

Proceedings held before the Planning Board of Brighton at 2300 Elmwood Avenue, Rochester, New York on May 20, 2015 commencing at approximately 7:30 p.m.

PRESENT: Laura Civiletti, Acting Chairman

Daniel Cordova

David Fader

Jason Babcock Stiner

James Wentworth

NOT PRESENT : William Price

John J. Osowski

Ramsey Boehner, Town Planner

David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MS. ACTING CHAIRMAN: Good evening  
Ladies and Gentlemen, I would like to call to order the May 20, 2015 meeting of the Town of Brighton's Planning Board to order. Mr. Secretary were the public hearings properly advertized for April??

MR. BOEHNER: Yes, they were properly advertized as required in the Brighton Pittsford Post of May 14, 2015.

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MS. ACTING CHAIRMAN: A couple of housekeeping items before we get started. I want to make note that 2P-02-15 the application of Brighton LLC has been postponed and application 5P-01-15 85 Metro Park, LLC has been withdrawn by the applicant. Application 5P-05-15 and 8P-NB1-14 University of Rochester has been postponed by the applicant. And we are going to be combining 5P-0415 and 3P-NB115 Country Club of Rochester.

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5P-02-15 Application of 2100 BHTL Road, LLC, owner for modification of an approved Conditional Use Permit (4P-05-14 ) to

allow for outdoor storage in association with an office/warehouse facility on property located at 2100 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. HITCHCOCK: My name is Gerald Hitchcock. I am here on behalf of 2100 Brighton Henrietta Town Line Road, LLC, Lawn Management. We are proposing an outside storage area with a chain link fence for a tenant.

MR. BOEHNER: You represent the owner?

MR. HITCHCOCK: Yes.

MR. BOEHNER: So you guys are comfortable with reduction of the parking spaces and are you aware that future tenants might want to rent that area?

MR. HITCHCOCK: Yes, we are. We are aware of the current circumstances and unfortunately our hands are tied there for what it is.

MR. BOEHNER: Okay, because I think you can have certain uses there but it may prohibit you from other uses that require more parking spaces but I think you may have enough to do it.

MR. HITCHCOCK: Yes, that was our assumption as well.

MS. ACTING CHAIRMAN: Can you tell us what exactly will be stored in that area?

MR. HITCHCOCK: They are going to be storing irrigation piping, PVC piping, 20 foot lengths and that is pretty much all of it. And the only other thing we will be storing is corrugated roles for drainage and also PVC in nature.

MR. WENTWORTH: So it would be strictly piping, would there be any flammable solvent or other materials.

MR. HITCHCOCK: No, all that is stored indoors.

MR. BOEHNER: Would the materials being stored exceed the height of the fence?

MR. HITCHCOCK: No,

MR. WENTWORTH: How about deliveries what would be the schedule and number.

MR. HITCHCOCK: The deliveries are pretty much weekly and it varies and is based on the tenants needs, how much they are selling and what not. They will come into the main entrance the property basically has a loop road around it so they can come in tractor trailer wise and make their drop and then pull out around the building .

MR. WENTWORTH: The fence is proposed to be six foot in height. Would you describe the top?

MR. HITCHCOCK: The top is just going to be top rail no barbed wire or anything like that just post chain length with a rail along the top.

MS. ACTING CHAIRMAN: Would you consider a different type of material for the fence, a chain link fence is generally a little bit of a problem.

MR. HITCHCOCK: Sure, something like a stockade nature wooden is that what you are looking for?

MR. BOEHNER: You said this was going to be a screen?

MR. HITCHCOCK: Yes, what about installing a vinyl slab in the chain link fence would that be suitable or are you opposed to the chain link altogether?

MR. FADER: I kind of don't think it is attractive generally.

MR. HITCHCOCK: Okay.

MS. ACTING CHAIRMAN: I tend to think the chain link don't tend to be very durable.

MR. HITCHCOCK: Fair enough.

MS. ACTING CHAIRMAN: I think it would be proper for a solid wooden fence.

MR. HITCHCOCK: Okay I don't see why the company would be opposed to that.

MS. ACTING CHAIRMAN: Any additional pavement or changes to the landscaping?

MR. HITCHCOCK: No, weren't planning on any not unless we needed it to create a visual barrier.

MS. ACTING CHAIRMAN: How about additional lighting is there any lighting planned for that area?

MR. HITCHCOCK: It hasn't been brought up and if my memory serves me I believe there is a wall pack over the tenants back garage door which is directly adjacent to where the storage area would be.

MR. BOEHNER: You know you need a variance.

MR. HITCHCOCK: No I don't. That is something I was told would be discussed tonight whether or not I need a variance.

MR. BOEHNER: Yes, you do I will convey that to you and you will need to come back.

MR. HITCHCOCK: Is that due to the setback?

MR. BOEHNER: Yes.

MR. HITCHCOCK: Okay

MR. BOEHNER: You can not have storage in a required setback.

MR. HITCHCOCK: Unfortunately that property has no property left that isn't in a setback.

MS. ACTING CHAIRMAN: All right, this is a public hearing is there anyone who wishes to address this application? There being none we will move on. Thank you.

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5P-03-15 Application of Anthony J. Costello and Son, Development, owner for Site Plan Modification to add light poles and fixtures for the Brewerton, Ft Plains and Glenville neighborhoods of the Reserve housing development. All as described on application and plans on file.

MR. TOMLINSON: Good evening, Matt Tomlinson from Marathon Engineering with me tonight is Bill David from the Costello Group. As mentioned we are here requesting additional lights to three of the neighborhoods within the Reserve View Boulevard, the remainder of the neighborhoods as well as the Reserve View Boulevard which is the main road into the site from South Clinton Avenue that already had street lights on them. But I have handed out to you some photos of the site showing the street lights currently installed out there which RG&E prepared as a colonial style post op light and there have been requests from residents that are already living on the site in these neighborhoods to potentially add lights to the neighborhoods. We are currently going through the process for the Brewington neighborhood which is Cosmit Heights the road name to reconfigure that so we will regardless of which way that goes we would still be proposing to add lights to that neighborhood but the layout might change slightly depending on how that approval process goes.

The lighting that we are proposing for these neighborhoods is consistent with the existing lighting fixtures, same fixture and it is a 150 watt high pressure sodium with a

fiberglass pole. It is approximately a 14 foot pole with a 15 foot mounting height for the light. Brentlin and Cosmit are private And these lights would be owned and paid for by the HOA. So there would be no charge to the district for those lights. The lights on St. Johnsville which is a dedicated road will be owned by the town similar to the other dedicated road and the canal lighting and paid for by the district. So that kind of explains what we want to do in the three neighborhoods just to kind of orient you on the site the areas in white we are talking about and the areas in gray already have lights both Water Mark Landing east and west and Pendleton Hill and the Reserve View Boulevard. So with that, I also want to mention that the Conservation Board had a comment relative to using LED lights and dark sky compliant lights. Unfortunately during this process when we came in for lights originally and in the decision to have RGE tariff lights out here with the Town owning the street lights. We are limited as far as the fixtures and styles to what is on the RGE tariff and in the interest of making the lighting consistent with what is out there now what we are proposing that is the best thing and the most attractive option in order to provide lights in these neighborhoods. So I am open to any questions.

MS. ACTING CHAIRMAN: Is the remainder of the site High Pressure Sodium as well?

MR. TOMLINSON: Correct.

MS. ACTING CHAIRMAN: Matching the existing fixtures is that correct?

MR. TOMLINSON: That is correct they will be exactly the same.

MS. ACTING CHAIRMAN: Could you point out again the responsibility for the fixtures in the different neighborhoods?

MR. TOMLINSON: Sure. Currently along the Reserve Boulevard all the way down to where the public highway ends it is owned by the Town, and paid for by the district and also Pendleton and the existing lights along the canal are also

in the Town lighting district. Water Mark Landing is in the east and west and are owned by the HOA and paid for the HOA. Brentlin and Cosmet Heights are private road and that would be owned and paid for by the HOA. So there would be no charge to the district for those lights. The lights on St. Johnsville which is a dedicated road will be owned by the town similar to the other dedicated road and the canal lighting and paid for by the district. So that kind of explains what we want to do in the three neighborhoods.

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

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SP-04-15 Application of the Country Club of Rochester, owner, for Final Site Plan Approval to demolish and remove the existing pool area and a 5,423 +/- sf portion of the club house and construct a 12,848 +/- two story building addition and new pool area on property located at 2935 East Avenue. All as described on application and plans on file.

3P-NB1-15 Application of the Country Club of Rochester, owner, for Preliminary Site Plan Approval to demolish and remove the existing pool areas and a 5,423 +/- sf portion of the club house and construct a 12,848 +/- sf two story building addition and new pool area on property located at 2935 East Avenue. All as described on application and plans on file.

MR. VARS: Good evening my name is Peter Vars from B and E Associates and I am appearing on behalf of the Country Club of Rochester, also with me is Chris Smith from Chambers Architects the project architect. We are also represented by the Country Club which is in attendance this evening. We are here this evening as a continuation of the preliminary site plan public hearing. We last appeared on March 18 of this year and we are also here this evening to request Final Site Plan Approval based on an application we submitted on the 21<sup>st</sup> of April. The Site Plan Application and requests for approvals is for the expansion of what is known as the Members Activity Area of Rochester. The proposal is to demolish

approximately 5400 square feet at the north end of the existing clubhouse as shown on the plans to my left. That would be replaced with a two story addition totaling about 12, 800 square feet foot prints of that addition is about 7100 square feet. We would also reconstruct the pool area and its associated deck area and also reconstruct the parking area and drop off that is located just to the east of the proposed addition.

The area of the Country Club of Rochester that we are looking at is represented on this overall site plan is located at 2935 East Avenue with approximately 29 acres of land bounded by Elmwood Avenue and East Avenue. The property is zoned Residential RLA which is Residential Low Density private country club use is an allowed conditional use per section 203-2.1C of the Town Code. The proposed demolition as we stated back at preliminary hearing is less than 50 percent of the total structure area so therefore it is not defined as being substantial per section 73-54 of the code and therefore no Planning Board review of that demolition is required. The proposed two story addition will mimic what is now the existing south wing of the club house and as defined by the code to measure height of the addition is 34 feet which is below the allowable height of 40 feet. Mr. Smith of Chambers Architect did appear at the ARB meeting that they had April 28<sup>th</sup> and he will be able to go over that with you in a few moments.

The redevelopment of the pool area will include a new pool and deck area. It does include shade structures and a 175 square foot expansion to the pool mechanical building. We did appear before the Zoning Board of Appeals on May 6<sup>th</sup> and in fact the Zoning Board of Appeals did grant the area variances that allow those shade structures and the expansion of the pool mechanical building to be within the allowable 150 foot setback to the property line.

We also handed to you what was one of the comments coming out of the preliminary site plan hearing and it was a photometric proposed lighting plan for the pool area and you do have that and again Mr. Smith will address that as part of his comments in a few moments.

At the Preliminary meeting the Planning Board did raise the issue about the tree removal that is defined by the code. There are 36 trees proposed to be removed as part of this expansion primarily as a result of the pool redevelopment. We proposed a plan and submitted to you a plan that proposes a one to one replacement of those trees. Those trees are going to be replaced in three areas that were provided to you with the exhibit with your application materials. One area is south of the drop off area near the tennis courts. The second area is along the north property line and the third area is along East Avenue. There is a mix of trees proposed as identified on that exhibit. We did review this with the Conservation Board after the May 12<sup>th</sup> hearing and there was a general acceptance of that plan by the Conservation Board. We continue to propose additional landscaping in the pool area consisting of low lying shrubs and planting beds as discussed with you at the preliminary hearing.

We did submit the Final Site Plan Application on the 21<sup>st</sup> of April and it did include responses to this Board's comments that were generated from the March 18 Preliminary Site Plan hearing. We also provided you written response to the Town Engineer and Department of Public Works memo there memo dated March 17<sup>th</sup> of this year. We provided you final plans that included revisions per those written responses as we mentioned we did provide an exhibit showing you the proposed landscaping, the replanting of the one to one tree ratio. We provided the Town Engineer's Report to address the storm water run off of the proposed expansion and we included the overall site plan as requested.

We did provide a short form Environmental Assessment form for this unlisted action pursuant to SEQR. Before I stand here to answer any questions with the site plan I would allow I would request that we allow Mr. Smith from Chambers Architects to speak briefly about the ARB process and also to answer any questions on the architecture.

MR. SMITH: We did meet with the ARB Commissioner's meeting and presented the addition to the building. Architecturally what we are putting on the building will match the opposing wing on the main portion of the club house. We are matching all the same materials, the brick, the roofing and the types of windows and the ARB I think they had a couple of

comments in terms of making sure they were matching the same materials on the existing building. And I believe they accepted the design as it was submitted. I think there is also a question about lighting levels at the pool area. There was a question about whether or not we would need the 50 foot candles in the pool area that we originally were looking at. We do not need to do that any more. It was a requirement of the code to have that during night time competitions and since we are not going to have night time competitions we are not required to do that and have been reduced to 30 candles per New York State code.

MR. BOEHNER: You have 60 to 62 shown here.

MR. SMITH: No that is going to be reduced originally when we submitted it we were looking at night time swimming which we are not going to be doing now. So we will be able to have 30 foot candles on the water surface.

MR. BOEHNER: What code does that address?

MR. SMITH: The New York State Code for Public pools.

MS. ACTING CHAIRMAN: Is there any other lighting proposed?

MR. SMITH: We do have lantern lighting in the parking areas to match existing lanterns on the building. I think the poles is the most significant in terms of lighting levels. We will be using cut off fixtures so we reduce the spill to other parts of the site.

MS. ACTING CHAIRMAN: What types of lamps does the lighting have that you are matching, you mentioned the pool lighting was LED what was the other lighting?

MR. VARS: What we are doing there, there is a plan in your packet, this is the drop off area here, they are taking the post lamps that are 8 foot and they are just relocating them. So they are basically a post lamp.

MS. ACTING CHAIRMAN: Are they high pressure sodium?

MR. VARS: No they are not.

MS. ACTING CHAIRMAN: What are they?

MR. VARS: They are just an incandescent light.

MR. WENTWORTH: Because they are existing?

MR. VARS: Yes, they are existing on the parking site right now and we are actually reusing two lanterns on the existing addition and putting them back on the new addition at the entrance and again they are just incandescent decorative fixtures.

MS. ACTING CHAIRMAN: Can you describe the shade structures a little bit more?

MR. VARS: The shade structures are basically wood structures. They are a combination – they have a decorative column supports that go up to a wood frame and then they alternate between canvas covered sections as opposed to slatted sections and vary across the shade structures.

MS. ACTING CHAIRMAN: The replacement plantings, I know there was a comment from the Conservation Board regarding one to one replacement, which the nature of their comment leads me to believe you provided a mixture of plant types.

MR. SMITH: Yes, we have.

MS. ACTING CHAIRMAN: The description was primarily for hard woods.

MR. VARS: The comment that came out of the Conservation Board meeting last week on the 12<sup>th</sup> I will use the term at

the minimum the number of hard woods that are removed are being replaced with hard woods. There are actually only two hard woods being removed that is on this plan one maple and one beech and what we are proposing up at the East Avenue end is actually six maples and then there are some spruce trees. The point is we are exceeding that comment that was received from the Conservation Board because there are only two hard woods being removed and are actually going to plant more than two.

MS. ACTING CHAIRMAN: Were there other trees being removed in addition to the hard woods?

MR. VARS: Yes there is a total of 36 trees being removed. The demolition plan did identify all 36 trees that were being removed. It is a mixture of evergreens and deciduous trees the majority of which being evergreens and the proposal is to replace a mixture also. It is not a uniform or one uniform species being selected through out.

MS. ACTING CHAIRMAN: And then this exhibit here is something to be finalized based on consultation with the landscape architect?

MR. VARS: Yes, and that is in the written report we have provided and our firm has a landscape architect that will work with the club horticulturist on selecting the species locating them and I think we said once the locations were staked the town would be notified in case they chose to review the locations.

MR. WENTWORTH: The stakes are going to be pretty close to where they are on the plans?

MR. VARS: Correct. So it's just if there is a desire.

MS. ACTING CHAIRMAN: Mechanicals or HVC equipment where will that be located?

MR. VARS: The mechanicals for the building for kitchen equipment they are behind the screened wall and they are on the deck of the second floor of the building. So they are not on the roof per say, they are behind the screen so if you were on the pool deck looking at the building you would not see them they are behind a wall actually. So there is no mechanicals on the actual roof other than if we have some

statues that need to come up which would not be on the street side but on the pool side.

MS. ACTING CHAIRMAN: And the mechanicals are within the structure?

MR. VARS: They are within this building here. There is the existing building today and they are expanding it by 175 square feet to accommodate new equipment.

MS. ACTING CHAIRMAN: Town of Brighton Fire Marshal review and work sheet are they satisfied with your design?

MR. VARS: What I can say to that is we met with the Fire Marshal actually back in February to go over the review of the plan with him and get his initial input for the design and I think we referenced some of those in the written responses and then we have provided as you mentioned a work sheet and we have not heard anything back from him since that was submitted back in April. I believe as evidenced by the written response we believe we have addressed all the concerns to date that we have received on the existing building.

MS. ACTING CHAIRMAN: Is the existing building sprinklered?

MR. VARS: Yes.

MS. ACTING CHAIRMAN: And will the addition be sprinklered as well?

MR. VARS: Yes, it will.

MS. ACTING CHAIRMAN: Any proposed generator?

MR. VARS: No, there is no generator.

MS. ACTING CHAIRMAN: How about new fencing or walls?

MR. VARS: There are no fencing except for around the pool which is per code that you have to have fencing around the pool area.

MR. WENTWORTH: And the height of the fencing?

MR. VARS: Four feet I believe is the required height.

MS. ACTING CHAIRMAN: Can you describe that?

MR. VARS: It is basically black aluminum fence and it has little spike on it which is again per the code, they have little spikes on it so people can't climb over it.

MS. ACTING CHAIRMAN: Anything else? This is a public hearing is there anyone who would like to address this application? If not we will move on.

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5P-NB1-15 Application of James and Sharon Cerrone, owners, for Preliminary Site Plan Approval to construct a 4,480 +/- single family house with an 898 sf attached garage on property located on East Avenue ( between 2940 and 2980 East Avenue ) known as Tax ID #138.05-1-70. All as described on application and plans on file.

MR. MCMANN: Good evening my name is Greg McMann with McMann and Larue Engineering the engineers for the Cerrones and also here tonight is Jack Segress who is the architect. The Cerrones are proposing to build a new home on a lot that they owned adjacent to their existing home on East Avenue. The property is zoned RLA. It is approximately .8 acres. It is a pre-existing non conforming lot that was created back approximately in 1919, the none conforming portion of this lot is the lot width which is 100 feet where code requires 125 feet.

The home which they are proposing to build is noted as 4,480 feet maximum living area per code based on lot size is 3,963 feet there is an application before the Zoning Board of Appeals for the increased square footage for the house and there is also an application

for a side setback variance that being on the south side of the house, the side that adjoins the existing house where they are looking for a variance from 16 and a half feet which is required by code down to 10 feet. The lot will access East Avenue with a new driveway, utilities per town records are existing storm and sanitary laterals to the lot. Those will be extended as will the new water surface, electric comes off the rear of the lot. As part of this construction there will be four trees removed. We have noted those trees on the existing condition plan and there was information provided in the engineers report regarding the condition of those trees. They are being replaced with four new hard wood trees.

MR. BOEHNER: Is that shown on the plan?

MR. MCMANN: It is shown on the plan one of the set, they are noted here to be removed. There is one and two pine trees and two pine trees. Those are shown to be removed and then the proposed to be planted are shown on the site plan, we have two shown on each side of the driveway and two trees out here and those are adjacent to East Avenue.

MR. BOEHNER: Did you have an arborist look at that plan especially the trees along the property line along with where the driveway is?

MR. MCMANN: Yes, we had our landscape architect inspect the site. The main issue we had was one tree was adjacent to the driveway which is the one proposed to be removed.

MR. BOEHNER: There is no other trees in there?

MR. MCMANN: No other trees to be affected by that driveway.

MR. WENTWORTH: So the turn around next to the drive way looks to be over the roof area –

MR. MCMANN: Yes, this are back in here we have to adjust that area and we are going to move that out about five feet but the remainder of that we felt is distant enough.

MR. WENTWORTH: What is your construction method on the driveway is it full excavation?

MR. MCMANN: It is going to be 9 inches of crushed stone and I don't know if we have the driveway sheet. It will be part of the Town's standard driveway construction and that excavation for that in the opinion of the landscape architect there is not an issue.

MR. BOEHNER: That is only 4 feet off that trunk?

MR. MCMANN: We are going to adjust that driveway it's the turn around, the back up and turn around

MS. ACTING CHAIRMAN: How do you propose to modify that?

MR. MCMANN: We are going to move it away further to the south.

MS. ACTING CHAIRMAN: How is that going to work with access in and out of the garage? They are concerned about adequate area to move in and out.

MR. MCMANN: We think we have that worked out. We don't see any problem with that.

MR. WENTWORTH: So your landscape architect says that black cherry tree will survive that driveway with modification with that driveway.

MR. MCMANN: Yes, I would be glad to have him take a second look at it.

MR. BOEHNER: We might want our arborist take a look at that.

MR. WENTWORTH: Do you know the size of that tree?

MS. ACTING CHAIRMAN: There is a key in there for that.

MR. BOEHNER: Have you met with the neighbors?

collect all of the down spouts underground flexing system and tie it into the existing storm lateral that will be brought up to this site.

MS. ACTING CHAIRMAN: Was there a house on this site previously?

MR. MCMANN: No, not that we are aware of. This lot has existed since the early 1900's I assume the lot pre-existed the installation of a sanitary sewer when they put in the sewer they ran laterals across the street and left them at the right of way in anticipation that some day a house might be constructed.

MS. ACTING CHAIRMAN: So has the existence of laterals been verified?

MR. MCMANN: Not at this point they have been plotted, they have the town's record maps, its from record mapping provided by the town and the discussion with the Public Works people that did other instances in this neighborhood and they have found laterals approximately where the records had indicated. At this point there has been no excavation done to locate or mark those lands.

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

MR. LUDWIG: Jerry Ludwig 2940 East Avenue. I live to the north of this grounds. We have lived there for 18 years and I have to say we have had a good relationship with the neighbors as far as I am concerned. I am concerned about a couple of things basically the variances required for this and the plan required for this point out to proportions. The proportion to the size of the house to the size of the lot. A year ago the Cerrone's contacted us and submitted a proposal for an addition to their current home which we thought was a great idea. It's a big lot and if you combine the two that was part of the deal and now they want to build a house on this lot. I understand it is a buildable lot however before you reach a decision I ask you to take an imaginary trip down East Avenue from the Rochester City Line to the Pittsford Town Line. I think you will note that most of the houses are proportioned according to their lot size. There is some small houses and the lots are smaller and there is some large houses and the lots are larger. Nowhere on the street at least in the last 60 years has anything been shoehorned in between existing homes.

If you drive down Clover Street, and even into Strutmar, Ambassador and Sandringham it will be pretty obvious where a new house either had variances to be shoehorned in or wedged in between two existing houses. I ask that you think about this issue very closely about the setbacks on either side. East Avenue is a special place it is one of the most famous street in the City and any house that has been shoehorned in between existing properties especially when there is minimum setback on either side doesn't look just quite right to me. How will this affect the property values of the existing homes or our home which is a Brighton landmark by the way. I am not sure whether it will be positive or negative. So I ask you all could a more modest house fit this site and neighborhood better and I think the answer to that is probably. Thank you.

MS. ACTING CHAIRMAN: Thank you.

MR. BOEHNER: Mr. Ludwig do you understand that they need a variance .

MR. LUDWIG: Yes, I am aware of that for the first time tonight and I am also aware of the trees. We have had a pretty cooperative effort between the Cerrone's and us. We have quite a few mature trees along our common side line and when a branch would fall down we would share the burden of having someone come and cut it up and so and so forth. So we are very concerned about the effect of the driveway being so close to the property line. We have a lot of maples. I think there is a Black Cherry and a few other trees along there. So that is a significant concern.

MR. BOEHNER: The Zoning Board is something you also need to go to.

MR. LUDWIG: Yes, but I thought it was appropriate to come here to.

MR. BOEHNER: Yes. I just want to make sure you that you knew that?

MR. LUDWIG: Yes, thank you.

MR. BOEHNER: And the Black Cherry is a concern.

MR. LUDWIG: Yes, we lost one between us and it created one sizeable gap and the other one is going to go and that is a concern. I also understand there is a large Silver Maple that has to go that would go even with the former plan of adding onto the house and it is a beautiful tree that won't affect us nearly as much as the Black Cherry. Thank you.

MS. ACTING CHAIRMAN: Is there anyone else that cares to speak? There being none we will move on. The public hearings are closed.

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PRESENTATIONS

NONE

COMMUNICATIONS

Letter to William W. Moehle, Town Supervisor, from Gary Caruso, 2229 Clover Street, dated April 22, 2015 in support of the proposed Clover Lanes redevelopment

Letter from Jonathan McCann, U of R – associate project manager, dated April 29, 2015 requesting postponement of application 8P-NB1-15 and 5P-05-15 to the June 17, 2015 meeting.

Letter from Gerald Hitchcock, Flaum Management, withdrawing application 5P-01-15.

Letter from Richard and Sidonie Roepke, 65 Schoolhouse Lane, dated May 11, 2015 with comments and concerns regarding the proposed Clover Lanes redevelopment.

Letter from Stuart E. Baker, SE Baker & Co., LLC, dated May 14, 2015 requesting postponement of application 2P-02-15 to the June 17, 2015 meeting.

Letter from Laura Thomas, 45 Schoolhouse Lane, dated May 15, 2015 with comments and concerns regarding the proposed Clover Lanes redevelopment.

**PETITIONS**

**NONE**

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5P-02-15 Application of 2100 BHTL Road, LLC, owner for modification of an approved Conditional Use Permit (4P-05-14 ) to allow for outdoor storage in association with an office/warehouse facility on property located at 2100 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. FADER: I move to close the public hearing on application 5P-02-15.

MR. BABCOCK STINER: Second.

**UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED**

MR. FADER: I move the Planning Board approves application 5P-02-15 based on the testimony given, plans submitted and with the following Determination of Significance and the following conditions:

**DETERMINATION OF SIGNIFICANCE**

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

**CONDITIONS**

1. All required variances shall be obtained.

2. Replacement of materials shall be proposed. The material to be stored shall be screened. A detail of the proposed screening shall be provided and shall be approved by the Building and Planning Department.
3. Storage of materials shall not exceed the height of the fence.
4. The height of the fence shall not exceed 6.5.
5. The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town Code. Any additional parking areas shall be subject to site plan approval.
6. A detail of the proposed fence/enclosure, including height shall be provided.
7. All town codes shall be met that relate directly or indirectly to the applicant's request.
8. Meet all requirements of the Town of Brighton's Department of Public Works.
9. Any discharge to the sanitary sewer system shall meet all town, county, state and federal requirements.
10. All Monroe County comments shall be addressed.
11. All comments and requirements of the Town Engineer and the Fire Marshall shall be addressed.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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5P-03-15 Application of Anthony J. Costello and Son, Development, owner for Site Plan Modification to add light poles and fixtures for the Brewerton, Ft Plains and Glenville neighborhoods of the Reserve housing development. All as described on application and plans on file.

MR. FADER: I move to close the public hearing on application 5P-03-15.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

DETERMINATION OF SIGNIFICANCE

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

CONDITIONS

1. The proposed lighting shall be consistent with the existing light for the subdivision.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. All comments and concerns of the Town Engineer as contained in the attached memo dated May 17, 2015 from Michael Guyon, Town Engineer to Ramsey Boehmer shall be addressed.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SP-04-15 Application of the Country Club of Rochester, owner, for Final Site Plan Approval to demolish and remove the existing pool area and a 5,423 +/- sf portion of the club house and construct a 12,848 +/- two story building addition and new pool area on property located at 2935 East Avenue. All as described on application and plans on file.

3P-NB1-15 Application of the Country Club of Rochester, owner, for Preliminary Site Plan Approval to demolish and remove the existing pool areas and a 5,423 +/- sf portion of the club house and construct a 12,848 +/- sf two story building addition and new pool area on property located at 2935 East Avenue. All as described on application and plans on file.

MR. FADER: I move to close applications  
SP-04-15 and 3P-NB1-15.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

#### DETERMINATION OF SIGNIFICANCE

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

#### CONDITIONS

1. The addition shall comply with the most current Building and Fire Codes of New York State.
2. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town code shall be met that relate directly or indirectly to the applicant's request.
5. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
6. 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.
7. 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.
8. Maintenance of landscape plantings shall be guaranteed for three years.
9. 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.
10. The parking lot shall be striped as per the requirement of the Brighton Comprehensive Development Regulations.

- 11 All outstanding Site Plan Comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
- 12 All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
- 13 All County Development Review Comments shall be addressed prior to final approval.
- 14 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 15 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on site maintenance of a project record and Section 56-3.6 (a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
- 16 The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building needs to be sprinklered. The building shall be sprinklered as required by Brighton Code.
- 17 The height of the proposed addition shall be shown on the plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
- 18 Erosion control measures shall be in place prior to site disturbance.
- 19 The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the

height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

- 20 The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
- 21 The location of the HVAC shall be shown on the site plan. Plans for HVAC mechanicals and proposed screening shall be submitted for review by the Building and Planning Department.
- 22 All fencing/walls shall meet Town of Brighton regulations including height requirements.
- 23 All comments and concerns of Evert Garcia as contained in the attached memo dated May 18, 2015 to Ramsey Boehner shall be addressed.
- 24 All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
- 25 A letter of Credit shall be provided to cover certain aspects of the project, including, but not limited to, demolition, storm sewer utilities, landscaping and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval.
- 26 All requirements of the Zoning Board of Appeals and Architectural Review Board approvals shall be met.
- 27 The following comments of the Conservation Board shall be addressed
  - Would prefer a one to one replacement of
  -

- hardwoods. The remaining tree plantings can be a mixture of ornamentals trees, pines and spruces as requested by the applicant.
- The replacement trees shall be planted in the planting zones as described by the applicant.
- Field determination of tree planting locations is warranted due to the substantial mature vegetation that exists on site and the applicants desire to integrate the new plantings with existing plantings.
- The Board applauds the applicant's extensive use of native plant material.

28. A lighting plan which show the type, location lighting contours, and details on all existing and proposed light poles and fixtures of all exterior lighting shall be submitted as per NYS Health Department Code.

29. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted.

30. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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SP-NB1-15 Application of James and Sharon Cerrone, owners, for Preliminary Site Plan Approval to construct a 4,480 +/- single family house with an 898 sf attached garage on property located on East Avenue ( between 2940 and 2980 East Avenue ) known as Tax ID #138.05-1-70. All as described on application and plans on file.

MR. FADER: I move that the application be tabled based on the testimony given and plans submitted. Additional information

is requested in order to make 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 Planning Board meeting.

1. All required variances shall be obtained.
2. The proposed side setback should take into account bay windows and other extensions of the main walls. Any such extensions should be shown on the site plan, as should the roof edges.
3. The architectural elevation shall be revised to show the ground elevations at the corners of the house and grading around the foundation of the house. These shall be consistent with the corners and grading shown on the grading plan.
4. The architectural elevation shall show the height of the proposed house as defined in the Brighton Code. The height of the house should not exceed 30 feet.
5. The ground elevations shown at the corners of the house on the grading plan are difficult to read and shall be made more legible.
6. All pavement shall be a minimum of four feet from the side and rear lot lines.]
7. Architectural Review Board approval shall be obtained.
8. Plans shall be submitted to Monroe County for review.
9. Any proposed air conditioners and/or generators shall be shown on the site plan. Generators and air conditioners shall comply with Town regulations.
10. 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.
11. The following comment of the Conservation Board shall be addressed.  
-Consider using green infrastructure techniques where practical.
12. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon to Ramsey Boehner, shall be addressed.

13. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
14. The plan shall be reviewed by a certified arborist and shall verify in writing that the Black Cherry tree can be saved.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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1378 LJ Whitehead Insurance for a building face sign at 1534 Monroe Avenue

CONDITION:

1. The character spacing of the line LJ Whitehead shall be expanded.

1379 United States Post Office for a building face sign at 1900 South Clinton Avenue.

1380 Veterinary Services Emergency services a Monument sign(1) and Building face sign (2) at 825 White Spruce Blvd

CONDITIONS:

1. The signs shall state the name of the business. Evidence that the proposed text is the name of the business shall be submitted. IF the wording of a sign is changed the sign should be reviewed.

It is recommended that the circle be removed from the logo on the "Veterinary..." signs for consistency with other occurrences of the logo as well as visibility from the road.

MR. BABCOCK STINER: I move to approve signs 1378, 1379 and 1380 as submitted with conditions.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

## C E R T I F I C A T I O N

I, Judy Almekinder, 7633 Bauer Van Wickle Road,  
Lyons, New York 14489, do hereby state that the minutes of the May 20, ,  
2015 , meeting of the Planning Board of the Town of Brighton  
at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to  
the best of my ability as recorded and transcribed by me.

Judy Almekinder  
Judy Almekinder

On this 13 day of June 2015 before me personally came Judy  
Almekinder to me known and known to me to be the person described herein and  
who executed the foregoing instrument, and she acknowledge to me that she  
executed the same.

Marcy L. Mitchell

Notary Public

MARCY L. MITCHELL  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01MI6281958  
Commission Expires May 13, 2017