1 or F2 zoning we would not be having this conversation. But since you have brought it in under incentive I think we have to understand what is it that you are trying to do other than just finding uses you can lease to. Have you tried to create a type of development that is just a 9 to 5 development. We open up to day care at 7:30 and we shut it down at 5:15. What are you trying to do with this? Are you trying to have this be a restaurant that is just serving the office workers that are there? It is just not clear why this is looking for 100 percent increase in square footage for some of the uses, 100 percent increase in something else.

MS. CHAMPION: What do you mean by 100 percent is that per building?

MR. CHAIRMAN: You are going from 14,000 square feet to 30,000 square feet.

MS. CHAMPION: But still staying under the total so we are looking to combine buildings into larger buildings than would otherwise be permitted.

MR. CHAIRMAN: If you want to continue with this particular mix of uses again I would like to get some sense of what is trying to get accomplished? It seems like a rush of cars the first thing in the morning and a rush of cars the last thing at night. But the site plan

layout creates uncountable number of internal conflicts, the stacking distance is not good, again looking at it, you can say it works but it is a confusing mess with interconnections. I guess I can sense the argument coming that to connect the adjacent properties on either side has to have parking in the front because where there is. I am not sure we agree with that. It is typically continuation of old thinking with site design and the mix of uses.

MS. CHAMPION: So I want to make sure that I get the essence of what you are saying. I want to make sure I am clear in going back on this. So you are going to need us to show you and I think we will be able to show you issues with internal backing, conflict.

MR. CHAIRMAN: First of all what is this development? Next door is an office park, but I don't know what this is, is there a couple of boxes thrown in here, Okay we get Starbucks in here and you can get another drive-thru, a bank could go there. This is just kind of filling up space. What is this development?

MS. CHAMPION: I can see you want to see a little bit more of the vision, the tenant mix has not been determined and that is not uncommon for a development. Right now Doodlebug is the tenant that they currently have. That is ready to pursue a place at this site. So the incentive zoning request and I do want to leave it open that whatever use makes sense, whatever use can be supported by the market, and a tenant wants to be there and it is workable that we would be able to make that work. This is the Doodlebug, this is labeled potential restaurant, metro office, so I think the vision is probably for both of those a mix of medical office and retail depending on the tenant and the market availability. That is not completely unique. There are a lot of plazas throughout the county where there are both offices including medical office I have done several medical offices in retail plazas that happens. So it is not odd that there would be a plaza with both offices and retail facilities within it. I don't know Phil if you want to speak a little bit more.

MR. DURDEL: President of Baldwin Real Estate Corporation. It is a DiMarco affiliate company responsible for the property management. What we call the tail end of the business. Now this week our leasing team, our owner and the fellow who heads up our

Commercial development Bob Palucci are all taking advantage of the school holiday and are not here. So you are stuck with me. I will tell you to Ashley's last point we have worked with the University of Rochester and Highland Hospital and now Rochester General and their move is to get away from a concentration of large hospitals and more satellite and locating it in retail accessible locations. So we see this as an ideal location for medial use.

We also understand that we are going to align this three way signalization and making it four ways and this would be a nice place for a destination restaurant, we aren't looking at a taco bell or a chili's or something of that nature. It requires and deserves something much nicer. And fortunately we have an anchor lead. We have Doodlebugs which is a best of show state of the art, early childhood education business. We believe Brighton deserves a Doodlebug there are Doodlebugs in other parts of the county where the demographics aren't even as impressive as they are in Brighton. So that is why we have as our lead anchor Doodlebugs. There is an 11,000 sf facility here and they have driven the concept that the parents need to be able to drop off their children in the front entrance of the building which again is driving the parking lanes to be where they are. We are not able to come up with a configuration that is better than that.

So what is this suppose to be? This project, it is mixed use. We will have retail. We will have medical office. We will have restaurant and we will have a Doodlebugs early childhood center. So I am surprised that it is viewed as old thinking. Old thinking would say as the ordinance suggests that we have 11 7,000 sf buildings on the property and that would look like the military housing that we have in Fort Drum in Watertown or its more barracks like. We think the height restrictions, don't really allow for proper two story office use. So I think it is a great plan because it embraces the Town's mission of connectivity for your trail systems. We will add connectivity here in the west corner of the property. Connectivity to Brookdale, and to have running trails for pedestrian access to Brighton plaza. So there are a number of features and amenities to this plan. I am actually shocked to hear that the Board feels this is old thinking where we just plop the buildings down to try and create a mass of square footage.

MR. CHAIRMAN: We are standing by our thinking that this is not progressive at all. You are letting these tenants

requirements dictate your overall site plan decisions. I guess I get it but I am not sure we necessarily have to accept that.

MR. DURDEL: What you have said before is a tax exempt use for the property either a nursing home or an empire state college. That is why we are here to work collaboratively with the Town to put it on the tax rolls and I think the market has spoken and why it is a vacant parcel.

MR. CHAIRMAN: Let's just talk about how we can solve both of our needs and leave you with some criteria that will help us see what is a better project and with the amenities that we could have gotten any ways. I mean some of these trails we could have asked you for without being an amenity. Now the Town Board may think differently.

MR. DURDEL: We are here ready to work together with the Town to create something we all will be proud of in the long run.

MR. CHAIRMAN: I don't want to speak for everybody but I think different configurations if you want to go with the same mix, looking at different locations for the kind of activities is there a way to build these closer to the street to create a better wall.

MR. DURDEL: Are you interested in creating what is on the corner there now?

MR. CHAIRMAN: No, not at all.

MR. DURDEL: Neither are we.

MR. CHAIRMAN: I am sorry Phil but that is what you have brought us. You have brought us that with the exception that it is not going to have triangles and the awnings.

MR. DURDEL: I think we need to have renderings and our marketing data here to show the uses and extend this commercial corridor.

MR. CHAIRMAN: That is fine but we would like to have it built in a configuration and a manner that is a little bit more progressive with a little bit more forward thinking.

MR. WENTWORTH: Let me jump in here, just to give you something to think about. You have three buildings that are going to dump a lot of traffic around the end of the day onto South Clinton from your two exits and I don't see how you are going to stack cars up screwing up your cross access there. And people getting out of the day care they are going to be stuck in that day care lot until all the people from the medical office have left so that they can now actually turn out into that lane and they will have to do a U and go into the neighbors parcel. If you tilt that day care and you plop the day care down into the right hand corner and got rid of that parking and put the playground right on top of it and put the entrance to the day care facing to the south and then you could put an access up around so when they do exit they are exiting not to the east but they are existing more towards the two story mixed use office medical at the top and then there is –

MR. DOLLINGER: It makes no sense at all to have the Doodlebug and the parking lot out in front like that with no circulation where is it dropping off into the cue to get back on the road. It's just like somebody plopped a building there. We don't want to design the place but there is a lot of real fundamental weaknesses.

MR. DURDEL: To the professionals who own and operate several Doodlebugs it is not ridiculous. They have required this. They are suggesting this. They have reasons for it. Shawn is not here today but he was here for other meetings that we have had with the community and with the Town Board. I wish he was here today to defend his reasoning.

MR. WENTWORTH: I am sure they have parking requirements but you can satisfy those requirements and get them space to get into that cue.

MR. DURDEL: And there will be plenty of time to get Site Plan Approval. We are looking for conceptually whether there is an advisory report back to the Town Board that says incentive zoning is something that we are considering for the fact that this property has

remained vacant all these years and now we want to put a mix of uses on it. How the buildings look and how they are situated can be another discussion.

MS. CHAMPION: We can provide more detail on that, I know all the initial studies have shown that there are real issues of traffic or internal circulation or stacking but I don't know if that has been evaluated and considered and we can absolutely show you that there are no issues presented by the design. Phil is right we don't need to engineer our details of what the building design is going to look like and things like that there will be plenty of time for that during the Site Plan Approval phases to deal with that. We are looking for your reaction I guess in general to as Phil said a development of a mix of uses, retail, restaurant, office, day care, medical office on this site in exchange – we have offered the amenities that we have if there are others you would like us to consider we would love that as feed back from you.

MR. BABCOCK STINER: You are asking for 10 percent increase in impervious but yet the concept over parks it by 50 spaces which is close to a half an acre depending on how you lay it out. So it seems as if you parked it accordingly then you may not need as much space and you actually end up with less impervious

MS. CHAMPION: And that is something we can look at. I wasn't a part of how the parking was but we can follow up on that. I am not saying the Site Plan type comments we don't want to hear we certainly do and if we get to a point where this Board is ready to send some sort of report or recommendation to the Town Board all of those suggestions can definitely be considered while I am just being clear that we will be back for all of the Site details . Just like it were a new application and these uses were permitted you would have the right to be making all of the same comments you are making right now and they would be subject to all of the same types of analysis that you are all contemplating right now. And again we need to understand the incentives versus the amenities and are there incentives that are unacceptable and what we can do to work on that and also the amenities any feed back on the proposed amenities or any additional ones.

MR. BOEHNER: I don't know if it is the Planning Board's role to identify the adequacy of amenities to the Town Board or

the incentives. It is how it relates to layout and to the site and the adjacent places. So what we focus on is how is this project the incentives that are requested work with this design. The issue that the Planning Board has is with the design and layout which is what the code is asking as a comment. And what they are telling you is that they do not like this design. You need to go back to the drawing board and re-look at this and do a better job of explaining why it is the way it is. I think one of the things that you may want to do is come back with alternatives to try to address some of their concerns. I don't want to speak for the Board but there has been talk about amenities and it is more is it an appropriate use of the property. Is it an appropriate layout. How do these incentives that you are asking for work on this site. I just don't want you to get off the track.

MS. CHAMPION: So what I have heard so far as far as layout and design is different potential connections for activities, of a proposal where some of the buildings are closer to the road, that is what I have so far.

MR. CHAIRMAN: Yes, I think in general overall I don't want to be hypocritical on the previous comments that this Board has made and I have made in particular, to say density is necessarily too high. I am not necessarily saying that but this can be laid out significantly better to meet some of our objectives and some of the principles that we believe in strongly. Building the buildings closer to the road. Parking being placed between the buildings rather than all around the buildings. And we have green space that is more attractive around South Clinton rather than the way it is adjacent to it. Where next door there are buildings and then there is parking and this is continuing the same concept. The buildings set to the back could they be brought up closer together, could they create certain spaces as a kind of an amenity to the people using the overall site. Bring the buildings closer together so the green space becomes usable space and everybody can enjoy even the people that are just using the restaurants there.

MS. CHAMPION: So rather than the parking between the green space .

MR. CHAIRMAN: Right bring the buildings closer together. If there are things that drive the decision making such as exposure certainly bringing those buildings closer to the street gives them that exposure. The front façade can look like a front façade even though

the front door the access door could be on the side or to the back side where the majority of the parking is. Using the buildings to screen the parking is also desirable.

MS. CHAMPION: I will say that I know that the owner and engineers have looked into the possibility because I think that was brought up at an earlier meeting of bringing the buildings forward to the road. I don't know much about the Doodlebug's particular issues with that but this is the design that they are looking to pursue and I know how can you let the tenants drive the design in the plaza but the reality is you are developing the plaza for the tenants. It is a factor that is important in matters. And as far as the other tenants I know that there are issues with tenants wanting to invest in sort of that faux façade with the true entrance. People want to be able to enter close to parking and they don't want to walk around the front of the building and then have to park in the back and also given the adjacent land uses.

We were thinking that it would be awkward to have in between different types of urban setbacks that you see on adjacent properties and be right up against the road. That was the initial reasons why it wasn't desirable. But I can ask that that be vented again and have a little bit more detail on why that was not incorporated but they have definitely heard and listened to that comment and of course our outlook is to make the Town happy in a way that doesn't harm the viability of the project. If there is no issue with moving the buildings forward we would do it. So I know they are definitely considering that and we can get some more details on that.

I want the Board to know that there are operational issues with some of the proposals but we will be able to detail all of those for you. This was very helpful and we are going to look at the interconnectivity, building locations and bringing buildings closer to the road, adding parking in between, rather than all around the buildings and reworking this green space area. So the buildings are closer to it and not surrounded by parking so maybe more of a centralized field. I understand that and reworking the parking and the green space. And also coming to you with a little more detail and why we think this mix use works for Brighton and for the site.

MR. BOEHNER: The important thing to keep in mind is to address walking, biking, transit just not the use of a car. I can see some attempts in here just don't lose track of that.

MS. CHAMPION: And that is something that I know is important to the owner as well. We have at least preliminary plans showing all the different types of pedestrian and bicycles and we can get you more detailed plans on that. There are other sidewalk and circulation points throughout the site so we will get more details on that as well. Any other conceptual issues?

MR. CHAIRMAN: A little history on incentive zoning when we are asked to make these advisory reports we need to flush out some of the site plan design issues because in a lot of cases what is happening is for your Town Board to make a well informed decision on Incentive versus Amenity they actually have to go through and really drill down even a little further to at least this level or even further on site plan and understand economic benefits to you versus the benefits that you are giving back to the town. And so then you have gone through a lot of time and effort and you want to know when you are done with it and you go through the incentive zoning portion with the Town Board that there is not going to be a lot of change once you come back to us. And we have gotten a lot of site plans back after the incentive zoning process is completed. And we get to change a maple tree for an ash tree or a yellow strip for a white strip on the pavement. And we are just being very cautious that our earlier discussions on these are covering some of the principle issues that we are going to ask the Town Board to review. Because I think once it goes through that process you are fairly close to the actual site plan and you are not going to want to change it and we will be coming back and saying now we want to start moving your buildings around, you are not going to want to do that then. I just want to solve issues that we have now that you are going into the process not fighting and clawing our way through some minor modifications at the end.

MR. BOEHNER: I think at this point a favorable letter would not be written.

MS. CHAMPION: It feels that way. So that is why we are trying to work past that and also understand that we are going to go back on this conceptual alternative design issues and just because every little detail may not be fully flushed out. Again it was a perfectly

understandable and appropriate comment to include in the recommendation that you want there to be clear pedestrian and bicycle accessory shown and that won't be lost and will be included in the report.

One other thing that I wanted to add is I hope even though the Board may not be happy with this the proposal right now but the applicant did work hard to come up with a design that they thought was desirable and also something that hopefully was progressive and would be palpable. I don't think this is a like a strip mall where all the parking is in the front. It is not a typical office park where the buildings are hopefully separated and there really is no intersecting activity. I think we all understand the comments we received and we will work to get you some proposed alternatives. The owner is working to try and make this a great project.

MR. CHAIRMAN: One last thought, I think the site plan kind of thinks of the tenants themselves and how they typically operate and I think taking a look at this from the point of view of creating the type of environment on the site that is going to attract the types of uses that you want to attract on this and the types of uses that can draw the whole site as a designation. What is going to draw all those residents of Lac de Ville over here without having to get in your car or at least offering the option to not get into their car to have to come over here. I would look at it how can we create a site plan that solves the potential tenants needs and what is the best environment that can attract the very best tenants that we want.

MS. CHAMPION: Understood I think we are on the same page there conceptually. I think exactly what their goal is.

MR. FADER: In this location in Brighton I would like to see better use of green space on the site and a better connection for the trails.

MS. CHAMPION: We can only connect to what is there and if everybody does their part. Again this is conceptual and we can do a better job of showing that.

MR. CHAIRMAN: Thank you for listening.

MS. CHAMPION: Thank you. See you next month.

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PRESENTATIONS

NONE

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COMMUNICATIONS

Letter from Gregory McMahon Larue Associates, dated February 17, 2015 requesting postponement of application 2P-NB1-16 to the March 16, 2016 meeting.

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PETITIONS

NONE

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2P-01-16 Application of Glynda Dancy Edwards, owner, for Preliminary/ Final Site Plan Approval to construct a 2,806 +/- sf single family house with a 899 sf attached garage on property located at 49 North Dandury Circle. All as described on application and plans on file.

MR. WENTWORTH: I move to close application  
2P-01-16.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality

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

CONDITIONS:

1. The 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 codes 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.
10. All County Development Review Comments shall be addressed.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works.
12. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to 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. Prior to any framing above the deck, an instrument survey showing setback and the first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
14. The zoning notes on the site plan shall include both required and proposed front yard impervious coverage. Impervious coverage in the front yard shall not exceed 30% unless a variance has been granted by the Zoning Board of Appeals.
15. Erosion control measures shall be in place prior to site disturbance.
16. 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.

17. Prior to the issuance of any permits, the Single Family Zoning information form shall be submitted to 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 site plan and architectural drawings.
18. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. Prior to issuance of a building permit final Architectural Review Board approval shall be obtained.
21. The site Plan shall identify all trees to be removed, retained and planted.
22. All comments and concerns of Evert Garcia as contained in the attached memo dated February 12, 2016 to Ramsey Boehner, shall be addressed.
23. All air conditioners and generators shall be shown on the plan and shall comply with Town code or obtain the necessary variance.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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2P-02-16 Application of Kaupp Family, LLC, owner, and Marathon Engineering, agent, for Final Site Plan Approval to construct a 5,896 +/- sf building addition and to expand the parking lot on property located at 1500 Brighton Henrietta Town Line Road. All as described on application and plans on file

12P-NB1-15 Application of Kaupp Family, LLC, owner and Marathon Engineering agent, for Preliminary Site Plan Approval to construct a 5,622 +/- sf building addition and to expand a parking lot on property located at 1500 Brighton Henrietta Town Line Road. All as described on applicatoni

and plans on file. TABLED AT THE NOVEMBER 18, 2015 MEETING – PUBLIC HEARING REMAINS OPEN

MR. FADER: I move to close application 2P-02-16 and 12P-NB1-15.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CORDOVA: 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 applicant's architect shall provide an analysis of the requirements for sprinklers in the building based on Chapter 73, Article III of the Town code. The analysis shall be submitted to and reviewed by the Town Fire Marshal. Sprinklers shall be installed as required by the Town Code and/ or NYS Fire and Building code.
2. Lighting contours have been provided for the pole lights in the parking area north of the building, but have not been labeled. Also, the wall pack light proposed over the new door has not been included in the lighting plan contours. These issues shall be addressed. The applicant shall ensure that information provided on the luminaire schedule is

accurate. An elevation of the proposed pole/fixture shall be included in the plans. A cut sheet on the proposed fixture shall be provided.

3. Parking notes on the site plan shall be revised as necessary so that the notes are clear regarding existing and proposed counts for employees and square foot areas.
4. The applicant shall ensure that plans and descriptions are consistent.
5. Plans shall be revised as necessary so that all information provided is consistent and accurate.
6. Parking counts, including handicap spaces, and parking and drive aisle dimensions shall comply with all town and ADA requirements.
7. The landscape plan shows two additional Armstrong Maple trees (total 6) have been added to the group east of the new parking area. The landscape schedule notes only 5. This shall be addressed.
8. All existing and proposed generators shall be shown on the site plan.
9. The entire building shall comply with the most current Building & Fire Codes of New York State.
10. There shall be no exterior storage without further town approval.
11. Any proposed signs will require separate approval.
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 codes 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 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.
- 18 Maintenance of landscape plantings shall be guaranteed for three years.
- 19 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.
- 20 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.
- 21 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 22 The location of any existing and/or proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
- 23 The location and screening of any proposed exterior mechanicals shall be provided.

- 24 A letter of credit shall be provided to cover certain aspects of the project, including but not limited to 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.
- 25 All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
- 26 The applicant shall contact the Brighton Fire Marshal regarding the project. All comments of the Fire Marshal shall be addressed. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Rith 585-784-5220).
- 27 All Monroe County Comments shall be addressed.
- 28 All requirements of the Zoning Board of Appeals and Architectural Review Board approvals shall be met.
- 29 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 30 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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2P-03-16 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Final Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with associated parking on property located on Sawgrass Drive, known as Tax ID #'s 1491.06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file.

11P-NB1-15 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Preliminary Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with

associated parking on property located on Sawgrass Drive, known as Tax ID #'s 149L06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file. TABLED AT THE NOVEMBER 18, 2015 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. FADER: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make 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.

1. Tree protection shall be shown on the plans 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.
2. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
3. Maintenance of landscape plantings shall be guaranteed for three years.
4. All fences, walls and retaining wall shall be shown on plans with description of type and height. A detail of each fence and wall proposed shall be provided. Applicant shall verify and plans shall show, that retaining walls and fences meet height requirements or that a variance has been obtained. 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.
5. The entire building shall comply with the most current Building & Fire Codes of New York State.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town Codes shall be met that relate directly or indirectly to the applicant's request.

8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
9. 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.
10. Maintenance of landscape plantings shall be guaranteed for three years.
11. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
12. The parking lot shall be stripped as per the requirements of the Brighton Comprehensive Development Regulations.
13. Fire Hydrants shall be fully operational prior to and during construction of the building.
14. Erosion control measures shall be in place prior to site disturbance.
15. The proposed building shall be sprinklered.
16. Erosion control measures shall be in place prior to site disturbance.
17. 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.
18. The grading plan should show ground elevations at the corners of the building. Architectural drawings should show and note the same corner ground elevations along with accurate grading and building height dimensions and notes on each side of the building.

19. The location and screening of any proposed air conditioning condensers or other mechanicals, whether roof or ground mounted, shall be shown. All town codes regarding their use shall be met.
20. All esements must be shown on the site plan with ownership, purpose, and liber/page of filing with the Monroe County Clerk's Office. A copy of the newly filed easement(s) shall be submitted to the Building and Planning Department for its record.
21. Erosion control measures shall be in place prior to issuance of a foundation or building permit.
22. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
23. Applicable Town standard details and notes will need to be incorporated into the design drawings.
24. 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.
25. Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
26. Any proposed signs shall obtain all required approvals.
27. All County Development Review comments shall be addressed prior to final approval.
28. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
29. Applicant shall contact the Town Fire Marshal, Christopher Roth, for comment on the proposed plans.
30. As required by the SGDEIS, the applicant shall contribute an amount applicable to the entire Central Brighton Transportation Study Area and the GEIS for Senator Keating Blvd, as their "Fair share" contribution for the identified improvements within the Central

Brighton Transportation Area including the acquisition , desing and construction of Senator Keating Blvd. by placing such funds in appropriate accounts with the Town prior to the issuance of a building permit.

31. A limit of 325,000 sf of office space is allowed by the SGEIS prior to the completion of specific Westfall Road improvements by the MCDOT. With the application, a total of 371,970 sf of constructed/approved development will exist in the park. Many of the MCDOT improvements have been constructed. The applicant must verify with MCDOT that the remaining improvements are no longer required. A letter from the MCDOT must be submitted.
32. A wetland permit will be required to disturb the onsite federal wetlands from the USACOE Documentation confirming the USACOE's position regarding the wetland mitigation must be provided. A detailed description of the mitigation must be provided.
33. The proposed generator's location, dimensions, fuel source, sound level and screening must be shown on the site plan.
34. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon to Ramsey Boehner shall be addressed.
35. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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RE: Planning Board Advisory Report, regarding an Incentive Zoning proposal to develop 11.2 acres of land for uses including medical and professional offices, child care center, restaurant and retail property located on South Clinton Avenue known as Tax ID # 136.15-1-7, 136.15-1-8 and 136.15-1-9.

MR. CHAIRMAN: This matter will be tabled to  
next month.

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SIGNS

1418 Joeval's Formalwear Ltd. For a building face sign at 2240 Monroe Avenue.

1422 Our Lady of Mercy School for a building face sign at 1437 Blossom Road.

MR. CHAIRMAN: I would move to approve signs 1418 and 1422 as presented.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

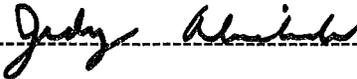
AMEMDMENTS TO THE DECEMBER 16, 2015 MEETING

PAGE 1 4<sup>TH</sup> LINE FROM THE BOTTOM CHANGE OCTOBER TO  
DECEMBER

PAGE 14 THIRD PARAGAPH 2<sup>ND</sup> LINE CHANGE SLIP TO SWPPP

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,  
Lyons, New York 14489, do hereby state that the minutes of the February 17, 2016  
Meeting of the Town of Brighton's Planning Board at 2300 Elmwood Avenue, Brighton,  
New York, is a true and accurate transcription of those notes to the best of my ability as  
recorded and transcribed by me.

  
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Judy Almekinder

On this 1 day of March in the year 2016, before me personally came Judy  
Almekinder to me known, and known to me to be the person described herein and who  
executed the foregoing instrument, and she acknowledges to me that she executed the  
same.

  
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Notary Public

David Marcus  
Notary Public - State of New York  
Qualified in Monroe County  
No. 01MA6327113  
Commission Expires 6/29/2019