

Proceedings held before the Planning Board of Brighton at 2300  
2300 Elmwood Avenue, Rochester, New York on January 21, 2015  
commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman  
Laura Civiletti  
David Fader  
John J. Osowski

NOT PRESENT: Josh Babcock Stiner

Ramsey Boehner, Town Planner  
David Dollinger, Deputy Town Att.

FIRE ALARM PROCEDURES WERE GIVEN

MS. CHAIRMAN: Good evening Ladies and  
Gentlemen, I would like to call to order the January 21, 2015 meeting of  
the Town of Brighton's Planning Board to order. We will approve the  
December minutes next month. I have the minutes for November 2014.  
Is there a motion to approve those with corrections by Mr. Fader.

MR. OSOWSKI: I move to approve the November  
17, 2014 minutes with corrections.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN: Mr. Secretary were the public  
hearings properly advertized for January?

MR. BOEHNER: Yes, they were properly  
advertised as required in the Brighton Pittsford Post of January 15, 2015/

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10P-01-14 Application of JPP Real Estate, LLP owners, for Site Plan  
Modification to pave 52.2 % of the rear yard on property located at 2195  
Monroe Avenue. All as described on application and plans on file.  
TABLED AT THE OCTOBER 15, 2014 MEETING - PUBLIC  
HEARING REMAINS OPEN.

✓  
emailed

MR. WILLIAMS: Rich Williams on behalf of the applicant JPP Real Estate. When last we were here there were some remaining issues regarding the drainage that our architect and engineer worked on those in coordination with Mr. Guyon. They have worked all those issues out including the addition of a rain garden feature toward the back of the property that does not perk real well. So the addition of the rain garden was thought to be a good way to deal with that water which will give it time to go away in between storm events. Other than that I believe all the calculations and necessary engineering stuff which gets right by me has been taken care of. Other wise if there are any other questions Mr. Doer is here and he can answer any technical questions as well as Mr. Valenti is here.

MR. CHAIRMAN: Can you give us a little background on this application?

MR. WILLIAMS: Yes. The first application we made was to the Zoning Board of Appeals for two area variances. The property is located in a split district if you will with the back half residential and the front half is commercial. And as a result of that we went through all the various calculations and knew exactly how the impervious coverage was calculated and what was needed to be. We were a little bit over that so we made an application for the Zoning Board of Appeals to allow the courts to be slightly larger than would be allowed for under the impervious surface rule. That was a very important application because during that application we had to clarify the Zoning Board exactly why it was we wanted the courts to be bigger than would be allowed by the impervious surface. Essentially it is a safety issue to have that out of bounds areas that are paved to allow you or the ball to get past the court or out of bounds areas so you are not going on grass which would create a trip hazard and so forth. And so that application and of course David looked at all the ins and outs of that, impacts and so forth and made the decision to grant that area variances.

The second area variance in that the fence in between this property and the property adjoining them on Monroe Avenue and it would make little sense to keep four feet away from that fence. Its commercial and a parking lot area so our request was that the asphalt go right up to the lot lines. So we also needed an area variance for that and we were able to demonstrate there wouldn't be any visual impacts associated with that variance because the fence was there and so essentially the back yard where this is being put is invisible to the

neighbors along Monroe Avenue as well as behind parenthetically because there is also a 6 foot tall fence there. So we went through that process and then proceeded to discuss the matter with this Board.

MR. BOEHNER: I have a question, your client has reviewed the plans?

MR. WILLIAMS: Yes.

MR. BOEHNER: And is comfortable with putting in the rain garden as designed?

MR. WILLIAMS: Yes, he is.

MR. BOEHNER: The areas where the pavement is going to be removed how are they going to be restored?

MR. WILLIAMS: Sod.

MR. BOEHNER: Sod in the rain gardens?

MR. WILLIAMS: Yes.

MR. BOEHNER: Have the lights been removed?

MR. WILLIAMS: Yes, they have. They were shut off a long time ago but now they have been removed.

MR. BOEHNER: Have you done any test pits or test holes to check the infiltration?

MR. WILLIAMS: Yes, my understanding is that Mr. Doer and David Simpson the engineer involved did some test pits and relayed that information to Mr. Guyon and that's how the whole thing developed in terms of how to handle the drainage including the rain garden.

MR. BOEHNER: What events is it designed to handle?

MR. WILLIAMS: Rich would you come up and handle that question?

MR. DOER: Chris Doer it is designed to handle the 100 year storm event and Mr. Guyons concern beyond that was the issue of multiple storm events. Essentially we have an area of depression that will handle the 100 year storm event. No water leaves the depression from that 100 year storm event. Mike was worried about having a storm behind a storm so it occurred to just do the rain garden. Now we have the initial rain garden was created for the 100 year storm event based on calculations and we actually exceeded the amount of water we stored was more than a 100 storm water event and then we created a rain garden. Essentially what we do is we hollow out two feet below that depression to create the proper bedding for the rain garden.

So now we have additional storage for the rain garden as well as we have a larger perimeter for percolation because our trench essentially goes two feet deeper. Then we added the plant life to help absorb the water. So we have transpiration, evaporation and we did perk tests. We had a perk test in the corner and essentially where if the water were to build up as it builds up now leaves the site at four minutes and then we perked holes farther up and it was forty minutes. So we used forty minutes as our calculation to determine how long it would take for the water to infiltrate and I think Dave's estimation was four to five hours.

MR. BOEHNER: Did you guys have any problems meeting the conditions of the Zoning Board?

MR. WILLIAMS: No, we did not.

MR. BOEHNER: And the rear yard pavement is not going to exceed 47.2 plus or minus in lieu of the maximum allowed by code of 35 percent?

MR. WILLIAMS: Correct.

MR. OSOWSKI: Did you consider putting in one court instead of two?

MR. WILLIAMS: Actually we also addressed this with the Zoning Board of Appeals, the sport involves typically either two players or four players. The Valenti family uses these

courts for family and it is a large family and also a few friends and having only one court would only allow them – again it is a social event family get together type thing and having only one court would then if you were having doubles you would only have four people playing and that's it. But if you have 8 or 9 people there now you can actually have a series of games where most people are able to play and sit out a few games here and there. But as a practical matter it really isn't feasible to have just one court because it is so limiting in terms of the number of people that can be playing.

It is also very limited for time duration where they can play given the fact that you are talking about five months out of the year probably and of that welcome to Rochester New York you know you can take away 40 or 50 percent of the time for rain and bad weather and wet courts and so on and so forth. So essentially they want to be able to do this when they have the availability and do it in a recreational way that is enjoyable for the family not just for a couple of people. The issue in terms of potential impacts associated with the typical area variance requirements in terms of visual and so forth those were also addressed and of course in context of the application which was two courts those were fully addressed by the Zoning Board of Appeals.

So I think bottom line is the issues regarding the use itself pertain to the code and the Zoning Board area variance applications. What I think we are dealing with now is the site plan and since there are no utilities involved with this operation, no buildings being built, the site plan itself is extremely limited to frankly just the impacts involving storm water drainage and that is what we have been concentrating on to make sure – to my mind that is the purpose of the site plan to make sure that the site is going to be appropriate and there is not going to be bad things such as negative impact on ground water. There is not going to be an overload of utilities and there is going to be utility provided, and buildings are going to be built properly and so forth and those are the site plan issues that we have dealt with in this case. We really only have the one major one and that is storm water.

MR. CHAIRMAN: Any other questions?  
Thank you. This is a public hearing is there anyone who cares to address this application? Okay we will move on.

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NEW BUSINESS

MR. GARDNER: Good evening, my name is Norm Gardner with Clark, Patterson and Lee, with me are Jose Hernandez with the University of Rochester. We are here to talk to you tonight about the site plan review for the medical office building to be located on East River Road next to the laser lab. We have been in front of you previously. We were in front of you in August and again in November and each time received comments from you and we responded to those comments and this latest submission is in response to those comments we received the last time we were in front of you.

Just to give you a little bit of background on the project U. of R. owns the south campus area, there is the laser lab and the rotary and this is the overall layout and under consideration for rezoning of the whole south campus parcel. Next week rezoning is before the Town Board, where at that time it will be heard. As we zero in to the site again East River Road is here, the rotary on the East River Road, and we are focusing on the first building that will be installed or constructed as part of the new rezoning of the campus and this is the imaging building off of East River Road and access is currently serving the eastern entrance of the laser lab.

At the November meeting that we attended and we presented to you we heard a few things from you and we wanted to make sure we got those addressed. The primary things that we heard were regarding down here off of South Landing Drive is where the utility corridor comes into the site we have storm water coming in and sanitary coming in and most importantly our water service moving in to the campus and provide additional fire protection and not only improved services down in the south end of the site also. Our original thought was to directionally drill underneath the woods to maintain the buffer without impacting the trees. We heard from you that it might be better to route our water line up through the access road which we are required to have because of the meter pit and the RPS fourth site which are down in this area and Monroe County Authority requires that we be within 100 feet. We moved our meter building to outside the 100 foot residential neighborhood buffer that we have here and essentially the only construction that would be within that 100 foot is put the water underneath those.

MR. BOEHNER: And within that area no trees are going to be disturbed.

MR. GARDNER: We will be impacting about four more trees as a result of the way we are doing this to put the meter pit in over here but we obviously won't be doing any more.

MR. BOEHNER: Because your comment said no trees are going to be disturbed with the installation of the water line.

MR. GARDNER: Within this area there will be 3 to 4 I believe it's 4 trees based on the turn around we had to put it in here to allow a vehicle to turn around.

MR. BOEHNER: I have a question too about the hot box how will you be screening that.

MR. GARDNER: That will be screened with the existing vegetation and the houses essentially an 8 foot tall building. It's 20 by 10 I believe, the size of a shed in this area.

MR. BOEHNER: It is fairly close to residential property are you concerned about those properties and do you have any photo simulations of that to make sure that does not need screening .

MR. GARDNER: We can provide screening in that area that is not a problem as you said there is a 100 foot buffer in there. We can provide additional screening if it is needed. From this point here on the south part of the campus the water line will follow the existing access road that we are going to be putting in. The access road will disturb the trees during the construction, the access road does follow the proposed future road way but the access road that we are proposing now is only 4 foot wide so the actual disturbance will only be 12 foot wide with the addition of whatever grading we will need to make. We have accounted for all the trees within our calculations and we will provide the number of trees within the plan. We will have a tree mitigation plan set up for this area in here. So this water line reduces in our opinion the impacts to this area in here and also within here we are going to leave for future development to occur. The other thing we had some discussion about was access across from the laser lab creating a more pedestrian friendly campus. Currently there is the laser lab over here and this building will be 90,000 square feet of office space and there will be pedestrian access back and forth and what we have done to accommodate that is we provided an access from the existing sidewalk system to the proposed and we have

added this link right here to allow pedestrian to go back and forth between the two places and the imaging parcel the second part of this parcel, the trail will be more developed as we go. Currently they are not sure how the laser lab expansion is going to be developed so to focus in through the parking lot probably doesn't make any sense at this point but we do have a pretty significant access in this pathway and it also allows them to get back into this area that is to remain forever wild. Those are the primary changes we did within the packets. There was a letter that was responding to Mr. Guyon and Mr. Boehner's comments regarding some other things. We addressed most of the comments I think that we have heard from the Planning Board. If there is anything else I will be happy to address.

MR. CHAIRMAN: Thank you, Norm at this point, barring other comments pending the rezone that you guys are ready to go –

MR. GARDNER: I believe we have been working with the Town Engineers and we have addressed a lot of storm water management concerns that he had. We have also done some significant adjustments to the designs of the ponds and systems to accommodate those so yes.

MR. CHAIRMAN: Ramsey do you concur?

MR. BOEHNER: Yes, I think at this point there is not too much else that you guys have unless you have some other comments.

MR. CHAIRMAN: We will go around and get a kind of sense of what other hurdles we have left. We have the public hearing on the 28<sup>th</sup>.

MR. GARDNER: The rezoning is the major hurdle.

MR. BOEHNER: And you have the ARB left.

MR. CHAIRMAN: And we can't make our final decision until ARB has given us approval.



MR. BOEHNER: The only thing I have is the hot box and the whole screening thing.

MR. CHAIRMAN: The last thing is where that is needed to be on that line.

MR. GARDNER: It is approximately 100 feet off the water line it is a private line so that location is more or less a requirement of where it needs to be but we have full ability to screen it.

MR. BOEHNER: How you screen that is a minor thing and we can address that when you come back.

MR. FERNANDEZ: Jose Fernandez. At 271 East River Drive. Right now the building is basically placed just out side of the 100 foot buffer. Our plans basically are to plant additional planting there or improve the screening. We will go out and do a more detailed simulation and if there are additional plantings that are required within that buffer to make that more dense.

MR. BOEHNER: It is just that you need to take a good hard look at it.

MR. CHAIRMAN: I don't think we need to have simulations..

MR. BOEHNER: No, just take a good look at it.

MR. CHAIRMAN: Board Members any questions.

MS. CIVILETTI: Just one of the comments on the laser lab I know we have talked about it a number of times looking at how it is depicted on the engineer's layout I am still a little concerned about it and one of the staff's questions. I know we talked about modifying the alignment so there is a proper flow to and from both of the buildings to optimize the flow.

MR. CHAIRMAN: We brought it up the last time and we addressed it last time. We have always held the alignment of those is preferred and your point is the number of staff at the

laser lab and the peak hours don't necessarily align with people who are coming and going from both of the buildings and you are really not sure of the next addition for the laser lab and in fact that may drive the decision on parking configuration and realignment.

MR. GARDNER: That is correct.

MR. CHAIRMAN: We are all in agreement that as you move towards your second building that internally we prefer not to see that align again our bigger concern would be the access drive on East River Road in regard to meeting the public that isn't using your facility.

MR. GARDNER: The traffic studies one of the conditions of the zoning approval is to revisit the traffic study on a five year basis the first year being this year. So as things get constructed there will be opportunities to take a look and really see how the system should work.

MR. CHAIRMAN: You have heard our position on it and ultimately between all the work that is going on in there hopefully you will get a better solution to align it.

MR. BOEHNER: You could say when the laser lab comes in they align it.

MR. CHAIRMAN: We can get that in the record so when it comes around and some of us aren't here that is considered.

MR. GARDNER: We would be comfortable with that that when the project occurs on the other side at that time we will strongly consider or basically look at realigning the streets.

MR. CHAIRMAN: Thank you Norm. This is a public hearing so does anyone care to address this application. Okay that is it. Thank you.

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MR. CHAIRMAN: The public hearings are closed. And the next application is not a public hearing.

NEW BUSINESS (cont.)

12P-NB1-14 Application of Woodstone Custom Homes, owner, for an Advisory Report regarding an Incentive Zoning request to subdivide and build on 24 single family residential lots on property between Highland Avenue and Blaker Street, known as Tax ID #'s 136.11-2-42 thru 52, 136.11-3 1 thru 44, 136.11-3-52 thru 71 and 136.aa-3-75 thru 83, 11P-NB1-14. All as described on application and plans on file. HELD OVER FROM THE DECEMBER 17, 2014 MEETING.

MR. CHAIRMAN: Ed if you will remind us a little bit about the history and touch briefly on the meeting last month and then kind of walk us through some of the alternatives.

MR. PARONE: Sure, good evening my name is Ed Parone from Parone Engineering, here on behalf of Woodstone Custom Homes unfortunately our client came down with the flu this evening so he won't be here aside from Mr. Smith and I certainly will make the public aware, some of the public that is here I have seen them before and I know some of them but we have had this journey now for about a year and a half back and forth as it relates to this particular project and the project you specifically – you did make it Mr. Smith is here and I am going to stay away from Mr. Smith but he is here. This project is roughly a 12 acre parcel that's located for lack of better terms between 1600 Elmwood Avenue Apartments and Howard Avenue on the west and for lack of a better term Highland Avenue on the north with Willard Avenue and Midland Avenue extending down to the project and on the very eastern portion Persimmon Park which is owned by the Town. The land presently is zoned RLL which stands for one acre lots and there is on the property an army corp wetland that is roughly 2.6 acres of land .

Our client purchased this property a little more than a year ago and we have made a variety of design alternatives on this particular project. We have provided and have been to the Public Works Committee twice and the Town Board. We had a small neighborhood meeting at our office and then we had an open public hearing here at the Town Hall this past summer and a variety of workshops with the Town staff on this particular project. We have done a very extensive study on the Environmental Review which I believe you all have a copy of that which is the supplemental information report that needs to be given to

the Town Board and we have requested the Incentive Zoning for this particular project.

We did go to the Town Board and they felt that we needed to move to the next steps for this Incentive Zoning which meant we needed to go before this Board to obtain your recommendation as it relates to the Incentive Zoning for this 24 lot subdivision. And at the time when we did make the submission and presentation to you folks there was some concern by the Board that we would like to see the alternatives. And we provided you this evening on a small scale I did not put them on the Board per say because there are ten different alternatives that the Board has to look at.

One of the major concerns that the Board had was connectivity. Connectivity as it relates from Willard Avenue whether it needs to be pedestrian or the possibility of vehicular connection with Willard and ultimately connected to Howard Avenue. We have provided the Planning Board 10 alternatives. They range from alternative number one that would provide as you see here as well as provisions for sanitary sewer easements and can be provided from Linden Avenue because Linden Avenue obviously doesn't have sanitary sewers or to one of the lots up along Willard Avenue to get to that particular portion of property.

The second alternative is basically the same as you see here with the exception provided that pedestrian access allows the folks from Willard Avenue pedestrian access to Blaker Street which in turn will provide the ability to get to Persimmons Park via a walkway through this area here where there are wetlands because of the walkway provided here. And we give reasons why as you saw in the letter that I submitted for each one of these particular proposals.

The third is a little bit different in that we are still providing a cul de sac here but the cul de sac now will take away what we have as a conservation easement and the trees would be removed for the cul de sac in this direction and teardrop back in this area and you would still have a lot here on Willard but there would be no vehicular access but a pedestrian access between Willard and this development. This would still result in one additional lot or 25 lots. That particular approach we feel has some concerns as it relates to (A) we would not have

the buffer area to Howard Avenue and ( B ) it would reduce the amount of Storm Water Management that would be necessary for asphalt alternative and there would be lots more trees and the storm sewer design would be a little bit more difficult to deal with than the cul de sac area.

The fourth approach is very similar to the third it's a little bit different configurations there again there will be 24 lots and there again although in this case follow my finger the road would come in this way and back around back into the pond at this location. Very similar issues would be with number 4's alternatives and we felt in that particular case even though we obtain as many units as we had in our first presentation we looked at that and felt that this wasn't the best solution for what we were trying to convey.

The fifth approach is quite a bit drastic. It comes in off of Willard Avenue and what it does is it just makes one big loop, it looks like a big loop and goes back out. There is no vehicular connection to Howard Avenue. There is pedestrian connection in that particular case again trees would be gone there would be no buffer in this particular location and we felt that some other issues as it relates to it there is more earth work involved in that particular alternative. And there is grade changes between Willard going south would require that because from Willard to the southeast part of our project it drops off 12 feet. So there would be quite a bit or they would have to produce more fill. So we looked at that and we discounted that and there were some other issues as to why that particular approach was not entertained.

The sixth approach is we are now going to have Willard Road take up these two lots here and we are going to introduce the road at Blaker Street. That particular approach it is possible it would be 24 lots and the major difference is there is going to be some constraints as it relates to the Town requirements for road alignment and there is quite a bit of grade change between Blaker and Willard that we would have to introduce more earth work in that particular approach.

The seventh alternative is the following we are going to take Willard straight across here very similar to the way the street were laid out in the grid. Willard will come across Linden and plug into the old Blaker Street in this area. So this will be coming across this way and there would be a tear drop or cul de sac developed here. That would result in approximately -25 lots but it has some very serious issues

as it relates to that approach. It does meet some of the requirements that the Town felt of connectivity and the traditional approach but the thing is that we had some difficulty in this is the following certainly we would have to introduce more grades, more fill. There would be issues as it relates to storm and sanitary in the cul de sac because now that the road way would be up in this location and dropping down into the sanitary sewer in this area it presents different grading issues and different storm sewer concerns for that particular approach.

MR. BOEHNER: On the sanitary is it because you have to pump up to it?

MR. PARONE: We may have to plus the fact in this particular vehicular approach we weren't very good in trying to keep neighborhoods secure when I say secure this is a very nice neighborhood Willard Avenue and Blaker Street would be on its own. So now we are introducing total connectivity of the two neighborhoods and we felt that, that might not be what the residents certainly Willard would be looking for.

Number eight, is a little bit different than what I just proposed and that alternative would be as follows. Again Willard comes across and just connect directly to Blaker Street and that is about a 19 lot proposal. There would be no buffer and that is true of number seven as well the buffer is gone. Any time Willard comes into play when it comes in straight as it originally did Willard did originally come this way with Blaker being at the most southern end that buffer zone is gone or removed. Again we have road grade issues, we have loss of trees and we will have geometry issues of making the proper curve to get back onto Blaker Street. Again we felt that that might not be in the best interest for the folks on Willard.

Number nine is really a variation of number five. What it is, is this. Again when the road comes through it does a big donut loop with the road spur going out to Blaker. We felt it had many of the same issues that we have previously discussed. Buffers are gone, grade issues again, fill reintroduced.

And in number ten, is what if we say the heck with going for incentive zoning we are just going to do what zoning allows us that would require extending Willard Avenue and a total of eight

lots. Lots would occupy the wetland, lots could be built there would be no conservation of anything and the storm water would still need to be addressed, the storm water would probably be on easement with one of the lots. We felt that forget the idea of economics but from a planning standpoint and from what might be appropriate for the neighborhood we felt that that really would not be in the best interest for moving forward with the development in that fashion.

What we also provided to the Board is a summary and evaluation of the plan options as it relates to 17 evaluation criteria. And I guess I should enumerate those for the public so at least they know what they are. You have to take into account retaining character of Willard Avenue neighborhood that is number one. That is similar to surrounding neighborhood's density Number two. Three, improves quality of Willard Avenue these being road, sewer and storm, Potential sewer access to Midland Avenue, number four. Number five ease of storm water design. Six protects Federal Wetland. Seven offers buffer to Howard Avenue and neighboring rear yards. Eight offers pedestrian access to South Clinton Avenue for all lots. Nine offers pedestrian access to Highland Avenue. Ten offers pedestrian access to Howard Avenue and offers vehicular through access from Howard Avenue to Highland Avenue.

Provides dedication of two acres plus Parkway into the Town. Creates one acre Conservation Easement potential for storm water improvement at 1600 Elmwood Avenue, predominately equal lots with private rear yards and a few corner lots and lastly cost effective with majority of road way built with concrete gutters. And the way this was done we graded it 0 does not meet criteria, 1 meets the criteria. Of the Alternative that worked out to be the best is number 1 what which is what we see here it has 12 points out of a total of 17. Number two, with one addition of providing pedestrian access you have 15 points and number six I will repeat one more time again, is taking

MR. BOEHNER: I think you have the numbers wrong.

MR. PARONE: I do. I will start all over again with the numbers. Number one, has 16 points. Number two has 18 points. Number five and Number six got 16 points. So those four are really the highest standards. Number nine got 16 points for 25 lots. So with that being said one and two are very similar other than pedestrian

access. Number five was taking Willard Avenue and making a little donut here with pedestrian access to Blaker which also got you to Willard and to Howard and access to this trail here to get to Persimmon Park. Otherwise in all cases the sanitary sewer easement whether it be to here or to the wetland to get to Midland Avenue is already being proposed. The other one that I raised was six which is as I was trying to describe it, six would be this layout with Willard Avenue but extending Willard into Blaker Street. The cul de sac remains but this would be connected.

In summary again what we are looking for is the recommendation from the Town Board really not approving the project per say tonight but the Town Board is looking at only the Incentive Zoning at this point in time and once that has been determined then what we are looking for coming back to you folks for subdivision and site plan approval. Its our believe that from an environmental standpoint from protecting the neighborhoods to try to maintain the way they are, to balance the economics of this particular project that's why we have proposed this and you folks gave us your in sight that you felt that we should have connectivity at least through pedestrian access and or through vehicular access for connectivity in order to get to Howard Avenue.

So I hope that we have met our task that you all needed to know what we did do because we have done a variety of different looks at this over many months. So that is why we felt that this meets this as it relates to the environmental sensitivity because we did need to take into account the environmental sensitivity as well as respecting what the people in that neighborhood have, listening to what the people had in that neighborhood. Now I know we can't please every single issue that might arise but from that point of view I think we have done our homework on this particular thing and we will be more than happy to answer any questions that you have and we will go from there. Thank you.

MR. CHAIRMAN: You have exhaustively looked at alternatives. I did go home and sketch several ideas that I came up with that are represented here. I will say since you opened the door on evaluation criteria if you were to use either lead or DEC private smart communities criteria you would find other criteria beside the ones you have now. Some of your criteria are in some of those national standards. Basically you don't address our habitat, water conservation and maintenance and I think in some of yours are buried some of those issues.



But lets just say for the sense of argument we take your rating and let's start to digest some of those. From the Board stand point, are there fundamentals we told you last time we were not concerned with and we did ask you to look at as you have done the connection of Willard over to Howard through Blaker both from a pedestrian and vehicular circulation . The neighborhood design in the year 2014 and 2015 traditionally looks at re-establishing a grid street pattern that does not encourage use of a cul de sac. So as people in the audience who are neighbors here we all know that in a 100 years we are not going to be here and what we all want to do is apply the proper principles in 2015 to this decision.

So when we are all gone and someone is living in one of those houses they won't question what were those guys thinking. When we start talking about these alternatives of buffers I live in a 50 by 160 foot lot and I don't have buffers in my back yard but traditional back yards have buffers. This subdivision as designed did not have buffers. So we can argue about buffers and the merits and whether some of the criteria should have been weighted rather than just eliminated. Can we have Mr. Smith join in our conversation? We understand that one, two and six are essentially the same application which you see on the Board with the exception of number two, provides a pedestrian connection between Willard and the cul de sac Street and number six provides a road connection between the two as well. So the issue of grade changes and things is a little bit easier so one, two and six stay on the table. Let's then go to number three which is a circulation route off of Howard and you have to take a fairly hard turn to the north and it is essentially aligned with Willard and then turning back to the east and that results in 25 lots. There is pedestrian connection from Willard and 19 of those lots are off of Howard.

MR. PARONE: Yes.

MS. CIVILETTI: The cul de sac between the different options seems to be in very similar locations in each option.

MR. PARONE: There is a slight difference

MS. CIVILETTI: The topography there is a change in grade as each cul de sac is located so that there are as we reposition these cul de sacs some are deeper and down into the property than others which creates more of a grade challenge as it relates to gravity

sewer. People don't realize but there is quite a bit of grade change across this property more than people might think. We had to take that into consideration in our design.

MR. CHAIRMAN: Just so everyone knows in order to graft the flow on the eastern portion you are going to have to get the cul de sac so the graft flows towards the west. You have a little bit of a hybrid concept so 2.5 is number 3. How about number four, that is to be eliminated. Number five, represents no access to Howard an extension of Willard terminated in an oversized cul de sac which in the center of the cul de sac has four lots which makes those four lots a little bit unappealing.

MR. PARONE: Just a little its pretty bad.

MR. CHAIRMAN: That kind of space can be used for something else but I don't believe a single family detached garage would be appropriate. Let's leave aside both density count and the marketability of those four and it puts all of the traffic on Willard exiting out to Highland. I don't fundamentally believe that putting all of the traffic on one street or the other is fundamentally good. So number five is out. We said six was in and seven here we are starting to get into configurations that are more or less starting to resemble a paper subdivision that was approved years ago where Willard is extended almost all the way down to the property line takes a turn to the west to connect to Howard very similar to the plan that is on the Board. And basically instead of going to the cul de sac that extends off of that placing six lots around the cul de sac just so the Board knows you would have a T intersection with Willard and the drainage pond is in the same location, same impact on one of the lots which is a wetland and is essentially the same. I will leave that for discussion. Number eight is essentially the same road configuration extending Willard turning slightly to the south and west onto Howard. This one is fewer lots also 19 lots and does not have a cul de sac extending back in so therefore what you see on the board where there is a cul de sac on the lots on the easterly property line –

MR. PARONE: If I could interject on this both of these options because we are taking Willard and extending it the way its been suggested right now and we got concurrence from the Town Engineer as well as the Superintendent of Public Works Willard we are allowed to because of the existing situation this street we are going to

provide concrete gutters to improve this road and its drainage in this location and the width of the road has been reduced to 20 feet because basically is what we have there now. We are trying to keep the integrity of what is there now and the least disturbance if we went with option seven and eight we certainly are going to request clearly that the concrete gutter approach and road width would carry itself all the way through back to Holland Avenue.

So in other words instead of going with a 26 foot wide road with granite curbs which is the Town standard we certainly from an economic stand point to make these viable we would certainly want to go with the concrete gutters in that particular case in lieu of because we are part of the benefit in our presentation to the Town Board the county has requested that we have to carry this through all the way to Highland and we gain nothing by doing that other than a benefit to the Town keeping in mind that this road is existing to day so we are going to have to improve that. So all I am saying is if these approaches are in we certainly have to now deal with the Town Board and the Department of Public Works as it relates to them that we would have to have these roads as concrete gutter. Is that abnormal in the Town of Brighton? No, there are many roads in the Town of Brighton that have concrete gutters. The standards change but that's where we are.

MR. CHAIRMAN: I am suggesting that we cut out eight, number nine is essentially the same so it is out. Number ten we will not bother talking about it. So it looks like one, two and three.

MR. PARONE: To help you Bill, with this grid approach I think if we address the issue of connectivity with both vehicular and pedestrian we have many street in the Town of Brighton where we still have to make connectivity but it didn't necessarily have to be in a grid format, they could be somewhat curved linear as long as the street are connected that is your main goal. The one major thing is by making the connectivity we were trying to convey to the residents that we wanted two separate neighborhoods and you make those decisions if you feel strongly that we have to have that connectivity. To move forward now that we are down to these four options actually number two is out.

MR. CHAIRMAN: We want better circulation, better connectivity, and you have an opportunity to do that.

MR. PARONE: From a planning stand point I can't disagree with you one bit. The only thing that we had obtained with that was we added one item and that was what the neighbors themselves wanted and I get what your saying the neighbors may not be here in 50 years.

MR. CHAIRMAN: I am now living in a house that was built in 1928 and I wasn't there to make those initial decisions but it is a good neighborhood, its been a good neighborhood for 100 years and those same principals are enjoyed all across Brighton and we are here to look out for the entirety of the population not 10 or 12 people who live on the street but we are going to have to take those opinions into consideration so that property values aren't lessened. You are building 250,000 to 300,000 houses and we want to make sure that the value of those houses aren't lessened. We are here to speak to the broader population of the Town and to apply principals to one area the same as another.

MR. PARONE: In the advisory report you need to have some clarity if you say it must have a road connection or it must have pedestrian and road connection that is direction and my question to you and maybe it is to Ramsey if you make that recommendation and we say the applicant provided us number six and number three and one of the Board Members has offered us a third sketch and with the recommendation that before the application is heard publicly that a revised plan that the Town Board has in front of them makes sense to go forward because I don't think you want the Town Board to go through the maneuvers that is your job of the planning aspect here.

If I can recap a little bit what has been said.

MR. CHAIRMAN: First if we could have anybody here who would like to speak to come up and speak even though this is not a public hearing. Keeping in mind right now we are to produce an advisory report to the Town Board on the applicant's incentive zoning.

MR. SCHWARTZ: My name is James Schwartz and I live at 39 Willard Avenue. I have been at Willard Avenue for 35 years and I am speaking on behalf of the residents who are here tonight and who are all vehemently opposed to this project for numerous reasons. This area contains valuable wetlands. You speak in terms of what

will people think in 50 or 100 years and when we fill in every last piece of wetland and open space in the Town of Brighton what are we leaving as a heritage for future generations. This is a very volatile area of land in the sense of geologically is there wetlands. I believe from what I have already heard it has not passed a depth perk test. So having no one from my own experience the level of water seepage in this area and the wild life I realize the Town Planning Board is not concerned about the wild life and open spaces but I believe in the long run this is one of the things we should be concerned with what do we leave our heritage in Brighton. Is this a viable project for the Town of Brighton in the long run? Is it well thought out? How does it affect the existing residents in the area? One of my colleagues here tonight purchased his home for the strict reason that he moved out of Brockport to Brighton to raise his family in the environment that Willard Avenue gives us. We have always either raised our children here or some of our folks are raising young children in an environment that was conducive for open space and this is one of the few spaces left in Brighton that provides that type of atmosphere. So the assumption that there is no opposition I can assure you based on the previous hearings that we have had of many residents from Holland as well those of us from Willard and Midland that we ask the Town Planning Board to seriously consider the long term ramifications of the environment in the Town of Brighton in considering this proposal before you. Thank you.

MR. CHAIRMAN: Anyone else with a different issue or opinion? I don't see anybody else so thank you for coming out. We have number six and Laura's six point five.

MS. CIVILETTI: I move that we close the public hearing.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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MS. CIVILETTI: I move that Mr. Secretary send a letter to the Town Board.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jim and Karen Coffey, 36 Midland Avenue, dated January 16, 2015 with comments and concerns regarding the proposed Woodstone Custom Homes housing development.

PETITIONS

NONE

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10P-01-14 Application of JPP Real Estate, LLP owners, for Site Plan Modification to pave 52.2 % of the rear yard on property located at 2195 Monroe Avenue. All as described on application and plans on file.  
TABLED AT THE OCTOBER 15, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

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

MS. CIVILETTI: Second.

MR. CHAIRMAN: We need to reopen the hearing and table this to the February meeting for additional information

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

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board table the application to February based on the testimony given, plans submitted, and the Determination of Significance and for the additional information requested:

#### 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.

1. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.
3. Areas where the pavement is to be removed shall be restored with sod and rain garden.
4. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
5. 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.
6. 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.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All town Codes shall be met that relate directly or indirectly to the applicant's request.

- 9 All outstanding Site Plan comments and concerns of the Town Engineer shall be addressed.
- 10 A note should be added to the plans indicating that the current lighting is to be removed.
- 11 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
- 12 All requirements of the Zoning Board of Appeals shall be met.
- 13 The maximum rear yard paved area shall be 47.2% +/- 5% in lieu of the maximum 35% allowed by code.

MS. CIVILETTIE: Second.

UPON ROLL CALL VOTE MOTION CARRIED  
OPPOSED MR. OSOWSKI

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8P-NB1-14 Application of the University of Rochester, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 3 story 92,000 +/- sf medical imaging and office building on property located at 250 East River Road ( Tax ID # 148.08-01-001). All as described on application and plans on file. TABLED AT THE NOVEMBER 19, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. FADER: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make environmental findings and to have a complete application. The following information is required to be submitted.

1. The plans have been reviewed, however future submissions and discussions will likely reveal additional issues that need to be addressed. Therefore, the Planning Board reserves the right to make additional comments on future submissions.



2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal ( Chris Roth, 585-784-5220).
3. The entire building /store shall comply with the most current Building & Fire Codes of New York State.
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 tress 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. The dumpster shall be enclosed with building materials that are compatible with the existing building.
13. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
14. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.
15. Fire hydrants shall be fully operational prior to and during construction of the building.
16. All easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
17. 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.
18. The parking lot lights shall be placed on a timer.
19. The proposed building shall be sprinklered in accordance with Town requirements.
20. The height of the proposed building shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
21. 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.
22. This signage must be reviewed and receive all necessary town approvals prior to installation.

23. Erosion control measures shall be in place prior to site disturbance.
24. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plan agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approval site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
25. The location of any proposed generators shall be shown on the site plan. Information shall be submitted verifying that the proposed generator meets all requirements of Section 207-14.4 of the Comprehensive Development Regulations.
26. The applicant must demonstrate how the proposed development meets all the conditions of the Incentive Zoning/rezoning Approval along with all the requirements of the IPD Ordinance.
27. It appears that the proposed project will disturb these wetland areas and a permit will be required. The SDGEIS also indicates that these wetlands were re-surveyed in October 2013. The wetland delineation must be verified by the USACOE.
28. The landscape plan must be revised to show how the "hot box" will be screened.
29. How the loss of trees will be mitigated must be submitted. A tree mitigation plan must be submitted with the landscaping plan. The landscape plan shall be revised to show the proposed buffer plantings.
30. The trees to be removed as a result of the watermain installation/hot box must be shown on the plans. Additionally, plantings should be provided to maintain the screen between the residential homes and the U. of R. property.
31. The extent of the wetlands must be shown on the plans, the wetland extents should be consistent with those most recently delineated and the plans must accurately show the disturbance within the wetland areas.

32. All easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. The liber and page must be provided for the 30" storm sewer 40" storm sewer and 20" watermain easements. A copy of the filed easement shall be submitted to the Building and Planning Department for it's records.
33. All comments of the Fire Marshal shall be addressed. The applicant shall contact the Fire Marshall to obtain and discuss any outstanding comments.
34. Site data for the project was not included in the site plans. The site plan should include all site data. The proposed total height of the proposed 3-story building including the mechanicals and penthouse shall be noted.
35. The application is tabled until approval of the Incentive Zoning/Rezoning application by the Town Board.
36. All comments and concerns of the Town Engineer as contained in the attached memo dated January 20, 2015 from Michael Guyon, Town Engineer, to Ramsey Boehner, shall be addressed.
37. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
38. The architectural design and building materials of the proposed buildings must be reviewed and approved by the Town of Brighton Architectural Review Board.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SIGNS

29

1368 160 Sawgrass Drive for a Freestanding Directory Sign (2)

1369 160 Sawgrass Drive Freestanding Directory Sign (in yard)

1. All required variances shall be obtained.


MR. FADER: I move to approve sign application 1368 as presented and 1369 with one condition.

MS. CIVILETTI: Second.

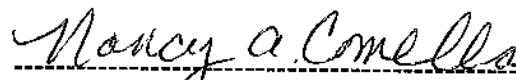
UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,  
Lyons, New York 14489, do hereby state that the minutes of the January 21,  
2015 , meeting of the Planning Board of the Town of Brighton  
at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to  
the best of my ability as recorded and transcribed by me.

  
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Judy Almekinder

On this 3<sup>rd</sup> day of February 2015 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 acknowledge to me that she  
executed the same.

  
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Notary Public

NANCY A COMELLA  
Notary Public-State of New York  
County of Wayne  
Commission Expires Mar 30, 2018  
No. 01CO4624987