

Proceedings held before the Planning Board of Brighton at 2300 Elmwood Avenue, Rochester, New York on March 16, 2016 commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman
John Osowski
Jason Babcock Stiner
James Wentworth

NOT PRESENT: Laura Civiletti
Daniel Cordova
David Fader

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 March 16, 2016 meeting of the Town of Brighton's Planning Board to order. We will approve the minutes at our next meeting in April. Mr. Secretary were the public hearings properly advertised for March?

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of March 10, 2016.

MR. CHAIRMAN: I want to note that application 2P-03-16 is postponed to the April 20, 2016 meeting at the applicant's request as well as Application 11P-NB1-15 and 2P-NB1-16.

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. TABLED AT THE FEBRUARY 17, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED UNTIL THE APRIL 20 2016 MEETING AT THE APPLICANT'S REQUEST.

3P-01-16 Application of Our Lady of Mercy School for Young Women, lessee, and Sisters of Mercy NYPPAW, Inc, owner, for extension of Site Plan Modification Approval and EPOD (woodlot) Permit Approval (3P-02-15) allowing for the installation of new tennis courts on property located at 1437 Blossom Road. All as described on application and plans on file.

MR. HAKOLA : Good evening, my name is Kirk Hakola with Marathon Engineering here on behalf of the Sisters of Mercy of Rochester. We are requesting an extension of our approval due to lack of funds. We are still doing some fund raising and plan to start construction in the spring of 2017. We have our variance extension approved on the 2nd of March and basically everything has stayed the same . We have just put it off one year due to cost. So if there is any questions at this point we would be more than happy to answer them.

MR. CHAIRMAN: Do you anticipate any changes to the approvals that you have received?

MR. HAKOLA: Absolutely not.

MR. CHAIRMAN: It is just an extension?

MR. HAKOLA : Yes, it is.

MR. BOEHNER: You understand that the Planning Board can only give one extension?

MR. HAKOLA: Yes, sir.

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

3P-02-16 Application of Richard M. Greene, M.D.P.C., owner for Final Site Plan Approval, Final Subdivision Approval and Demolition Review and Approval to raze two buildings and construct a 6,000 +/- sf medical office building and to subdivide two lots into one on properties located at

2122 and 2140 South Clinton Avenue. All as described on applicatnoi and plans on file.

MR. JAMELIS: Good afternoon, my name is Jim Jamelis from MRB and I also have with me, Bob Fromberger also with the MRB Group and also Brian Kelly with landscaping and also Mr. & Mrs. Greene in the back. We are here for demolition, subdivision and Site Plan Approval. Just a quick overview again, there is two remaining buildings both on separate properties, the goal is to remove both buildings and resubdivide into one parcel and building a 6, 000 sq ft two story building on this property with associated parking, lighting and utility improvements and landscaping improvements and I believe you guys received my comment letter with Ramsey. I would be glad to answer any questions as we continue the dialogue along with you the Board.

MR. CHAIRMAN: There is only two things that I can't stress enough and I want to bring to your attention. One is the last time you were in here we had asked for a sidewalk on the back side of the building or side to extend from the entrance sidewalk up to the front configuration.

MR. JAMELIS: The issue with that has come down to the grading plan as well as providing a sidewalk to meet all the way up to here with the land banking parking through there and with the catch basin for the storm water. The grades don't really work for that with a 2 percent sidewalk. We have to drop down to 5 percent in order to get it all the way around. The sidewalk doesn't have to be at 10 percent we have 552 here and we have to get to 524 there so it is about 25 or 30 feet.

MR. CHAIRMAN: You have the sidewalk here and you are asking your employees to walk in the driveway. We asked you last time to put the sidewalk in

MR. JAMELIS: I guess the question is you would rather ask us to remove the landscaped area and install a sidewalk that extends all the way up here?

MR. CHAIRMAN: Yes.

MR. JAMELIS: We can do that but there is a foot drop in between ultimately this corner and the future parking area as this grades in and it works it's way around a tall curb section. We can show the sidewalk if you like.

MR. CHAIRMAN: We made it clear the last time that we wanted it.

MR. BOEHNER: We want that to go north and south

MR. CHAIRMAN: There is a cross access easement and staff from one building are able to use the parking in the other lot. There should be a sidewalk that connects from one to the other.

MR. JAMELIS: There is a catch basin here and the drainage feature that can work its way down through this location. I believe they would walk through the pavement area and we will put a sidewalk up there.

MR. BOEHNER: You are saying going to the south is a grading issue.

MR. JAMELIS: It is a grading issue. Its more of a grading issue to the south and to the north areas grading issue but we can potentially move that catch basin further back in and ultimately when you construct the parking area you can move a portion of that sidewalk.

MR. CHAIRMAN: We didn't see anything other than that and we were going to ask you to work with the Town Engineer on some of the grading along that north curb line. I guess we understand that to the north you have a view of the back side for about a foot basically a tall curb on that side.

MR. JAMELIS: Yes, I am concerned about that detail where it extends down and up. This section is intended to be landscaped so the area should be able to be addressed and we will work with the Town Engineer on it.

MR. CHAIRMAN: And if he is comfortable with the detail that you are not going to get that overturn and that is what we are concerned about. There is a concern about that rim elevation on that corner side back up to the north east. I just want to verify that that is at the right elevation.

MR. JAMELIS: It should be 521.

MR. WENTWORTH: Your parking spots is one of them going to be assigned accessible.

MR. JAMELIS: They are all the same size for accessible.

MR. WENTWORTH: Will one be assigned as accessible?

MR. JAMELIS: We can make that.

MR. CHAIRMAN: Is the landscape architect here?

MR. JAMELIS: Yes.

MR. CHAIRMAN: Could you give your name?

MR. KELLY: Yes, Brian Kelly.

MR. CHAIRMAN: I just want to point out the Conservation Board said it is a nice palate there is a couple in here with stone and also I would just ask that you cluster your shade trees in stead of going every other one on that side between the two buildings.

MR. KELLY: Sure.

MR. CHAIRMAN: I would ask that you have three in a row three deciduous and then three evergreen.

MR. KELLY: That is an easy fix. We try to create a little bit of a mixture.

MR. CHAIRMAN: Other than that I didn't see anything and that is fine. Also if you just watch the spacing of the mature sizes.

MR. BOEHNER: Could you talk a little bit about the lighting? These poles some of them are going to be 20 feet some of them will be 15 feet.

MR. JAMELIS: Sure, the existing poles would be along here and they are 20 feet. That would be this one across here and some here.

MR. BOEHNER: And those are existing ones?

MR. JAMELIS: Yes, those are the existing ones.

MR. BOEHNER: Would you consider using 15 foot poles.

MR. JAMELIS: We can adjust them to match.

MR. BOEHNER: I leave that up to the Board.

MR. JAMELIS: If we shorten them up we don't get as much light coverage on the landbanked parking which is not an issue now but when they get built they are not going to have as much coverage so we would have to provide another light there.

MR. BOEHNER: But all the ones in front would be the same?

MR. JAMELIS: Yes.

MR. CHAIRMAN: This is a public hearing is there anyone here who would care to address this application?

MR. EDWARD: I am Phil Edward and I live at 2169 Clinton Avenue South. My property is probably within 50 feet of the 2140 property and I am here to express my concern about the landscaping that they have planned for the building. There are a few

things that I think need to be considered. One is screening the parking lot from the street. The lie of the land is very steeply sloped especially going north and when one comes looking down north we look right into the parking lot. The current plan has no screen on it and I would like to see that improved. In general the frontal landscape plan is very skimpy. There is only three trees planted in the front of the property which is even fewer than the current landscaping which is pretty badly landscaped as it is. There is only one place where there is shrub plantings in front which is a couple of hundred feet long.

So my interest in this matter is to enhance the neighborhood in terms of aesthetics and I think that considering the amount of asphalt that is going to be laid in the front of these properties something should be done to soften up the frontage and make it look more aesthetically pleasing and also screen the parking lot. I should say Mrs. Greene called me up after the meeting in January if you recall I was here in January to explain why I wasn't here in the December meeting. The reason was I didn't receive a letter from the Town and I did see in front the Town posting and I felt that the physical sign of the posting was poorly sighted behind a telephone pole at ankle level. So I should also say that my next door neighbor who is right across the street from the property didn't receive a letter either. Anyway Mrs. Greene contacted me again worried about my concerns and had a very friendly conversation and she said she understood it and that she was highly interested in the aesthetics of the property. And she indicated that the landscaping plan was not really thought much about but at this point there has been no changes made.

MR. CHAIRMAN: Could you tell us if the landscape plan that you have here is the one that you have seen?

MR. EDWARDS: I looked at what was on file at the office and that is the same and it is dated November.

MR. CHAIRMAN: There is a landscape berm. The landscape plan says berm but I am not sure if this reflects the same.

MR. JAMELIS: There is a grading berm down in this area and it is approximately three feet deep. We talked about a little bit more street trees proposed. Some of the issues are some of the

utilities that are under here and there are utility poles and gas and electric underground. Again part of the issue is the steepness of the property looking right into the parking lot from when you are looking at the property going northerly and the higher side you are getting more visual exposure.

MR. EDWARDS: Considering the length of the frontage a lot could be done but nothing is being done. So I am interested in the aesthetics as well.

MR. CHAIRMAN: Thank you.

MR. BOEHNER: Thank you for coming.

MR. CHAIRMAN: Is there anyone else who cares to address this application. There being none we will move on.

3P-03-16 Application of Finger Lakes Technologies Group, Inc. lessee, and Frank Delaus, Jr. 333Metro Park, LLC, owner for Conditional Use Permit Approval to allow for the installation of electronic equipment to support telephone and internet services, and to allow for the installation of a standby emergency generator in a side yard, on property located at 333 Metro Park. All as described on application and plans on file.

MR. KORB: Good evening my name is Jake Korb and I am with FLTG and with me is Jerry Hopkiss and Brian also with FLTG. We are here to apply for a Conditional Use Permit at 333 Metro Park. We would like to expand our fiber network into Monroe County and that location is going to be key to us. Employees on the site there will be four people max for the install and after that probably two. There will be 0 customers or visitors after that date. There is just a white tube 365 days 24-7 to light up our network. Parking spaces available is 56 total. No deliveries, no merchandise nothing like that coming around. No trash generated, no waste what so ever what ever goes in there we carry out. Special events or promotions we won't have any we kind of hide and we don't come back there again.

MR. CHAIRMAN: So this is a fiber switch.

MR. KORB: Yes, we like to call it pop or point of presence it just generates our light to be able to provide internet service to the area.

MR. CHAIRMAN: You own your own fibers to the building?

MR KORB: Correct ,sir.

MR. CHAIRMAN: Any signage proposed?

MR. KORB: No we like to hide.

MR. CHAIRMAN: Any lighting on your door?

MR. KORB: No.

MR. CHAIRMAN: Any changes to the exterior?

MR. KORB:No.

MR. CHAIRMAN: Tell us a little bit about your generator it is a little bit further to the front than what your space is.

MR. KORB: We were told it was the kind of building because the address is Metro Park so if you are looking for Metro Park we are technically behind the building. That was the first question I asked because if you are standing in behind the generator you are looking at the front of the building.

MR. CHAIRMAN: So it is going on that south corner.

MR. KORB: Right to the overhead delivery door, right to the right of that.

MR. CHAIRMAN: Can you tell us about the decimal levels on that or tests that will be going on.

MR. KORB: Decimal level at max during natural power is 61 decimals and 54 during the test. We have the specs for the generator as well.

MR. CHAIRMAN: We have been debating whether this needs some landscaping around it. Is it natural gas?

MR. KORB: Yes.

MR. CHAIRMAN: I think there is subfoundation plantings there. We don't want arbor vitae to draw attention just ground cover, lower shrub plantings something that looks like foundation plantings. So you just want it inside. You don't have to dig up the foundations everything is above ground.

MR. KORB: Everything will be above ground and in the building. The landscaping is no problem. We are very flexible. Thank you very much.

MR. CHAIRMAN: This is a public hearing is there anyone here who wishes to address this application. There being none the public hearing is closed.

NEW BUSINESS

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 FEBRUARY 17, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED UNTL THE APRIL 20, 2016 MEETING AT THE APPLICANT'S REQUEST.

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 AT THE FEBRUARY 17, 2016 MEETING AT APPLICANT'S REQUEST UNTIL THE APRIL 20, 2016 MEETING AT THE APPLICANTS REQUEST.

MR. CHAIRMAN: The public hearings are closed.

NEW BUSINESS (cont.)

2P-NB2-16 Application of 1925 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. HELD OVER TO THE MARCH 16, 2016 MEETING.

MR. CHAIRMAN: This is for an Advisory Report regarding an Incentive Zoning proposal at 1425 South Clinton Avenue.

MR. COLUCCI: Good evening Mr. Chairman and members of the Board, my name is Paul Colucci. I have some handouts as you know we had an incentive zoning plan that was part of the application that you reviewed at the February meeting. Subsequent to that on March 2 we submitted two supplemental plans for review and consideration and we have been continuing to work and refine some more thoughts on the site plan and I think it would be helpful if I hand out packages. There is a total of seven plans including the original , two supplemental and four additional that I combined into one package for everybody. I also have a full size of each of these if you want to talk specifically about any aspect and we can work through them on the full size plans.

The very first plan you have before you is the plans we submitted and reviewed in February. I understand the Planning Board has some concerns relative to the layout and we, my team, that was here at that meeting collected all of there comments that were generated from the Planning Board and as a result of that we worked with our civil engineer

to come up with a couple of other layouts that would be in this package. The next plan is C105. The first one I would like to run through with you. So with this plan what we did we took our tenant that we know we have a letter of intent, we know they have a commitment to be in this facility and we rotated them 90 degrees, placed their outdoor playground to the west, gave them a protected parking field to the south of their building. It is very important for their patrons, mom's with kids, infants and toddlers that they have protected parking. They do have school buses that drop kids off at the front door for after school programs. So it is important that they have a layout that is conducive to the school bus getting to the front door and be able to have protected those who are dropping kids off at the center.

We vented this plan with them with their real estate and developer codes and this layout meets with their approval. So you will see kind of a consistent theme in the rest of the reiterations of the site plan. So we took in some of your comments and we tried to respond to them and working with what their needs are we kind of kept that piece consistent with the rest of them. Also on this plan we took the multi use building with the retail use building and fronted it on South Clinton Avenue and located it at 90 degrees and we have introduced a central Town green and called it a central outlet as I go through the rest of these plans, in the middle of the development on South Clinton Avenue and then I took the restaurant building and moved that up against the right of way creating an edge and put the parking to the rear.

And the two story medical office building we moved that more central and put parking behind them rather than have parking as they were before in front and mainly around the three sides of them. Then showed graphically depicting two potential connections both to the north and to the south, I think it is fair to say that as we get further along and into site plan review we would need that exactly where those connections are with the property owner to the north and the property owner to the south looking at grades and other factors that will come into play not excluding their own desired locations for connections to their property.

So this plan was sent in on the 2nd the exact same plan, we haven't added or taken away any square footage and we tried to come up with a plan that responded to some of your concerns.

The concern that we have as developers and as folks who want to make this a sustainable development to lease this to tenants and what we hear routinely is what we are trying to secure with this. It would be the lack of parking as part of these buildings, lack of visibility if you turn the building 90 degrees to the right of way. Facing an entrance away from the South Clinton Avenue right of way just elements that we deal with on the ownership side as we are trying to secure leases, so we just wanted to represent that while we depicted this we also want to go through some of our concerns.

We would gladly build this if everyone signed up and said this is where we want to be and we will secure a lease and we will commit to being here long term.

The next plan is C1-06 is an attempt to show consolidation of those two story buildings to the rear where we had 2 two story buildings, we consolidate them into one. We believe that there might be a market for a single medical office user that would want a larger facility. We think it would be nice if we had that type of user as an anchor this and put that more central directly opposite that town green area and put that more central with parking that would be commensurate with medical type office use. So just further the opportunity that should such a user continue to engage in a dialogue with us they may want to have that opportunity to bring that type of tenant in.

Similarly across the front we do have kind of a retail entrance coming off the north. Similar concerns we have with this plan that I shared with you on the others would be the frontage buildings that are typically constructed for retail type buildings not really creating a buffer retail type entry. I don't think it lends itself to good connectivity to the back or to that connection to the north. So as you can see in their next plan we had thought a little bit harder about that and drew a plan that again is a refinement and as you can see Doodlebugs stays consistent. We have more of a connection to the north should that connection go across Rue De Ville to our northerly property entrance in connection to the property to the north we have more of a streamline connection there that is a little bit more conducive to cross connectivity.

We could move that pond a little further west and maybe bring that connection down easterly so its maybe just opposite the Doodlebug outdoor playground area and again working with the property

owner to the north would be amenable to try and figure out where the best place for connection is. In this plan we did take the opportunity to think a little bit better about how we want that multiuse trail to come through the property. In the initial plan and a couple of the other alternatives it is just kind of bordering the southern property line in a very linear fashion and that was maybe a initial attempt to represent that we would be connecting the trail. We would like to make that connection all the way to the east through the existing street network and through Tops Plaza and bring it across at the existing signal light and then we are showing here that could potentially come through the middle of the property and find its way through the development rather than trying to keep it segregated from the development.

Again the same program areas continually trying to refine and represent that we are looking at balancing the desires and means that the Planning Board sees for this development and what we see is our own needs for being marketable and be able to make this property a viable development.

The next one is CN 108 is very similar to the previous one the only difference is they took that multi use building and I rotated it. So now I am fronting those tenants on South Clinton, giving them a presence. What we typically see with retailers they want to locate in a corridor that has traffic. They want to be on South Clinton. They want to make this a relevant corridor. So having the ability to present a store front where their store front entry would face out Clinton and potentially have some parking in front of their entries which is what this plan was constructed to achieve. And again a single two story building in the back with a trail coming through middle of the property Doodlebug remains in its current configuration and really no other major changes.

The last two CN109 is an attempt to show circulation across the front. What we have with Doodlebugs in their configuration being consistent throughout the multiuse building has parking now in front and just to the north of it. So we can have a better likelihood of securing leases making that a viable property. We did push the drive-thru to the southern side. We talked to two different coffee shops that would like to locate here so both of them come with a caveat that they would like a drive-thru window, pushing them closer to the town

green. I do believe there could be some opportunity to have some outdoor seating or something of that nature when we get to that point where we are working with that tenant where rather than having a large green area we would have some outdoor seating and potentially work that into the plan.

The restaurant now has it's front facing South Clinton. I think that is something as we try to market this plan we will know more about how the market responds to us and I guess the really big difference here is we have connectivity across the front. We have circulation across the front trying to represent that – one of the other alternatives we are finding you wind up with some parking areas dead ending into something that would cause people to have to turn around should they not find a parking space and they would have to drive into a drive-thru lane or some place where cuing would block them and not allow them to get out. So we tried to look at how we get appropriate circulation so that people have choices that they can find adequate parking, have continued to think about pedestrian access and sidewalks through out the development with connections to South Clinton Avenue and again that trail multi use trail working itself through the project.

The last one is identical to the previous one with the exception that we have just taken that two story medical office building and now broken it back into two buildings rather than one large building. Parking is to the rear bringing it closer to this central green area whether that became some gathering areas we could work some of the elements of the storm water management into that in an appropriate fashion and really have an opportunity to take the multi use trail and take some types of typologies so that you knew you were on that trail rather than sidewalk. What I would like to express we were listening and taking your concerns and going back and putting our thinking caps on how can we take a look at this property and come up with something that is a win. The only thing that is concrete here is the Doodlebugs. We don't build on spec. We wouldn't build on spec.

We would be back here before you with each tenant as though tenants avail themselves and working through the details to make sure that we maintain the essence of that which we want to see on this development. Understanding that at this point we are looking for an advisory report, we have done a traffic report study and I believe that has been shared with the Town Engineer. It has been submitted to Monroe County DOT. We haven't received comments back from them

but I guess the long and short of it is the traffic impact study has negligible impact to the surrounding street network.. There is no outside mitigation required as a result of this project. We don't have any detrimental impact on any of the adjacent street signals.

We have also been touch with Monroe County DOT about the storm water and they will allow us to convey storm water to the County DOT Storm Water sewer system in the county right of way with the caveat that we have keep it to pre existing drains. Besides myself I have Mark Costich and the builder from the management company. Hopefully we brought the right folks to answer any questions you may have. We are really hopeful that we have made a good step in the right direction and that we are starting to demonstrate to you that we really have a desire to work with you and to not be opposed to that which you want. Thank you.

MR. CHAIRMAN: So we did see the review and discussed the first two options which are 05 and 06. Seeing the other ones for the first time we were fully prepared to tell you that the approach in 106 and 105 was a vast improvement and clearly going in the proper direction and we could support those with the letters to the Town. We did ourselves speak of the pattern in 106 not being a desirable configuration and 106 looked like 105 with the single build but also it is satisfactory but I think we would just point out the preferences depending on the market that the two building solution was a little bit more to scale and by keeping that green space as a common area it was a benefit to the overall plan. I think we all recognize that the opportunity for a single tenant maybe we are talking about minor shifts in the building but not anything terribly drastic. But overall the 105 and a modified 106 I guess I will be the first to take a stab at the others. I do appreciate the I think the 108 and 109 was producing access across the front which is starting to go back to far which you originally had, I guess we are going to be considerate of the marketing issue with the multi tenant building.

Recognizing the likelihood we even noticed in 105 that if the intents is to be a drive-thru we need a driveway around there to support a by pass. So that just needed to be a little bit wider. That is the only thing we saw and it speaks a little bit into the circulation issues and we saw that also as a concern that 105 can address if you can and just

handle that access drive onto South Clinton but I think with some minor tweaks we are prepared to send a letter to the Board. You have made substantial progress in the incentive zoning.

MR. COLUCCI: We appreciate that and we would be looking forward to coming back for Site Plan Review to work on some of these elements. I appreciate your saying that you would potentially be willing to consider how the market responds because what we don't want to do is get a plan that we go out and try to secure leases and we find out that all the tenants are saying that we would like to be here but these are some of the concerns that we have. So we just want to leave that door open to be in a position to come back to you and say listen we tried this and we are sitting here months into this deal and we are not getting anybody.

MR. CHAIRMAN: I would ask you to use your powers of persuasion on your tenants as much as possible because in the end you have phenomenal traffic here and it is frightening because you have the location advantage and knowing the way your tenants have stayed across the street at Tops Plaza and you have no better visibility by rotating the building like 105 I am not entirely sure that that is what is going to be a deal breaker when you have drive by traffic and you have good access, good location, good parking so I would ask you to push as hard on the tenants side because if I leave the door too wide open we will get a site plan back where the Town Board is approved and that building is rotated. I would like to go through the process with the building the way you have it as demonstrated in 105 and 106 and if push comes to shove then we will have some concessions. What you are representing there is something that can be worked with.

MR. COLUCCI: I understand I really do and we want to make sure that one, we build something that is sustainable. We don't want to have a location that is just forever very hard to lease and winds up being vacant for whatever reason because the market is just saying that this building the different type of tenant may want to be closer or may want to be right out on South Clinton.

MR. CHAIRMAN: Is 9500 square feet, is that an unreasonable size to get a single tenant.

MR. COLUCCI: I think that building is going to be 4 or 5 tenants, a coffee shop, is 1800 square feet and will have a café inside. So we can be looking at 4 or 5 tenants on that.

MR. BOEHNER: Your two story mixed use building is that 22,000 each floor or 25,000?

MR. COLUCCI: I think it is 25,000. each floor.

MR. BOEHNER: Are you seeing opportunity for a building that big?

MR. COLUCCI: Yes that is why we put this on, we have been in discussions with a potential medical office user.

MR. BOEHNER: For the whole building?

MR. COLUCCI: Yes.

MR. WENTWORTH: Speaking about item 7, the front of the building facing the nature center, it is almost rendering that entry drive a street if you will. You can front that and speak to each other. Do you think that makes a lot of sense? I am not really liking 5 and 7 with the back of the restaurant toward Clinton. I would be willing to consider the 9 or 10 version of that combined with 5 or 7

MR. COLUCCI: 9 or 10 with the multi use buildings rotated back to perpendicular to the right of way.

MR. WENTWORTH: Personally you do have the front of the building close to the street.

MR. COLUCCI: I live in Victor and do you know where Park Ave Bike used to be on 96. There is Metro Mattress that piece is actually in Perington so coming from 490 heading towards the mall you have that smaller strip building that the back faces Route 96 and the parking is on the other side. That is owned by the August family and they developed that piece and they put Park Ave Bike there, thinking that it would be wonderful because there was no bike shop in Victor. They are closed but they still own that real estate and the majority of that real estate

is vacant. The Mattress store does okay because they have a front side facing Route 96 but all the shops, the rest of the small shops you have to drive around from the back and they have just suffered from that. That's our fear when we see things like that saying if we build it this way are we going to struggle keeping tenants viable. Our job as developers is to give shop keepers store fronts where they can make money because if they make money we make money. We recognize that we want to do the best job we can developing this 11 acres so that it fits with the Town's plan, the Planning Board's plan. I think the concept of having street front retail works when you either have so much traffic that people are taking cabs and being dropped off at corners and not worrying about parking or you have so much density that people walk everywhere. In other urban areas like New York City you can get away with that type of situation. We need a development that is convenient for people driving cars and convenient for people to walk from building to building with any development that is just – when we look at these what we are trying to respond to it is not that we want to be antagonistic with the Town or the Planning Board. We just want to make sure that we build a development that allows the tenants to be successful. That's really the whole investment and the Plaza across the street was done so that we can bring in the higher class of tenants and charge more rent because they are making more money. That has been proven successful and that is our philosophy here.

MR. BABCOCK STINER: I agree with 105 and I think that would probably be my favorite and I can see also an argument for 109 and 110 putting the front of the restaurant towards the street too. I agree too with the multi use building in the center there perpendicular to Clinton does create a nice street feeling with the daycare center, a nice gateway to the site. Again pedestrian open space I think is a big improvement.

MR. WENTWORTH: I want to add also I really like the multi use trail.

MR. OSOWSKI: I don't see where the restaurant is?

MR. COLUCCI: It is that hatched area in 5 and 7 is intended to be a potential outdoor dining in conjunction with the restaurant. It is on that little pad in 5 and 7 is where you are going to get

deliveries and trash. You are going to need a place for deliveries. The front door would be facing in. I am trying to represent that hopefully we would attract some kind of restaurant user that would have some kind of outdoor activity. I would hope we would get a signature restaurant that becomes a destination kind of place I have no doubt we could use either 5 or 7. It becomes a place that is known. If it is a fast casual or a restaurant that is a national chain they are going to go through there criteria of what they need to meet their real estate executive committee and we are going to hear a lot of things that you are bringing up, which is where the dumpster lies and the front of the building not facing the right way and they move on.

MR. CHAIRMAN: Would you hold out for this type of restaurant because it is mixed and it might generate that type of restaurant.

MR. COLUCCI: That is the general idea, this mix of uses between office and medical office, the retail, the day care that the restaurant use needs to have a day time and evening population.

MR. BOEHNER: What you need to do is refer to a couple of drawings and say we prefer this. I would say that you reviewed alternatives and found certain alternatives whatever that may be to be preferable.

MR. CHAIRMAN: Thank you for coming.

(Five Minute Break)

3P-NB2-16 Application of McQuaid Jesuit High School, owner, for Concept Review to raze a 26,700 +/- four story residence building and construct a 32,000 +/- sf two story science and technology building on property located at 1800 South Clinton Avenue. All as described on application and plans on file.

MR. COSTICH: Good evening

Mark Costich from Costich Engineering and Steve Robowitz with SWVR the Project Architect. We are here with McQuaid for a STEAM addition, Science Technology, Engineering, Arts and Mathematics. The Site Plans are in front of you. We are really here to talk to you about conceptual Site Plan. Steve has been working on the architectural and working with the school. I did hand out some of their room concepts. We are all working towards Preliminary and detail for you to see at that point. The basic program is the 18,600 square foot two story addition. So that is going to give us about 37,000 sf, two stories and in doing that we are going to take out the resident hall, it's a 3 story building you kind of walk out and the appearance from the south it is a four story building. It hasn't been used as a residence since I think I was there which is a long time ago. It's been looked at and studied for reuse and a lot of the dimensional requirements don't really meet current requirements for educational space what so ever. Steve can talk about that a lot. So we will be removing that leaves a 6500 sf building times four stories with the new proposal as shown on the ground we will be developing a courtyard. Its going to be a multi level courtyard. There is going to be quite a bit of grade change because we will be tying into the basement level which is the cafeteria of the school. So we are going to be taking it down. It is going to have three different grade changes with the three different entries which is going to have a lot of character and provide the ability to have some sitting walls, some tables, benches and a place for the kids to be outdoors which they don't have right now.

We do not propose this to be a new entrance to the school. So the cul de sac is there primarily for emergency vehicle turn around and I guess that cars that do down to turn around, and I think just from my own knowledge for the school to operate when there is a football game or something people use all the entrances. So kids will be dropped off and then walk over to the football and things like that. But it is not intended to be another knew entrance.

We do have quite a bit of more green space you can't see the dashes too well but the buildings are coming out over here. So we are near what the nearby residences look at so it is a smaller face to them so I think it is an improvement from that stand point. The cul de sac as I mentioned is going to be for emergency vehicles. We are proposing it to allow for a fire truck turn around. We do propose quite a bit of new walkway, a more formal walkway from the cul de sacto the south east corner of the building. Then a sidewalk that would allow you to

travel north towards the fields and there is an entrance to the sports facility in the back on the east side also. The plan is proposed to meet code with regards to dimensional requirements, coverage, there is green space variance that is for parking in the front but we are not modifying that.

The one area that falls short is there is a dimensional requirement for setback of a school to be 100 foot from the property. So in this location we are 80 feet and we are working with staff to determine whether or not it needs a variance. This dimension is 43 feet or 47 feet or 48 point 7 so hopefully the verbage that was put in that variance would allow this to happen so that we do not need a variance for the side setback. We feel it fits in very nicely when we make the site plan we will be showing you that we are going to reroute some drainage and make some improvements. The school does have some issues, the sewer currently goes under the school which is what we do not like to do any more. So we are going to reroute that and make improvement there. Generally it is all good.

I didn't mention this court yard is going to be green space but it won't be occupied by students or anybody. It will be occupied just for maintenance and that is a code requirement for fire. Again Steve is here Paul Colucci with DiMarco is also involved with the project if you have any questions.

MR. CHAIRMAN: I want to compliment your design and I don't have any real concerns. You will be going for preliminary and final I suppose.

MR. COSTICH: I have a good start on it. We have had the survey. We are ready to go.

MR. CHAIRMAN: Do you know whether you need a variance or not?

MR. COSTICH: I am hoping that we don't that will be in the verbage of the past resolution. I think we are going to be able to come in and show you some nice nice landscape and hard scape the court yard. I wish to have some attraction in that court yard space that would have a theme of the Jesuits and some special surprise.

MR. CHAIRMAN: Ramsey what about preliminary and final?

MR. BOEHNER: Where are you on the building design to get through ARB.

MR. ROBOWITZ: We are at the beginning of the design phase so it considers a more considerable time frame. For the zoning phase we are on target for that but if we didn't have that we would have some catching up to get to that stage on our end so that we would be presenting an envelope that is really set and not moving any more. The tweaking I am talking about is very small but we are still in that phase where the program has been well vented, the concept has been well vented and we are in that schematic phase where the building has to be set for final grading and engineering he wouldn't do for the final.

MR. COSTICH: I think in this type of project what happens many times is funding and budgets becomes an important issue. They are working through the designs and then they have to work through what they can afford and then they work through the designs some more. We are in a good place for that. We have the finals we have to show with the final footprints, final floor elevations and you have the stepping down with the site all of those are within inches of being set.

MR. BOHNER: I think if you get going on the Architectural Review Board as soon as you can .

MR. COSTICH: We did do a schedule based upon with and without ZBA so we have a good handle on that. We would love to have Preliminary and Final run concurrent and it depends on Zoning I know. The April Architectural Review Board we are in position for that.

MR. CHAIRMAN: Other than ARB we can't give you Final until you have ARB granted.

MR. COSTICH: Great we appreciate it very much. Thank you.

MR. BOEHNER: Thank you.

3P-NB2-16 Application of Bruce Coleman, owner, of property located at 2861 West Henrietta Road and 400 Western Drive, LLC, owner of property located at 1634 Brighton Henrietta Town Line Road, and Angelo Ingrassia, contract vendee, for Concept Review to subdivide the two lots into one and redevelop the site with a 2,400 +/- sf Starbucks Coffee Restaurant with drive-thru and a 6,000 +/- retail building. All as described on application and plans on file.

MR. GOLDMAN: Good evening Mr. Chairman and members of the Board, my name is Jerry Goldman. I am the attorney and agent of Angelo Ingrassia who is the contract vendee of property located at the corner of West Henrietta Road and Brighton Henrietta Town Line Road that is proposed for a retail development with me on the application is Mark Costich who is no stranger to the Board who is the project engineer. This is a very interesting development for those that are familiar with this north western corner of Brighton Henrietta Town Line Road. There had been a Jiffy Lube that was built there quite a long time ago and was closed quite a long time ago and has remained vacant. There have been a lot of efforts to come up with something of value on this site and now there is the prospect of putting a Starbucks location within the existing building.

In addition Mr. Ingrassia has been put under contract the adjacent property to the west which is composed for a retail building and this will help secure and stabilize this corner. The site itself is a combined site which is two lots and it is proposed to be resubdivided under a single lot and comprises 1.7 acres. Through the western portion of the Jiffy Lube lot there is an easement for the adjacent property on Brighton Henrietta Town Line Road and that creates a bit of constraint in terms of how we deal with the site plan and site planning on this particular site.

Under code Starbucks would require something in the range of 27 parking spaces on the site and would retail with a total of 47 and the overall site shows 49 spaces some of which are located adjacent to the store and some of which are on the more western

part of the site. But through our experience in dealing with Starbucks at the various locations there actual parking is less than what the code requires and in particular when they do drive-thru they have less parking demand in total. With this we are proposing a plan which I believe is fully code compliant and doesn't require any variances as it is designed. We have adequate room space, setbacks and the like. We have done some initial analysis on traffic circulation and circulation for the drive-thru. It is what you would expect because you have to get to the drive-thru window in this direction and come out with most of the traffic on Brighton Henrietta Town Line Road which would essentially alleviate any pressure on the West Henrietta Road side of this even though there is this cross access of the adjacent property.

It wouldn't be anticipated that most of the traffic would look to get out to West Henrietta Road, it makes more sense to come out and also with regard to the adjacent use in the plaza the KFC and the rest of the plaza there are different peaks with regard to traffic and driving circulation. We are in the process of finalizing the traffic analysis right now. I think Mark is prepared to comment on that preliminarily this evening.

In addition we can say at this time we do not have any tenants lined up for the 6,000sf of building so that is a little bit more inflated right now. In terms of design our object was to try to create a no variance plan which is challenging on lots which don't have a lot of depth in it. We are dealing with the Zoning Board requirements and this is within the vf2 Zoning district. We do have a 60 foot front setback to deal with on the site which on the site of this size doesn't create some constraints as it relates to the building. With that Mark I don't know if there is anything you want to add from a design point of view before we entertain comments and ideas from the Board.

MR. COSTICH: Thanks Jerry I just want to say it is a challenging site given the building is existing and our goal not needing variances specifically the pavement variance in the front you know we are trying to make due and maintain the 20 foot required setback from pavement. It ended up kind of working though and working not so bad in that the circulation one way through here it is for convenient parking and any traffic that does exit this way would if there isn't any cue it is going to be a cue within our site and it is going to be a cue that

doesn't block most importantly any routes. It is also the cue that is on a lane that doesn't have any parking. So while there may be a delay somebody may be there they are not impacting others. That is probably the most important thing in looking at circulation. When we look at cars coming in to the site we don't have a left out of here so we are not going to have cars potentially cuing across the drive which again impacts the outside highways. So the way to maneuver is you come in and turn in or you go straight we are not going to delay anyone. If you are exiting the only exit is a right out which isn't going to block anyone. So it is kind of working.

We do have a nice good long cue which I know the Town wants to see as well as we want to see I know Bill previously mentioned a by pass lane and we can potentially work something in on that. Initially we were very tight and I know another thing that is going to come up and I might as well address it. We did look at rotating this building. That is an obvious one that you look at. I did my sketches early on. So this is the one that we went with you can basically see and at the very same time I did do one facing the face of the building here towards the east. The dilemma becomes that the land is 2500 square feet and it really doesn't even have a presence at that point. It is more of an image.

MR. CHAIRMAN: What happens if you take the 6,000 sf and rotate it.

MR. COSTICH: It doesn't even fit. It doesn't work. If you did something like 4,000 or something but then you would be up on the road. There is parking issues and circulation issues.

MR. BOEHNER: Mark, I need to point out you have the side and rear yard switched. What you are calling the rear yard is actually your side. You need to shift that building over because it does not meet code. It does not meet the rear setback. The north is to the side. I just want to point that out before I forgot. You are going to fix it. It is a corner lot.

MR. DOLLINGER: Isn't this one for incentive zoning. The one building that you are trying to reuse and trying to work around the variances. This 6000 sf building given the location,

given the neighborhood it ought to go 15 feet back and it wouldn't hurt a thing.

MR. GOLDMAN: Typically on incentive zoning you are talking about a situation where you need use incentives or you need incentives that relate to a whole series of variances that we are talking about. We don't need any with regard to use here. We are talking about maybe one or two variances on the site but as Mark pointed out even with the variances given the nature of the site we aren't going to be able to maximize. This is a no variance plan as we stand here right now so I don't know what incentives we would be looking for. If it is a single setback type variance that is something that the Planning Board really likes we can carry that to the Zoning Board and see what their reaction is.

MR. DOLLINGER: It seems like the angular parking and drive-thru just seems so awkward, my question is if you weren't under the constraints of variances could you make it work?

MR. GOLDMAN: The problem is this is an existing building. That is the biggest thing and because we were able to acquire this property we have been able to alleviate green space variances on the former site and try to combine them into a larger site but with that building where it is and you want to do what you want to do you are going to have some of that constraint in terms of circulation because circulation as Mark pointed out does make some sense on the overall site.

MR. WENTWORTH: I have a problem with circulation if you are not doing the drive-thru. I am not sure if adding anything positive to the traffic to exit in between this site and KFC. Personally if you have the flexibility of taking green space next door I would like to see like the by pass just those two follow each other all the way back those two drives or two lanes in the back and then everybody would have to exit most people would exit onto Brighton Henrietta Town Line which I think makes a whole lot more sense.

MR. BOEHNER: The other thing that you have which the code talks about is that you have access to three parking spaces but you have to go through the drive-thru lane to get to them and the code does talk about not having conflicts with your parking and circulation with the drive-thru. And I think you could probably fix that

look at that you might have to put the parking spaces on the drive aisle . I don't know.

MR. COSTICH: I agree that those are the result of an earlier plan where we had some green space issues and that is good to point that out. I don't know that taking all of these people and making them go all the way to here is going to fly with Starbucks.

MR. BABCOCK STINER: You are talking about three more seconds of driving versus five minutes of waiting to get onto West Henrietta.

MR. GOLDMAN: If they are going south on West Henrietta this makes perfect sense to be able to do that.

MR. BABCOCK STINER: It is still a very busy street heading north

MR. GOLDMAN: If I am doing it I am coming across here and heading straight across.

MR. BOEHNER: Its because you have another drive-thru that is coming out at that same point so you are trying to reduce the conflict points. What does the 125 feet drive thru lane end. That requirement is 120 feet. Do you need that whole lane can a portion of it be two way or serve a dual purpose and get that lane a little bit further back, do you know where that 120 foot ends or does Starbucks need a larger stacking lane?

MR. COSTICH: They very much like a larger stacking if you recall I think you have a station so we held the station and we came and we were at the 120.

MR. BOEHNER: You are at the 120.

MR. COSTICH: Right.

MR. GOLDMAN: 120 is approximately 6 cars that is probably where people view is the right number in terms of numbers of stacking spaces.

MR. COSTICH: I think I can rework this to get this way some. We love to force them to go around 180 degrees but if I can get them out here its going to be a lot more tempting than putting them right there and I think we can work on that and improve that so this is the choice it really is for anybody that know what they are doing but ones that are not familiar they are going to try that once I guess but again the cuing is on our site so if you are delayed you are impacting yourself and if we move it back you are not necessarily going to be stuck going this way or bothered by a cue here, if it is back some we can get you going that way.

MR. CHAIRMAN: Our concern is if we do start to interrupt the level of service on either West Henrietta or Brighton Henrietta Town Line Road if people are starting to take these left turn moves northbound or east bound too much of the time that would be – I don't know if you are going to change the Brighton Henrietta Town Line access but something that does pull that back where there will be a little more cuing.

MR. COSTICH: I agree I have held myself to the 20 foot encroachment and another reason for that is it's a real estate deal that it was very important not to have a lot of hurtles you couldn't go over because there is a certain amount of commitment to bring this forward.

MR. GOLDMAN: One thing we also have to do is take a look at the easements which Mark in a former life that all of this was done at a time when this was a Rund's restaurant over here. There are cross easements.

MR. CHAIRMAN: Mark, putting aside how this was, was there a plan that you came up with that was substantially different and better than this. I am not sure we have anything to argue about here.

MR. GOLDMAN: There aren't a whole lot of choices once you take the building where it is. We want to thank you very much is there anything else you want to share at this point? Our objective of course is going to be to try to work through these as quickly as possible. We are looking forward to the April filing to come back in

May and if it is a no variance plan I think we will look to come in for Preliminary and Final.

MR. BOEHNER: You should get to the Zoning Board soon if there is a variance.

MR. CHAIRMAN: Is there anything else? Thank you for coming in.

2P-NB2-16 Application of 1925 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. HELD OVER TO THE MARCH 16, 2016 MEETING.

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 on property located on South Clinton Avenue, know as Tax ID # 136.15-1-7, 136.15-1-8, and 136.15-1-9.

MR. BOEHNER: I will add CN105 and CN107 are preferable over the original plans and CN02 be included on the Incentive Zoning application.

MR. CHAIRMAN: I would move to have the Secretary submit the Advisory Report to the Town Board as amended.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

PRESENTATIONS

NONE

COMMUNICATIONS:

Letter from Ramsey Boehner, Secretary – Historic Preservation Commission, dated February 29, 2016, regarding the Historic Preservation Board's recommendation that the Planning Board deny the Site Plan application for 2960 East Avenue (2P-NB1-16)

Letter from John Page, dated March 10, 2016 regarding the application for Cerone, 2060 East Avenue.

Letter from Andrew E. Moroz, dated March 14, 2016 requesting postponement of application 11P-NB1-15 and 2P-03-16 until the April 20, 2016 meeting.

Letter from Gregory McMahon, dated March 14, 2016 requesting postponement of application 2P-NB1-16 until the April 20,2016 meeting.

PETITIONS

NONE

3P-01-16 Application of Our Lady of Mercy School for Young Women, lessee, and Sisters of Mercy NYPPAW, Inc, owner, for extension of Site Plan Modification Approval and EPOD (woodlot) Permit Approval (3P-02-15) allowing for the installation of new tennis courts on property located at 1437 Blossom Road. All as described on application and plans on file.

MR. WENTWORTH: I move to close application 3P-01-16.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move the Planning Board approves application 3P-01-16 based on the testimony given, plans submitted and with the following Determination of Significance and Conditions:

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. Site Plan Modification Approval and EPOD (woodlot) approval shall expire on March 16, 2017 and pursuant to 217-13(E) of the Brighton Town Code no further extensions shall be granted.
2. All Planning Board and Town Engineer requirements of Site Plan Modification Approval and EPOD (Woodlot) Approval 3P-0215 shall remain in effect and shall be met. All Planning Board and Town Engineer comments shall be addressed prior to issuance of a Building Permit.
3. A letter of credit shall be provided. Contact the Town Engineer for requirements.
4. Prior to any disturbance, a drainage permit must be obtained from the Department of Public Works.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

3P-02-16 Application of Richard M. Greene, M.D.P.C., owner for Final Site Plan Approval, Final Subdivision Approval and Demolition Review and Approval to raze two buildings and construct a 6,000 +/- sf medical office building and to subdivide two lots into one on properties located at

2122 and 2140 South Clinton Avenue. All as described on application and plans on file.

MR. WENTWORTH: I move to close application 3P-02-16.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

1. The existing building, if currently designated as a landmark, has received required approvals from the Historic Preservation Commission and if not currently designated has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town Zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/ landscaping plan has been approved by the Planning Board.

8. The project will comply with the requirements of NYSdOT Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton , Lead based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements or Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. Prior to the issuance of a demolition permit for 2122 S. Clinton Avenue or a building permit, asbestos shall be removed from 2122 S. Clinton Avenue according to NYS and the Town of Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.
2. Silt fencing is shown on the north and east sides of the property on the restoration plan and on the grading plan. The silt fencing shall be shown on the demolition and site plan as well.
3. Construction fencing shall be shown on the plans.
4. Tree protection shall be shown around trees to be saved on the demolition plan, site plan and grading plan.
5. The following comment of the Conservation Board shall be addressed:
 - Strongly encourage the use of native plants and want to advise that certain alien species such as the Cleveland pear, are viewed as detrimental to the general environs.
6. The area of the new, resubdivided lot should be added to the site data.
7. A parking variance (2A-02-10) was granted for 2150 S. Clinton to allow 14 spaces in an easement of the adjacent/new lot. This variance did not include storage area in the basement of 2150 S. Clinton. If the storage area is to be used for office use in the future, further approval may be required by the Zoning Board of Appeals.
8. The applicant shall review the site plan, grading plan, architectural elevations and floor plans to ensure that the areas and dimensions provided on those plans and the grading shown around the building agree with one another. Both the grading plan and the architectural elevations shall show the ground elevations at each of the building corners. Architectural elevations shall show grading around the building that conforms to the grading plan.
9. 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.

10. The project will comply with the requirements of NYSdOT Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton , Lead based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
11. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
- 12 Any proposed signs shall require separate approval.
- 13 The entire building shall comply with the most current Building and Fire codes of New York State.
- 14 Prior to the 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.
- 15 Meet all requirements of the Town of Brighton's Department of Public Works.
- 16 All Town Codes shall be met that relate directly or indirectly to the applicant's request.
- 17 The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control. Erosion control measures shall be in place prior to site disturbance.
- 18 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.
- 19 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.

- 20 Maintenance of landscape plantings shall be guaranteed for three years.
- 21 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
- 22 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.
- 23 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 24 A letter of credit shall be provided as determined by the Town Engineer.
25. Four shade trees along Clinton Avenue. The berm shall be extended along the frontage.
26. All required permits and approvals of the Town of Brighton Highway and Sewer department shall be obtained.
27. The applicant shall contact the Brighton Fire Marshal regarding the project. All comments of the Fire Marshall shall be addressed. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220)
28. All Monroe County comments shall be addressed. Confirmation shall be submitted that MCDOT has approved the access plan.
29. It is recommended that the applicant provides a joint reciprocal access easement on both properties.
30. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.

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

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

3P-03-16 Application of Finger Lakes Technologies Group, Inc. lessee, and Frank Delaus, Jr. 333Metro Park, LLC, owner for Conditional Use Permit Approval to allow for the installation of electronic equipment to support telephone and internet services, and to allow for the installation of a standby emergency generator in a side yard, on property located at 333 Metro Park. All as described on application and plans on file.

MR. WENTWORTH: I move to close the public hearing on application 3P-3-16.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. This approval is only for an unmanned "Point of Presence" facility and a backup generator as described in the submitted plans and testimony.
2. The applicant shall contact the Town of Brighton Fire Marshal, Chris Roth at 585-784-5220., to discuss the proposal and shall comply with any requirements of the Fire Marshal. An occupancy permit shall be obtained from the Fire Marshal
- 3 All necessary building permits shall be obtained and all New York State building and fire codes adhered to. All required building permits and building code reviews shall be completed prior to occupancy,
- 4 There shall be no outdoor storage or display without further approval.
- 5 No buil storage of hazardous or flammable liquids or materials shall be permitted without further approval.
- 6 No sales shall take place on site.
- 7 Any changes to exterior lighting shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 8 Any proposed signage shall require separate approval.
- 9 Any installation of facilities (e.g. fiber optics) in a Town right of way shall require a franchising agreement and a highway permit.
- 10 The entire building shall comply with the most current Building & Fire Codes of New York State.
- 11 Meet all requirements of the Town of Brighton's Department of Public Works.
- 12 All town codes shall be met that relate directly or indirectly to the applicant's request.

- 13 The proposed generator shall be screened with landscaping. A plan shall be submitted to the Building and Planning Department for review and approval.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

1418 Joeval's Formalwear LTD for a building face sign at 2240 Monroe Avenue

1423 Brighton Nail & Spa for a building face sign at 2240 Monroe Avenue

CONDITION

1. Only signage as allowed by code shall be placed in the windows

1424 Utopia for a building face sign at 2240 Monroe Avenue

CONDITION

1. The approval of the property owner shall be verified

1425 UR Medicine for a building face sign and directory sign at 2180 South Clinton Avenue.

CONDITION

1. All required variances shall be obtained.

1426 UR Medicine – Labs for a building face sign at 1520 Monroe Avenue.

MR. WENTWORTH RECUSED HIM SELF FROM VOTING ON SIGNS 1425 AND 1426

MR. CHAIRMAN: I move to approve signs 1418, 1423, 1424, 1425 and 1426 as recommended.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION PASSED

* * * * *

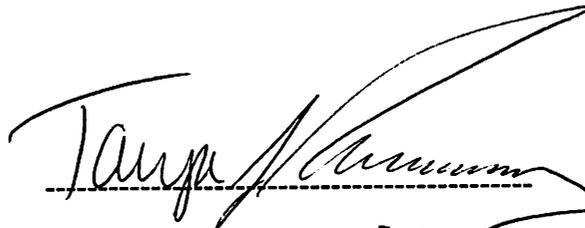
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the March 16, 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.



Judy Almekinder

On this 4 day of April 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.



Notary Public

TANYA J. LEISENKING
Notary Public, State of New York
Qualified in Wayne County
No. 01LE6312991
Commission Expires October 14, 2018.

TANYA J. LEISHER
Notary Public, State of New York
Qualified in Wayne County
No. 0166312991
Commission Expires October 14, 2017