

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on October 19,
2016 commencing at approximately 7:30 p.m.

PRESENT: William Price
Laura Civiletti
David Fader
John Osowski
Jason Babcock Stiner
James Wentworth

NOT PRESENT: 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 October 19, 2016, meeting
of the Town of Brighton's Planning Board to order. We will approve the
minutes of the September 21, 2016 meeting with corrections.

MS. CIVILETTI: I will move the minutes with a
few minor corrections.

MR. BABCOCK - STINER: Second.

MR. CHAIRMAN: I will abstain from voting since I was not present.

UPON ROLL CALL VOTE MOTION CARRIED

MR. CHAIRMAN: Mr. Secretary, were the
hearings properly advertised?

MR. BOEHNER: Yes, they were properly
advertised in the Pittsford Brighton Post of October 13, 2016.

MR. CHAIRMAN: Those hearings will now be held. I would like to announce that Application 7P-NB1-16 is adjourned to the November 16, 2016 meeting.

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. TABLED AT THE JULY 20,2016 MEETING – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE NOBEMBER 16, 2016 MEETING.

10P-NB1-16 Application of Dr. Hossein Hadia / 2717 Monroe Avenue, LLC, owner, for Preliminary Site Plan Approval and demolition review and approval to raze an existing restaurant building and construct a 9, 550 +/- square foot retail mattress store on property located at 2717 Monroe Avenue. All as described on application and plans on file.

MR. HARRIS: Tim Harris with Passero Accociates. This is our second appearance for the applicant, Dr. Hadia. currently at 2717 Monroe Avenue, LLC a restaurant building and currently we are going to remove that building and construct a 9, 550 square foot retail mattress store. This Board may have seen this project a couple of months ago in a different form. It was brought up to move the building closer to Monroe Avenue. There are a couple of reasons why that was not advantageous. Currently the required setback is 60 foot moving that forward would generate a need for another setback reducing the line of sight which becomes impaired with the building being in front and Monroe Avenue is a busy street and having that building up to Monroe Avenue we would reduce the ability to create any kind of green space and the line of site would become impaired. The building where it is currently proposed is consistent with Monroe Avenue's Corridor Study.

A little bit more we have submitted to the ZBA for pavement setback and lot coverage and percentage and it is currently being reviewed. The meeting is early next month. Site

information for you, the site currently has 70 percent impervious coverage and we will reduce that with land banked parking. Storm water management there is a swail on the north and south side of the site and that will reduce the one year storm by about 50 percent and the 100 year storm to 35 percent reducing the pavement to 3300 square feet . Those are meeting the DEC regulations and to that we have added landscaping buffering on the east side of the site towards the adjacent property. We are not proposing any on the south or west side of the site.

In terms of utilities we are connecting new water, sewer and gas and electric on Monroe Avenue. We have submitted to DOT this afternoon in terms of traffic compared to previous use there is a great reduction in the a.m. and p.m. and peak hours and the trip generation is 4 to 6 per hour and for a restaurant it is significantly more. The gap study we found allows 11 left turns per hour and two or 3 right turns. Lighting will be LED fixtures on poles with dark sky. One other thing we have received comments from the Town Engineer and we have addressed those in a letter because we were not able to address those on the plans submitted. With that I will be happy to entertain any questions the Board may have.

MR. CHAIRMAN: Let's just read some of your rationale for not being able to move the building closer to the street. I understand the need for additional variances and did you say it would reduce the amount of parking?

MR. HARRIS: It could reduce the amount of parking. We have thirty four spaces and have reduced parking a little bit. We are proposing 34 with six landbanked spaces.

MR. CHAIRMAN: Okay. And then you said it would block traffic's line of sight.

MR. HARRIS: If you move the building closer to Monroe Avenue the line of site would be impaired.

MR. CHAIRMAN: But you are not saying the visibility would be impaired but you are saying the site lines to this building would be a problem but not a problem to the other buildings just visible access to this building.

MR. HARRIS: Yes.

MR. BOEHNER: Have you done the pre-asbestos Study.

MR. HARRIS: Not as of yet.

MR. BOEHNER: Yes, you need to do that before the Board talks over variances, you need to do the asbestos study and submit a restoration plan and that is needed because what we find is if it is not built on we need you to show how the site will be restored if it wasn't going to be built on. You will have to show top soil and grass if it wasn't going to be built on. There were a few variances we picked up the in addition to what you had. The sidewalk is coming up from Monroe Avenue and the bike racks, maybe you can make adjustments or add on to the setbacks.

MR. BABCOCK STINER: Is there screening for the generator that is going back there or is that HVAC

MR. HARRIS: Yes, it is HVAC. Is there screening required there?

MR. BOEHNER: That is a call for the Board at times we have and other times we haven't.

MR. OSOWSKI: Is there any roof top equipment?

MR. HARRIS: No.

MR. BOEHNER: You guys are good with cross access easements and right in and right out and if I understand it if you eliminate that curb cut that would cause your client a problem?

MR. HARRIS: Yes.

MR. OSOWSKI: The dumpster is 8 foot high with vinyl with chain link fence in front with slates?

MR. HARRIS: Yes.

MR. OSOWSKI: Is there a reason why they couldn't go with solid fence all the way around?

MR. HARRIS: It could be.

MR. OSOWSKI: I don't know if seems kind of odd. Would there be some kind of bumper so when the dumpster goes down it wouldn't smash into the fence?

MR. HARRIS: Yes.

MR. CHAIRMAN: The light fixture it wasn't included on the engineering report.

MR. BOEHNER: Tell us about the lighting?

MR. HARRIS: It is dark sky compliant. It is 18 foot tall with the fixture. Would you like to see a fixture?

MR. CHAIRMAN: Yes. Okay thank you.

Okay, this is a public hearing, does anyone care to address this application? There being none, this is our last public hearing for the night. The public hearings are now closed.

NEW BUSINESS

10P-NB2-16 Application of Woodstone Custom Homes, owner, for concept review to develop an eight lot single family residential subdivision using Town Law 278 – cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID136.11-2-42 thru 52, 136.11-3-1 thru 44, 52, thru 71 and 75 thru 83. All as described on application and Plans on file.

MR. PARONE: Good Evening, my name is

Ed Parone from Parone Engineering. I am here on behalf of Woodstone Custom Homes. Mr. Smith is coming from out of town and he may or may not be here in time for the meeting. So I will carry on. I think I have been here before so just for the Board's understanding we entertained this project in July of 2012. I think our letter of intent was dated September 20th of 2016 does a very good job of what I am proposing but I will outline what we are proposing and go through a brief presentation and will be more than happy to answer your questions.

As the Board is well aware of over the last four years we have been pursuing incentive zoning project of 24 lots. We went through all of the tests of all the various areas that was needed to accomplish towards that. The one that we could not as it related to the outlining storm water management facility across the Parks property and the Town Board was not enamored to allow the storm sewer easement to go over that property. There was no way of getting rid of storm water and the adjoining apartments did not allow us to grant an easement.

So with that being said, we were kind of stuck so we decided to go forward with this particular project before you which is a proposed cluster development under Town Law 278 for eight single family lots off of Willard Avenue. We will be extending Willard Avenue approximately 150 feet which will be built to Town Standards. And as you well know Willard Avenue is not a standard road. It's just about 18 foot wide road and we are going to build an extension to that with concrete gutters and a hammer head turn around for that particular road. We are also providing an increased right of way of 60 feet from 50 to 60 in compliance with that and we have a number of meetings with town staff on this very project. We would be providing sanitary sewer for 8 lots and storm water management will be handled with a small on site location on Lot Number 2 and there will be storm water district applied for, for the operation and maintenance of that as well as other green structure improvements on each of the lots to meet our green structure requirements.

The project will also be served by water and some of the variations that I would like to propose to the Board for their consideration are the following and they are also outlined in our letter. But for the public's sake we are increasing the lot area from 43,560 because this is a RLL zone basically a one acre zoning to typically

a lot that would be 9,200 square feet decreasing the lot width from 150 to 80, two of the lots are 120 but both are going to be 80. Decreasing the front yard from 75 feet to 30, decreasing the side yard from 15 percent to 12 feet on both sides, decrease the rear yard from 60 feet to 40 feet and increasing the building coverage from 15 percent to 30 percent, increase the viable living room floor area from the current formula to 3,100 square feet. Mr. Smith has just arrived.

That denotes the variety will be one story homes and increase the cul de sac in length the existing road is approximately 400 feet and we will be extending it to 620 feet and 500 feet is the limit right now in the code but the Board has the ability to take that into consideration as part of the cluster requirement for approval. So I will conclude the formal presentation with this.

We have done a lot of different studies relative to this project and we have provided for you a conventional development and one of the things that we will propose to the Town that being approximately 7 acres of the property out of the total 12 acres will be proposed to the Town Board for dedication to be included in the Persimmon Park which meets some of the other goals of the Comprehensive Plan of 2000. As well as giving the Town Board the opportunity to make a connection via trails from Holland Avenue to Clinton Avenue and that now gives you the ability to do that from the old Blaker Street right of way which you are not going to utilize and we are not going to disturb the wetland for the Board's edification because we had to go back out and delineate the wetland because of the five year term limit having expired and that has now decreased and we have less wetland there.

For the Board's edification the DEC issue is long gone and the trees that will be removed with the home construction is generally 60 percent Ash and 16 percent Poplar, you have the tree survey of the previous application and our landscape architect is available for that. So Mr. Smith intends to build homes pretty much the way he was going to build them when it was a larger project.

We feel with the economics involved and the way we designed this it will make the project very viable and the best solution for us. So with that I will conclude my comments and I will be more than happy to answer any questions.

MR. CHAIRMAN: Ed were you made aware of the desire for some type of cul de sac for lack of a better term,

MR. PARONE: This afternoon Mr. Guyon called our office about that and I guess that is something we can consider But obviously cost has an impact and I would like to have further discussions with the highway people as well as the Town Engineer relative to that. It would have been nice to have been told that sooner but it is what it is.

MR. CHAIRMAN: I guess I will ask Board members to speak but generally one of the concerns is plowing the snow to the end to the point that you are pushing snow into the people's driveways.

MR. PARONE: That is one of the questions that I have to ask the highway superintendent I don't know if they are using big trucks or if they are using large pick up trucks I would then suggest there has to be a way to work that out.

MR. CHAIRMAN: I guess the only thing we thought of was extending the dedicated portion or the portion built to Town Standards just to the last two driveways and putting your hammer head at that point. Then he can turn himself in or turn the truck into the hammerhead and that is where he can deposit the snow.

MR. BOEHNER: They do not like to back up so is an issue.

MR. PARONE: I wish that had been flushed out sooner.

MR. BOEHNER: The plans have been in the Building Department and Department of Public Works but until you have a formal application these plans don't go out.

MR. PARONE: They never saw it?

MR. BOEHNER: No, not unless you submit it then is when it goes back out and that is when the comments come in.

So that was nothing that any one had an opportunity to comment on sooner.

MR. PARONE: I don't know what he does other than he plops it in. We would like some consideration on the size of the cul de sac to minimize that cul de sack to provide that we can get a truck in. I certainly don't want to build to complete Town standard a cul de sac because that would be crazy, it would be financially crazy and it wouldn't be appropriate.

MR. CHAIRMAN: We wanted to offer that compromise and see if you could use it in discussions with the highway department.

MR. PARONE: Sure.

MR. CHAIRMAN: Other than that we will just see if people have comments.

MR. WENTWORTH: Do the proposed homes have basements.

MR. PARONE: We are still up in the air with that since we have a high water table some may but the majority will not have basements.

MR. BABCOCK STINER: I wasn't around for the first one. I do think there is a bit of an issue with the snow removal. Generally I like the layout of the plan. I really don't have any comments with the loss of the trees. With the loss of the trees has any consideration been given to the species you have so much Ash in there already but something to kind of thicken up the wood lot.

MR. PARONE: Have you been to this wood lot? It is so dense it is impossible. Our intent is to dedicate that land to the Town and I would suggest that you go out and look at what the Town's property looks like and it is a shamble and is not very attractive. It is an extremely natural passive open space.

MR. BOEHNER: The point is you need an EPOD permit and mitigation is required and they are offering you different ways of mitigation to try

MR. PARONE: So are you saying you want us to take the woods out and try and replant trees.

MR. BABCOCK STINER: Not necessarily, but I am saying there are alternate ways to mitigate the loss that is occurring.

MR. CHAIRMAN: We just did this with the U of R a very similar wood lot not exactly but it had a lot of Poplar and a lot of Ash so it was low quality and we didn't take anything out we just move in with in fill materials with three quarters of an inch or so.

MR. PARONE: I guess we could consider that but wouldn't it be more appropriate to talk to the Parks Department people that are the care takers of this and see what their thought process is.

MR. CHAIRMAN: I am not sure that is where we are going.

MR. PARONE: Are you talking about this area in here.

MR. CHAIRMAN: Kind of where you stop your lawns.

MR. PARONE: That makes sense in the development area. Mr. Smith if you haven't seen some of his development he is very particular about landscaping so where you have taken trees out certainly that would be a development area but we are talking about this open space I think not.

MR. CHAIRMAN: That was to protect existing residences this is a little bit different. We are not trying to screen these homes form other homes .

MR. FADER: I don't mind the trees behind there. It is nice to have trees on the border.

MR. PARONE: Thank you David.

MR. OSOWSKI: How is electric power provided I this neighborhood?

MR. PARONE: It is overhead.

MR. OSOWSKI: It is overhead with trees all around it?

MR. PARONE: Yes. You can not see through this woods. It took over a month of topo to locate any service underground. One thing I neglected to mention in my presentation if you look carefully on the drawing the Town Engineer and the Director of Public Works felt some provision was needed and I will present an easement for the people on Midland We will provide a sewer easement and the sewer easement will need to be provided prior to the land being dedicated to the Town for the park so that we can then move forward and at some future date the sewer can be built, correct Mr. Boehner, so we don't have to go through alienation.

MR. BOEHNER: That is true, but a different topic though, is running the easement east and west maybe along the northern boundary of lot 7, which would shorten and eliminate disturbance in the park area which would shorten –

MR. PARONE: Do you mean in here?

MR. BOEHNER: Yes. Somewhere in there.

MR. PARONE: If you do that –

MR. BOENER: Is there gravity?

MR. PARONE: No, they can't get gravity the people on Midland can not get gravity.

MR. BOEHNER: So you are saying if they were to go through lot 7 they would all need pumps?

MR. PARONE: That is correct. The Town Engineer is not armored with me.

MR. BOEHNER: That is something you will have to talk further about this.

MR. PARONE: We are not opposed to an easement.

MS. CIVILETTI: I don't think I have anything to add. As a cluster it does work better and I think the mitigation for the wood lot and tree loss along the edge of the clearing is fine. You will have a mitigation plan as far as more development?

MR. BOEHNER: That is something you can talk about.

MR. PARONE: Sure.

MR. OSOWSKI: I am good.

MR. BOEHNER: This concept is different from any other concept that we do in the sense that they are proposing cluster development and it is this Board's responsibility to determine if they should proceed with cluster development. In the code there is a number of conditions that have to be met, and one of those conditions in order for you to tell them to proceed and I find they need five out of the six for cluster development and at the end of the night I will need a motion If the Board so agrees to let them proceed with the cluster application.

MR. PARONE: Plus we get a good understanding of what they see on the plan and from what I have heard tonight this development makes sense. Thank you.

MR. CHAIRMAN: I think we can through these two applications and then do the signs.

PRESENTATION

NONE

COMMUNICATIONS:

Letter from Jordan Betts, dated October 6, 2016 requesting relief of conditions of sign approval # 1437

10P-NB1-16 Application of Dr. Hossein Hadia / 2717 Monroe Avenue, LLC, owner, for Preliminary Site Plan Approval and demolition review and approval to raze an existing restaurant building and construct a 9, 550 +/- square foot retail mattress store on property located at 2717 Monroe Avenue. All as described on application and plans on file.

MR. FADER: I move that the public hearing be kept open and 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 variance should be obtained. The pavement setback variance request should also include the walk way and bike pad in the front yard within the side pavement setback requirement.
2. Architectural Review board approval shall be obtained.
3. The existing building shall be reviewed by the Historic Preservation Commission.
4. An asbestos report shall be submitted.
5. A restoration plan shall be provided to be implemented should the construction of the new building be delayed following demotion.

6. The following comments of the Conservation Board shall be addressed:
 - Encourage the use of native plants]
 - Evergreen tree plantings shall be at 7-8 ft in height.
- 7 Site data shall be reviewed and revised as necessary, including density, parking , and if provided sign area. The proposed building gross square footage should also be included.
- 8 All Monroe County and NYSDEC comments shall be addressed.
- 9 The parking lot lights shall be placed on a timer and shall be turned off from 10 p.m. to 6 a.m.
- 10 The proposed building shall be sprinklered in accordance with Town requirement.
- 11 The location of any HVAC or other mechanicals and/or generators shall be shown on the site plan along with their proposed screening.
- 12 The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. Chain link fencing with vinyl slats is not an acceptable material. The enclosure shall equal the height of the dumpster and shall not be higher than ten feet.
- 13 An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585 -7845220)
- 14 Hors of operation shall be limited to the hours between 6 a.m. and midnight without further approval of the Planning Board.
- 15 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.
- 16 There shall be no outdoor storage or display without further approval by the Planning Board.

- 17 The entire building shall comply with the most current Building and Fire Codes of New York State.
- 18 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.
- 19 Meet all requirements of the Town of Brighton's Department of Public Works.
- 20 All Town Codes shall be met that relate directly or indirectly to the applicant's request.
- 21 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
22. 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.
- 23 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.
- 24 Maintenance of landscape plantings shall be guaranteed for three years.
- 25 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 26 All outstanding comments and concerns of the Town Fire Marshal shall be addressed.

- 27 All comments and concerns of the Town Engineer as contained in the attached memo dated October 19, 2016 shall be addressed.
- 28 All comments and concerns of the Town of Brighton Sewer Department shall be addressed including the following:
 - Sewer permits are required prior to demolition
 - The existing portion of the sewer lateral must be brought up to current codes.
 - A 10 foot separation from the water service is required.
- 29 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 30 Erosion control measures shall be in place prior to site disturbance.
- 31 All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
32. Any proposed signs shall require additional approval.
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

10P-NB2-16 Application of Woodstone Custom Homes, owner, for concept review to develop an eight lot single family residential subdivision using Town Law 278 – cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID136.11-2-42 thru 52, 136.11-3-1 thru 44, 52, thru 71 and 75 thru 83. All as described on application and Plans on file.

MR. BABCOCK-STINER: I move that the application for cluster development based on that the proposed project meets the following conditions outlined in Section 231-5.1.B(3) of the Town of Brighton Comprehensive Development Regulations.

- (a) Designated Environmental Protection Overlay District (EPOD) areas, New York State of federal wetland areas, and/or properties designated as Historic landmarks exist on or adjacent to any parcel.
- (b) The land to be developed is contiguous to a public recreational area, parkland or permanently protected open space.
- (c) Preservation of area identified to the Comprehensive Plan or determined by the Town board to be important view or significant community open space will ensured.
- (d) The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services; and
- (e) The specific goals and policy recommendations of the Comprehensive Plan will be directly accomplished or advanced.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

1447 Financial Bank Home Loan Center for a building face sign at 2949 Monroe Avenue

1448 Harley School for a freestanding sign at 1981 Clover Street.

1. All variances shall be obtained.

1449 Oak Hill Terrace for a freestanding sign at 2470 East Avenue

1. All required variances shall be obtained.

1450 Sofia Shoe Service for a building face sign at 1467 monroe Avenue.

1. The orange shall be removed.

1443 GRB for a building face sign at 1850 South Winton Road.

1. All required Zoning board of Appeals approvals shall be addressed.

1444 Hyundai 2525 for a building face sign at 2525 West Henrietta Road

1. Signage shall be modified so that the Hyundai logo is not more than 25 percent of the sign area or a variance will be required.
2. Variances are required for signage and shall be obtained.
3. The sign color is approved as presented on the cover sheet (silver)

1437 Mint Salon for a building face sign at 2198 Monroe Avenue.

1. The sign should be revised to provide more contrast between the background and the letters. The board suggest reversing the colors of the letters and background.
2. The applicant shall verify the top of the sign does not exceed 20' from grade.

MR. WENTWORTH: I move sign applications 1447, 1448, and 1449 be approved as recommended and 1450 as submitted. Sign 1443 and 1445 be tabled as requested and 1437 be approved as recommended.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY APPROVED

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Addendum to the September 21, 2016 meeting.

Page 5 "Montello" should be "Montalto"

Page 7 repeated two times

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the October 19, 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

Judy Almekinder

State of New York,
County of Wayne

On this 25th day of October 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.

Lisa D. Grimes

Notary Public

LISA D. GRIMES
Notary Public, State of New York
No. 01GR6117761
Qualified in Ontario County
Commission Expires Nov. 1, 2020