

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on May 18,
2016 commencing at approximately 7:30 p.m.

PRESENT: Laura Civiletti, Acting Chairman
John Osowski
Jason Babcock Stiner
James Wentworth
Daniel Cordova

NOT PRESENT: William Price, Chairman

Ramsey Boehner: Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MS. ACTING CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the MAY 18, 2016 meeting of the Town of Brighton's Planning Board to order. We will approve the minutes of the April 20, 2016 meeting. Can I have a motion to approve the minutes with any corrections.

MR. FADER: I move to approve the minutes of the April 20, 2016 meeting with any corrections.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNIMOUSLY CARRIED

MS. ACTING CHAIRMAN: Mr. Secretary were the public hearings properly advertised for March?

MR. BOEHNER: Yes, they were properly advertized as required in the Brighton Pittsford Post of May 12, 2016.

4P-01-16 Application of Brighton Commons Partnership, owner, and David Cohen/Sabra Grill, lessee for Conditional Use Permit Approval to

allow for a 2,650 +/- sf restaurant on property located at 1833 Monroe Avenue (Brighton Commons Plaza). All as described on application and plans on file. TABLED AT THE APRIL 20, 2016 MEETING – PUBLIC HEARINGS REMAINS OPEN.

MR. COHEN: David Cohen owner of Sabra Grill. At 1835 Monroe Avenue in Brighton. I come here to get approval to move the restaurant towards the street in the Plaza.

MS. ACTING CHAIRMAN: Can you tell us a little bit about how the application has changed since last month?

MR. COHEN: I went to the Health Department and spoke to them about the inspection of the Health Department and he sent an e-mail to Mr. Boehner and I guess everything was fine with him about the building for the garbage and the oil.

MS. ACTING CHAIRMAN: How about the seating that is proposed now?

MR. COHEN: We changed it to 18 or 16. I put in a new plan.

MR. BOEHNER: The number of seats is now 18?

MR. COHEN: Yes.

MR. BOEHNER: So you are going to limit the seats to 18 and that meets the parking code. He has to limit the seats to 18 or he will have to get a variance from the Zoning Board of Appeals and he has chosen to limit it to 18 seats. I saw the e-mails from the Health Department and I also checked with the Fire Marshal to make sure that the storage of grease inside the restaurant would be acceptable provided it doesn't go over 60 gallons. How many gallons of stored oil would you have?

MR. COHEN: We use maybe 10 gallons a week and then it is taken away.

MR. BOEHNER: So at no time is there more than 10 gallons?

MR. COHEN: No and also I spoke with Mr. Zimmer in the Health Department regarding the grease trap for a restaurant and he said I don't require any special permit inside for the plumbing.

MR. BOEHNER: When you go to get your building permit you will grease trap that?

MR. COHEN: Yes.

MS. ACTING CHAIRMAN: How about your HVAC?

MR. COHEN: The HVAC is there now I don't have to do anything with that.

MS. ACTING CHAIRMAN: How about cooking?

MR. COHEN: I have to install the hood and I will basically move the hood I have now with the inspection approval of the Fire Marshal.

MS. ACTING CHAIRMAN: And that will be vented through the roof?

MR. COHEN: Yes. I will submit a picture for the application. I can show you it is the same thing.

MR. BOEHNER: So you will put the vents between the two HVAC systems. There is a parapet wall around the building?

MR. COHEN: Yes.

MR. BOEHNER: How high up is that going to be?

MR. COHEN: Only two feet and the wall is only 3 or 4 feet from it around the building.

MR. WENTWORTH: Ramsey there is no other venting for the disposal of oil?

MR. BOEHNER: Not in that building.

MS. ACTING CHAIRMAN: Okay, this is a public hearing. Is there any one who would care to address the application? Okay thank you.

4P-04-16 Application of 12 Corners Associates, LLC, owner, for Conditional Use Permit Approval to allow for a 3,000 +/- sf restaurant with outdoor dining on property located at 1881 Monroe Avenue. All as described on application and plans on file. TABLED AT THE APRIL 20, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

- Jason Babcock Stiner has recused himself.

MR. MOROSA: Good evening everybody my name is Andy Morosa with B M E Associates and with me is tonight is Fred Rinaldi of 12 Corners in Brighton: We met last month and we were able to present the project to you. We have received comments from the town. We did address that and got a letter out and I hope everyone had a chance to review that. Just to touch on the major questions that were asked. One in particular were the trash receptacles in back about adequate sizing and timing of pick up. The units are picked up right now twice a week that can be emptied up to four times a week to accommodate the Qdoba Restaurant. There was a comment about the roof top vents and we did provide some material about the roof system and how there is a flat section in the roof that is recessed below what appears to be the peak. The roof line where all the HVAC system currently sits now. There is existing equipment up there now and it is pretty well screened from sight. That would be the same application with this. And there was also a question about the ADA accessibility. We did look at the guidelines the 2010 guidelines for ADA accessibility and we just need 60 inches of clear space in front on the doors and we have been able to provide that with the existing sidewalk. Fred I will let you add anything you would like

MR. RINALDI: Good evening my name is Fred Rinaldi of Brighton Twelve Corners Associates. I was unable to attend the prior meeting and I just wanted to be here tonight because we are very excited to finally be able to attempting the balance of the space where the Rite Aid existed at 12 Corners here. I did attend a number of meetings with the Zoning Board, the Architectural Review Board and the town staff and through that we have been able to do some details that were not Board general perview but they include things like bicycle racks that had been requested for alternate means of transportation. I will be walking the site with Judy tomorrow morning to confirm the locations and let her know our global plans for the project beyond Qdoba applications because what this represents is finally we have been able to reactivate the entire site.

Real quick, Andy had spoken about traffic and when we had brought in the ESL application we had actually expanded the size of the enclosure and we did that for a couple of reasons. One we wanted to make sure we had the ability to expand on the site plan services if we needed to and two, we anticipated with the balance of the space that we would likely be putting in specialty retails and this would be the last proposal for the balance of the space. The other accompaniments of the exterior or additional landscaping or things like that I am prepared to answer any questions from the Board.

MS. ACTING CHAIRMAN: What was the status of all of the Boards?

MR. RAINALDI: We received all approvals, they tabled one item specific to the art work. The art work which is located just to the left - the Zoning Board had asked if we would consider a reduction in size and we will be presenting that at the Board meeting in June and Qdoba has in fact approved to reduce the size of the art work and in addition to that they have prepared a healthy dialogue as to why these types of installations are important not from a signage stand point but from really introducing and educating the consumer before they enter the Qdoba, the Qdoba prides it self in offering a little bit more than their competitors as far as through the elements that exists on the exterior of the spaces. This program is consistent only with their new programming. We are fortunate that we are one of their newer stores and we will be offering some neat things. I am very excited about that. We were glad to have the

demographics of this area and there are a lot of good things that go on here. We have a great family environment so we will have some things that acclimate to those details that you won't find in some of the other Qdoba's that open up. I would ask the Board that they consider essentially a conditional approval on that one tabled item specific to the art work that was addressed at the Zoning Board meeting that was tabled.

MS. ACTING CHAIRMAN: Has there been any other changes to the project since we saw it last month.

MR. RAINALDI: The only changes were a reduction in signage. I have introduced and testified a little bit on the landscaping. Some of the treatments that the Zoning Board had requested were linear treatments to be added to the building itself for example the portions that border the patio area there is these tiny pins that I can introduce to the motor of the brick without compromising the integrity of the building skin. We are going to have a beautiful almost vine like aesthetic that will break up a lot of those linear plans and add a depth, this is an architectural style that allows us to accomplish a lot. That was a change from what we had before the Board the last time.

MR. OSOWSKI: What are the hours of operation?

MR. RAINALDI: 10:30 A.M. to 10:00 P.m. and that is seven days a week. We have learned through our research that they have until midnight but the way this is setup is that we will meet that without having to usher people out.

MR. BOEHNER: Fred, you will be utilizing the existing dumpster that is on the property?

MR. RAINALDI: That is correct.

MR. BOEHNER: So your idea is you are going to have it dumped more frequently.

MR. RAINALDI: Well one of the things that we were going to experiment with is a little bit more of a clean up schedule, because if you were to visit our site randomly a lot of the debris is not from our site. We have increased the presence of our master companies

for clean up both specific to the enclosures and the site and in doing so we are little bit more proactive. We oversized them a bit because we wanted to be able to have future growth specific to recycling features. We have the ability without being obnoxious to actually have a more regular style of kick off. Right now the building has been operating at less than 100 percent of the time so there is a lot of access. We are comfortable with the Qdoba proposal and then the balance of 3300 sf of space that would be non food specialty retail so we would be more than adequately be able to maintain our debris on site.

MR. BOEHNER: One thing I would ask as far as your maintenance goes of the dumpster area wash that sidewalk down because you have that grease in there and it is starting to reach across that sidewalk.

MR. RAINALDI: One of the things that is neat when you have your tenants come in is it allows you to almost underwrite upgrade improvements so right now we are improving the technology for the capture to cure that issue but it is also going to allow us to take care of existing problems and I will testify to that.

MR. WENTWORTH: Will you be serving alcohol?

MR. RAINALDI: They will be serving wine, beer, I don't know if liquor is in their immediate future. They will not be serving those features at the grand openings because there will be a lot of younger patrons at the grand openings but the concept is that this is more of a dining experience and they want to have families to utilize it and they want to appeal to the demographics of a family unit who comes here to dine and then the younger patrons go off and the parents can sit and enjoy finishing their meal. The aesthetics and interior design is really quite beautiful so we are hoping that people will enjoy it. It is not going to be a bar. It is more of a dining experience to enjoy in a restaurant of this classification.

MR. DOLLINGER: How big is the bar area?

MR. RAINALDI: There is no bar area.

MS. ACTING CHAIRMAN: This is a public hearing so is there anyone who cares to address this application? There being none we will move on. Thank you.

5P-01-16 Application of Anthony Associates, owner, for Preliminary/Final Site Plan Approval to construct a 690 +/- sf one story building addition on property located at 2305 Monroe Avenue. All as described on application and plans on file.

- MR. BABCOCK STINER HAS RETURNED

MR. MCMAHON: Good evening my name is Greg McMahon with McMahon and LaRue Associates also here tonight to answer any questions you may have is Mark Anthony who is the applicant and Jeff Ashline the Architect from Mosien Associates. The application that we have before you tonight is for the Anthony Dugal home located on Monroe Avenue at the corner of Roosevelt. The applicants are proposing to construct a 690 square foot addition in the corner of their building shown in the dark brown and the other addition is a canopy over the entrance on Roosevelt and we will put up Jeff's architectural plan. The addition that is shown here is a one story addition. It doesn't increase the component of the business that generates the need for parking. This is an administrative addition and the canopy which is shown right here over the entrance is intended to provide some coverage for the people entering and exiting this exit and its also very similar to the canopy over the front entrance. So it will add a little bit of architectural relief on that side of the building and give it a little bit more residential look. That is the substance of what is being proposed. We do have several variances that we are pursuing at the June meeting relative to some square footage maximum for this zoning district. A front setback on Roosevelt for the canopy and also a slight increase in the coverage which is slightly over the 65 percent maximum. Those will be heard at the ZBA meeting on June 1st.

MS. ACTING CHAIRMAN: Are you going before the Architectural Review Board as well?

MR. MCMAHON: The architect is working on that component, yes.

MR. FADER: What vegetation are you removing?

MR. MCMAHON: There is no vegetation or landscaping being removed, well there is no trees or bushes being removed.

MR. FADER: Is anything being added?

MR. MCMAHON: We are not proposing the addition of any, certainly the applicant may be doing some low bush planting of their own around the building but nothing in addition.

MS. ACTING CHAIRMAN: Is there any additional lighting being proposed?

MR. MCMAHON: No.

MS. ACTING CHAIRMAN: How about saving of material during construction?

MR. MCMAHON: I think certainly that little peer on the engineers comment as far as delineating the staging area we will have to discuss that with the applicant, my belief is going to be due to the fact that this is a business it will probably be confined to the side of the business. We are not talking about major construction storage.

MR. BABCOCK STINER: So there is no change to operations during construction?

MR. MCMAHON: Yes, there will be no change to the operations during construction.

MR. BOEHNER: Greg did you receive any comments back from Monroe County?

MR. MCMAHON: I have not seen anything that has come through yet. I submitted them the day they were signed here in the office. We will get back to you. I will address them in a comment letter when I receive them.

MR. ANTHONY: Mark Anthony. It will be a dual purpose, this addition one for our care center which is located in that section and one in that front part towards Monroe Avenue as administrative space. So our current care center is basically right here, so coming around the corner we would be taking maybe two thirds of that space for adding on to the care center and then towards the front would be administrative so there would be two walls separating them.

MS. ACTING CHAIRMAN: Anything else? This is a public hearing, is there anyone who would care to address the application? Alright, thank you.

5P-02-16 Application of Thomas Galvin, Jr. owner, for Site Plan Modification to make parking lot improvements, adding spaces, creating access on to Monroe Parkway and constructing a turnaround (Sunset Drive frontage) on property located at 2240 Monroe Avenue. All as described on application and plans on file.

MR. MCMAHON: Again I am Greg McMahon with McMahon and Larue, I am here tonight representing the applicant, the owner of the plaza. The plaza is located on Monroe Avenue between Monroe Parkway and Sunset. The applicant is hoping strictly to make some parking lot improvements to alleviate some issues. This site I believe was initially constructed I am not sure how many years ago it was, but it was a Max Pies I believe and it was a single tenant. That has gone it's own way and now the space has been subdivided and there is several tenants and some of the issues they have been having in front of the building is right now angled parking and what happens is when people pull in and park in front of the building they have to back out of their space back down the front of the building so they can turn and head out. What we are proposing to do is widen the pavement by about five feet. That will let us put in 18 foot by 9 foot perpendicular parking places with a 24 foot aisle behind them to allow the vehicles to pull in, pull straight in and park and back straight out and leave those parking spaces the conventional way and lessen the chance of automobile accidents and also trying to keep an eye on pedestrians as they are backing their cars out.

The second improvement is this site is very tight on parking. People park behind the building and they basically have to do the

same thing. There is no room to turn around and come back out so they park back here and then they back out from the rear of the building and exit. We are proposing a bit of a paved area at the end of the rear of this building where a car can pull in do a K turn and pull back out from behind the building. And moving forward the last improvement is a second point of access onto Monroe Parkway. He feels this would help improve his movements in and out of the parking lot and he was also looking at doing the same thing at Sunset Drive but there is more residential character directly across from residences and we didn't feel it would be appropriate to shuffle the cars in and out where as Monroe Parkway is directly opposite other commercial uses and it has the commercial entering and existing the property across the street. So we felt of the two locations this was less intrusive to the residential component of the neighbors. That is the sum of the changes being proposed. And again there are two variances that we have applied for having to do with these changes and they will also be heard on June 1st.

MS. ACTING CHAIRMAN: How many variances are there and what are you applying for?

MR. MCNMAHON: In this zoning district parking is not permitted within the front yard. Now parking exists in the front yard but because we are modifying the parking we felt it would be appropriate to apply for that variance. That is for Monroe Avenue. On Sunset Drive there is existing pavement and pavement can be no closer than 10 feet from the property line and all the existing pavement is within five feet of the property line. And since we are proposing again some pavement we would need a variance from the 10 feet.

MR. BOEHNER: That is also considered a private yard and you can not have pavement in the front yard and you also have variances for the curb cuts on Monroe Parkway.

MR. MCMAHON: And I guess as we saw the code it was a general feeling that the plan has option to allow a second driveway.

MR. BOEHNER: There is two sections to the code, one states the access should be to non residential street that is one section and the other section is that you can only have one curb cut unless the

jurisdiction of authority can make a determination for public safety reasons that a second curb cut is needed and if the jurisdiction does not make that claim you will need to go to the Zoning Board of Appeals to do that and I would say there has been no evidence submitted to the Board to make that claim. I am looking at the configuration of the parking lot that is not where the problems are in the parking. The problems are along Monroe Avenue so that is another variance. The other thing I want to point out while we are talking about the Monroe Parkway is a tree would need to be removed possibly two trees depending on how that driveway goes into the right of way and those trees would be subject to a possible Town Board hearing because those are town trees.

MR. MCMAHON: Okay, I think what we will take away from this meeting what the opinion of the Planning Board is regarding that particular item and if the owner wishes to pursue that further without the Planning Board authority then I will have to him make that decision and we would have to apply for that variance but as of right now we have not applied for a variance for the entrance on Monroe Parkway.

MR. FADER: You said you didn't want to extend the driveway out onto Sunset that you thought it would be intruding into the neighbors. You don't think a parking lot that has a K turn in it isn't intrusive?

MR. MCMAHON: I think if it is properly landscaped it is not going to be. We are only talking probably – typically what happens is from what I understand the employees use this for parking in here. So it is not like there are customers coming in and out so an employee may come in and park and lets say you have five or six cars at the end of the workday they pull up and turn around and they go back out. We are not talking about dozens or more cars making that turn.

MR. FADER: I think cars making a K turn would be intrusive?

MR. MCMAHON: Not in my opinion.

MR. BOEHNER: I am going to say too if you went back to the original plans for the plaza those parking spots just so you

know they were approved at the time this site was approved and to the best of my knowledge that has been used by employees not by customers. So the employees were pretty much all day parkers so you are not seeing a lot of traffic. So there is two ways of dealing with it. You have a 20 foot wide back up and do a three or four point back up to get out. It's not in a driveway. You are not in the middle of the parking lot trying to figure it out.

MR. MCMAHON: I understand that and also some of the original plans that I have seen go back to the days when the plaza was built. There was an exit out onto Sunset Drive but that was never approved. That was a long time ago. The plans that we have in the office showed an exit there but I certainly understand and again I am conveying what the owner sees as some of the issues with this property. Again he has multiple stores that he tries to keep leased and traffic that is quite a bit different from what existed when this was a single use site.

MR. WENTWORTH: Greg, I understand the concerns the varied tension here. The hammerhead up against Sunset Drive and it is only half a hammerhead and you have a 20 foot width there. So driving a car in my mind I pull out of my spot and turning left and backing up. The typical parking spot is 19 feet deep if I am up against the K turn basically a tree and I have an extra foot to make a full left turn I don't see how you can actually do that.

MR. MCMAHON: You are not going to make a full – what some people do is they pull out here, pull into this and pull forward and back up –

MR. WENTWORTH: Right and if this were a full hammerhead you could actually pull back and now you have plenty of room to make a turn but you are now perpendicular to a 20 foot wide spot. If you had more to scue the hammerhead part to the right – we believe back up turning and being half way to your destination. I just don't see how this would work.

MR. MCMAHON: It does work based on the stereo that we looked at and what we were trying to do is balance the addition of pavement and intruding on the Sunset Drive.

MS. ACTING CHAIRMAN: How many accessible handicapped spaces are there?

MR. MCMAHON: There are two handicapped spaces provided in front of the building.

MS. ACTING CHAIRMAN: I understand there is quite a bit of landscaping that has been removed I guess along Sunset Drive.

MR. MCMAHON: I am not aware of that. We did our survey down there fairly recently and as part of that we located all the trees and shrubs on the site. And I have shown everything and I don't have a history with this site so I can't attest to what was there and I am sure the neighbors know more about that than I do.

MS. ACTING CHAIRMAN: Ramsey was that something that was noted by town staff?

MR. BOEHNER: I have been in contact with the property owner and he has the contract with the landscaper to restore the property and I did tell him I would like to see more plantings of trees and shrubs along the residential neighborhood. He said he would consider that.

MR. MCMAHON: I wasn't aware of that. If that is something that we need to add to the plan we can certainly talk to him and get that done.

MR. BOEHNER: There is a problem with grading and it needs to be leveled out, reseeded and do some plantings.

MR. MCMAHON: This is on the Sunset side?

MR. BOEHNER: Yes.

MR. MCMAHON: I will have that discussion with him.

MS. ACTING CHAIRMAN: Other than the tree in the proposed Monroe Parkway is there any other vegetation proposed for removal?

MR. MCMAHON: Yes, in the turn around there was going to be approved there is a row of arbor vitae and they would have to be removed and then replaced around the perimeter of that.

MS. ACTING CHAIRMAN: Was approval for the removal of the tree and I think we talked about needing a variance for that?

MR. BOEHNER: It's a town tree so it's a town approval.

MS. ACTING CHAIRMAN: Has there been an application made for that?

MR. MCMAHON: There has not.

MS. ACTING CHAIRMAN: Have you contacted the Highway Department with our recommendations?

MR. MCMAHON: Yes, I will. I think that will have to come as part of my continued discussion with the property owner about what this Board feels regarding that entrance onto Monroe Parkway and how he wants to proceed.

MS. ACTING CHAIRMAN: Have plans been submitted to Monroe County?

MR. MCMAHON: Yes, they have

MR. BOEHNER: Have you received anything back from them?

MR. MCMAHON: No.

MS. ACTING CHAIRMAN: This is a public hearing. Does anyone care to address this application?

MR. CLARK: Dan Clark address is 55 Sunset Drive. If you don't mind I would like to address the picture that was brought by the proposed applicant. The first one is to the front parking spaces. I will go back to that but first of all I have 83 signatures from folks on Sunset Drive, Monroe Parkway, Meadow Drive and Orchard. Who do I give these to?

MR. BOEHNER: Give those to me but would you like to make copies of those?

MR. CLARK: I already did.

MR. BOEHNER: The reason being is that we will accept and receive that but there will be a Zoning Board hearing on this matter also and you may want to give that particular issue to that Board also.

MR. CLARK: So let me read the petition to you and let you all know what was signed.

" We the undersigned object to the part of proposal 5 P 0216 for the 2240 Monroe Avenue request to extend any parking or driving surface to, toward Monroe Parkway and the other one says Sunset Drive. We believe that this is a residential neighborhood and that the development of this lot in the direction of this street would detract from the cosmetic feel of the area. This lot is the forefront of the neighborhood, clearly visible to all who enter the area which we call home. We respectfully request that this specific part of the proposed change to this lot be denied by the Planning Board of the Town of Brighton. "

That is how that reads. There are a couple of things that I can add to your presentation. Here you are that is an original. I do have pictures if you would like to see them and I would be happy to share them with you. The standard was correct. All of the Forsythia bushes along the side and all of the trees were removed from the side, cut down to ground level. All of the garbage that has been left over the years and that brush was left. Several complaints were made by some of the neighbors to get that resolved and it

ended up being the neighbors that went down with trash bags and cleaned it up.

I would also like to talk about this back parking lot here, because let me give you some dimensions. Code says that for a two way access it must be 24 feet and the spaces must be 9 feet wide and two inch allowance over the lines. Do I have that correct?

MR. BOEHNER: Yes.

MR. CLARK: So now I will tell you what the dimensions are. The dimensions from the edge of the building to the edge of the pavement is 28 feet. It is five feet short. That is at this end. At this point here it is 29 feet, so it is four feet short and he is correct that he is within five feet of the property line. That is true as well. So these spaces as you pointed out have not been marked for years and they just remarked all of the parking spaces for the parking lot. The residences don't like the turn around and we feel that would intrude into the area. This is the entrance to the neighborhood. This is the first house on the right, there is a house here and whatever else is down here but it is all residential. If we switch over to the Monroe Parkway area as you correct the dimensions there is an entrance into the "Hars" (phonetic) Market parking lot and he is correct that is directly opposite but let me share with you a common occurrence that happens at that intersection. Somebody pulls up to the stop sign and they need to make a left hand turn into Monroe Parkway and a car is coming in the opposite direction, he turns into Monroe Parkway and this car is coming from Hars Market and stops in the middle of the road because you can't make a turn because it is so short, or so close. The car coming from the other direction turns right onto Monroe Parkway now he is stuck and now I am stuck. Now we are talking about adding another feed into that already testy area. I'll tell you this everybody that lives on Parkway will say that has happened to me 50 times. Folks on Sunset will say "yes, and I have gone to Hars Market' and a good half or more will say' yes it has happened several times at least." So I want to mention that there is a traffic concern.

There is history here, and some of our residents have been around for a long time and I was told the original plans included the path to Sunset Drive and this was early to mid 70's and I know none of you were on the Board then. And then it was proposed that they have a

brick path to allow grass to grow through and allow that as an emergency access road. That was immediately denied and I can tell you that when that was proposed the entire neighborhood pledged to fight that and that did not happen, they did not want the access road to Sunset Drive. Are there any questions so far?

MS. ACTING CHAIRMAN: I would like you to move along I am not sure if there are others in the audience who would like to share their thoughts.

MR. CLARK: Okay one other thing I wanted to mention there are three or four electrical mains that come out of the ground along this building as well as a gas main. So that is something to think about when you are talking about cars trying a K turn in that spot. And I can tell you this I walk by there all the time I see one car back there and by the way there is a dumpster in the first parking space. So that is where their dumpster is. There is consistently one car back there and that is all I see. Questions?

MS. ACTING CHAIRMAN: Ramsey, is the dumpster non conforming, it is supposed to be enclosed.

MR. CLARK: I do have a picture if you would like to see it.

MR. BOEHNER: The parking back there and the dumpster is non conforming but you can't back and require it now.

MS. ACTING CHAIRMAN: How about those parking spaces are they standard non conforming?

MR. BOEHNER: Yes, the standards have changed and they are not conforming now.

MS. ACTING CHAIRMAN: They are not conforming now but when they were approved they were?

MR. BOEHNER: Yes but not the interconnection, it was our understanding that only employees parked back there. I guess customers could park there.

MR. WENTWORTH: If this were to go forward and the owner were to get all the variances for a hammerhead turn around there would still be a variance required for a drive way for two way traffic because you are altering what is currently non conforming?

MR. BOEHNER: You would have to ask David, I wouldn't agree with that.

MR. WENTWORTH: Because you are altering the area now you have to bring that whole section up ?

MR. DOLLINGER: I don't know about that.

MR. BOEHNER: I don't think you do. Anything new would have to be built to code.

MR. DOLLINGER: I don't either. I would say no.

MS. ACTING CHAIRMAN: Is there anything else you would care to share with us?

MR. CLARK: There is nothing else I would like to add.

MS. ACTING CHAIRMAN: Thank you. Is there anyone else who would like to address this application?

MS. BURGMEYER: My name is Burgmeyer and I live at 61 Monroe Parkway. And even though I am here as a resident I also want to note I am a professional engineer, certified planner, and I have over 25 years experience in traffic engineering and transportation planning. I am here primarily to talk about the access coming out on Monroe Parkway. The first question I have was to ask why there is a need for a secondary access. It's a minor commercial development, the volume of activity does not justify a need for a second access point. The Town's Monroe Avenue guidelines specifically recommend reducing the number of access points and egress and ingress locations. The Town's code specifically notes to discourage through traffic or non residential traffic down a residential roadway. So that the question for the need for that secondary access is probably most important but secondly if there was

determined to be a need for a secondary access it would need to be designed appropriately as was previously noted the current setback for the Hars driveway is less than 25 feet from Monroe Avenue. And as was previously noted any cues you have which typically don't exceed one or two vehicles at the stop sign that would actually require any setback or driveway to avoid that cue to be set back at least 50 feet from Monroe Avenue from that stop, And so we currently have a forced situation where vehicles are exiting off of that parking lot and Hars and blocking the opposing traffic. As many of you know that is a high accident area at that location. There is a lot of rear end accidents and so any resident who is trying to turn into Monroe Parkway if they are impeded by blocking that area there is a potential for a rear end accident. So I would like you to consider that location currently being proposed is inappropriate for a secondary access.

MS. ACTING CHAIRMAN: Thank you. Is there anyone else who would like to address this application?

MR. HOUSER: My name is Scott Houser, I live at 56 Monroe Parkway and we have been there since 1998 so we remember Max Pie and we watched the development grow. It has long been a multi tenant facility. I would like to reiterate a couple of things. One, although this does have Hars Market across the front of it. There is a house right here. There is the driveway within 20 feet of that spot and that is somebody's house and it is a resident. This is a residential area regardless if it is commercial on the other side of the street. So it is going to change the character of the neighborhood. This is going to make it a much different place and this is our front door and it will change the character.

My second point is the trees. There is no way of doing this without cutting down at least two or three trees. Short story we have a trees problem in our front yard and when we asked to have that removed we were told it couldn't be removed unless it was diseased or causing a nuisance. So we weren't allowed to remove the tree and yet a guy who wants to put a non necessary access onto the road is allowed to move two trees. And finally I don't think it should go without pointing out this plaza is not well maintained. We also help pick up trash along Monroe Parkway because we know no one else will do it. Like I said it is our front door and a lot of the trash stuck in the yard out there looks awful

and we try to take care of it. We also find ourselves shoveling the sidewalks on Monroe Parkway because the owner of the property won't clear the walk and once we do clear it on that side it is often piled back up as they clear the parking lot and last winter it was piled up so high that the sidewalk plows couldn't get through. So I don't know if it is possible to stipulate and make a list but at a very minimum we should get some recognition that the owner has to take better care of the property if he is going to ask us to make these sacrifices so that he can have better traffic flow and better parking. So thank you.

MS. ACTING CHAIRMAN: Thank you is there anyone else that cares to address this application?

MR. BOEHNER: I just want to let everyone know the Zoning Board meeting is June 1st and I would recommend that you go.

5P-NB1-16 Application of Bruce Coleman, owner of property located at 2861 West Henrietta Road. 1B Property Holdings, LLC, owner of property located at 1634 Brighton Henrietta Town Line Road, and Angelo Inglassia / Spot on Development LLC, contract vendee, for Preliminary site Plan Approval, Preliminary Subdivision Approval and Preliminary Conditional Use Permit Approval to reconfigure two lots and redevelop the site with a 2,400 +/- sf Starbucks Coffee restaurant with drive-thru and outdoor dining. All as described on application and plans on file.

MR. GOLDMAN: Good evening Madam Chairman and members of the Board, my name is Jerry Goldman and I am the attorney and agent for Spot On Development LLC and the principle Angelo Inglassia, who is looking to redevelop the long vacant Jiffy Lube property located on the north west corner of West Henrietta Road and Brighton Henrietta Town Line Road. With me tonight on the application is Alex Hammering who is the Engineer from Costich Engineering the project engineers. We did meet with the Board on concept probably two or three months ago if I am not mistaken and we did discuss the particular plans for the site.

The site that we are talking about is comprised of two current existing lots one which houses Jiffy Lube located right on the corner and on the far western end of that parcel there is an access

easement for the benefit of the adjacent commercial property which comes out to Brighton Henrietta Town Line Road. And then to the west of that there is another parcel which Mr. INglassia has but under contract. The ability to get that second parcel has allowed us to some really good things relative to the site and the site plan itself. What it has allowed us to do is to essentially create two lots which are capable of commercial development without any bulk variances. Variances will be necessary for signage which is normal under our codes and in advance of tenants but in terms of our bulk requirements we are in full compliance with that, part of that is that we are moving the lot line which was the former Jiffy Lube parcel a little bit to the west and that creates the smaller parcel to the west which will house probably at approximately 2500 square foot of building which this would be the footprint of the setback lines.

We did take a lot of things to heart, and we did pick up at the last Board meeting one what dealt with reconfiguration or reorientation of the drive-thru to allow a by pass lane in that area and in addition to that we have shrunk the size of this building and essentially oriented so that it is facing towards West Henrietta Road. With regard to the changes since that or in addition to those changes to the site plan we have provided a traffic study to the town and the town staff which indicates that we are in good shape relative to this and the way we are configured basically we are orienting a lot of our traffic out into the Brighton Henrietta Road curb cut. In addition since our last meeting we met with the Conservation Board and the Conservation Board had some comments with regard to the lay of the landscaping that we have and we are prepared to make changes. I didn't know pear trees were an invasive species but apparently they are so now we have to make those modifications relative to the plights of the landscaping that we have and we have the ability to do that without any problems.

This property has long been paved and basically has been sitting there and we are glad to be able to take this land and be able to turn it into something that is functioning. We do have some schematic elevations here and I do know that will be reviewed by the Architectural Review Board. Our plan is tonight to talk about preliminary site plan approval and I will state I that I misstated in my letter of intent we are seeking an overall preliminary in fact we aren't we are only seeking preliminary for this lot and we will be seeking final for only that lot. When we have a more definitive sense of what is going on here we will come in

with Preliminary and Final on that particular lot but what we will be able to do within the context of the code is to maintain the buildings that we have. Which from the visual point of view it is kind of nice in that 17 foot high building the only extension that we have above that is screening for roof top utilities on the plan as you can see here and here and is recessed it is not right at the façade of the buildings themselves. So we are 17 feet with a six foot screen all the way around for the roof top utilities. We think the building is an attractive building certainly far more attractive than what has been there previously.

We are aware of all the restaurant standards which are contained in code article 207 with regard to both the restaurant and drive-thrus. We have every intention of conforming with all of those. I should mention that we have a limited amount of outdoor seating which is located in this area and that requires a Conditional Use Permit as well as a restaurant use itself. So we are here tonight to talk about preliminary subdivision, preliminary site plan and those conditional use permits. With that unless Alex has something to add at this point we will address any questions that the Board may have.

MS. ACTING CHAIRMAN: What are the hours of operation?

MR. GOLDMAN: I don't have hours of operation for this particular use right at hand right now. I think in in VF2 I am trying to remember in VF2 whether we have limitations or not. I should have mentioned that we area in VF2 District.

MR. BOEHNER: It is 6 a.m. to midnight.
And you have to apply for Conditional Use

MR. GOLDMAN: And we are not requesting anything later that that amount of time. I think Starbucks pretty much works on the experience that they have had at their various locations. I think they maybe closer to that 6 a.m. hour for people coming in from work. By experience I think the 9 or 10 o'clock at night is all they have really gone. So we can expect those to be the normal hours

MS. ACTING CHAIRMAN: What kind of site lighting is being proposed?

MR. HAMMERING: Good evening, Alex Hammering with Costich Engineering. You have probably noticed if you have been near the site the lights that exist there are pretty outdated actually in the DOT right of way we will be removing those and installing energy efficient and dark sky compliant LED fixtures which are consistent with more modern buildings and restaurant style lighting.

MR. BOEHNER: What is the height ?

MR. HAMMERING: The total height is 21.5 two foot by two foot diameter. Two foot high and two foot diameter base with a 19.5 foot pole.

MS. ACTING CHAIRMAN: How about provisions for a dumpster?

MR. HAMMERING: You can see on the site plan the dumpster is at the north west corner of the building there. We have provided provisions for screening you will see that half way from the building that the employees have the dumpster enclosure. We have turning movements to prove that trucks can adequately get in there.

MR. WENTWORTH: Have you done that for fire trucks?

MR. HAMMERING: We can I think in the proximity of the connections with the adjacent property I don't anticipate with the hose lengths that they work with that it would be an issue.

MS. ACTING CHAIRMAN: Have you had any review with the fire marshal there?

MR. HAMMERING: I don't believe we have received any comments.

MR. BOEHNER: Have you met with them?

MR. HAMMERING: No, we haven't.

MR. BOEHNER: You will need to.

MR. HAMMERING: okay.

MR. WENTWORTH: My only concern about the fire trucks is it is a private building and it looks like it's a little tight for a by pass through to make a left hand turn into the next aisle onto Brighton Henrietta. They might be able to turn right to the adjacent property but if they were to turn south I am thinking you might want to ease the corner –

MR. HAMMERING: Yes, well what we can do is confirm those radius's by using those radius's to run those turning movements and if we have to pinch a curb back and provide some stripping we can do that.

MS. ACTING CHAIRMAN: Has there been a traffic study prepared for this project?

MS. HAMMERING: Yes, FRS Associates performed a whole traffic analysis which also included the retail portion. We anticipated that that might be requested so we got that done.

MR. BOEHNER: What were the recommendations of that traffic study?

MR. HAMMERING: I believe based on the plans we submitted their analysis proved the cuing out onto Brighton Henrietta Town Line Road given the gap analysis that the existing signal light there would be sufficient gaping there to accommodate the cars coming through the drive-thru and leaving the facility. What their ultimate conclusion was access through the KFC property would be at a minimum, given the approximation to the signalized intersection there anyone who is going to go back to West Henrietta Road is going to use that light which has dedicated left turn lanes. I think if you have traveled up that stretch of road at all you have realized making a left turn out onto West Henrietta Road with the cars cuing at the intersection you would probably either make a right out or turn around very quickly.

MR. BOEHNER: How are people to know not to use West Henrietta Road, can you make a left out of there.

MR. HAMMERING: You can if you want to wait long enough depending on the time of day. There is no signage that we are proposing that would restrict left hand turns.

MR. BOEHNER: I am asking you the question what did the study say?

MR. HAMMERING: We are not proposing to restrict anything.

MR. GOLDMAN: There is no proposed restriction because the study itself indicated that there will be next to no cars or a very limited number of cars that would be accessing that potential making lefts in or out.

MR. BOEHNER: You said you could make left hand turns out and then the study talked about signage turning people down Town Line Road and it is not included in the plans so that is why I am trying to understand. Do we have the same interpretation?

MR. HAMMERING: We can confirm with the Traffic Engineer if they took into account and internal signage. I will say as part of the analysis of the existing conditions they went out there and did actual traffic counts for the adjacent property which you know using that easement that access as it exists today.

MR. BOEHNER: You may want to restudy that traffic study and reincorporate the recommendations into the site plan.

MR. GOLDMAN: We will review the study.

MR. FADER: How can you regulate that interior traffic?

MR. GOLDMAN: By signage, internal directional signage is the recommendation. We will incorporate that.

MR. FADER: I have two questions number one what are you planning on the site for storm water?

MR. HAMMERING: Going back a little bit Jiffy Lube was developed in the early 1990's and there were no storm water management requirements in place at that time. Right now the existing site pretty much grades in all directions away from the building and goes to the DOT right away, adjacent property and to the County DOT right of way under developed conditions we are repurposing that building so we are kind of locked in. What we are doing on the south face of the building is we are going to through grading flatten the surface run off from the parking lot and that green buffer will be a filter strip and it will convey it west on the property into a small depressed basin which is right at the limit of that green space. As you see we did leave room on the green portion which would be able to treat it's own storm water but we will be installing as part of this application to meet the requirements and the town requirements.

MR. FADER: The second question is there a possibility to sheet westerly the storm water control.

MR. HAMMERING: At that western parking field?

MR. FADER: I just had the note here creating a large amount of standing water to sheet flow to the west.

MR. HAMMERING: The requirements for run off reduction are required based on the soils and a certain percentage be green infrastructure and the Town DEC requirements require storm water attenuation to reduce the flow discharges below the same conditions. The left hand of the site will provide that attenuation. The bio-retention area will provide the required runoff reduction volume which is only a fraction. This site falls under the DEC Chapter 9 requirements for redevelopment which give you a more lenient approach since you are repurposing the facility and restoring pavement not as if you are going in and decorating the site.

MS. ACTING CHAIRMAN: Is the building supposed to be sprinklered?

MR. HAMMERING: We talked briefly with the Town engineer today, and we are going to confirm if it will be required

by the Town or State fire protection. The good news is there are County Water Mains right on the corner of our site so it would be quick fix so.

MS. ACTING CHAIRMAN: Where are the HVAC proposed?

MR. HAMMERING: I believe on the roof top that is my understanding. The purpose behind the cedar wooded screening area.

MR. BOEHNER: The architecture also shows the overhang on the drive-thru you may need to show that on your site plan. Also you may want to check whatever the height of that overhang is because there is on the site plan some document where I saw a bar saying don't exceed this height that all needs to be together and the site plan should reflect it. I don't think you have the setbacks but the site plan should reflect it. And if the fire marshal wants to go through that overhang I don't think it will fit point that out to him.

MS. ACTING CHAIRMAN: A couple of site plan issues that we brought up the handicapped parking is shown on the other side of the drive aisle from the building. Did you give any consideration to relocating it so the parking on the other side might be adjacent to the building.

MR. HAMMERING: I believe we actually depicted them there. Part of the issue with the building today is we are maintaining the first floor elevation if you look at the existing Jiffy Lube site there is probably is three to four feet of grade change between the end of the building and the entrance onto the County Road there which would pretty much meet all requirements of the ADA. ADA facilities make it very difficult to get the sidewalk out the front of the building and over there.

MR. BOEHNER: It's a slope issue?

MR. HAMMERING: Yes.

MR. BABCOCK STINER: Is adding some pedestrian connections from the sidewalks on Henrietta coming off from

West Henrietta so there is an actual formal walk right by where the accessible parking spots are?

MR. HAMMERING: It is very common to have handicapped parking where you have to go across the driveway to get to the building. In commission of this tight site people are going to be focused on the driveway and not necessarily to key into pedestrians. So if you had stripes for a cross walk that corresponded with the access aisle they could extend it right from the loading area.

MS. ACTING CHAIRMAN: Is there space for a bike rack?

MR. HAMMERING: We could look into that. We could walk in the front of the building. We actually have some small planters on the outside of the seating area maybe in one of those areas. Right now the dimension of angled parking and the drive aisle kind of push us up against the face of the building. So we could look at some dimensioning for a bike rack and see if that fits in that area.

MR. BOEHNER: How did you calculate the parking, I couldn't tell the site data needs to be addressed on those islands, give the number of seats. How many seats are you proposing?

MR. HAMMERING: The building is 2400 sf for 24 seats and 3 employees.

MR. BOEHNER: You can't use the square footage for outdoor dining so you are going to have to do it by the seat model. So I try to count up the seats on the floor plan. It is a little hard to read. I think you have it but you need to verify it. On the site data you need to address this to make sure you don't find out later you need a variance and are short on parking or anything else. Have you gotten any County comments?

MR. HAMMERING: We have not no.

MR. GOLDMAN: Our anticipation is we will be tabled tonight and we are going to take back issues related to access for fire trucks, pedestrian crosswalk, bike rack and confirming our parking

calculations. I don't know if there was anything else that we were looking at.

MR. BOEHNER: The engineer has some comments.

MR. GOLDMAN: When we get those we will be able to take a look at them.

MS. ACTING CHAIRMAN: Anything else?

MR. GOLDMAN: Our plan is to submit for essentially final incorporating all of this and the next application deadline will bring us to a meeting in July I believe. Before that time we will visit the ARB on the elevations and we will visit the Zoning Board on signage variances. So hopefully we will be in readiness in July to finalize the process. Our intention would be to make application in June for the meeting in July before we would be coming back here.

MS. ACTING CHAIRMAN: This is a public hearing is there anyone who cares to address this application? Thank you. The public hearings are closed.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter with attachments, from James Keenen, 72 Sunset Drive, with comments and concerns regarding the parking lot proposals for 2240 Monroe Avenue.

PETITIONS

NONE

4P-01-16 Application of Brighton Commons Partnership, owner, and David Cohen/Sabra Grill, lessee for Conditional Use Permit Approval to allow for a 2,650 +/- sf restaurant on property located at 1833 Monroe Avenue (Brighton Commons Plaza). All as described on application and plans on file. TABLED AT THE APRIL 20, 2016 MEETING – PUBLIC HEARINGS REMAINS OPEN.

MR. WENTWORTH: I move to close the public hearing on application 4P-01-16.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move the Planning Board approves application 4P-01-16 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. All trash and grease recycling container(s) shall be kept within the building. There shall be no exterior collection/disposal of grease, garbage or recycling.

2. Hours of operation shall be limited to 6:00 a.m. to midnight, unless further approval for extended hours has been granted by the Planning Board.
3. Any required approvals from the Town Sewer Department shall be obtained.
4. Prior to commencement of operations an Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220).
5. All requirements of the Building and Fire Codes of New York State for the change of use shall be met and all required building permits shall be obtained.
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. All requirements of Section 203-74.B.3 (restaurant regulations), 207-14.1 (waste container and grease/oil container standards), and 207-14.2 (supplemental restaurant regulations), as well as any other pertinent sections of the code shall be met.
9. All other reviewing agencies must issue their approval prior to the Department of Public Works, issuing its final approval.
10. Signage shall require separate review and approval.
11. Number of seats shall not exceed 18 seats or a variance must be obtained.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

2. Hours of operation shall be limited to 6:00 a.m. to midnight, unless further approval for extended hours has been granted by the Planning Board.
3. Any required approvals from the Town Sewer Department shall be obtained.
4. Prior to commencement of operations an Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220).
5. All requirements of the Building and Fire Codes of New York State for the change of use shall be met and all required building permits shall be obtained.
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. All requirements of Section 203-74.B.3 (restaurant regulations), 207-14.1 (waste container and grease/oil container standards), and 207-14.2 (supplemental restaurant regulations), as well as any other pertinent sections of the code shall be met.
9. All other reviewing agencies must issue their approval prior to the Department of Public Works, issuing its final approval.
10. Signage shall require separate review and approval.
11. Number of seats shall not exceed 18 seats or a variance must be obtained.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-04-16 Application of 12 Corners Associates, LLC, owner, for Conditional Use Permit Approval to allow for a 3,000 +/- sf restaurant with outdoor dining on property located at 1881 Monroe Avenue. All as described on application and plans on file. TABLED AT THE APRIL 20, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

- Jason Babcock Stiner has recused himself.

MR. FADER: I move to close application

4P-02-16.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION CARRIED

MR. FADER: I move the Planning Board approves application 4P-04-16 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. All required variances shall be obtained. All requirements of the Zoning Board of Appeals and Architectural Review Board approvals granted shall be met.
2. Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies. The applicant shall

contact the Brighton Sewer Department to discuss the requirements for a grease trap.

3. Prior to commencement of operations an Operational Permit shall be Obtained from the Town of Brighton Fire Marshall (Chris Roth, 585-784-5220).
4. Hours of operation shall be limited to 6:00 a.m. to midnight, unless further approval for extended hours has been granted by the Planning Board.
5. All requirements of the Building & Fire Codes of New York State for the change of use shall be met all required building permits shall be obtained.
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 applicants request.
8. All requirements of Section 203-74.B.3 (restaurant regulations), 207-14.1 (waste container and grease/oil container standards), and 207-14.2 (supplemental restaurant regulations), as well as any other pertinent sections of the code shall be met.
9. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
10. Signs shall require separate review and approval.
11. All Monroe County comments shall be addressed.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION CARRIED

5P-01-16 Application of Anthony Associates, owner, for Preliminary/Final Site Plan Approval to construct a 690 +/- sf one story building addition on property located at 2305 Monroe Avenue. All as described on application and plans on file.

- MR. BABCOCK STINER HAS RETURNED

MR. WENTWORTH: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

- 1, All required variances shall be obtained.
2. Architectural Review Board approval shall be obtained.
3. The following comment of the Conservation Board shall be addressed:
 - Consider the addition of landscape plantings to mitigate the loss of greenspace.
4. 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.
5. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
8. All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.

9. 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

5P-02-16 Application of Thomas Galvin, Jr. owner, for Site Plan Modificatoin to make parking lot improvements, adding spaces, creating access on to Monroe Parkway and constructing a turnaround (Sunset Drive frontage) on property located at 2240 Monroe Avenue. All as described on application and plans on file.

MR. BABCOCK STINER: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. All required variances shall be obtained.
2. All required reviews and approvals for the proposed removal of a tree within the Monroe Parkway right of way shall be obtained.
3. The following comments of the Conservation Board shall be addressed:
 - Removal of Town trees will require further review and approval
 - A more hearty landscape treatment screening the proposed turnaround should be considered rather than the proposed arborvitae
 - Apparently a large quantity of vegetation that screened the north face of the building has been removed, landscaping replacing the removed vegetation should be installed. Consider the use of hardwood street trees.
4. Addition landscaping along Sunset Drive, to replace the landscaping previously removed shall be added to plans.

- 5 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.
- 6 The applicant shall contact the Town Highway Department (Tim Anderson, 784-5288) regarding the access onto Monroe Parkway. All required permits shall be obtained.
- 7 The location of proposed handicap accessible parking spaces shall be shown on the site plan. Stripping and signage of accessible spaces shall comply with current requirements.
- 8 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 9 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 10 Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
- 11 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 12 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-NB1-16 Application of Bruce Coleman, owner of property located at 2861 West Henrietta Road. 1B Property Holdings, LLC, owner of property located at 1634 Brighton Henrietta Town Line Road, and Angelo INglassia / Spot on Development LLC, contract vendee, for Preliminary site Plan Approval, Preliminary Subdivision Approval and Preliminary

Conditional Use Permit Approval to reconfigure two lots and redevelop the site with a 2,400 +/- sf Starbucks Coffee restaurant with drive-thru and outdoor dining. All as described on application and plans on file.

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 meeting.

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. 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.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrances shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. 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.
8. 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.

9. Maintenance of landscape plantings shall be guaranteed for three years.
10. The dumpster shall be enclosed with building materials that are compatible with the existing building.
11. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. Meet all subdivision filing requirements of the Town of Brighton's Department of Public Works.
13. 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.
14. All outstanding Site Plan Comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
15. All County Development Review Comments shall be addressed prior to final approval.
16. All other reviewing agencies must issue their approval prior to the Department of Public Works, issuing its final approval.
17. 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 easement shall be submitted to the Building and Planning Department for its records.
18. 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.

19. The applicant's architect shall evaluate the project relative to the Town of Brighton Sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted with the final application. The proposed building shall be sprinklered in accordance with the Town requirements.
20. Erosion control measures shall be in place prior to site disturbance.
21. The location of the HVAC shall be shown on the site plan.
22. All comments and concerns of Evert Garcia contained in the attached memo dated May 17, 2016 shall be addressed.
23. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
24. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
25. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
26. The Site Data on the site plan must be revised to show how many total seats are proposed inside and outside the building and how the number of required parking spaces was calculated.
27. The Site Data and Site Plan must be revised to show how the proposed drive-thru meets the requirements of the Town Code.
28. In addition to the requested sign variances a variance to allow an accessory building (order point canopy) must be obtained from the Zoning Board of Appeals.
29. The architectural design and building materials of the buildings has not been reviewed and approved by the Town of Brighton Architectural Review Board.

30. The Town Engineer's comments regarding the Traffic Impact Study must be addressed.
31. The site plan must be revised to show a bicycle rack and to show the cross walk and connection to the public way from the building and a marked sidewalk shall connect to the accessible space.
32. The site plan must be revised to show the proposed drive-thru overhang. The applicant's engineer must verify that the overhang will not impede emergency vehicle traffic.
33. The applicant's engineer must verify that both the drive aisle and the drive-thru lanes are sufficiently wide enough to accommodate emergency vehicles. A turning radius analysis must be provided that demonstrated that the parking area has sufficient room for emergency vehicles to turn around.
34. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
35. The following comments of the Conservation Board shall be addressed:
 - A. The Board applauds the use of green infrastructure techniques proposed for the project.
 - B. Consider the use of hardwood street trees on the project site where feasible.
 - C. Review the planting materials and consider replacing non-native species with suitable alternative native species.
36. All requirements of Section 203-74.B.3 (restaurant regulations), 207-14.1 (waste container and grease/oil container standards), and 207-14.2 (supplemental restaurant regulations), as well as any other pertinent sections of the code shall be met.

37Hours of operation shall be limited to 6:00 a.m. to midnight, unless further approval for extended hours has been granted by the Planning Board.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SIGNS

1428 Thirsty Coil for a building face sign at 1457 Monroe Avenue

1429 Louis S. Wolk JCC Rochester for a Free Standing sign at 1200 Edgewood Avenue.

1430 My Way Hair & Beauty Bar for a building face sign at 1771 Crittendon Road.

1431 Odoba Mexican Eats for two Building face signs and Sign Graphics at 1881 Monroe Avenue.

Conditions.

1. The sign over the entry on the Winton Road South side shall be centered in the gable.
2. The backer on the sign on the Elmwood Avenue side shall be Qdoba green.
3. All required variances shall be obtained.
4. No owning shall be used on the entry on the Winton Road South side.

OLD BUSINESS

1412 Joveal's Formalwear for a building face sign at 2240 Monroe Avenue as revised.

Approved on 3/16/2016

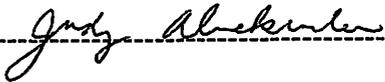
MR. BABOCK STINER: I move to approve signs 1428-1430 as presented and 1431 with conditions and to note old business approved on 3/16/2016 as revised.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

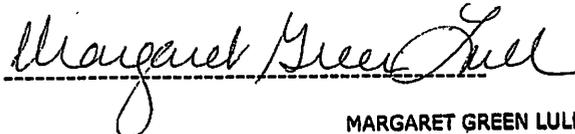
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the May 18, 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 31st day of May 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

MARGARET GREEN LULL
Notary Public - State of New York
Monroe County, License 01LU6154209
Commission Expires October 23, 2018