

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: William Price
Laura Civiletti
David Fader
John Osowski
James Wentworth

NOT PRESENT: Jason Babcock Stiner
Daniel Cordova

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 June 15, 2016, meeting of
the Town of Brighton's Planning Board to order. We will approve the
minutes of the May 18, 2016 meeting. Can I have a motion to approve the
minutes with any correction?

MS. CIVILETTI: I move to approve the minutes
of the May 18, 2016 meeting with any corrections.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION CARRIED

* MR. PRICE ABSTAINED SINCE HE WASN'T PRESENT AT THE
MEETING

MR. CHAIRMAN: Mr. Secretary were
the public hearings properly advertised for June?

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of June 9, 2016.

MR. CHAIRMAN: Those hearings will now be held.

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. TABLED AT THE MAY 18, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. MOSIEN: I am Dan Mosien from Mosien Architects and I have Greg McMahon here with me and we are seeking approval I think so we can go to the Architectural Review Board next and then start building. I think you have all the information submitted.

MR. MCMAHON: Yes, we were before the Planning Board at the last meeting we responded to the Planning Board and the Town engineers comments. We have received County comments and we have included our response to those and I believe we are ready to go.

MR. BOEHNER: Has the necessary application been made to the Architectural Review Board?

MR. MCMAHON: Yes.

MR. BOEHNER: And is that scheduled for the June meeting?

MR. MOSIEN: Yes, the 28th.

MR. PRICE: Has anything changed?

MR. MCMAHON: No there have been no changes, variances were all granted as applied for and there were no changes in the plan as a result of the Zoning Board decisions.

MR. BOEHNER: And those elevations were the same as when the Board saw it at the last meeting?

MR. MCMAHON: They are.

MR. MOSIEN: That is what we presented the last time we were here.

MR. PRICE: Any questions? Thank you very much. This is a public hearing does anyone care to address this application? Okay we will move on.

5P-02-16 Application of Thomas Galvin, Jr. owner, for Site Plan Modification 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. TABLED AT THE MAY, 2016 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE JULY 20, 2016 MEETING AT APPLICANT’S REQUEST.

6P-01-16 Application of James Cerone and Sharon Bidwell-Cerone, owners for Final 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.

MR. MCMAHON: Greg McMahon with McMahon and Larue and Jack Secrest with Architectural Renovations. We are here tonight seeking final approval for the Cerone residence. We were before the Board previously and we received Preliminary Approval and we have since responded to those comments and we have also received comments from County Planning and the New York State Department of Transportation and Monroe County Water Authority and we have addressed all of those. We didn’t have any comments that we had a problem with, variances have been granted and I believe ARB has approved the plans .

MR. CHAIRMAN: Greg are you aware that a letter was sent to us by the adjacent neighbor?

MR. MCMAHON: I am not no. Nothing recent in fact when we were going through the variances I know there was correspondence but I have not seen anything recently.

MR. CHAIRMAN: I think the basis of the letter is to discuss anything that might happen to the trees on the adjacent property during the construction process and asking us to build in a condition holding surrounding areas involving trees that are not scheduled to be demolished as being protected. That puts us on notice to enforce something that we do not typically engage in. You are up to the property line and you don't have any on the property line to use for the construction of this home.

MR. MCMAHON: There was a tree study done by a forrester and that was part of the transcripts for the Zoning Board of Appeals. The Town staff has copies of that. The only tree that is really in question is there is one tree located near the front would be the north west corner of the house that was in poor condition and we called for its' removal however the tree shares the property line and it is up to the Cerones and they are going to approach their neighbor regarding removal of that tree if he is willing to go along with them removing the tree. If not they are going to take every precaution necessary to insure that its protected during construction and we have included as necessary all of the fencing details and our plans call for all protected measures and as I say there is one tree that due to its health could be in question. Again the Cerones are going to work as best as possible that they can with that neighbor. They would prefer to take it down at their expense and not have any issues.

MR. BOEHNER: Which tree is that again?

MR. MCMAHON: If you go to sheet one there is a tree along the north property line shown to be removed.

MR. BOEHNER: Is that the tree the Zoning Board said you could remove?

MR. MCMAHON: They said "yes you could remove it" but the issue is the ownership of the tree and again we

want to remove it with the cooperation of Mr. Ludwig but that is really between Mr. Cerone and Mr. Ludwig.

MR. BOEHNER: What number is that tree? He says for the one large maple on the property line that needs to be removed, we are requesting that it be ground right. So he is acknowledging it is going to be removed. He is saying other trees that are on his property so I think he is going to be okay with that one tree.

MR. MCMAHON: The number of that tree is T-19, it is a 30 inch Norway Maple.

MR. BOEHNER: Okay I think he is acknowledging that it is going to be removed. He wants the stumps of any trees that are going to be removed be ground down below grade.

MR. MCMAHON: Yes. The other three trees are fully on the Cerone's property and they will be removed and the stumps will be removed , Three of them fall within the foot print of the house so they will come out but I am certain that they will cooperate with the request of Mr. Ludwig's for grounding of that stump.

MR. CHAIRMAN: Any other questions.

MR. BOEHNER: Greg do you see a problem with a silt fence going down along that property line?

MR. MCMAHON: No.

MR. CHAIRMAN: All other aspects of the site plan are on the plan?

MR. MCMAHON: Yes, they are.

MR. CHAIRMAN: This is a public hearing is there anyone in the audience that cares to address this application? Okay let's move on.

6P-02-16 Application of Mamasan's Monroe Avenue, LLC, owner for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 416 sf building addition and operate Mamasan's Restaurant with outdoor dinong (417 sf outdoor patio) on property located at 2735 Monroe Avenue. All as described on application and plans on file.

MR.MCMAHON: Greg McMahon with McMahon Larue and Randy Peacock with Randy Peacock Architects. To just give you a brief history we were in with this very same plan maybe a year ago this was the plan to rehab the existing call it the Pizza Hut put and addition on and add a patio rehab the parking or adjust the parking and bring Mamasan's across the street into this building. Then we subsequently went through a total change of concept and went to a new building with a drive-thru and so forth but that was withdrawn prior to one of your previous meetings and due to many obstacles and many discussions with the Town the owner has selected to go back to her plans to rehabilitate the building put on the addition and the patio dining in the front and utilize the existing parking lot with some minor improvements as we have shown on this plan. So we are back before you tonight with an application for Preliminary and Final site plan approval. We do have to go before the Zoning Board of Appeals and we have our application in place. We originally applied for variances having to do with the new building but several of the variances that we applied for will still need to be addressed by this project so we will be appearing before the Zoning Board in a couple of weeks.

MR. CHAIRMAN: Can you tell us what those are?

MR. MCMAHON: Yes, well it amounts to the patio she would like to reuse the fence that she has on her existing patio across the street. That exceeds the post and the fence are slightly taller than code permits. The second variance has to do with some minor expansion of the parking to the rear to get the number of spaces we need for the seats and it brings that closer than 10 feet to the rear property line and that's it. We are going to deal with this property and if ultimately that goes through we will obtain the variance and the other variance will go away.

MR. BOEHNER: Only a small portion of that parking space seems to be getting closer than 10 feet, you can't make an adjustment?

MR. MCMAHON: Well, since this plan was prepared I have done some work on this Ramsey and I am actually a little bit closer when I got all my geometrics in there and I am about 4 feet from the rear property line at that corner. Well as I say I have made a couple of minor adjustments on the plans and it ends up being 4 feet in that one corner. But one of the variances we have submitted is for parking closer than 10 feet to the rear property line. So we already have a variance in for that.

MR. CHAIRMAN: So the variances are rear parking and fence height.

MR. MCMAHON: Yes those are the two that I am aware of right now. Coverage exceeds the 65 percent right now but it is our plan to not exceed the existing coverage. We are currently about 70 percent on coverage and we are not going to drop below the 65 percent but it is our intent to stay below the 70 percent.

MR. BOEHNER: Which is the preexisting level.

MR. MCMAHON: Yes.

MR. CHAIRMAN: Are you aware of the desire to design cross access easements to the adjacent parcels?

MR. MCMAHON: Yes, I believe those agreements with the developer have been signed by the owner of this property so she is going to fully cooperate with their plans.

MR. CHAIRMAN: I think the concern is does providing cross access easement make you out of compliance with the parking.

MR. MCMAHON: No actually we would lose 7 and pick up 12. Now that parking - if the other thing doesn't

happen we have 45 parking places which place us in compliance based on the square footage of the restaurant and the seats required for the outdoor patio.

MR. CHAIRMAN: If right across the street doesn't happen we are still looking for cross access to the adjacent two parcels -

MR. MCMAHON: Okay I understand

MR. CHAIRMAN: It looks like with your south property line you are not losing any spaces.

MR. MCMAHON: We could make a connection in this direction. To make a connection here we would probably lose two parking spaces, dropping the 45 to 43 to make that connection to the north.

MR. BOEHNER: You have a requirement of 45 spots and you have how many spaces?

MR. MCMAHON: 45.

MR. CHAIRMAN: So if they agree to provide the shared access as part of the application so they go for the variance at that time or do they have to go for a variance now? If they lose those two or three spaces -

MR. PEABODY: Greg, we can still do the same configuration as if the project across the street were occurring where we lose 7 and gain 12 so we just reconfigure the parking on there so theoretically that configuration of losing 7 and gaining 12 in that cross access gives you cross access to both these parcels so.

MR. MCMAHON: No, our problem there is in order to do that we would have to obtain the state property.

MR. PEABODY: My understanding that is already in motion anyways. The State parcel has already been applied for and it goes to the owner of this parcel anyways. So she would own that

State parcel of land I think that is moving forward despite what is going on right across the street.

MR. CHAIRMAN: So you are saying that the acquisition of that State piece is going to come to this owner regardless of what happens across the street?

MR. PEABODY: Correct because when the State divests itself of a piece of property it goes to the adjacent owner. Mamasans made application to the State to obtain that piece of property. She gets the piece no matter what and we intend to continue pursuing that. If the State is willing to give it up.

MR. MCMAHON: In that particular case we could provide the cross connection and actually pick up and add a couple parking spaces.

MR. CHAIRMAN: So Ramsey you are just asking for a sketch that shows how that would occur not asking for the actual transfer of title or actual written agreement.

MR. BOEHNER: Yes, in some of the comments Mr. McMahon submitted to us he said that can not occur until the DOT land is transferred. When the land is transferred they are going to have to come in and do a subdivision to bring it into the parcel.

MR. CHAIRMAN: So for the purposes of this application we are not going to ask you to seek a variance for the reduction of parking spaces through the existing parcel to the adjacent parcel.

MR. BOEHNER: That is right we are not recommending that.

MR. WENTWORTH: I am sure you are aware the drawings submitted show the old handicapped accessible symbol.

MR. MCMAHON: We have replaced that with the new symbol. I believe our detail sheet shows that. I will make sure that is taken care of.

MR. OSOWSKI: Are you okay with no storage of snow on the site here?

MR. MCMAHON: Yes, we have a 10 foot strip adjacent here and we have a little bit up in front of the parcel that will have to be pushed to the rear and again the existing parking is pretty tight to the property line and the parking of the hotel is over the property line on our side. So in this area there is not a lot of room. It will have to be moved out to the back.

MR. CHAIRMAN: This is a public hearing is there anyone who cares to address this application? There being none let's move on.

(FIVE MINUTE BREAK FOR THEM TO SET UP)

6P-03-16 Application of McQuaid Jesuit High School, owner, for Preliminary/Final Site Plan Approval and Demolition Review and Approval to raze a 26,200 +/- sf four story 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 my name is Mark Costich of Costich Engineering, Steve Rebholtz with us from SWRB and a representative from McQuaid and a representative of the contractor is with us so we have all the representatives to answer all the questions. The plan before you is very similar to what we came in at concept. I think the plan was well received at that point. We did have to go to the Zoning Board of Appeals for a side setback variance that we did receive from the ZBA. Basically in a residential zone a school would be 100 feet we are 77 feet and actually in the existing school it is 44 feet. So we did get that variance. So we are replacing a four story building with a

two story building and the purpose of the building is to house lab rooms and class rooms. The intent of the project is not to increase the population of the school but it is going to serve the same population but the intent is to serve them much better. The class rooms that we are vacating will be used in some ways to make this connection. They will be used to expand some other class rooms. We are basically going to be expanding and changing the existing building as a result of this also. So we are closing the demolition of the four story building. We would demolish the parking - not the parking lot but the cul de sac and a number of existing sidewalk. We would also be demolishing some storm sewer and some sanitary sewer.

We do have in that demolition proposed asbestos abatement. We have done an asbestos analysis. We just succeeded in getting it to Ramsey. It is a big file and the internet is not so good in here so we went outside and it worked. So basically asbestos is in all the building. It's in the floor tiles and the insulation on the piping, classic you see all the time. So we have a finalized report and you guys have it. We have a contractor on board who is licensed and certified to do this work and we are anxious to get going.

So after the demolition we plan to move into the site plan, basically the building you see before you we are going to develop an outdoor courtyard for the students which we think is a nice attraction, add some new sidewalks that kind of connect the rear fields to this building. This is not intended to be a drop off. This is not a new entrance to the school. We are not increasing traffic in this area. It is going to be extremely similar to what is out there today. It is just going to look a lot nicer. We do have some utility work on the west side of this building is an existing storm sewer and sanitary. It is kind of a unique storm sewer that is underneath the building and it is not a great situation during heavy rains the storm sewer will become sur charged and it kind of comes up through the floor as it has on occasion. So we are taking this opportunity to take that storm sewer and we are going to go around the existing building and take it back to the detention ponds. So we are really improving a situation that is not really very good.

Parking we did have on the plans submitted to you an error, basically we brought our notes over from when we did the class room and that was a sixth grade classroom and the calculation we

used said for sixth grade two parking spaces per class room. We didn't check the code and its four per class room on the high school. So what we have been doing in the past and what we seem to continue to do is parking was calculated a number of years ago and every time we changed it we would show the change that is required as a result of more use of the site. The last approval we received from you was for the sixth grade and we added six classrooms, at that point the parking requirement was 261 spaces. So now we are adding it was 264 spaces, excuse me, and we are now adding 10 classrooms net and so in doing that we are needing 40 more spaces. So the total required parking is 304 spaces. We are currently showing on the plan submitted to you 271 spaces and we feel that number is appropriate given the fact that number one we control the amount of parking. Basically we have 120 parking for staff and faculty and 120 for students and we have then 31 remaining for visitors.

However we do recognize that we have to meet code and what we are proposing is included in your package is banking 33 spaces adjacent to the grandstand for the football. We don't feel we need those and we understand we have to show that we can build them and I think they are extremely viable spaces they are in an area that is not really utilized. They are immediately adjacent to the storm water management facility and the grade is flat. So we would like to not build the code required parking but we would like to bank those 33 spaces which we think is a better idea for not generating more storm water runoff and not creating more hard surface and keeping the campus more green.

I would like to turn it over to Evan and have him just talk to you as the landscape designer in our office and have him speak to the court yard.

MR. BOEHNER: Can I ask you a few questions first, do you see them sheet grading to the pond if they were built.

MR. COSTICH: There is storm inlets right in that location so they can go to the storm inlet. It's right there.

MR. BOEHNER: So you might have to raise it up --

MR. COSTICH: Adjust the grade but it is a very very simple installation.

MR. BOEHNER: There is some change of grade somewhere in that area you said this was flat.

MR. COSTICH: That's flat the trickier area is the drive back there and that would be adjacent to the snack hut. Basically there is some grade in through there we would have to grade that out a little bit through there. Right next to the grand stand that is flat.

MR. WENTWORTH: As far as that existing storm drain there is impervious surface where you are proposing that. So its taking whatever doesn't get into the ground and by adding impervious surface you might be increasing what is going in.

MR. COSTICH: Right and we have increase the pond for this project.

MR. WENTWORTH: So it goes directly into the pond?

MR. COSTICH: Yes and we have increased the pond as a result of this project. The soils out here are pretty dense so we are not seeing a whole bunch of infiltration but we acknowledge that we have to accommodate all increases so we are enlarging the pond.

MR. OSOWSKI: Does the school issue parking permits for parking for faculty versus students?

MR. COSTICH: Yes. We also work with our neighbors. The neighbors have parking sharing agreements. For instance in the summer we allow them to park on the campus and we talk to them and if there is any students that are not legally parking adjacent we don't allow that.

MR. BOEHNER: You are not increasing enrollment.

MR. COSTICH: We are not changing the population.

MR. BOEHNER: You are not increasing staff?

MR. COSTICH: No, just making it nicer. It is a 1954 building so it needs to be brought up to standards.

MR. REBHOLTZ: Steve Rebholtz from with SWBR Architects. The purpose for the addition is for science technology and engineering, so we are actually expanding the number of rooms for those. The number of students for 6 through 12 is the same but they are going to have more AP offers, more engineering classes. There are 7 science rooms existing and at the conclusion of this project there would be 9 plus the engineering plus 4 computer labs in the addition. So it really is focused on science, technology and engineering so it certainly is for that population. There are 4 six grade classes this year, 4 six grade classes anticipated next year. The program does allow for the expansion to 5 six grade classes so there wouldn't be student drivers but there would be the staff needed for that fifth six grade class room. I just want it on the record that this would allow for the growth of the sixth grade by one. Right now there is four and next year there is anticipated to be four but the plan would accommodate five but the total number of classrooms that Mark identified the plus 10 so that fifth six grade class room is one of those that is included.

MR. BOEHNER: So you would be increasing in the long run.

MR. DENON: Drew Denon (phonetic) Director of Facilities and Operations at McQuaid. We are building in anticipation if there ever is a need for an additional class room we will have it there but currently we are not enrolling 20 more students for our upcoming year. So it is just there in case we do. We had five classes at one time and we lost 20 kids and we are down to four. That is where we are going to stay for now in going forward. Enrollment is about 916. We don't see it going any higher than that but if it does we will have that space available if we need it.

MR. BOEHNER: The parking that was calculated it is done by class rooms.

MR. COSTICH: Yes.

MR. BOEHNER: Okay thank you..

MR. GEFFELD: Evan Geffeld with Costich Engineering I will be talking about landscaping the outdoor court yard. As we went through this project and looked at the building, the building steps to the north elevation here is 504 or 506 so this allowed us to create this kind of unique stepping which at that point we decided we wanted to create a quad setting for this part of the building. The court yards in the building are designed as one piece a lot of the uses will be carried out through the building, through the plaza and the landscape. A lot of the building is glass so we wanted to create a landscape where you could sit in class and view the outdoors. A lot of the building is glass so we wanted to create a view where you could sit in the class room and view the outdoors. Some of the key factors in the landscape design back here is the detention area and it will sheet flow from the ground out and from the roof laterals this will also be used as a teaching tool for the engineering class. The dark green areas are a clearance that we are creating from the fill. As you can see down that 506 there is a smaller space where you are going to have a symposium and chairs and tables and we are proposing a monument there as a main gathering area. That could also become a teaching area. There is a small gathering area up on top and that will have a built in grill. This area will be used for the games or after the games for alumni events. The landscape that we are proposing will have some junipers and red cedars and some ground covers we want to keep things simple and clean.

MR. COSTICH: Maybe Steve can talk about the building materials and how this all kind of relates together. And just for the record we will be having some fine tuning of this as we go through the construction, with grass on the seeding I don't know that we would have grass in between the seeds because it probably wouldn't survive with 900 boys.

MR. REBHOLTZ: This is going to be a science, technology and engineering so the exterior it is a little bit of a

departure from the brick of the late 1950's. We are proposing more glass at the ground floor and some metal panels kind of horizontal metal panels. This is the elevation that was presented at the Architectural Review Board along with the materials that we are looking at. I believe the Board received the papers that we had. The building does kind of take on a more science and technology look and its not addressing the street side but the courtyard. The spaces that weren't mentioned were student activities and campus ministries that are two magnets for the students. So in addition to science, technology and engineering there is going to be spaces for student activities.

MR. WENTWORTH: Is there any brick in there?

MR. REBHOLTZ: There is no brick it is all glass and metal panels.

MR. COSTICH: One thing we are pursuing right now is actually tying in the old with the new in the court yard by using some of the brick in some of the seatings so it can be an edging and detailing if it is appropriate to use. We maybe talking about something visually stimulating in there because it is not a people location. I think it is going to be grass. The court yard that is existing will be maintained just as it is now. Cutting it once or twice a week and that is it. It is grass in between the buildings.

MR. BOEHNER: Have you guys met with the fire marshall on the latest plans.

MR. COSTICH: Yes, we did, they reviewed the plans.

MR. REEF: Greg Reef with Dimarco constructors we did to answer your question, we have reviewed it with Tricia and Chris, they went through the whole set of plans and the court yards.

MR. COSTICH: Again this is not a space intended for students. The only access to it now is the boiler room.

MR. OSOWSKI: You mentioned there is an asbestos abatement contractor lined up who is that?

MR. COSTICH: Yes, AAC contractors and they have already applied for the notification for the State of New York and I think were granted it, just waiting on approval to get going on this. That is the one thing that is holding us up right now.

MR. BOEHNER: When are you planning to apply for your building permit?

MR. COSTICH: As soon as we get this building down and get it out of the way. We can't go forward unless we get this building down.

MS. CIVILETTI: Are classes done at this point?

MR. DENON: Yes.

MR. COSTICH: We are planning on October if everything goes according to plan. The building will go down in mid August. We will be ready for the school year in 2017.

MR. BOEHNER: So what you need tonight is demolition approval.

MR. COSTICH: Yes, that is what we are looking for.

MR. BOEHNER: Now, if we receive complaints about parking you could get a call to install that land banked parking lot, are you okay with that?

MR. COSTICH: We would have to be, yes. For the record we do have at times when there is football games and things like that there is parking on the grass.

MR. BOEHNER: Yes, we talked about that.

back up generators? MR. OSOWSKI: Are you thinking about

always in the radar. MR. DENON: Not at this point but it is

as part of this project? MR. BOEHNER: Are you planning on that

MR. DENON: No. not at this point.

back? MR. BOEHNER: So you may need to come

MR. DENON: It is in our plans but not at this point in time. We have never lost power so far.

ice storms. MR. BOEHNER: You weren't here for the

MR. CHAIRMAN: All right thank you.

NEW BUSINESS :

5P-NB1-16 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 Ingrasia / Spot on Develoment, 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 dinning . All as described on application and plans on file. TABLED AT THE MAY 18, 2016 MEETING – PUBLIC HEARING REMAINS OPEN. POSTPONED TO THE JULY 20, 2016 MEETING AT APPLICANT’S REQUEST.

MR. CHAIRMAN: The public hearings are closed.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated June 8, 2016 regarding the Historic Preservation Commissions decision not to schedule a public hearing to consider landmark status for the residence building at 1800 Clinton Avenue.

Letter from Jerry Ludwig and Sarah Rockwell, 2940 East Avenue, dated June 13, 2016 with comments regarding the proposed new home at 2960 East Avenue.

Letter from Gregoary McMahon, McMahon LaRue Associates, dated June 14, 2016 requesting postponement of application 5P-02-16 to the July 20, 2016 meeting.

Letter from Michael Montalto, Costich Engineering dated June 14, 2016 requesting postponement of application 5P-NB1-16 to the July 20, 2015 meeting.

PETITIONS

NONE

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. TABLED AT THE MAY 18, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

MS. CIVILETTI: I move to close the hearing.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following 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. The building shall comply with the most current Building & Fire Codes of New York State.
2. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
3. Architectural Review Board approval shall be obtained.
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 Meet all requirements of the Town of Brighton's Department of Public Works.
- 6 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 7 The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town Code. Any additional parking areas shall be subject to site plan approval.
- 8 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
- 9 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 10 Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 11 Erosion control measures shall be in place prior to site disturbance.
- 12 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 13 All Town Codes shall be met that relate directly or indirectly to the applicant's request.
- 14 Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.

- 15 All other reviewing agencies must issue their approval prior to the Department of Public Works issuint its final approval.
- 16 A letter or memo in response to all Planning Board and Town Engineer comments and State environmental Quality Review.

MR. PRICE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-01-16 Application of James Cerone and Sharon Bidwell-Cerone, owners for Final 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.

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

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions, parkland findings for residential subdivisions and the 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.

PARKLAND FINDINGS FOR RESIDENTIAL SUBDIVISION

I move that the Planning Board finds that suitable park or park lands of adequate size can not be properly located on the proposed subdivision requiring payment of a sum of money as adopted by the Town Board in lieu of the setting aside of recreation land.

CONDITIONS:

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
2. The entire building shall comply with the most current Building & Fire Codes of New York state.
3. All conditions of the Zoning Board of Appeals and Architectural Review Board shall be satisfied.
4. 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.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment control.
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. All 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.

10. Maintenance of landscape plantings shall be guaranteed for three years.
11. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
12. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
13. All other reviewing agencies must issue their approval to the Department of Public Works. Issuing its final approval.
14. All easements must be shown on the site with ownership, purpose and liber/ page of filing with the Monroe county Clerk;s office.
15. 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 applicants engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
16. The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
17. Prior to any framing above the deck an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
18. The information contained on the submitted Single Family Zoning Information form shall be shown on all plans.

19. Erosion control measures shall be in place prior to site disturbance.
20. The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
21. Prior to the issuance of any permits, the Single Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.
22. All comments and concerns of Evert Garcia contained in the attached memo to Ramsey Boehner shall be addressed.
23. All required permits shall be obtained from NYSDOT.
24. Prior to the issuance of any permits, the architectural elevations shall show the ground elevations at the corners of the house and the grading around the foundation of the house. These shall be consistent with the corners and grading shown on the grading plan. The height of the house shall comply with the Town Code.
25. The architectural elevations shall show the height of the proposed house. The height of the house should not exceed 30 feet.
26. All pavement shall be a minimum of four feet from side and rear lot lines.
27. Silt fence should be provided along the property of 2940 East Avenue to prevent silt from running off to neighboring properties during the proposed site grading.
28. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

6P-02-16 Application of Mamasan's Monroe Avenue, LLC, owner for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 416 sf building addition and operate Mamasan's Restaurant with outdoor dining (417 sf outdoor patio) on property located at 2735 Monroe Avenue. All as described on application and plans on file.

MS. CIVILETTI: I move to table application 6P-02-16 based on the testimony and need to address 38 conditions:

CONDITIONS:

1. The new lights in the parking lot shall not exceed a pole height of 15', 17.5' from grade with base.
2. No new pavement shall be installed closer than 20' to the front property line of 10' to a side or rear property line. Plans shall be adjusted as necessary to comply or a variance shall be obtained.
3. No part of the renovated existing building or roof, or par of the proposed addition/ roof, shall extend closer to the southwest property line (existing 10' setback on plans) than does the existing building /roof.
4. Tree protection shall be shown on the plans and a tree protection detail shall be provided. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
5. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
6. A detail of the proposed fence shall be submitted. Fencing and retaining walls shall not exceed a height of 3 and a half feet from grade

in any front yard or 6 and a half feet from grade in any side or rear yard, unless a variance has been obtained from the Zoning Board of Appeals.

7. All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking light in not necessary for security purposes shall be placed on automatic timing devices which all illumination to commence each day 1 half hour before the business is open to the public and to terminate 1 half hour after the close of business.
8. Paragraph 201.16.B(1) of the code of the Town of Brighton states, "Where deemed appropriate and feasible by the Planning Board, Zoning Board of Appeals or authorized official, a cross access easement shall be required to connect the parking areas between two or more adjacent lots. Cross access easement shall be considered when reviewing proposals for new development, changes of use or any site modifications" A cross access easement shall be provided. A sketch plan should be provided demonstrating that the project can accommodate that anticipated parking requirements while providing cross access to the adjacent parcels.
9. An Operational Permit shall be obtained from the Town of Brighton Fire Marshall (Chris Roth, 585-784-5220).
10. The entire building shall comply with the most current Building & Fire Codes of New York State.
11. Prior to issuance of any building permits all plans for utility and storm water control systems must be review 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.
12. Meet all requirements of the Town of Brighton's Department of Public Works.
13. All Town Codes shall be met that relate directly or indirectly to the applicant's request.

14. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment control.
15. 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.
16. Maintenance of landscape plantings shall be guaranteed for three years.
17. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
18. Hours of operation shall be limited to the hours between 6 am and midnight without further approval by the Board.
19. The parking lot shall be stripped as per the requirements of the Brighton Comprehensive Development Regulations.
20. Striping and signage for handicap parking spaces shall meet current requirements. Plan and details shall be revised as necessary to comply.
21. Fire hydrants shall be fully operational prior to and during construction of the building.
22. Erosion control measures shall be in place prior to site disturbance.
23. 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.
24. The proposed building shall be sprinklered if required by NYS or Brighton regulations.

- 25 Erosion control measures shall be in place prior to site disturbance.
- 26 The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 27 The location of HVAC and vents shall be shown on the plan. Per elevations submitted to the Architectural Review Board, kitchen exhaust vents will be located on the south roof of the building. How the kitchen exhaust vents will be screened shall be addressed.
- 28 All requirements of Sections 203-84. B.3 (restaurant regulations), 203-84.B.4 (Outdoor Dining Facilities, 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.
- 29 The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
- 30 The location and screening of any grease recycling container shall be submitted to the Building and Planning Department for review.
- 31 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 32 Any proposed signage shall require separate review.
- 33 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 34 Permits will be required from the Town's Sewer Department and may be required form other jurisdictional agencies.
- 35 All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner, shall be addressed.

- 36 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 37 All necessary variances shall be obtained.
- 38 All new accessible parking spaces and signage to be installed which I have a logo depicting the dynamic character, leaning forward in the sense of movement, is required by the Secretary of State under section 1001 of the executive law. for a variance

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-03-16 Application of McQuaid Jesuit High School, owner, for Preliminary/Final Site Plan Approval and Demolition Review and Approval to raze a 26,200 +/- sf four story 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. FADER: I move that the public hearings on Demolition Review be closed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

1. The existing building has been reviewed by the Historic Preservation Commission to determine whether it is a candidate for designation by the Historic Preservation Commission as a landmark. The Commission decided not to schedule a public hearing to consider the property for landmark status.

2. The Conservation Board has 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 shall comply with the requirements of NYSDOL code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead -Based Paint removal. In addition to any other requirements of Code Rule 56, the project will comply with Sections 56-3.4(a)(2) regarding onsite maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupans, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
9. The project will not, unde 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.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

MR. PRICE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: The demolition approval is granted with the following conditions and determination of significance.

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

1. Prior to an application for a demolition permit, an asbestos report prepared by a qualified company, shall be submitted. Any asbestos shall be abated as required by local and state requirements and a report, prepared by a qualified company shall be submitted that verifies removal in accordance with all local and state requirements.
2. Security fencing shall be installed prior to any site work.
3. Demolition debris shall be disposed of as required by local, state and or federal requirements.
4. Unless approval has been granted for construction of the proposed addition, the site shall be restored according to the restoration plan.
5. Prior to issuance of a permit for demolition, all comments and concerns of the Town Engineer and Fire Marshall shall be addressed.

6. No site work other than that required for the building demolition shall be done without approval by the Town Engineer.
7. The project shall comply with the requirements of NYSDOL code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead –Based Paint removal. In addition to any other requirements of Code Rule 56, the project will comply with Sections 56-3.4(a)(2) regarding onsite maintenance of a project record, Section 56-3.6 (a) regarding 10 day Notice requirements for residential and business occupans, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
8. A letter of credit shall be provided to cover demolition and restoration. The applicant’s engineer shall prepare an itemized estimate of the scope of the demolition as a basis for the letter of credit.

MR WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move that the public hearings on the Site Plan Approval be kept open.

MR. PRICE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. FADER; I move that the application be tabled based on the testimony given and plans submitted. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

- 1 Site data shall be modified to include a complete analysis of required existing and proposed parking based on twon parking regulation requirements. Plans shall be revised to address required parking for the existing building and proposed addition. Any required variances shall be obtained.
- 2 All outstanding Site plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

3. Ground elevation values shall be added to each corner of the addition on the grading plan and on the building elevations. The grading shown around the addition on building elevations shall accurately reflect the grading plan. The height of the addition per town regulations to the top of the mechanicals tower and to the top of the otherwise highest point of the addition shall be added to the site data and noted with dimension lines and notes on the building elevations. The height shall not exceed 40', except as allowed by town regulations. These heights shall be added to site data.
4. Plans shall be revised as necessary so that all new pavement is a minimum of four feet from the side property line.
5. The location and proposed screening of any proposed mechanicals/vents HVAC generators shall be shown on the site plan.
6. All lighting shall be designed to eliminate light overflow onto adjacent residential properties.
7. Any proposed signage shall require separate approval.
8. The entire building shall comply with the most current Building and Fire Codes of New York State.
9. 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.
10. Meet all requirements of the Town of Brighton's Department of Public Works.
11. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
12. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment control.

13. 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.
14. Maintenance of landscape plantings shall be guaranteed for three years.
15. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
16. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
 17. Fire hydrants shall be fully operational prior to and during construction of the building.
 18. Erosion control measures shall be in place prior to site disturbance.
 19. 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.
 20. The proposed building shall be sprinklered if required by NYS or Brighton regulations.
 21. Erosion control measures shall be in place prior to site disturbance.
 22. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any change to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

- 23 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 24 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 25 All required permits from the Town's Sewer Department and/or other jurisdictional agencies shall be obtained.
- 26 All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner shall be addressed.
- 27 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

- 23 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 24 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 25 All required permits from the Town's Sewer Department and/or other jurisdictional agencies shall be obtained.
- 26 All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Bochner shall be addressed.
- 27 A letter or memo in respons to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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SIGNS

1432 The Kids Room Salon for Boys and Girls for a building face sign at 2340 Monroe Avenue.

1433 Joe's Brooklyn Pizza for (2) building face signs at 1918 Monroe Avenue (revised sign

CONDITION

1. All requirements of the approved sign plan for 12 Corners Plaza shall be met.

MR. CHAIRMAN: I move to approve sign application 1432 as presented and 1433 with one condition.

MR. FADER: 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 June 15, 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 5 day of July 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

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