

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on July 20,
2016 commencing at approximately 7:30 p.m.

PRESENT: William Price
Laura Civiletti
David Fader
John Osowski
Jason Babcock Stiner
James Wentworth
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 July 20, 2016, meeting of
the Town of Brighton's Planning Board to order. We will approve the
minutes of the June 15, 2016 meeting. Can I have a motion to approve
the minutes with any corrections?

MS. CIVILETTI: I move to approve the minutes
of the June 15, 2016 meeting with any corrections.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION CARRIED

*ABSTAINED MR. BABCOCK STINER AND MR. CORDOVA SINCE
THEY WERE NOT PRESENT AT THE LAST MEETING

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

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of July 14, 2016.

MR. CHAIRMAN: Those hearings will now be held.

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

MR. MCMAHON: Good evening my name is Greg McMahon of McMahon and LaRue representing the owner. We did present this project at the last meeting and appeared before the Zoning Board of Appeals. Based upon that the approval was granted and we revised our plan which we submitted to the Planning Board and that plan addresses the straightening out or extension of the parking in the front of the building and to provide for the straightening to back out and that was a variance to provide for parking in the front yard on Monroe Avenue that was approved by the Zoning Board of Appeals. That plan eliminated the propose turn around at the rear of the building and we have also eliminated the proposed entrance out onto Monroe parkway. So it is now a relatively simple parking lot.

MR. BOEHNER: Are you proposing to plant trees along sunset?

MR. MAMAHON: Yes that plan also added some trees along Sunset and I discussed this with the owner and he told me what I should get. There is a total of eight trees proposed along that side. We have some Cherry and Crab Apple trees being proposed along that side.

MR. BOEHNER: There were some trees that were taken down and stumps that were left behind I assume they are going to be grinded out?

MR. MCMAHON: Yes, my understanding is he had a contract with the company that removed the trees and he was pursuing that company that removed the landscaping which included all of the clean up and removal and he is pursing that with the company the

diging and clean up of what is there right now and that will have to be done before any additional planting is done.

MS. CIVILETTI: Is there any tree removals planned with the revised plan?

MR. MCMAHON: No there is no tree removals planned with this revised plan. The removals were made along the side of the building in the previous plan actually and were done before this application was submitted. We did address comments received from the Town and engineering comments.

MR. BOEHNER: The handicapped spots that are being shown are going to have to meet accessible signage because I think on the plan it shows the old signage.

MR. MCMAHON: The auto-cat hasn't caught up yet with the new requirements but we will make sure the new signage is used.

MR. BOEHNER: I just want to make sure the new signs are put in.

MR. MCMAHON: Yes.

MR. CHAIRMAN: Any other questions? Okay thank you. This is a public hearing is there anyone in the audience that cares to speak on this application?

MR. CLARK: My name is Dan Clark and I live at 55 Sunset Drive. I have a couple of pictures to pass out. This is referencing what is along the side. The top two pictures are the Sunset Drive side of the building before any foliage has been removed and below that are today on that same side. The third picture down on the left side is the back of the building opposite the side of the hedge line. On that photo on the third picture down on the right that is actual foliage that has grown there and the bottom shows the store front and the location of the Monroe parkway exit to give a general view of that. I am glad to hear my understanding is there are no more parkway exists and that is off the table now and Sunset Drive is also off the table.

MR. BOEHNER: That is correct.

MR. CLARK: I think everybody agrees that changes to Monroe Avenue parking pushes that towards Monroe Avenue.

MR. BOEHNER: That is about right.

MR. CLARK: That was a great idea. But we did continue our petition from last time regarding Sunset Drive and the Monroe parking and that is a dead issue.

MR. BOEHNER: If you have a petition you want to submit feel free to and I will put it in the file.

MR. CLARK: It is the same as last time it just has more signatures. I also want to mention the question was raised at the Zoning Board of Appeals and the petition had a full description of the proposal and there was a map showing exactly what was being proposed and then there was a verbal explanation making sure of what was being made.

MR. CHAIRMAN: Mr. Clark you are a resident of Sunset Drive is that correct?

MR. CLARK: Yes.

MR. CHAIRMAN: What is your objection I know it is not part of the application but what is your objection to access on Monroe Parkway.

MR. CLARK: I frequent Hars (phonetic) market and it is a difficult intersection because Hars Market has two exits on Monroe Parkway one further back like CVS's and CVS has an access at Torrington far back from the light but Hars Market has an exit virtually right at the stop sign and when a car comes out of there you can get stuck there if cars are trying to get out and they pull out in front of you and there is traffic coming at you and it is not a safe situation and adding another exit there is not a good one. And snow removal is a big issue as I understand it from Monroe Parkway they push the snow way over the sidewalk and the snow gets pushed up Monroe Avenue and it blocks the

sidewalk there so bad that the kids have to walk around Monroe Avenue into the entrance to get safely to the sidewalk . So if they open up an exit there you are going to have even less space to put the snow in. Does that answer your question?

MR. CHAIRMAN: I just want to make sure you are not accessing that property –

MR. CLARK: It's there already.

MR. CHAIRMAN: I understand that and I just want you to understand there are cases of multiple access points. What would you think if Hars Market didn't have access onto Monroe Parkway? What would you think about that?

MR. CLARK: I would say that is fine. There are several businesses along there with a wide open parking lot with multiple entrances. My point with Hars Market is they already have two exits onto Monroe Parkway and one is right at the stop sign and it creates a situation there.

MR. CHAIRMAN: Thank you for coming any other comments or questions? There being none we will 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. TABLED AT THE JUNE 15, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. MCMAHON: Good evening Greg McMahon from McMahon and Larue we are back again for this meeting. We appeared before the Zoning Board of Appeals and all the variances that we requested were granted. We also received the Town and the Town Engineer's comments and we have responded and all those comments were addressed on the revised plan and were submitted to the Town. And we are here tonight prepared to answer any additional questions?

MR. CHAIRMAN: Is there anything different you wish to point out or has anything changed as a result of this?

MR. MCMAHON: No the addition remains the same. We intended to show what could be a cross access easement at the rear of the property. We did make one modification to the lighting. There are two existing light poles. One is located towards the front of the property on the north side and one is towards the rear. The rear is a 30 foot pole and the front is 15 foot pole. The rear pole is redundant with the new pole put in that parking lot and provides adequate lighting and it didn't make a lot of sense to keep the 30 foot pole so that is being removed. The short answer is things are basically the same as what was presented last time.

MR. WENTWORTH: Greg, would you help me understand how the walkway from the parking is on sheet 9 ?

MR. MCMAHON: The crosswalk comes into the sidewalk area at that grade and then the sidewalk comes up to the front of the building and the building is basically at grade right now and at that intersection it slopes up to the door. So if they are walking across the stripped area and once they get to the piece of concrete it is at grade and they walk up the sidewalk and it slopes up to the door.

MR. WENTWORTH: Okay, so there are two new sections of sidewalk one has a grade to it and the other one is flat and level to pavement .

MR. MCMAHON: Yes.

MR. BOEHNER: Greg, as part of your application you submitted a letter dated September 15, 2011 stating that there is no segmentation of this application. Is that correct?

MR. MCMAHON: That is correct.

MR. BOEHNER: And that is part of this application?

MR. MCMAHON: Yes that is part of this application.

MR. BOEHNER: The last thing, I have two things you mentioned cross access easement that will not be provided and by Brighton Town Code they have a right to request a cross easement between properties and it also has the ability in conjunction with the cross access easement to require either the ability to modify the existing curb cut on Monroe Avenue to right in and right out or to eliminate it in the future. If in the future the secondary access point to Monroe Avenue comes to be as part of an access management. I did talk to you a little bit and I just want to make sure that is something the board will be considering this evening.

MR. MCMAHON: Yes.

MR. BOEHNER: The last thing how will HVAC system going to be handled they have a fence going around it.

MR. MCMAHON: I will let Randy speak to that?

MR. PEACOCK: Randy Peacock Everything will end up going up through the kitchen. I think we showed the kitchen plus the fan is concealed space.

MR. BOEHNER: Okay that is all.

MS. CIVILETTI: On the landscaping plan I looked at some of the plantings closer to Monroe Avenue and I want to make sure that the taller shrubs don't impact the view of the traffic in the driveway.

MR. MCMAHON: I will have our landscape architect take a second look at that and make sure we are not obstructing the sites.

MR. OSOWSKI: The dumpster is large and it has been there since the beginning –

MR. MCMAHON: It is large and it has been there since the beginning. It is currently constructed out of the same materials as the building itself.

MR. CHAIRMAN: Thank you very much. This is a public hearing does anyone care to address this application? There being none we will move on.

7P-01-16 Application of the Highlands at Brighton, owner, for extension of site plan modification approval (7P-07-15) allowing for the construction of a new court yard on property located at 5901 Lac De Ville Blvd. All as described on application and plans on file.

MR. DUFAULT: Tyler Dufault representing the Highlands at Brighton. We were previously approved and funding was not made available to us and we are asking for a one year extension which was approved by the Zoning Board of Appeals and there are no modifications of the plans at all.

MR. CHAIRMAN: It is the same as previously submitted?

MR. DUFAULT: Yes.

MR. OSOWSKI: Do you expect to have funding within the next year?

MR. DUFAULT: Yes.

MR. CHAIRMAN: All right, this is a public hearing is there anyone who cares to address this application? Hearing none, thank you, we will move on.

7P-02-16 Application of 2861 BHTL Rd, LLC, owner and Spot on Development, agent, for Final Site Plan Approval, Final Subdivision Approval and Final 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 on properties located at 2861 West

Henrietta Road and 1634 Brighton Henrietta Town Line Road. All as described on application and plans on file. ADJOURNED UNTIL AUGUST 17, 2016 AT THE APPLICANT'S REQUEST.

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. ADJOURNED UNTIL AUGUST 17, 2016 AT THE APPLICANT'S REQUEST

7P-NB1-16 Application of Alice Kanack, owner, for Preliminary Site Plan Approval to construct a 4, 187 +/- sf building addition and to add 47 parking spaces on property located at 2977 South Clinton Road All as described on application and plans on file.

MR. MARTIN: Ed Martin Engineer and planning technician here representing Alice Kanack on her application. We are coming here tonight to request a referral to the Zoning Board of Appeals the application before you which I will describe briefly requires two area variances , Alice has been at this location for about 18 years and experienced tremendous success and want to stay at this location but it requires a larger operation so she is looking at doubling the size of her studio and also the parking at the north of the building. I am sure you are familiar with the site. The proposal includes the moving of the existing curb cut to South Clinton and utilizing an existing one that is just north of it by providing a new parking lot to the north that about doubles it. We do have a unique proposal and we are proposing some green spaces and we have done this elsewhere immediately north of the asphalt pavement we are proposing a reinforced lawn area suitable for 20 cars for some of her larger events and they can utilize the lawn area to park. They have also obtained some parking with the neighbors. The site is also going to

upgrade the waste water treatment, right now it has a septic system to the east side of the building and we are going to remove that and put in a sanitary lateral crossing over to the south. The existing water service will be used to keep the new addition. There will be sidewalk extension across the entire project on South Clinton Avenue.

We intend to have a meeting with staff. We do propose site illumination limited to being building mounted featured on the north side of the building to be dark sky compliant. We do have a little spill over on the north west corner of a quarter of a foot candle. We proposed 12 inch high Junipers on the north boundary and three street which I believe are right along the South Clinton Avenue. The site requires two area variances setback to Haven's Road and setback to the west property line. So does this adversely impact the neighbors and does it go through any problems and our contention is that it does not. The parking to the west is owned by RG&E and it is very rarely occupied it is a substation of sorts so there is not a family living there that would be impacted by this. In fact the addition removes the driveway access to Haven Road and so it eliminates a lot of activity along that west side of that property.

The wetland is in the northwest corner of the property and that has been delineated within the last couple of years by the consultants and that does not impact and there were comments by the DEC notes that referenced that. I am sure staff will provide written responses to that and I will offer to you that we are not impacting that or disturbing that wetland what so ever. So that is the summary of the proposal. I will be happy to answer any questions. Alice is in attendance if anyone has any questions for her on the operation and she is the best one to answer that.

MR. BOEHNER: When was the delineation done?

MR. MARTIN: We really started on this two years ago in August or September and it was done after that so it is within the last two years. It was done by Anthony Smith who is a very experienced wetland biologist.

MS. CIVILETTI: What is the day to day parking that is anticipated.

MS. KANACK: Alice Kanack our day to day users it is not like a public school it's a private school which is different from other operations. We do have kids that are dropped off . A lot of parents drop kids off and if they do stay with the younger children they can find parking. When we have a concert we don't have more than 15 kids in a recital which can take up an hour or two or three and if we do have a greater parking need we do have the grass parking which is fabulous.

MS. CIVILETTI: You said you had parking agreements with the neighbors .

MS. KANACK: I do have parking agreements with Lee Kenser (phonetic) which has a large parking lot and the hours requested during a concert is in their off hours and works out very well for us and all we have to do is give them 30 days notice in advance. Also my neighbor to the north is an insurance business there and he has a number of spaces and he also has the same kind of agreement and he has a business from 9 to 5 and our concerts are in the evening.

MS. CIVILETTI: On a day to day basis how many people stay and how many just drop the kids off would you say?

MS. KANACK: If we are at full capacity we have 9 studios and we have a need for 18 spaces.

MR. BOEHNER: How many teachers do you have?

MS. KANACK: We have 20 faculty and we have 9 studios.

MR. BOEHNER: : So with this plan you have 9 studios?

MS. KANACK: And we are adding four more studios so we have 13 studios.

MR. BOEHNER: And then you have 13 teachers.

MS. KANACK: Correct. So you are looking at 26 spaces at full capacity.

MR. WENTWORTH: Do you have extra staff?

MS. KANACK: Yes we do we have a secretary there at all times.

MR. WENTWORTH: So it would be 27 spaces?

MS. KANACK: Yes. One secretary makes it 27 spaces.

MR. BOEHNER: You have not provided any extra spaces for parents that will be staying?

MS. KANACK: Typically they don't but that is assuming they all stay.

MR. BOEHNER: Do you mix up the ages?

MS. KANACK: Yes. We have a range of two to adult.

MR. BOEHNER: So a little bit of concern is does it have adequate parking because you have a very large meeting group in the auditorium and you are suppose to provide parking on site not off site in a residential area. So there is some concern if there is enough parking for all of the space you are putting in the auditorium?

MS. KANACK: The school and the auditorium are not used at the same time and that is why we are accommodating with two extra lots and the green area.

MR. BOEHNER: Let's talk about the auditorium you have 128 seats that is far more than you have in parking spaces?

MS. KANACK; That is right but keep in mind there are people who come to the concert in the same car so you may have four or five so we are talking about groups of people coming together. We

MR. BOEHNER: Could you talk about how these overflow parking spaces are going to work and be operated because there has to be someone parking cars.

MS. KANACK: If you have everybody coming for the concert everybody stays for the concert and as parents come in we have had parents go out and making sure everybody gets a spot.

MR. BOEHNER: We have had a church in town and they had people out there and this is very similar so you need to have some kind of plan to show us how it is going to work.

MR. MARTIN: I think one of the unique things that Alice does with its students even though it is a good size building but it is a very small family and I will refer to another business that is in Town here is Good Feet (phonetic) on Monroe Avenue that has the same thing. And we tell people to make sure they park in the back and there is a lot of communication that occurs before an event so I think we can come up with a solution.

MR. BOEHNER: That is not a very good example for us on Monroe Avenue because that place caused a lot of problems and I do have a concern because this is the first time we have seen this plan.

MR. MARTIN: I want to reiterate on a day to day operation they have a maximum demand excluding the larger events and the proposed amount is 13 studios and with the teachers and students there is a need for 27 spaces and we have 31 in the asphalt area and we need to focus on the larger events and make sure it is handled safely and with enough spaces so we need to come up with some numbers to show you what the maximum realistic demand is and how we plan to get those people in and out. Is that a good summary of what is needed?

MR. BOEHNER: Yes, it is because if I use the requirements of a regular school you don't have enough parking. So that is what I was basing it on.

MS. KANACK: This bigger auditorium is for
extra space

MR. BOEHNER: When you have a concert now is there 60 people or what?

MS. KANACK: We have 80 people maximum I think that would be accurate and you have 100 seats. We are not a symphony we mostly have string ensembles.

MR. BOEHNER: You need to ask for the minimum necessary if you only have 60 people and you are asking for 100 and asking for variances and I am asking about parking because it is directly related to variances.

MR. CORDOVA: You said a lot of students come and are dropped off how does that work because there is no loop around?

MR. MARTIN: There is no loop around but we do provide at the very western edge an area that is not striped and there is no parking there so if it is at full capacity there is space for them to turn around.

MR. CHAIRMAN: What about alternatives you have several feet in the front?

MR. MARTIN: I think if we take this lot and shove it to the east side of the building we will still have this setback requirement.

MR. CHAIRMAN: How did you choose which setback to be enforced?

MR. MARTIN: I think for us when we were first talking there were several considerations to keeping the original building. We wanted to preserve that. You look at parking if you put it all in back you preserve the green space all in front of the building. So that was what we were thinking.

MR. CHAIRMAN: If you kept the parking the way it was you would utilize the front instead of the back would there be a problem from a site plan stand point?

MR.MARTIN: I think I can make it work. I think there were architectural reasons why we chose that side. When we look at the east we still have Haven's setback and that could be potentially eliminated. I am not sure from an architectural stand point if that is the best but I can make either one work.

MR. CHAIRMAN: You can revisit your concept to get an access drive with the property across the street to line up. The issue is to bring traffic to that intersection

MR. MARTIN: You are taking and putting less than a couple of hundred feet away creates a problem we tried to solve.

MR. CHAIRMAN: That is my concern.

MR. MARTIN: There is that access out onto Havens and no relief for special event and we did not want that. We wanted to do something that would not make it worse. The driveway is here.

MR. CHAIRMAN: I am wondering if you share that.

MR. MARTIN: Now you are talking about the exact same thing. She doesn't have access out to South Clinton Avenue. I have not approached RG& E. There is very little traffic there at all and see if they would be willing to share that. What I would foresee is an enter only on South Clinton and an exit through that driveway. I would need to avoid the wetland because we are not looking to push into new permits. If they were to work something out with RG&E and had a cross access easement those requirements for a wetland permit wouldn't be needed but I think they would still need a general permit. We could pull that single lane that is existing back for the setback. We only have 13 feet there from the edge of pavement right now and 10 of that would be used toward the turn around. I could do something like this. I think I would want to pursue access with RG&E to go through there and come right out. I am not sure what your code says about that.

MR. BOEHNER: It would be a cross access easement and we can't act on this until you have your variances.

MR. MARTIN: We understand that.

MR. BOEHNER: A couple of things you had a comment from the Conservation Board from last time about tree mitigation. You can call tomorrow and get that. You will need to address there comments One of the things I want you to do is submit more details on how the parking works and do you need 99 spots in that auditorium. I want you to take a closer look at those things.

MR. MARTIN: If you are saying we don't have enough parking and have to go off site to get parking we will need a variance.

MR. BOEHNER: No, I am saying you need to show parking for the day to day operations not one day a year that is not what we are after.

MR. MARTIN: Could we get a referral to the Zoning Board of Appeals?

MR. BOEHNER: We do not give referrals to the Zoning Board of Appeals but you have a right to make your application. This Board may find you don't have enough parking and you have a right to go in front of the Zoning Board of Appeals.

MR. MARTIN: I am inclined to hold off and make sure we have all that information.

MR. BOEHNER: We have to apply the same principals to all businesses.

MR. MARTIN: We appreciate your input.

MR. CHAIRMAN: Thank you very good. This is a public hearing is there anyone who cares to address this application? There being none we will close the public hearings.

NEW BUSINESS (CONT.)

7P-NB2-16 Application of Jerome Koresko, Sr. owner, and Dr. Indra Guagliata, contract vendee for Concept Review to raze a single family home, combine two lots into one and construct a 13,200 +/- sf two story dental office on property located at 1230 East Henrietta Road. All as described on application and plans on file.

MR. RAMGARD: Good evening Andy Ramgard. We are here for Concept Review. We are looking at two parcels of property along East Henrietta Road known as 1230 East Henrietta Road. Currently what we have is an agreement to buy both parcels. I will call them Tax Numbers 3 and 4. The top one being Number 3 and the bottom one being Number 4, I will take you through the history of the development. We have met with the Town concerning codes and engineering which were very helpful in describing and outlining all the things we need to do. We also had a meeting with the Zoning Board of Appeals and the DOT about all the things that have to be done and schedule how those developments will come to be.

I would like to talk a little bit about the two parcels starting with what we call the parcel on Number 3 and we will look at it as an individual lot and then as a combined lot . I can tell you in my 25 plus years of doing this it is a very interesting thing. How these lots came to be. First as we looked at the BEF low density for commercial lots interestingly they are adjacent to Monroe Community College on two sides and a residential piece of property and then there is approximately 400 plus feet of frontage along Clinton Road and then frontage along East Henrietta Road and then the other parcel of commercial property we are looking at density control schedule for parcel 3 as we define it and we are looking at creating a dentist office that is really more than just a dentist office but she gives people back their smiles.

So our first concept was to purchase the parcel on Number 3 and it is a corner lot and very interesting most zoning ordinances has two corners and because of the angle and portions of the property it has three fronts. What we attempted to do is turn the corner on these lots both literally and figuratively and create a building that has an identical stand up to it and shows how she practices the periodontal

creating bites. It is hard to see the architecture but as the building turns the corner you do get an idea of the smile. It is very subtle and when we go to the Architectural Review Board that will be the latest design and we will be talking to them about this. One of the only variances that is necessary with this property is as we propose to build it on the corner if the interpretation is that there are three fronts, three front yards with a 30 foot setback, a 32 foot setback and a 30 foot setback then there will be proposed a variance of 15 feet from the Zoning Board of Appeals to pull the building as close as we can to provide for a signage across the front part of the property line.

We have also had an opportunity to purchase parcel Number 4 with a separate density setback from the building and in the current design it has 35 hundred sf for a maximum of 7,000 sf and the other 7,000 sf in the adjacent piece comes from the parcel on Number 4 and it has the same requirement as Number 3. One of the things is its directly adjacent to a residential piece and there is a larger setback along the south side of the property and there will be no variances on Parcel Number 4 as we look at the density for that as an independent parcel. With this proposal we are maintaining two separate parcels with a cross easement across the parcel on Number 3 and Number 4 as a combined property. That still leaves a variance required for what will be the front yard on parcel 3 or density off of the building.

Let me take you through the history of the parcel. In 1951 the side parcel was cut out and a church was built at the front of the parcel on Number 3. Between 1958 and 1966 at some point a second building was built as a residential building behind the church as a pastoral residence. That building we will call a ranch and you can't really see it unless you were to visit the property and more than 6 feet back there is a pool in front which is empty and it had a couple of trees. Between 1971 and 1980 Clay Road came in beside it and it remained that way, actually going back to 1971 through 1980 a lot of changes happened and a portion was given to Clay Road and there was a half a dozen trees along there and then one or two along the adjacent road way and that is where the lot on Number 4 cut off but the parcel still maintained a frontage along Clay Road and at some point there was an off ramp and a traffic control device at both ends entering in 1985 and as it progressed in 2008 this second access point to East Henrietta Road was constructed. There was a curb cut in for the property along that side as their driveway was taken off of East Henrietta Road. Currently that is a vacant commercial property and it

remained there. In 2011 we were asking for some advice in our presentation and this was our first step in the overall process and a lot of that has to do with interpretation of the Zoning laws and I know we are going to have to talk to the Zoning Board of Appeals. This is on Number 3 and Number 4 and this diagram shows the concept of the Zoning Board interpretation of the parcel on Number 3 which has two front yards of 30 foot and 30 foot front yards and then has a side yard of 10 feet along Clay Road. Then as the cross easement occurs you will have the second parcel Number 4 with a 10 feet side yard similar to the adjacent parcel on Number 3 and maintains a 30 foot side yard directly adjacent to the residential area that will be combined. And that is how the setback works. This is a really interesting intersection of property as the Zoning variance is for the setbacks. What happens if a parcel is considered to have three front yards along East Henrietta Road and then two more along Clay Road both with 30 and 30 setback across there. That portion of building in white is allowable and that portion of the building in brown requires a variance from 30 feet to 15 feet on the side yard of parcel Number 4. And in that case it would also have frontage along Clay Road and would have an access point along Clay Road. So he is asking for a variance on Number 3 of a 15 foot setback.

MR. BOEHNER: Have you talked to the DOT?

MR. RAMGARD: We wanted to come here first but DOT has to weigh in as well as all of the other agencies. They may say no to both entries off of Clay Road or they may say right turn only but that is not a deal breaker for the design on how you have to exit and a left turn in is not ideal so close to that intersection. What is our position at this time procedurally?

MR. BOEHNER: You may want to talk to the historian and she may know something about the building. You can check that out as part of the normal process and you will need to submit a preliminary application to this board. Once you have applied to the Zoning Board for the variances and then work on the very interesting architecture you are proposing and you may want to get the Architectural Review Board's input and once you take care of those things you can come back to this Board for final site plan approval.

MR. CHAIRMAN: Any other questions?

MR. RAMGARD: Thank you very much for your time.

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

MS. CIVILETTI: I move to close Application 5P-02-16.

MR. FADER: 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 submitted revised site plan showing only the expansion of the parking area between the building and Monroe Avenue and changing

the parking from angled to perpendicular is approved. This approval does not include the construction of a new curb cut for access to Monroe Parkway and the turn around between the building and Sunset Drive.

2. All required reviews and approvals from the NYSDOT shall be obtained.
3. Additional landscaping along Sunset Drive to replace the landscaping previously removed, shall be installed according to the approved plan.
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. Two accessible parking spaces are proposed, the parking spaces and the required signage must be shown on the plan. A detail on the plan showing the correct symbol for accessible parking and signage must be provided. Striping and signage of accessible spaces shall comply with current requirements. All 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.
6. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. Meet all requirements of the Town of Brighton's Department of Public Works.
9. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
10. Maintenance of landscape plantings shall be guaranteed for three years.

11. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. A letter of credit shall be provided to cover certain aspects of the project, including but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
13. 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. All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
15. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
16. All conditions of the Zoning Board of Appeals shall be met.
17. Prior to the disturbance an Excavation and Clearing Permit must be obtained from the Department of Public Works.

MR. BABCOCK STINER: 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 dinong (417 sf outdoor patio) on property located at 2735 Monroe Avenue. All as described on application and plans on file. TABLED AT THE JUNE 15, 2016 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. FADER: I move application 6P-02-16 be closed.

MR. CORDOVA: 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 Determination of Significance and following 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 new lights in the parking lot shall not exceed a pole height of 15., 17.5' from grade with base.
2. No part of the renovated existing building or roof, or part of the proposed addition/roof shall extend closer to the southwest property line(existing 10' setback on plans) than does the existing building/roof.
3. 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.
4. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

5. All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day, ½ hour before the business is open to the public and to terminate ½ hour after the close of business.
6. Paragraph 201.16B,(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 proposals for new development changes of use or any site modifications” A cross access easement shall be provided. A sketch plan should be provided showing cross access to the adjacent parcels. The sketch plan shall be reviewed and approved by the Town Engineer. The cross access easement shall be reviewed and approved by the Town Engineer. The approved easement shall be filed 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.
7. Paragraph 201.16. B (3) of the Code of the Town of Brighton states “Where appropriate along highways containing strip development, the Planning Board, Zoning Board of Appeals or authorized official may identify existing curb cuts that are to be removed or replaced with cross access easements prior to approving an application for a proposed development or a change of use” When the secondary access to Monroe Avenue becomes available as part of a future access management plan for Monroe Avenue, the Planning Board requires that the existing Monroe Avenue access drive be modified to a right in and right out configuration or be eliminated entirely. All requirements of the NYSDOT shall be met.
8. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585-784-5220)
9. The entire building shall comply with the most current Building and Fire Codes of New York State.
10. 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.

11. Meet all requirements of the Town of Brighton's Department of Public Works.
12. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
13. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
14. 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.
15. Maintenance of landscape plantings shall be guaranteed for three years.
16. 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.
17. Hours of operation shall be limited to the hours between 6a.m and midnight without further approval by the Board.
18. The parking lot shall be striped as per the requirement of the Brighton Comprehensive Development Regulations.
19. Striping and signage for accessible parking spaces shall meet the current requirements. Plans and details shall be revised as necessary to comply. All new accessible parking space signage to be installed shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by the Secretary of State pursuant to Section 101 of the Executive Law.

20. Fire hydrants shall be fully operational prior to and during construction of the building.
21. Erosion control measures shall be in place prior to site disturbance.
22. 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.
23. The proposed building shall be sprinklered if required by NYS or Brighton regulations.
24. Erosion control measures shall be in place prior to site disturbance.
25. 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.
26. The landscape shall review the landscape plan making necessary modifications to assure adequate distance along Monroe Avenue is provided.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-01-16 Application of the Highlands at Brighton, owner, for extension of site plan modification approval (7P-07-15) allowing for the construction of a new court yard on property located at 5901 Lac De Ville Blvd. All as described on application and plans on file.

7P-01-16.

MR. FADER: I move to close application

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves application 7P-01-16 based on the testimony given, plans submitted and with the following Determination of Significance and Conditions:

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS:

- 1 This approval shall expire one year from the date of this approval.
2. The Red Maple trees shall be planted 3” – 3.5 caliper
3. The style, height and location of the fence shall be as presented on plans and in testimony to the Planning Board and Zoning Board of Appeals.
4. A building permit shall be obtained prior to installation of the fence.
5. The plant list shall be as shown on the plans provided for the current application 7P-01-16.
6. Any modifications or additions of the exterior lights shall be submitted to the Building & Planning Department and may require Planning Board review and approval.
7. All conditions of the Zoning Board of Appeals shall be met.

8 Meet all requirements of the Town of Brighton's Department of Public Works.

9 All Town Codes shall be met that relate directly or indirectly to the applicant's request.

10 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control

11 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.

12 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.

13 Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. Erosion control measures shall be in place and shall be approved by the Town of prior to disturbance.

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 applicant shall verify with the Fire Marshall that the court yard meets the requirements of the NYS Fire Code.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-NB1-16 Application of Alice Kanack, owner, for Preliminary Site Plan Approval to construct a 4, 187 +/- sf building addition and to add 47 parking spaces on property located at 2977 South Clinton Road All as described on application and plans on file.

MS. CIVILETTI: I move that the public hearing be kept open. I also 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. All Monroe County and NYSDEC comments shall be addressed.
4. There appears to be a sidewalk easement on the northern half of the property along Clinton Avenue. This should be added to plans. The entire proposed sidewalk should be located within an easement to the Town of Brighton.
5. 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. The proposed building shall be sprinklered if required in accordance with Town requirements.
6. The federal wetlands shall be delineated. The stream to the west of the property shall be shown on plans.
7. The location of any HVAC or other mechanicals and/or generators shall be shown on the site plan along with their proposed screening.

8. All County Development Review and NYSDEC comments shall be addressed.
9. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth 585- 784-5220)
10. The entire building shall comply with the most current Building and 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 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.
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. All existing trees to remain shall be shown on the site plan. 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.
17. Maintenance of landscape plantings shall be guaranteed for three years.

- 18 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 19 All outstanding comments and concerns of the Town Fire Marshal shall be addressed.
- 20 All comments and concerns of the Town Engineer as contained in the attached memo dated July 18, 2016 shall be addressed.
- 21 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 22 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.
- 23 Erosion control measures shall be in place prior to site disturbance.
- 24 Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
- 25 All new accessible parking space signage to be installed or replace 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 Any proposed signs shall require additional approval. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.
- 27 The following comments of the Conservation Board shall be addressed:

- Representation by the applicant would have been beneficial for a better understanding and clarification of the plans.
 - Are all the trees on the proposed parking lot site being removed? Can any be saved.
 - Landscaping note #1 on the site plan indicates that only trees marked as TBR are to be removed. No trees are marked TBR on the demolition plan]
 - Landscaping note #2 on the site plan refers to the number of trees required on a residentially zoned parcel. This parcel is zoned BE-1 Office, the note needs to be removed.
 - Additional landscaping mitigation should be considered to help mitigate the loss of existing vegetation and greenspace.
 - Consider additional landscaping/street trees along Havens Road
 - Has the federal wetland along the western property line been recently delineated?
 - Green infrastructure techniques are encouraged. It appears the storm water will discharge to the existing wetlands does this include building roof runoff?
 - The use of native plants is encouraged.
 - A full planting schedule needs to be included.
30. All existing and proposed trees shall be shown on the site plan. Common name, species plant height (evergreen), caliper (deciduous) and quantity shall be provided for each proposed tree.
31. If proposed a dumpster or exterior refuse storage area shall be shown on plans. The dumpster shall be enclosed with building material that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
32. The applicant shall evaluate the number of parking spaces required and justify the number of parking spaces proposed

based on the proposed and anticipated average and maximum needs of the operation. The analysis shall also explain how parking and access will be controlled/managed during maximum use times, especially as regards the lawn parking area which is blocked by parking in front of it.

33. 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

Review and advisory report regarding proposed amendments to the Code of the Town of Brighton chapters 36, 129, 205 and 207.

MR. FADER: I move to submit the letter as written by the Planning Board Secretary.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Whole Foods Plaza Draft Environmental Impact Statement for the purposes of SEQRA review.

Comments were made regarding the DEIS.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Michael P. Montalto requesting adjournment of Planning Board application 7P-3-16 and 5P-NB1-16 until the August 17, 2016 Planning Board meeting.

PEITITIONS

NONE

SIGNS

1434 USA Payroll/Medical Office Building / Children's Care Center of Brighton for a Free Standing sign at 2601 Lac De Ville Blvd.

CONDITION:

1. All required variances shall be obtained.

1435 Starbucks Coffee for a Bldg Face Sign Package at 2861 West Henrietta Road.

CONDITIONS

1. All required variances shall be obtained.
2. the line drawings by Hilton Displays, showing the accurate proposed location and colors of signs(renderings were not accurate) are approved.
3. On the west elevation the Siren Logo and the drive-thru chevron shall be located so that the Siren is centered on a vertical and a horizontal seam and the chevron centered on a horizontal seam as shown on the east elevation.

1436 Starbucks Coffee for a Free Standing Menu Board Sign Package at 2861 West Henrietta Road.

CONDITIONS:

1. All required variances shall be obtained.
2. Information on the flood light illumination the ceiling of the order area shall be submitted.

MR. FADER: I move that sign applications 1434, 1435 and 1436 be approved with condition as stated above.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED