

Proceedings held before the Planning Board of Brighton at 2300
2300 Elmwood Avenue, Rochester, New York on October 15, 2014
commencing at approximately 7:30 p.m.

PRESENT: Laura Civiletti, Acting Chairman
David Fader
Josh Babcock Stiner
Thomas J. Warth
Andrea Tompkins - Wright
John J. Osowski

NOT PRESENT: William Price, Chairman

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 October 15 2014 meeting of
the Town of Brighton's Planning Board to order. The minutes for
September will be taken care of next month. Has the public hearings
been properly advertized?

MR. BOEHNER: Yes, they were properly
advertised as required in the Brighton Pittsford Post of October 9, 2014.

MS. CHAIRMAN: Before we get started I would
like to say that applications 8P -NB1-14 and 10P-NB1-14 have been
postponed to the November 18, 2014 meeting.

9P-01-14 Application of William Heberle, owner for EPOD
(steepslope and watercourse) Permit Approval to reconstruct a barn
destroyed by fire on property located at 751 Browncroft Blvd. All as
described on application and plans on file. TABLED AT THE
SEPTEMBER 17, 2014 MEETING - PUBLIC HEARING REMAINS
OPEN.

MR. FROMBERGER: Good evening, Tom
Fromberger from MRB Group, with me tonight is Bill Heberle. As you
are aware the barn burned down in March and we are here tonight to

respond to our letter we submitted on October 1st and the response we received. We also met with the Zoning Board on October 1st and received favorable comments from them.

MR. BOEHNER: They tabled that in order for the coordinated review to be completed?

MR. FROMBERGER: That is correct Ramsey, they tabled it in regard to the SEQR and the coordinated review. I just talked to the NYS DEC and they had responded back to the Town indicating that the Town could be the lead agency.

MR. BOEHNER: And you have done a geotechnical evaluation.

MR. FROMBERGER: We have done a geotechnical evaluation. The Town Engineer has some additional comments and we have responded to those. We just got another updated report and we feel everything has been addressed.

MR. BOEHNER: And you have gotten your approvals from NYSDEC?

MR. FROMBERGER: Yes, we have we received a NYSDEC permit for the project site. It is not with the wetlands but it is within the wetland buffer. It is approximately 40 feet higher.

MR. BOEHNER: And not that this about the EPOD but what is structure going to be used for?

MR. FROMBERGER: The structure is going to be used for utility purposes storage of carriage and hay and straw for his horse operations.

MS. CIVILETTI: Any tree removal proposed?

MR. FROMBERGER: There is no tree removal proposed. The grading is basically done with the removal of the current building the foundation and it was leveled off although we are showing proposed grades to be slightly adjusted. We do have the erosions control measures already up because it is currently dirt.

MR. WARTH: If I recall correctly it is the same foot print?

MR. FROMBERGER: It is approximately the same foot print. It is 10 feet wider in one direction and 2 feet wider in the opposite direction. We are adding an additional 1,000 square feet filing in the inconsistencies in the foot print because originally it was a bunch of additions added on and we are squaring it off.

MR. BOEHNER: The last thing I would say have you talked to the fire marshal?

MR. FROMBERGER: I did.

MR. BOEHNER: Check with him he has some fire code issues that you will need to talk with him about.

MR. FROMBERGER: We look forward to sitting down with him.

MR. BOEHNER: That has nothing to do with this but I just wanted to let you know.

MS. CHARIMAN: Is there any one in the audience who would care to address this application? Okay.

MR. FROMBERGER: Thank you.

9P-04-14 Application of Francis Perticone, Landing Heights Apartments, L.P., owner for Final Site Plan Approval, Final Subdivision Approval and Final EPOD (woodlot) Permit Approval to construct 50 townhouse units and a 1,500 +/- sf clubhouse and reconfigure two lots on property located on Knollbrook Road, known as Tax ID # 108.17-01-001 and 108.17-01-003. All as described on application and plans on file. TABLED AT THE SEPTEMBER 17, 2014 MEETING- PUBLIC HEARINGS REMAIN OPEN.

7P-NB1-14 Application of Francis Perticone, Landing Heights Apartments, L.P. , owner for Preliminary Site4 Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct 50 townhouses units and a 1,500 +/- sf

clubhouse and reconfigure two lots on property located on Knollbrook Road known as Tax ID # 108.17-01-001 and 108/17-01-003. All as described on application and plans on file. TABLED AT THE SEPTEMBER 17, 2014 MEETING – PUBLIC HEARING REMAINS OPEN

MR. YANOSH: My name is Dan Yanosh, from Fisher Associates and I am the project engineer representing Landing Heights for the proposed 50 town house unit development located on Knollbrook Road. I have been here a few times and I will just run through a quick history. Originally the project was to be 86 apartment units that was further into the wood lot and they were going to impact some of the steep slope buffers. We have adjusted the plans scaled it back a little bit down to 50 units in order to stay out of those buffers and environmentally sensitive areas. One of the big issues from the Board has been the traffic. So I will just run through that real quick. Back in 2009 when this was originally conceived as an 86 unit apartment development, there was a traffic mitigation prepared by SRF.

In 2013 we had asked SRF to confirm their data, provide actual data instead of just a letter that they originally provided and they did that again still with the 86 units. The mitigation assessment revealed that a dedicated left hand turn lane from Browncroft into Knollbrook was warranted as a result of the increase. The plans have been submitted to the NYSDOT along with the assessment and the DOT has confirmed that that is the only mitigation that they require. There was some questions about the gap analysis since last time a gap study specifically was not performed as part of that.

However, within the mitigations assessment within the calculations that SRF does with their computer programs the gap analysis is factored in there. An actual study wasn't done but there are elements of the gap analysis that are used to determine the level of service at the intersection. Right now, the level of service for the intersection coming out of the development is just barely a D almost an E by an actual half a second of delay and it will push it into –

MR. BOEHNER: That is based on 86 units?

MR. YANOSH: That is based on 86 units we are only proposing 50 units so if they were to run the numbers that gap would

add maybe 4 seconds to the delay time sitting at that intersection again with the 86 units that is the data that we have.

MR. WARTH: Is there any reason why they didn't do an analysis of the morning rush hour because I would think that the service would probably be coming south bound out of that street would have more problems in the morning in trying to get out – more people are trying to get out of Knollbrook Road?

MR. YANOSH: Yes, but most of those people are going to be coming out and making that right hand turn and going with traffic that is going to be your easier movement because you are going to flow right into traffic. The harder movement is going to be going across the two lanes and making a left and heading down the hill.

MR. WARTH: It is already at E with that easy right hand turn now for afternoon and it would seem to me it would be worse in the morning when there is more people coming southbound on Knollbrook?

MR. YANOSH: But again the easier movement is making that right hand turn.

MR. WARTH: It is easier but not in the morning because there is going to be more traffic on Browncroft westbound traffic on Browncroft.

MR. YANOSH: Yes, but I guess the answer to that would be the more significant impact is going to be coming out and trying to make the left in the afternoon because you are crossing two lanes of traffic and then trying to jump into those lanes as traffic in the afternoon is leaving the city and going away from the city.

MR. WARTH: But they are coming out of Knollbrook and going away from the city in the afternoon. Is that more pronounced in the afternoon than in the morning?

MR. YANOSH: No more people will be – in the morning more people will come out and make that right.

MR. WARTH: Don't more people come out and

make a left instead?

MR. YANOSH: NO that is the worse case, that is going to have the bigger delay and the bigger change.

MR. BOEHER: Did the State look at the –

MR. YANOSH: The State DOT has reviewed all of this they have reviewed the entire intersection –

MR. BOEHNER: And they reviewed SRF study?

MR. YANOSH: They have reviewed SRF's study, their analysis and they have concurred with what we are doing. They concur with the left hand turn lane. They have given us just a few minor comments about some details we needed to add and some traffic protections. Those plans have been revised. This week they will be resubmitted back to the DOT for permit for that improvement to the intersection.

MR. WARTH: If you look at the tabulated movement numbers when is that?

MS. CHAIRMAN: If you look at that left turn movement it is infrequent most of the people are going to be turning right onto Browncroft in the morning –

MR. WARTH: In the morning there is going to be more people westbound on Browncroft than there is in the afternoon. So the right turn is going to be worse for two reasons. One there is going to be more westbound traffic on Browncroft and two there is going to be a lot more cars coming southbound out of Knollbrook. Now, I am just making this point because the State doesn't care about Knollbrook -

MR. YANOSH: The State does care about Knollbrook, the State cares about the entire intersection, they look at everything each way. They are not just concerned with their road coming through because if there is an accident there and somebody is pulling out of one of those side streets that accident occurs within their right of way. So they are concerned with traffic coming into their right of way. So they look at everything from a whole and not just coming from one direction.

MR. WARTH: I just gave you two reasons why a right turn out of there would be worse in the morning. There have to be some accidents and then they will put the light in like they are supposed to. It's not your fault as the developer. The only reason I would see denying is if there were a lot neighbors coming out now and not having a problem. There is precedent on Westfall across from Buckland Square where the Town said there should be a light there on Barclay and we had to wait until there was a serious accident and then we put a light there.

MR. FADER: What you are saying is the right hand turn is an easier move.

MR. YANOSH: Yes.

MR. FADER: And what the Town is saying is that the increased traffic that you have to merge into and mind you if you have increased traffic in the morning it might be enough to mitigate the light in there.

MR. YANOSH: And again this was all reviewed by the DOT and they accept this analysis and they accept our mitigation and we are ready to proceed with them in getting the permit for the work they require.

MR. BOEHNER: Your client is going to be paying to have those improvements made?

MR. YANOSH: Yes. Again it is going to be milling and resurfacing and restriping of that intersection.

MS. CHAIRMAN: Are there any changes proposed to the Knollbrook pavement?

MR. YANOSH: No

MS. CHAIRMAN: Is it entering one way and existing?

MR. YANOSH: Yes.

MS. CHAIRMAN: How about the snow storage?

MR. YANOSH: We have included it in the site plans that you received, the overall site plan there is a few small areas that have been identified. They did previously push snow over the hill in back. That has stopped. There is a railing there now. There are some trees planted. They don't push snow over the hill any more. There is a large area behind this building here which is a paved area right now. It used to be an old playground area and no playground equipment exists right now and that's where they store their snow. It's further away from the slope about as far away as they can get it. They do their best to try and get it away from the slope.

MS. CHAIRMAN: Is that curved?

MR. YANOSH: It is not curved going this way but the slope it kind of pushes back toward some of these garages and there is an inlet in the front of these garages going this way.

MS. CHAIRMAN: So there is snow storage?

MR. YANOSH: Yes.

MR. BOEHNER: I think there is three catch basins if I remember correctly.

MR. YANOSH: Yes. The curbing is along this parking lot back here and that directs the drainage. So this parking lot here is protected from going this way. It is not pushed into the lawn area.

MR. FADER: So you believe you have sufficient storage that even in a heavy snow fall there is no need to push the snow off?

MR. YANOSH: Yes, even on this plan for the proposed we have increased some of the size of the snow storage areas. So if there is any excess there is a little bit more area in here. For the proposed development we feel we have significant availability there to store the snow from what we are building.

MS. CHAIRMAN: Has the architectural design of the proposed building been reviewed?

MR. YANOSH: Yes, the Architectural Review Board I believe is the 28 so the site plans have been updated for the new layouts on the plans that you have based on the architectural plans they are going forward with.

MR. BOEHNER: And you have submitted those elevations?

MR. YANOSH: Yes, there should be the elevations and I believe the floor plan to.

MS. CHAIRMAN: This is a public hearing would anyone care to address this application? All right we will move on then.

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.

MR. WILLIAMS: Good evening Members of the Board my name is Rich Williams and I am the attorney for JPP Real Estate the owner of the property with me tonight is Chris Door the Architect and on the project we have been working with David Simpson the Engineer. I also have a couple of members of the LLP if you have any questions of any of us. This a fairly straight forward application I believe this is for Site Plan Approval for two pickle ball courts that you see here. This is the back yard and they will be coming out here. These are pickle ball courts and I think you probably already know what pickle ball is. Essentially it is a recreational sport much like miniature tennis if you will. It is played on a court similar in configuration although a bit smaller about half the size of a tennis court.

The Valenti's who are the members of the LLP, who own the property, are also pickle ball enthusiast, it is a somewhat large family and they have a circle of friends who all play pickle ball. And so the use of these courts is strictly for the Valenti family to play and also friends. The hours of operation for playing pickle ball will be only outdoors so therefore it will be limited by weather and runs from April through October, probably not this late into October this particular year and it will be a few hours a day only. And again only family and friends will be playing. There will be no lighting therefore no playing at night.

We did require a couple of area variances which we received from the Zoning Board of Appeals two weeks ago for the actual coverage slightly over the allowed coverage on this particular lot and also as one of the courts goes right up to the lot line essentially is a fence needed and you need a fence variance to keep that four feet from the lot line. In terms of the site plan itself there really isn't much to talk about. There is no structures above ground being proposed. There is the asphalt courts here and removable free standing nets. There are no other structures. The balance of the yard is going to be some concrete being removed that is there and the area where the asphalt is removed there will be sod in there. There is storm water drainage that is a small drainage detention pond at the back of the lot and it has not been fully sized yet but it can be and it certainly would be sufficient for any storm water retention that is required as a result of the run off so there will be no increase in the rate of run off. Other than that I will turn it over to Mr. Door if he has any additional comments and then certainly we will welcome any questions.

MR. DOOR: As you guys know the pavement is in place and we will have to remove the pavement and do some erosion control until the seed it set and replace it with sod but other than that I am not sure what else to describe.

MR. BOEHNER: How is the depressed area shown along the southern property line - you have an inlet draining what is that connected to?

MR. DOOR: That is just a catch basin for the rear.

MR. BOEHNER: So have you done soil tests for storm water management?

MR. DOOR: Its under the criteria for storm water management, it has to meet the Town criteria for that. It is less than 5,000 square feet. It is roughly 3200 square feet of pavement that will be remaining there. The court size is shown there.

MR. BOEHNER: If you are going to do that we are going to want you to meet those standards.

MR. DOOR: What I am getting at we are going to meet the Town standards for that which I believe is to meet the existing current run off rates.

MR. BOEHNER: And we do in the water shed meet the design manuals? So that is something you are going to need to address.

MR. DOOR: Yes.

MS. CHAIRMAN: Where will that drainage structure be connected?

MR. DOOR: It is not going to be connected there is Nothing to connect it to. So essentially it will hold back the water to the point at which we –

MS. CHAIRMAN: Will there be an infiltration structure or any sort of storage?

MR. DOOR: Yes.

MR. BOEHNER: At the dry well?

MR. DOOR: That's my thought when the Town Engineer goes over it, it will be what he wants to hold us to.

MS. CHAIRMAN: How much pavement needs to be removed?

MR. DOOR: 780 square feet is to be removed that is currently there.

MR. BOEHNER: And the coverage that would be there is 47.2

MR. DOOR: That is correct.

MR. BOEHNER: And you are going to restore that with sod did you say?

MR. DOOR: Yes.

MR. BOEHNER: You said you wouldn't be lighting the courts?

MR. DOOR: NO.

MR. BOEHNER: And when would they be used?

MR. WILLIAMS: Only the essential permitting months typically April through October.

MR. BOEHNER: And during what points of the day?

MR. WILLIAMS: Daylight hours only.

MR. BOEHNER: And how often would the courts be used?

MR. WILLIAMS: A few hours a day at most.

MR. BOEHNER: And who would be using the courts?

MR. WILLIAMS: Only the Valenti family and a small circle of friends that they play with.

MR. BOEHNER: And it wouldn't be used for the business?

MR. WILLIAMS: That is correct, it has no connection with the business what so ever. I think typically we are not thinking of the morning so much as the afternoon and evening.

MR. WARTH: Will there be any tournaments there?

MR. WILLIAMS: No, just again recreational family and friends, I mean they keep score when they play but no formal tournaments.

MR. BOEHNER: We are going to need a lot more on the storm drainage.

MR. WILLIAMS: Yes, we would request that if the Board sees fit to make it subject to the Town Engineer signing off on whatever final storm water plans are-

MR. BOEHNER: It wouldn't be something I would recommend to the Board. Just so you know that detail should have been submitted. My recommendation would be to table until we get that information. I would be glad to look at it when it comes in.

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

MR. BRICK: My name is Clark Kent, just kidding, my name is Eric Brick and I live at 44 North Embley (phonetic) Road which is essentially behind the house or behind the commercial property of the Valenti's. I think I have seen a lot of you people before because this has been going on for a couple of years. I went through a lot of information in the past I don't think I need to go through all that type of information at this point but the reason I am here is because just like all of you I want to enjoy my life in Brighton which is why I moved here. And I am not sure I can do that because pickle ball is played often and non stop. When this thing first started out it was known you needed to get permits to install pickle ball courts but that wasn't done. It was advertized to rent pickle ball courts. Valenti's sports is the number one pickle ball dealer in western New York. So now after your hand is slapped along the way it is just for friends and family. I have no issue with pickle ball. I just want to hang out in my back yard I want to put my 10 month old to bed at 7:30 and not hear pickle ball until 8:45pm.

Regardless I live there so I just want to go in my back yard and enjoy it. You can hear the sound of pickle ball from literally two foot ball fields away if not farther. I would recommend testing for the pitch of this sport and I realize I wasn't crazy maybe slightly according to my wife because this is in the Wall Street Journal, this is in articles all over the country where people who live next to pickle ball courts have to deal with it. I own my house and live there for a year or two before a pickle ball court appeared next to my house. I am not the type of person who would have bought a house next to the pickle ball center of Brighton which just happens to be in my back yard. I don't want to monitor it. I don't know who is going to be in charge of making sure business isn't being done. How many hours are being played. I go to work

and I don't care what happens while I am at work but people who work at night care. I submitted information from an attorney, Allen Kanough I still have copies I can pass to you. I am not an attorney but according to him he thinks it shouldn't be allowed because they don't have a house to put an accessory to a residential house and a few other reasons too as well. Everybody from the Planning Board to the other Boards we were at was sympathetic and epithetic and completely agreed with all of us but the decision of this is made somewhere and I don't even know how it is made. I don't know if it is politics or what it might be. So I just want to enjoy my life like the Valenti's who get to go home and enjoy their life and their home without pickle ball courts right next to their house. It's nothing personal I just want to again enjoy my life.

So I have a lot of information. People signed a I don't know what you call it but people from our neighborhood support what's going on letters from real estate agents, attorneys saying it could impact the property value and I am not sure if it's from the rain but literally for the past couple of years my basement is flooded multiple times a year. So it could have something to do with all the excess pavement that is back there and so I am hoping that we can come to agreed upon conclusion where there are agreed upon times for me personally where it's maybe a couple of days a week and now I know on Tuesday nights I can come home and I am going to hear pickle ball. It is not a big deal but on Wednesday I get a free night and I am not going to have to listen to it. So I'm flexible I just want to enjoy my life just like all of you do when you go home. That is all I have to say.

MR. WARTH: With regard to the last several months has there been any – most of us were here when this came before the Board – has there been any improvement in how often it is played, the hours of play number of days a week its played or anything like that?

MR. BRICK: I would say yes and I mentioned to my wife I can live with this a couple of days a week. I am just nervous that are we doing this just so you can get approval and then you will go back full tilt. I've tried to – the answer is yes but it will still be played until literally pitch black and in the summer it gets dark pretty late. So certainly past 8:30 but to answer your question I could personally live with the amount that has been played recently. Maybe if there was a schedule like on Tuesdays and Thursdays this is when we are all going to play pickle ball and Sundays or Saturdays or whatever maybe we can work something out as neighbors, I am willing to do that.

MS. CHAIRMAN: Thank you. Would anyone else care to address this application?

MS. HERRERA: My name is Connie Herrera and I live at 16 New Crest Drive which is not behind where Valenti Sports is. It is down the road and across the street a couple of houses and I can definitely hear the pickle ball (a pickle ball and paddle was used to show the sound of the ball hitting the paddle). You keep hearing this all the time and you get a little bit crazy. It is something you can put up with for a while but on Saturday and Sunday you kind of want to relax and during the middle of the day or whatever but it is something to be concerned about. It may be good to consider a schedule so you know when to go outside and have a little quiet time but I just want people to understand it is not tennis and with multiple people playing on multiple courts. It is just a little bit more than just one person.

Then the other issue which I think Ramsey has heard a few times that we are just a little concerned in our neighborhood about water issues and to be fair you probably didn't know about Brooklawn, North Emberland (phonetic) and New Crest Drive have all of a sudden realized it isn't an individual problem but we have a lot of problems with water accumulating in basements and back yards and the Town has been working with us with all kinds of things that might help alleviate the problems we hope but that is something we should consider what is going to go in behind the drainage. Are we just increasing the problems to the homeowners? That is all I have to say.

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

MS. LANGLOIS: I am Dagmar (PHONETIC) Langlois and I live on New Crest Drive. I have been there 35 years and most of those 35 years went pretty smoothly until we started to notice these huge floods would come out of no where and I happen to live on one of the lowest lots on our street. So in the last five years I get a foot to a foot and a half of water in my yard which is not very deep so it comes right up to my house and my basement windows are under the surface so the water just gushes right in. Now I was never was aware of how this system works or whether the system was missing. On our street we do have a drainage system in the middle of the road but that road is two feet higher and no water can get to it from any of our yards and basically the

shape of the street is a cul de sac. This is the end of it and my house is right there. So we basically have two gullies and maybe that is how it was designed in the first place but those gaps and changed and it is mostly flat but there are some moats. So I believe there are two gullies that run right through from Monroe Avenue starting here at 156 Brooklawn and it runs all the way around and then some of the water runs right through into Monroe Avenue I would imagine because there are hardly any drains back here. And then to the area forever wild it used to be behind and the other side of our street has the same exact problem the houses on Brooklawn are about two feet higher there is a gully in between here and the water kind of runs with these properties and runs right into it. 60 New Crest Drive gets a ton of water we had water pictures at our last meeting and it is hard to believe you can have that much water.

Now we found out recently that there isn't actually any drainage system that we can use and we were told that no drainage system can be put in because the water has no where to go. There is no where to put this water and so here we are at the mercy of the people who are above us all of North Southerland here and Brooklawn are two feet higher or more and so the water basically gushes in there. There is a property here on the corner of Brooklawn and North Southerland that lets the water pool so that builds up and that water basically continues right into my yard there and here I am and there is not a thing I can do. I have asked for help and I try to do all sorts of things for years it worked okay but that water simply has no place to go and as I learned after I started talking to the people and I tried to figure the problem out I realized okay.

So with the elevation map you can see where the lows are and the water simply had no place else to go but in the old days there were informal holding ponds back here where the Valenti's is planning to put their court or they are actually on there now. I don't know what is to be done or what is already on the ground already. And this area here would basically collect the water from this side and from our side and converge there but because now this is one solid parking lot without a crack in it and there are very few drains in the entire area here and that is a huge area. That water doesn't even get to those drains because it is fairly flat. There is no way the water can even reach it and if it does that is a ton of water and when we had three inches of rain on the ground my yard was just from one end to the other just solid sheets of water. I am sure it must have been like that down here too.

Now the problem is that there has to be some sort of a plan made for the future because it seems like when they put this neighborhood in 50 years ago they never planned it. They just decided well not our problem and so the weather has changed over the recent years I would say the last five years. We have been having some tremendous difficulties. I have installed sump pump in my basement hoping that would keep up with the water flowing in. Well it does but the water is just circling around. I have the basement and that water goes into the front turns around and comes back into my sump pump under the basement floor and I am thinking why am I here pumping the entire neighborhood water so I can stay dry when it just doesn't make any sense. I am paying taxes too on top of it. It seems a little stretched. And Connie's over there is having the same situation on the opposite side of the street.

It turns out that there is another additional problem that someone doesn't have the drain attachment there or something like that but what I would like to point out here is that it is a pity that the proper plan wasn't made when this neighborhood came in but it is even worse that we aren't even thinking about doing something about it. Now when we have the means and we understand that the weather conditions are getting worse. I would say in the last five years I have seen a huge difference in the last year unbelievable. I have been flooded three times my sump pump was working through out the whole time and even with my stronger sump pump I am still getting flooded because the water goes right through the walls and I am thinking what else can I do.

I am already adding more soil. I was the area that was the lowest of all on all four sides. I put new basement windows in and I have done everything I could possibly think of. I have spent a lot of money on the property and it seems like that's it there is nothing more I can do. So here I am suggesting that we look at the situation and we consider what is to happen yet. We could have nine inches of water like they had in Penn Yan not that long ago and then where do we go. Where is this water going to go.

MR. BOEHNER: I think you have to understand though that this Board is not the Board that would handle the drainage. This is a Town Board matter. They have a public works committee as you know and those are the groups that you want to contact.

MS. LANGLOIS: We did but I am trying to

explain that this forever wild area here is about the only hope that we have and if that is not capitalized on while it is still possible then our chances are gone. .

MR. FADER: Is the Valenti property down hill from you?

MS. LANGLOIS: It is in the lower segment here but the water converges from both sides. So and someone said that's a long stretch well for water it is not. Water travels for thousands of miles without any trouble and very rapidly too. And there is no other option for that water to go. So I think before the Valenti's invest all those resources building the courts and whatever I think they need to look into the needs of the neighborhood.

MR. FADER: Are you saying that area should be used as a water storage area?

MS. LANGLOIS: What I am saying is that I think we need to have some balance between the business interests and the residential interests and there needs to be some sort of an overall plan made for what needs to be done to make this neighborhood work.

MS. CHAIRMAN: Didn't you say there has been some efforts made?

MR. BOEHNER: Yes, and I think her concerns need to be as far as the overall drainage problems need to be directed to the Town Board and the Public Works Committee. It is beyond something that this Board can deal with. This Board is charged with making sure that the project and their proposal meets our drainage ordinance. And that is something with resubmission to this Board will review and verify that those standards are being met. So that's the roll of this Board and many of the things that she is talking about is out of your jurisdiction. It is beyond anything you can get at. And I think she understand that.

MS. LANGLOIS: I do understand.

MR. BOEHNER: I brought it up earlier and I think she understand that. You understand that they can't --

MS. LANGLOIS: Of course I do but I do believe we need to look at the resources we have and look towards the future and try to consider what may happen next year and the years after before these structures are put in place. There are people who have been in this neighborhood 50 years and they say that when the area behind our homes back here was not paved there were no problems. When I came here 35 years ago we didn't have flooding problems but every time there is a new business and new parking lots paved there is less and less space for the water to go. When the fact of the matter is it has to go somewhere and I can't see how we can possibly continue building further structures and continue this pattern when we already know it's not working. Now there needs to be something done, I think the drainage a drainage system much greater would help but as I have talked to the engineers they say we can't really help you because there is no where to take the water to. So that's why we decided to come here to see if there is something that could be done where an environmental study could be done and look at the greater problem.

MS. CHAIRMAN: The Town Staff is looking at the problem and unfortunately this Board can't do anything we are not charged with that. We are hearing your concerns and I think we certainly sympathize with the issue but as part of the review of this application its not something that we can address.

MR. WARTH: We will require them as part of the storm water management to make it so they do mitigations so that they are not adding to the problem. We can not expect them to reduce the problem.

MS. LANGLOIS: I walk through that area and I believe the pickle ball courts are there now.

MR. WARTH: Yes, but they have to mitigate the conditions before the pickle ball court the 3200 square feet of pickle ball court, they are going to have to make it better. If we approve it.

MS. LANGLOIS: Well the tennis court shape juts into the neighborhood that used to be the forever wild area and we used to walk our dog there.

MR. BOEHNER: I don't think it is forever wild I think it is private property.

MS. CHAIRMAN: I think undeveloped is a better word.

MS. LANGLOIS: It was private property but it was used for a lot of the rain water to seep in and prevent a disaster from happening. I do think I have been caught on Monroe Avenue a couple of times when there was so much water there that I had a swarm of water in front of me and on all sides and I was thinking what if I hit something so to me that is a hazard and that hazard is caused by the physical structure here that is already there and now we are talking about putting more of the same. I just don't believe that makes a whole lot of sense.

MS. CHAIRMAN: All right I would like to give some other people an opportunity to address this application. Thank you. Would anyone else care to address the application?

MR. STANUS: Mr. Stanus on 116 North Hamline Road. I would like to address this situation in that I live many houses from what that gentleman lives who is right behind it. I had no idea until this evening as to what this might sound like up close but I hear it at my house and I am retired and it is a definite rate of noise issue. My recommendation is how in the world two courts got there and perhaps one court for the family might be adequate and certainly the situation with water we thought because it was a new application that perhaps the existence of these courts were going to be decided and so now we find out that they are already built and so its my feeling that perhaps one court would be sufficient for the Valenti family and the less we can have the better.

I will ask that – somebody do some research on that property over the 50 years I am sorry I can't remember when it was wetland back there but what they have done with the macadam in that place to have brought it right up to a fence on private property it's a shame. Our only relief and what my concern is to what I would ask is that you folks might look into before the macadam was put in did somebody have to come to the Town and sell it or did they just do it on their own. Was there a recommendation that one portion of it be kept as a wetland or something of that nature. It's been that way for all the years that I have lived there with trees on that corner and what my concern was that presently we have two courts and then we might go to four courts or whatever. I ask you to research to see if there is anything in the past that

you say it's private property. Well, it certainly is and it is one of the largest macadam areas. It certainly isn't as big as Pittsford Plaza but it's one of the largest macadam areas around. And I would ask for my neighbors and myself to have some relief from this application.

MS. CHAIRMAN: Thank you. Would anyone care to address the application?

MR. HONICKMA: My name is Harris Honickma. I live at 320 Troy Road which is quite a distance from New Crest. My concern is two fold one is the water issue, there is a systemic water issue in the whole neighborhood. It is a general trend that water flowing from Monroe Avenue toward the Roosevelt and ultimately to Westfall especially water running from the New Crest area, the Susquehanna Road to Wilmot then to Troy and then to Roosevelt and then finally to Westfall and to Allens Creek I think. This water is causing a number of problems to all of those back yards many of the residents in the neighborhood are unaware each of them is suffering from water damage to their basement to their foundations I have heard of many residents discussing the thousands of dollars each individual person has been spending to repair their property. I myself have spent two or three thousand dollars. My next door neighbor has just spent almost 7,000 dollars to correct problems to his foundation and his chimney and basement and I have heard man others with similar expenses big time.

This is caused by a general problem of drainage in the neighborhood and it comes from each property on Monroe Avenue extends their parking lots or adds some structures this causes water to be – reduces the drainage and causes the water to extend into the rest of the neighborhood. This is of course being investigated by the Town and Public Works Department. So this should be considered as you make your decision. The other question I have is the issue of noise I don't hear it on Troy Road but I have to believe there is some noise ordinance. I certainly can't play a radio loud enough to annoy my next door neighbors. I don't understand why these people have to endure the annoyance of noise from pickle ball as the woman demonstrated by banging the ball against the racket. It's very annoying. I am not familiar with the exact ordinances but I am assuming there is an annoyance ordinance. Am I right?

MR. BOEHNER: There is a noise ordinance.

MR. HONICKMA: And what is that ordinance?

MR. BOEHNER: It deals with everything from truck deliveries –

MR. HONICKMA: Does it go by decibels?

MR. BOEHNER: No it goes from disturbing the peace much later in the evening. I think its 11:00 p.m.

MR. HONICKMA: If I heard that noise at 8:30 in the evening that would be unacceptable. I don't know if you can change the ordinance or not. It is unacceptable for people to endure that kind of noise. Thank you.

MS. CHAIRMAN: Is there anyone else who cares to address this application?

MS. PELTON: My name is Sheila Pelton and I live at 153 Edgemoor Lane. I am at the other end of the Rawlins tract but very close to Monroe Avenue and I have lived there for 41 years and as everybody has said there is a water problem. Several properties by me Nothnagles, which used to be the old Cherry House it's right on the corner and then the Waterwood Lane and then there is a house on the corner of Edgewood and then my neighbor on the other side and many of them have a dry basement but when you get to Nothnagles they have actually put in a big drainage thing in the back parking lot and the Town put in one and the State put in one as you get towards Monroe and its just amazing when we get heavy rain it's just like those big water shoots that you see on Monroe Avenue when you go down because the street is still flooding because the water table is so dam high. There is no place for the water to go.

So even with a dry well put in it just comes out to my basement walls at Edgewood. I am living in that area and I had one neighbor who had to replace the whole basement wall and put in new supports under there foundation there, 40,000 dollars worth in a basement. There's your kitchen. It's ridiculous and I know they have front yard parking and the thing I don't understand I don't understand how the Planning Board could allow a court to go right up to a residential property and just put a six foot fence there. This should have been landscaping that cuts down on the sound of the ball. That's it. Thank you.

MS. CHAIRMAN: Anyone else care to address this application?

MS. CAPPS: I am Cindy Capps and I moved in recently to 45 New Crest Drive and I would like to add support to my neighbors and I just wanted to add one particular person couldn't make it tonight whose fence abuts Rinaldi property made the comment that she's lived in that house off and on with her parents and now her husband ever since 1965 and that there was a swamp in that location and the kids ice skated and those were all fields and swamps in the 50's and 60's and she said that every time a business built a property and added macadam then that's when the flooding became an issue. The drainage issues were a problem so as some of the neighbors have indicated even by adding drainage it hasn't alleviated the problem and I just want to add this is really significant in the whole neighborhood and that's what the layout of the land was before Rinaldi and the other business were there. So I am just here to add my support.

MR. BOEHNER: Thank you.

MS. CHAIRMAN: Thank you. Anyone else?

MS. TROLLEY: I am Ann Trolley and I live at 85 North Cumberland Road. Another thought about the noise it's not just whoever that neighbor was you guys got to listen to it for less than five seconds. Now you have to imagine the roars of the crowd it's like the whole time and it's really annoying. I am not retired. I am a stay at home Mom. So my free time is during the day I like to garden and you can't garden when you are hearing that stupid pickle ball constantly it's really annoying and when you hear the crowd. I don't know how they snuck in two courts or whatever courts they have now and now they are going to add more I don't understand how that can be.

MS. CHAIRMAN: For clarification they are not adding anything under this application. There are two courts existing.

MS. TROLLEY: I don't know how they just snuck in and ruined our lives.

MS. CHAIRMAN: Anyone else?

MR. WILLIAMS: Can I address comments?

MS. CHAIRMAN: You can address comments to the Board.

MR. WILLIAMS: For clarification I think there was some questions as to where the courts come right up to the lot line, this back line here is the line for the residential properties and as you can see there is a distance between that and where it is right up to the lot line is where the six foot fence is here which is a visual and sound buffer and there is also trees along here. I think what I heard I won't address the drainage stuff because we don't have anything to add other than the fact that we will comply with the Town's drainage requirements in regard to this particular problem. The noise ordinance exists and its important and I know Mr. Dollinger is certainly familiar with that and has had some history in terms of this property and that needs to be complied with and I think that's frankly the more appropriate place for the issue of any particular noise.

But what I did here and I understand the neighbors concerns in particular what I have heard there was some history that it came too much, too frequent, too late and its been better. And that is significant because that's on purpose. The Valenti's are aware of the complaints that happened and toned it down significantly. There was play at night and that has been stopped and it will not start. The more recent play has been toned down. And in fact they have been keeping tract of things and the maximum they do in a month is 35 hours more typically between 20 and 30 and again depending dramatically on the weather but that's the average between 20 and 30 per month. Two to three hours a day four hours maybe sometimes but that would typically be on a weekend when they really have the whole day to play by comparison to the normal Monday thru Friday work day but never more than four hours in a day. And never before 9 a.m. in the morning or after 8:30 at night.

Those are the self imposed rules if you will that they have been operating under. Again in response to their awareness of the fact that there are potential for noise disturbance if they don't keep within those and some of those comments that I heard were it's been better recently but I am nervous it is going to get worse again. Less this summer than it has been in the past but with more courts there will be more noise Well I think there was a misunderstanding there will be no more courts. The two courts that are there they are the ones that we are speaking about. And we have brought those into full compliance which we have done with

the Zoning Board in terms of the area variances and now we are asking for the Site Plan Approval so they will be in full compliance. So I just wanted to give that perspective in terms of the limitations and the fact that the Valenti family are trying to be better neighbors than they were at one point and they are trying to be good neighbors.

MR. BOEHNER: I think that's important. Thank you.

MS. CHAIRMAN: And I would just reiterate the comment that was made about some regularity to hours of play and it sounded like it would be helpful.

MR. BOEHNER: And we encourage you to work with the neighbors.

MR. WILLIAMS: We will do that.

MS. TOMKINS-WRIGHT: Can you explain real quickly why there is a need for two courts instead of one. I thought that was a general concern for the neighbors.

MR. WILLIAMS: Certainly we discuss this with the Zoning Board and we wouldn't have needed the variances if there was only going to be one court there. It's simply a question of there is nine Valenti's in the extended family and I mean the nuclear family and a couple of Aunts and Uncles if you will and then a few friends. Well if you are playing singles in pickle ball there is two people playing and playing doubles there is four people playing so if you want to have a group of people come over if you only have one court you are going to be playing singles and have two people playing and three or four watching. So with two courts you can have two sets of doubles you can have eight people playing or you can have doubles and a single, one of the courts is designed more for singles the wider court is designed more for doubles. When you are playing you get pulled out of the court further so there is a larger out of bounds for that particular court.

So a typical routine will be to have eight people over and maybe we will play some singles on one court and doubles on the other court and rotate in and out. That works out well and is a nice social event for the people. If you only have one court you are very limited and the most people that can be playing is four and they don't like to play constant

doubles because it is a very different game. They like to play both. I don't think there is a noise differential between one court and two courts but if you got to five or six courts it would be a constant pounding but that is not the case.

Two is the absolute most.

MR. WARTH: We are being asked to allow on this one lot what normally would be an aggregate of several houses and the reason there is so many hours playing is a normal five or six member family can only play so many hours but we are being asked to accommodate the neighborhood with several houses of neighbors doing this and to have two courts so just so you understand.

MR. WILLIAMS: I understand I think to put it in perspective first of all you are not talking about a large number of hours per day or certainly not a large number of hours over the course of a month. I think certainly tennis courts are allowed, basketball courts are allowed you can have outdoor activities that don't involve any structures that are allowed. This is all residential which means they can't put any further business on it. It's just again they are willing to keep it down to a reasonable amount. They can enjoy the game and the neighbors can do what they want to do in terms of enjoying their properties as well.

MR. FADER: Here's my problem with it. Your fake analogy of a basketball court and putting in another court, can you give me an example of how you went out and bought a residential property and didn't put any house on it at all and only put courts on it and had all your friends come over and play on it.

MR. WILLIAMS: I don't know of one. This is in an area that is zoned residential so they can't put anything commercial on it because it's zoned residential and certainly it is landlocked so you couldn't put a residence on there. There is not enough room on the sides to get a car back there any more so you couldn't put a residence back there. And it is zoned residential to avoid the additional expense of the business so its convenient for them to use it because it's big enough and it accommodates their needs in terms of their desires in playing the sport and really essentially can't be used for anything else.

MR. WARTH: I don't like comparing this to a residence where a residence would have one tennis court or one basketball court and this has two. I struggle with that part of the analogy, just to let you know.

MR. WILLIAMS: And again I am going to return to what I said before which is I think the noise ordinance is where – regardless or not it is allowed by use allowed by code, regardless of whether it meets all the conditions this Board imposes on it legitimately under site plan in terms of drainage and structures and the like. The noise ordinance is still there and so if in fact there are abuses of the noise ordinance then those are enforceable regardless of whether or not the use is legitimate. I think that is the proper area to be addressed by the neighbors if in fact the Valenti family stop being good neighbors which they don't intend to. I understand your point I am not debating your original point that this is not where they live. It's a residential portion of a lot and I think we have discussed that but my point is that having dogs is something that is allowed to do but it can still be annoying, it can still be abusive to the point where it's a noise violation regardless of the fact that it is allowed. Certainly the use of a basketball I don't have one with me or I could demonstrate how loud those things can be or a tennis racket on a tennis ball. They can be very loud. I think it can be to the point that they are violating the noise ordinance because they are reasonably annoying. Then that's what that is for.

MR. WARTH I think it is important to get it on the record at this point that I disagree with you.

MS. CHAIRMAN: He disagrees with me or however it is but the comments are on the record at this point.

MR. WILLIAMS: May I say one last thing I do understand the issues of the noise I do think they are misplaced here in terms of this Board in terms of the Site Plan because I think the Site Plan is for the specifics of an allowed use and this is an allowed use. And whether or not it complies with the requirements in this case storm water I think is the only issue but the other issues are regarding structure and I would respectfully suggest that is where you should confine this review of this application. Thank you.

MS. CHAIRMAN: Thank you. You can come up and speak.

MS. CROSIER: Sofia Crosier. I just want to question a concern about the Site Plan when it is done what will the environmental impact be done?

MS. CHAIRMAN: And environmental review is part of the plan?

MS. CROSIER: What was the results of that study?

MS. CHAIRMAN: There wasn't a study per say there is a short form that is filed out and then submitted and then the Board as part of our decision making process reviews the status of the action and that will be part of our findings.

MS. CROSIER: This should be looked at.

MR. BRICK: This is also like part of a business you know and I don't know who is going to keep track of who friends are but this is the number one pickle ball seller in Western New York not to mention sneakers. You could go in there at one time and practice and they admit it. The other lawyer admitted you could go outside and practice the pickle ball before you buy the paddle. So the problem is there is just not trust and it is not because of the residents it's just because every step along the way it's been deception. Now we are here it's all out in the open are we doing it for the right reasons because now we want to be really good neighbors when before we looked you in the eye and almost started physical altercations with the neighbors or we have changed and we are really nice now and we care about you as human beings. So before you approve it there is according to my lawyer he says it is an illegal use for a variety of reasons and if I ran a sports store that sold basketballs and equipment and had two basketball courts right next to me that annoyed all the neighbors that might be an issue if I used it as part of my business that is all I have to say.

MR. WILLIAMS: The applicant and me are saying now on the record there is not going to be any accessory use for the store and that would be if this gets approved and that would be a forcible condition. We have no objection of that as a condition. Thank you.

MS. CHAIRMAN: Is there anyone else? And again I think –

MS. (AUDIENCE SPEAKER) I will be brief. I am not familiar with these drawings terribly but I do believe that there was a

misrepresentation about the portion of the area that is residential area I don't believe it is the tip of it but I do believe going just by this that's the large portion of it. Now someone else can look at it. The other point that I want to make is the fact that we have pickle balls in Brighton , we have pickle ball at the Meridian Center there are beautiful courts there. They are open to the public. They are not very far. They are convenient. They have tennis courts at the high school so it is not like they are very far and they are well kept. They are in good condition and they are available. We have further courts at Cobbs Hill. We don't really have a shortage of them so there is no real good reason to want to squeeze them in where they don't really fit. It doesn't seem like a good use of the land and one more quick comment. We went through that environmental short form and I would say either it wasn't filled completely or else it was like a partial I don't know but we found all sorts of things that should be in there and a whole section was not filled out at all on page 3 which I think is very pertinent and most of it does have to do with flooding, providing the proper conditions and what not. Any ways a couple of us went through it very thoroughly and decided that somehow when this was filled out they must have been –

MR. BOEHNER: Part two they don't fill out.

MS.(AUDIENCE SPEAKER) But even the parts that were filled out we had questions about. So perhaps there needs to be more information about this in order to make the proper decision.

MS. CHAIRMAN: Thank you last chance is there anyone who would like to address this? Okay next application.

10P-02-14 Application of American Tower Company, owner, and T-Mobile Northeast, LLC, lessee for Tower Permit Approval, Site Plan Modification and EPOD(steepslope) Permit Approval to install nine cellular antenna on an existing tower and to expand the existing equipment compound on property located at 1 Pinnacle Hill Road (Tax ID 136.08-01-006.1. All as described on application and plans on file.

MR. WILSON: Good evening Ladies and Gentlemen of the Board and meeting attendees my name is Michael Wilson. I am the Upstate New York new site development and tittlement manager for T-Mobile and representing American Tower and accompanying me this evening is Daniel Ford our RF Engineer and I am

sure every one is happy to know our application has nothing to do with paddles or balls, courts or pickles in any sort of shape or fashion. Tonight we are seeking Tower Permit Approval, Site Plan Modification and Steep Slope EPOD Permit Approval to install 9 antennas at 175 feet on the existing 270 foot tower at 1 Pinnacle Hill in the Town of Brighton with a 10 by 22 foot compound expansion to accommodate an 8 by 16 concrete pad for radio equipment which will be installed above and in between two existing previously used tower foundations that were there from the previous tower before it was replaced. The objective of the project is to address coverage deficiencies in the surrounding areas for T-Mobile customers and that is pretty much the sum of the project.

MS. CHAIRMAN: Can you clarify the number of antennas?

MR. WILSON: We typically – what we are planning on installing is six antennas on the tower. We are seeking approval for nine. What we hope will happen here in the newest batch of FCC license auctions is that we will be receiving additional frequencies and the three additional antennas would cover those frequencies so we are looking for approval in advance for those but at the beginning the only things that will be installed will be the six. I know there is a discrepancy between what was on the application and the drawing show six.

MS. CHAIRMAN: What is the height of the antenna on the tower?

MR. WILSON: 175 feet and the overall tower height on the antenna is 275 feet.

MR. WARTH: So for your compound are you considering making impervious any area that isn't impervious already.

MR. WILSON: No, you can see on sheet C 102 you can see the previous tower foundations it was a four leg tower with four different tower foundations so our compound expansion is going directly over the ones at the bottom left there and just left of the previous foundation on the right. So at one point there is a tower sitting right there so this was all previously disturbed. Obviously those tower foundations those previous foundations go pretty deep to support I am sure it was quite a structure they had up there previously so we thought that would be a good spot obviously.

MR. WARTH: Are you going onto the two kind of foundation structures that are on the bottom.

MR. WILSON: Yes, and basically we will be expanding our pad and again this is just for the radio equipment we will be expanding our pad over top of that existing previous foundation.

MS. CHAIRMAN: So there is still overlap with the previous foundation on the new concrete pad?

MR. WILSON: Yes, exactly.

MR. BOEHNER: Have you done the geotechnical analysis per the environmental protection overlay district?

MR. WILSON: We did the geotechnical and we just got it back today and I realized when I tried to drop it off earlier today it didn't address exactly –

MR. BOEHNER: It addressed what the foundation of the tower which is good to know that the foundation is good but you are encroaching into the steep slope area and we need that geotechnical report to address the angle of repos to make sure that as you come closer that slope is not going to slip.

MR. WILSON: Absolutely and we feel pretty confident based on the location of those previous foundations and being on top of one of them that that is not going to be an issue and we will have that report.

MR. BOEHNER: I understand and you can understand how I want that report. So the other thing have you done a load analysis on the tower to make sure it can handle the additional 9 antennas.

MR. WILSON: The structure analysis is still in process we had expected that it would be in but the engineers from American Tower these are very specific engineers for their broadcast facility as opposed to their regular cellular towers. They haven't finished it yet. So we would ask for approval contingent upon an acceptable geotechnical report and a passing analysis.

MR. BOEHNER: That would not be something I would recommend to the Board. I do want to let you know that when this application came in I had told the person that submitted that application that that information was needed. I was told I would have that in two weeks and that did not occur.

MR. WARTH: Just to kick the tires ourselves we like to kick the tires ourselves on geotechnical review and storm water mitigation and that is why we prefer not to leave it.

MR. WILSON: I understand and to your point the people that had submitted that application and promised you that have been fired and are no longer involved with the project. So you won't be getting promises like that made any more.

MR. BOEHNER: Did you do a search ring?

MR. WILSON: Yes although in this area you can see from the propagation maps should be part of – well if you know the general area Pinnacle Hill being the only significant hill if you can call it that it is more of a small mountain, you know it is a pretty tough spot to find any alternate candidates. We have looked at other towers on the hill there and they do not provide the same coverage in all three directions as we can get with the height on the American Tower site.

MR. BOEHNER: Are you proposing any site lighting other than what is there now?

MR. WILSON: No, I don't know if we have emergency maintenance lighting on the equipment platform if we do –

MR. BOEHNER: Let me give you a little history that compound had lights that were shinning down into the neighbors at the bottom of the hill and that cannot be repeated. We are going to need a lot more information about the lights.

MR. WILSON: Okay we do have on the plans a proposed work light directed towards equipment to prevent off site illumination and that is only used – they really wouldn't be up there at night unless there was an outage or some emergency and they would be only when there is a tech on site for their safety and it would not be something that would be lit on a regular basis.

MS. CHAIRMAN: Is that a pole mounted light?

MR. WILSON: It is. It's a light that would be placed on the pole of the back board where we would have our utilities coming in facing towards --

MR. BOEHNER: What is the wattage and the height of the pole?

MR. WILSON: The pole is there really to support the back board so we are talking maybe 7 or 8 feet tops we aren't trying to hoist the light up really high. They really need it to see inside the equipment cabinets which are basically on the base of the platform. So the need for light isn't an overall thing. It's really to get in there and for them to be able to see the radios and cards and to see what may need to be switched out.

MS. CHAIRMAN: I think you need to provide more information.

MR. WILSON: More detail on the light type and the kind of proposal sure.

MR. BOEHNER: We want to look at a light and see if they have shields.

MR. WILSON: Absolutely I can provide that information.

MR. WARTH: Is there any hazard to vegetation or trees from this?

MR. WILSON: Nothing significant.

MR. BOEHNER: Are you going to have a generator there?

MR. WILSON: No generator is planned.

MR. BOEHNER: How high is the fence that you are proposing and does it have barbed wire on it?

MR. WILSON: Yes it does have barbed wire that is shown on sheet 501 it should be the last sheet.

MR. BOEHNER: And with that I am going to ask you how high is the existing fence and does that have barbed wire on it.

MR. WILSON: I can't answer that question I didn't have the chance to inspect the site before coming here tonight.

MR. BOEHNER: Because the code does not allow fences over 6 and a half feet and it does not allow barbed wire, there may have been a variance granted to that site and if they didn't use that variance within the year that they obtained that variance they have lost that variance. If they used that variance and you find that the fence is 8 feet high with barbed wire you may be able to use that variance. You need to get us more information so we can figure that out or you may need to go and get a variance.

MR. WILSON: Just so I don't miss anything what are we looking for?

MR. BOEHNER: Height of the existing fence and does it have barbed wire and how high is your fence?

MS. CHAIRMAN: There is dimensions on Detail E-4 note number 10 says height equals 8 feet vertical with barbed wire.

MR. BOEHNER: You need to go up and check with what's there too. I think you may be okay but I don't know that.

MR. WILSON: So if it's a six foot fence with one foot barbed wire is that –

MR. BOEHNER: I need to know what is there.

MR. WILSON: Okay.

MR. BOEHNER: And then we will check it against the variance.

MR. WILSON: And then you want a model of the light that is being used?

MR. BOEHNER: Light details and the height and the model and residential shields.

MR. WILSON: The height of posts?

MR. BOEHNER: Yes.

MS. CHAIRMAN: Type of lamp, wattage?

MR. WILSON: Okay any other comments on the plans?

MS. CHAIRMAN: There is a question about the gate existing gate to be removed and a new one put in. So will that end up with a single gate into the compound? It's confusing it looks like an existing fence line that is being removed and a gate being replaced.

MR. WILSON: The existing 13 foot 5 inch double swing gate. This section of the fence would be removed and a new gate here.

MS. CHAIRMAN: What is the access way to that new gate?

MR. WILSON: Through the existing driveway.

MR. WARTH: Maybe you could give a profile of what it is now and then what it is proposed. If you had two drawings to show the profile of what it is now and what it is proposed to be and then a profile.

MR. WILSON: Would a photo simulation do the trick. Kind of a picture from a couple of different angles and what it looks like and then where the new fencing area would be.

MR. WARTH: That sounds good to me is that something my colleagues would go for?

MS. CHAIRMAN: Frankly I don't know that they need to go that far, I think just a little more on the plans would be helpful.

MR. WILSON: I'll make sure you have a better profile of before and after.

MS. CHAIRMAN: Is there any potential for interference from the proposed surrounding electronics?

MR. WILSON: Absolutely not all T-Mobile frequencies are licensed I know this site has had a very long history of an interference issue none of that would be related to any of the frequencies that T-Mobile has licensed.

MS. CHAIRMAN: The proposed antennas operate only on FCC designated frequencies and power levels.

MR. WILSON: Exactly.

MS. CHAIRMAN: Is that a yes.

MR. WILSON: That is a yes.

MS. CHAIRMAN: What are the RF impacts of the tower and what will they be in the future?

MR. WILSON: For every site we perform an emissions analysis to determine that we are within the guidelines. I would be happy to provide that report to the Board. If you would like to see that as well, there is very strict compliance at T-Mobile.

MS. CHAIRMAN: This is a public hearing would anyone like to address this application?

MR. MEYERS: Good evening my name is Dan Meyers. I live at 1100 Highland Avenue. This site is directly above my home. My home is a landmark a Brighton brick home. I am very pleased to hear the line of questioning and the kind of concern that both staff and board have expressed because those are exactly the concerns that the neighbors have expressed every time there has been an addition to the tower. I have lived in the house 16 years and I went back through my file

and I believe this is the 7th time something else has been hung on this and this will be maybe nine more. At some point there has got to be a limit and I understand from previous discussions with staff that some of this is outside your purview and some of it is outside the town purview because of the FCC regulations and so on. But not unlike the concern about the water that the other people talked about if we all want to live here and at some point we just got to put a limit on some things that are clearly questionable in terms of the quality of life. I hope that it is true that your frequencies don't interfere but I got to tell you every other frequency on that tower interferes. My FM radio scrambles, my garage door goes up and down at will, and other neighbors have all sorts of other stories, you know we didn't choose to live with all this extra electric energy circling around.

I am 65 years old and I am not worried about my brain but if I had young children I don't know if I would want to live in this house here. And at some point in the future I am going to need to sell this house and somebody is going to raise those sorts of questions. So I think it is very important to make sure that all of the reviews, all of the technical pieces are in place so that we have the best assurance we can given the scope of this. The environmental protection overlay is really important because that hill is fragile. It's very fragile and there is a lot up there already and you are adding to it. It sounds to me it is doubling in size in terms of the building area and fenced off area. So I think all of the things you have asked for need to be taken care of. I live directly below this and the lights are very annoying and it took three tries to get them to be addressed to our satisfaction. I hope that we don't have to go through that again because the lighting is really very annoying.

MR. WARTH: At present the lights have been adjusted so they are not bothering you?

MR. MEYERS: Yes, they were part of the last adjustment and someone from American Tower listened carefully and they made sure that was the case and the Town followed up to make sure that was the case and I called and I called. So at some point I think the Town needs to find a way to intervene that we just can't keep hanging more and more on this. The good news is technology is changing all the time and these towers won't need to be as prominent. So thank you very much for what you are trying to do and I encourage you to keep being strong about

this and get all of this taken care of and I encourage you not to do provisional approval I would wait until everything is in and you are fully satisfied. Thank you very much.

MS. CHAIRMAN: Thank you. Anyone else like to address this application? This was the last public hearing so we will close the public hearings and we will take a break.

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 AUGUST 20, 2014 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE NOVEMBER 19, 2014 MEETING AT APPLICANTS REQUEST.

10P – NB1-14 Application of Macdanth Enterprises, Inc. owner for Preliminary Site Plan Approval to construct four commercial buildings totaling 43,225 sf on property located at 2750 Monroe Avenue. All as described on application and plans on file. POSTPONED TO THE NOVEMBER 19, 2014 MEETING AT APPLICANTS REQUEST.

(Five Minute Break)

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Michael Montalto, Costich Engineering, dated October 2, 2014 requesting postponement of application 10P-NB1-14 to the November 19, 2014 meeting.

Letter from James Wentworth, RA – University of Rochester, dated October 6, 2014 requesting postponement of application 8P-NB1-14 to the November 19, 2014 meeting.

PETITIONS

NONE

SIGNS

NONE

9P-01-14 Application of William Heberle, owner for EPOD (steepslope and watercourse) Permit Approval to reconstruct a barn destroyed by fire on property located at 751 Browncroft Blvd. All as described on application and plans on file. TABLED AT THE SEPTEMBER 17, 2014 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. WARTH: I move to close the public hearing on application 9P-01-14.

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I Move that the Planning Board approves application 9P-01-14 as presented based on the testimony given, plans submitted and with the following conditions and Determination of Significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted,

and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment.

CONDITIONS:

1. Zoning Board of Appeals approval is required and shall be obtained prior to application for a building permit. If approved, all requirements of the Zoning Board of Appeals Board approval shall be met.
2. All Monroe County comments shall be addressed.
3. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control. This shall include silt fencing around any proposed soil stockpile. Erosion control measures shall be in place prior to site disturbance.
4. The project shall not encroach into the 100 year floodplain or floodway.'
5. The project shall not encroach into any NYS or federal wetlands.
6. Tree protection shall be shown around all trees to be saved. A tree protection detail shall be included in the plans.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All Town code shall be met that relate directly or indirectly to the applicant's request.
9. The entire building shall comply with the New York State Uniform Fire Prevention and Building code.
10. Prior to issue 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. 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 disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
13. 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.
14. There shall be no bulk storage of petroleum products or any other products.
15. Should excavation disturb any apparently archaeologically sensitive areas, there shall be immediate cessation of work and notification of the Town.
16. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.
17. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. TOMKINS-WRIGHT: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

9P-04-14 Application of Francis Perticone, Landing Heights Apartments, L.P., owner for Final Site Plan Approval, Final Subdivision Approval and Final EPOD (woodlot) Permit Approval to construct 50 townhouse units and a 1,500 +/- sf clubhouse and reconfigure two lots on property located on Knollbrook Road, known as Tax ID # 108.17-01-001 and 108.17-01-003. All as described on application and plans on file.
TABLED AT THE SEPTEMBER 17, 2014 MEETING- PUBLIC HEARINGS REMAIN OPEN.

7P-NB1-14 Application of Francis Perticone, Landing Heights Apartments, L.P. , owner for Preliminary Site4 Plan Approval,

Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct 50 townhouses units and a 1,500 +/- sf clubhouse and reconfigure two lots on property located on Knollbrook Road known as Tax ID # 108.17-01-001 and 108/17-01-003. All as described on application and plans on file. TABLED AT THE SEPTEMBER 17, 2014 MEETING – PUBLIC HEARING REMAINS OPEN

MR. FADER: I move to close the public hearing on application 9P-04-14 and 7P-NB1-14.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

- MR. WARTH ABSTAINED FROM VOTING ON THE APPLICATIONS

PARKLAND FINDINGS for residential subdivisions

MR. FADER: I move that the Planning Board finds that suitable park or parklands of adequate size cannot be properly located on the proposed subdivision, requiring payment of a sum of money as adopted by the Town Board in lieu of the setting aside of recreation land.

MS. TOMKINS-WRIGHT: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move that the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and determination of significance:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted,

and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment.

CONDITIONS:

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
2. The buildings shall comply with the most current Building & Fire Code of New York State.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town code shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's

Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

11. The parking areas shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. The response letter dated August 19, 2014 prepared by Fisher Associates indicates that the NYSDOT has reviewed a traffic assessment for this project and concluded that an eastbound left turn lane on Route 286 at Knollbrook Road is warranted. The final plans must show the Knollbrook Rd./ Route 286 intersection and associated improvements. The improvements must be installed at the applicant's expense. The improvements must be installed prior to the issuance of a Certificate of Occupancy.
13. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed. Please contact the Fire Marshal for his comments.
14. A construction phasing plan shall be prepared and submitted and approved by the Town Engineer.
15. 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.
16. Fire hydrants shall be fully operational prior to and during construction of the building.
17. All County Development Review Comments shall be addressed.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
19. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
20. 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.

21. The proposed sanitary sewer serving the project shall be dedicated to the Town of Brighton on easement. All easements required by the Town Engineers shall be shown on the Subdivision map.
22. 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.
23. Prior to any excavation, grading or other site disturbance, Larry Thomas of the NYSDEC Division of Environmental Remediation at 518-402-9813 shall be contacted.
24. The applicant's architect shall evaluate the project relative to the Town of Brighton's sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted.
25. 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.'
26. 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.
27. Erosion control measures shall be in place prior to site disturbance.
28. The application shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
29. 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.
30. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

- 31 The architectural design and building materials of the proposed buildings shall be reviewed and approved by the Town of Brighton Architectural Review Board review and approval may require Planning Board review and approval.
- 32 The height of the new fence proposed to be located around the pool shall not be any higher than the existing fence proposed to be removed.
- 33 Snow shall not be pushed over the steepslope.

MS. TOMKINS-WRIGHT: Second.

MR. WARTH ABSTAINED FROM VOTING

UPON ROLL CALL VOTE MOTION CARRIED

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.

MR. FADER: I move that 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 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. The plans shall note how areas where pavement is to be removed will be restored.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
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

MR. BABCOCK-STINER: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

10P-02-14 Application of American Tower Company, owner, and T-Mobile Northeast, LLC, lessee for Tower Permit Approval, Site Plan Modification and EPOD(steepslope) Permit Approval to install nine cellular antenna on an existing tower and to expand the existing equipment compound on property located at 1 Pinnacle Hill Road (Tax ID 136.08-01-006.1. All as described on application and plans on file.

MR. WARTH: I move that this be tabled based on the testimony given, plans submitted and for the following information and conditions and the Determination of Significance The Planning Board Finds the action to be an Unlisted Action under the State of New York Environmental Quality Review Act. Additional information is requested in order to make a determination of significance:

1. A report from a geotechnical engineer shall be submitted addressing the Town's Environmental Protection Overlay District (EPOD) requirements and verifying that the project will not be adversely affected by the slope and the slope stability will not be adversely affected by the site work or equipment
2. A search ring prepared by a qualified professional engineer radio frequency engineer shall be submitted that addresses Section 207-42.D(1)(e) of the Comprehensive Development Regulations.
3. A certified load analysis report shall be submitted indicating the tower's ability to support all co-located facilities as required. The

report shall be signed and sealed by a NYS licensed Professional Engineer.

4. A variance granted in 2003 (3A-04-03) to allow an eight foot high fence topped with barbed wire. Applicant will need to show that the existing fence was constructed using the variance and that the proposed project complies with the variance.
5. All New York State Uniform fire Prevention and Building codes shall be satisfied.
6. 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.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All Town code shall be met that relate directly or indirectly to the applicant's request.
9. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
10. 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.
11. 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.
12. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
13. All outstanding Site Plan comments and concerns of the Town Engineer shall be addressed.

14. All reviewing agencies must issue their approval prior to the Department of Public Works. issuing its final approval.
15. The following comment of the Conservation Board shall be addressed
“Every effort should be made to keep the equipment shelter and heavy equipment as far away as possible from the top of the southern slope”.
16. The antennas shall be operational only at Federal Communications Commission (FCC) designated frequencies and power levels. The applicant shall comply with all applicable State and Federal regulations including but not limited to , FAA and FCC regulations.
- 17 A certified load analysis report shall be submitted with the Building Permit application indicating the tower’s ability to support all co-located facilities.
18. Applicant and all successors, users and or tenant on the tower shall comply with all applicable FCC requirements in particular those requiring satisfaction of all complaints of blanketing interference which are received within one year of the initiative of service (e.g.Rule 73.318(b) for FM and Rule 73.685(d) for TV). To assure such compliance the applicant shall meet the following additional requirements:
 - (a) Prior to the activation of the first antenna system on the tower, the applicant shall notify by first class mail with a copy to the Town, all property owners within a 1500 foot radius of the tower of (i) the expected date of activation; (ii) how to obtain information from the FCC regarding its regulations on interference; (iii) the name and mailing address of the responsible person with each user who will be charged with responsibility for receiving and connecting any and all interference complaints ;(iv) the willingness of the Town to receive copies of any complaints; and (v) describing in plain language ways in which interference can be avoided or minimized in devices which are not protected by FCC regulations.
 - (b) Prior to the activation of each additional user’s antenna system the applicant shall mail a similar notice to all property owners within a 1500 foot radius with a copy to the Town of the information set forth in terms(I) and (iii) above.
 - (c) Prior to activation of each users antenna system the applicant shall file with the Town a copy of the user’s FCC license.

19. Details of any proposed new lightings shall be submitted.
20. A notarized affidavit of mailing shall be submitted.
21. If a generator is to be installed all town requirements shall be met and a building permit shall be obtained.
22. All outstanding comments and concerns of the Town Engineer shall be addressed.
23. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.
24. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

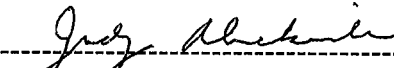
MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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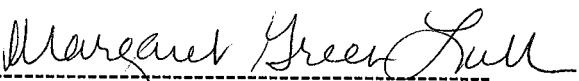
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,
Lyons, New York 14489, do hereby state that the minutes of the October 15,
2014 , 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.



Judy Almekinder

On this 5th day of November 2014 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.



Notary Public

MARGARET GREEN LULL
Notary Public - State of New York
Monroe County, Lic. 01LU6154299
Commission Expires Oct. 23, 2018