

## 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 July 19, 2017 meeting of the Planning Board at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.

Judy Almekinder

Judy Almekinder

On this 14 day of August in the year 2017, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.

Tanya J. Leisenring

Notary Public

TANYA J. LEISENRING  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01LE6312991  
Commission Expires October 14, 2018

SIGNS

1479 Howard Hanna Real Estate Services for a building face sign at 2349 Monroe Avenue

1480 Dada for a building face sign at 2900 Monroe Avenue  
Approved per approved plaza sign plan.

MS. CIVILETTI: I move to approve Signs 1479 and 1480 as presented and 1480 approved pe the approved sign plan.

MR. BABCOCK STINER: Second.

UPON ROLL CALLVOTE MOTION UNANIMOUSLY CARRIED

1463 U of R. South Campus for four Freestanding signs at 200 East River Road.

POSTPONED AT APPLICANT'S REQUEST ON 7.19.17

Proceedings held before the Planning Board  
Brighton at 2300 Elmwood Avenue, Rochester, New York on July 19,  
2017, at approximately 7:30 p.m.

PRESENT: Laura Civiletti, Acting Chairman  
David Fader  
Justin Babcock Stiner  
James Wentworth  
John Osowski

NOT PRESENT: William Price, Daniel Cordova

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 July 19, 2017 meeting of the Town of Brighton's Planning Board to order. We do have the minutes from May 17, 2017 and June 21, 2017. Could I have a motion?

MR. OSOWSKI: I move that we approve the minutes from the May and June meetings.

MR. FADER: I will second that.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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MS. ACTING CHAIRMAN: Mr. Secretary, were the public hearings properly advertised.?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of July 13, 2017.

MS. ACTING CHAIRMAN: Before we get started I would like to announce postponement of a couple of items on the agenda. Application 6P-03-17 is adjourned to the September 13, 2017

meeting at the applicant's request and 6P-NB1-17 is adjourned to the August 16 meeting at the applicant's request. The remaining hearings will now be held.

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6P-2-17 Application of Tim Fournier, owner, for Preliminary/Final Demolition Review and Approval. Site Plan Approval and EPOD (steepslope) Permit Approval to raze a single family house and construct a 5,648 +/- sf single family house with a 900 sf attached garage on property located at 250 Old Mill Road. All as described on application and plans on file. TABLED AT THE JUNE 21, 2017 MEETING PUBLIC HEARING REMAINS OPEN.

MR. CLARK: Good evening John Clark DDS Engineers on behalf of Tim Fournier, owner of the subject parcel. With me to night is Mr. Fournier the owner of the property and he will be available to answer any questions this evening. He is the owner of a 1.7 acre parcel located at 150 Old Mill Road. The current site is zoned residential low density A and currently there is a single family home on the site right now. Mr. Fournier is proposing the demolition of the existing house and constructing a new home. The home will be serviced by public utilities and the drainage to the south east is to be maintained and that drainage pattern will all be collected by a catch basin and roof leaders and directed to the south east portion of the property where it will enter a dry well and then a French drain over flow pipe. I believe this type of subsurface storm water management will meet the Town desired green technique.

We will be demolishing some trees approximately ten trees per the arborist's report. They do have afflictions to them and they would come down sooner or later on their own. So we are proposing to take those trees down and to mitigate that we will install about 12 new trees, 8 new Hemlocks along the southern property line in front the of property and four new Douglas Firs to the rear of the property which will be strategically placed there. The project as you see it does meet all zoning requirements and no variances are needed. A number of reports have been submitted to the town for asbestos, arborist review, geo technical, storm water management and a letter of credit was also

submitted to the town. This was also submitted to Monroe County DEC and this was considered a local matter and they had no comments. We also submitted to Monroe County Water Authority and Pure Waters authority and it was reviewed and approved and they are ready to sign off.

We have received comments from Town Staff as well as the Town Engineer and we have addressed all the application materials, documents and reports and resubmitted those on July 5<sup>th</sup>. We have attended a number of meetings on the project and attended a workshop meeting back in May, met with the Architectural Review Board in May and the Conservation Board and the Historic Preservation Board and this is our second Planning Board meeting. All of the preliminary and final application fees have been paid, the steep slope permit has been paid and also the demolition permit has been paid and we are here tonight seeking Preliminary/Final Demolition Review and Approval and EOD Permit Approval to raze a single family house and construct a 5,648 +/- sf single family house with a 900 sf attached garage and we would be happy to answer any questions you may have.

MS. ACTING CHAIRMAN: I see the grading plan that you have reconfigured that since we last saw it especially along the south west property line. The retaining wall there is there an intent to provide a walkway around that corner of the building?

MR. CLARK: Yes, right now there is a garage door or man door proposed towards the back and a few steps down it is recessed down and then there is a flat surface incorporated into the wall with some steps down into a gentle slope that gets it to the back yard.

MS. ACTING CHAIRMAN: The proposed Douglas Firs it looks like they are scattered throughout the already wooded area. Would it be possible to relocate those as more of a buffer planting.

MR. CLARK: We certainly could look into that the thought was there was some gaps in those trees and my client is interested in filling those gaps on the site line there. There is a tennis court back there and there is a few other things he would like to buffer

from his property but we are certainly willing to listen to what the Board has to say.

MS. ACTING CHAIRMAN: So those were specifically located for buffering?

MR. CLARK: That is correct.

MS. ACTING CHAIRMAN: We talked a little bit at the last meeting about cut and fill?

MR. CLARK: Yes.

MS. ACTING CHAIRMAN: You were attempting to balance the site?

MR. CLARK: We are going to need to import 700 yards of fill to keep the site the way it is. It does drop off significantly in the back and one of the steep slopes that the Town is concerned about we are trying to avoid those as much as possible. We are going to straighten out those slopes a little bit more and that is as low as you can get.

MS. ACTING CHAIRMAN: Ramsey are there specific provisions about mitigating truck traffic or potential for sediment on the road ways?

MR. BOEHNER: It's there responsibility to keep the roadways clean. I can certainly make conditions and recommendations.

MR. CLARK: There are wash down truck areas at the front of the parcel. I know that the road must be kept clean of debrie.

MS. ACTING CHAIRMAN: Sadly with the reduced sheet size I can't read it.

MR. WENTWORTH: Are you planning on compacting the file?

MR. CLARK: Yes, certainly, there is a soil restoration that is typically something they like to see in the area where that type of fill is required. So it will be disturbed and compacted in areas where that type of fill is required.

MS. ACTING CHAIRMAN: How about equipment storage and construction staging.

MR. CLARK: On the plans there is shown a couple of areas in the front drive area and then on the north side of the property along the front of that is designated as an equipment and staging area.

MS. ACTING CHAIRMAN: Do you have a specific plan for use on the steep slopes.

MR. CLARK: I don't but I am sure the contractor will. What we will be doing is coming in here and excavating down as much as we can to the back of the site and then filling that in around the house and install the basement foundation.

MS. ACTING CHAIRMAN: How about the asbestos abatement of the existing structure?

MR. CLARK: There is one location where asbestos was found and it was in the kitchen sink where there was a drain in there. It is about a 9 percent asbestos. So it doesn't even register and we don't have to have someone who is qualified to remove it properly but I believe the owner has hired someone who is certified to remove asbestos.

MS. ACTING CHAIRMAN: I believe we had a letter from the Historic Preservation Commission.

MR. BOEHNER: That is correct.

MS. ACTING CHAIRMAN: In which they

are declining to review it as a designated landmark. Will all structures on this property be removed?

MR. CLARK: Yes.

MS. ACTING CHAIRMAN: Any fences to remain?

MR. CLARK: The only fences to remain are on the neighbors property. There is a small section that will be taken out and we will coordinate that with the owner.

MR. WENTWORTH: Is a generator proposed?

MR. CLARK: Yes, there will be a generator and an air conditioning unit on the back of the property which is screened in the back in this area.

MS. ACTING CHAIRMAN: Ramsey, if the generator is located in the rear do we have any other review required.

MR. BOEHNER: Just when they come in for a building permit we will check the location on the site and the decimal ratings.

MS. ACTING CHAIRMAN: How will the site be restored following the construction?

MR. CLARK: At this point we will be just seeding and mulching and meshing placed on the one on three slopes to expedite the contact grass so it will stabilize quickly. And overall flowers I don't have any idea where they will go other than the trees that are proposed.

MS. ACTING CHAIRMAN: I think we have seen the proposed tree report and proposed plantings. Ramsey the note about the five trees in the rear are those the Douglas Firs or is it

something else?

MR. BOEHNER: I believe so.

MR. OSOWSKI: There is a trench drain along the south property line, it appears to go through the middle of an existing tree, maybe you might want to move that a little to the north?

MR. CLARK: I think that tree is misplaced. We will make sure that gets straightened out before the Final plans are signed.

MS. ACTING CHAIRMAN: Okay, this is a Public Hearing is there anyone in the audience who cares to address this application? Hearing none we will move on.

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6P-03-17 Application of Jerone Koresko, Sr, owner, and Dr. Indra Quagliata, contract vendee, for Final Site Plan Approval, Final Subdivision Approval and Demolition Review and Approval to raze a single family house, combine two lots into one and construct two 7,000 s +/- sf two story office buildings with related infrastructure on property located at 1230 East Henrietta Road ( Tax ID's 149.18-2-3 and 149.18-2-4) All as described on application and plans on file. POSTPONED FROM TO THE AUGUST 16, 2017 MEETING AT APPLICANT'S REQUEST.

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7P-01-17 Application of Woodstone Custom Homes, owner, for Final Subdivision Approval, Final Site Plan Approval and EPOD (woodlot) Permit Approval to develop an eight lot residential single family subdivision using Town Law 278- Cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID 3s 136-11-2-42 thru 52, 136.11-3-1 thru 44, 136.11-3-53 thru 71 and 136.11-3-75 thru 83. All as described on application and plans on file.

4P-NB1-17 Application of Woodstone Custom Homes, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval and

EPOD (woodlot) Permit Approval to develop an eight lot residential single family subdivision using Town Law 278- Cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID 3s 136-11-2-42 thru 52, 136.11-3-1 thru 44, 136.11-3-53 thru 71 and 136.11-3-75 thru 83. All as described on application and plans on file.  
TABLED AT THE APRIL 13, 2017 MEETING – PUBLIC HEARING  
REMAINS OPEN

MR. PARONE: Good evening my name is Ed Parone from Parone Engineering here on behalf of Woodstone's homes and if I heard you correctly we are combining Preliminary and Final application.

MS. ACTING CHAIRMAN: Yes, we are combining both Preliminary and Final.

MR. PARONE: We are here for Preliminary and Final Subdivision and Site Plan Approval for this particular project. Just to bring back the Board to where we are back in April we made a presentation to you folks relative to preliminary approval for this 8 lot subdivision located off of Willard Avenue in the Town of Brighton. I take it a lot of people are familiar with the project so I won't bore you with the details of where it is located and what we have been doing. From the April 17 meeting there were a variety of comments raised by staff both Ramsey and the town engineer and there is a letter that should be in the packet that we addressed the May 23rd letter of various the various comments and we had a meeting with the staff relative to the modification of the plan on the 30<sup>th</sup> we outlined that this is for cluster development. This is a 12 acre parcel of land of which 8 acres will be dedicated to the Town for the continuation of Persimmon Park expansion of you will. Some of the things I would like to address and things that need to be addressed and I will be more than happy to answer any questions. In the first comment I would like to get a waiver on the 8 acres of recreation fields and what we are doing as far as a donation.

MR. BOEHNER: Unfortunately it is because of the cluster development that is not to be waived. I did look into that for you.

MR. PARONE: We had to make some adjustments relative to some easements and we have a grading plan up here as well as a landscaping plan. We not only have an easement that will be providing for the future for Midland Avenue and there is an easement for a potential gravity sanitary sewer easement as well as between lots 7 and 8 providing a sanitary sewer easement for the folks there. The area between lots 7 and 8 would not allow gravity but would have to be pumped to. We did provide this other easement for them in the event they could get a gravity fed sewer. So we have taken care of that.

We addressed all of the storm water concerns with the town engineer relative to green infrastructure and storm water management. The lots we have made them slightly smaller to allow for proper maintenance of the storm water diffusions that needed to be added to the storm water green infrastructures for this particular project. In addition to that we had some areas that we needed to address with the Conservation Board. We did talk with the Conservation Board again last week and they seem to be satisfied with what we have provided. The landscaping plan is before you and it is acceptable and we tried to meet all the necessary species that they would like to have for our part of the country.

Some of the other areas that we did go to the Town Board and the Town's Department of Public Works workshop roughly a month ago proposing that we do want offer dedication and the indication is that they are amenable to that. So we will have to go through the formal process of getting that dedicated to Persimmon Park. We are extending slightly Willard Avenue and we will be meeting the Town code requirement and we have already discussed it with the Department of Public Works. Our water will be supplied by Monroe County Water and sanitary sewers will be extended for our particular lots with the ability to tie into the sanitary sewer.

There were quite a few comments that we did address. A lot of them are technical in nature and I will be happy to answer any questions you may have that relate to this project. We have Jeff Smith here with us the developer and he would be happy to answer

any questions that are germane as to the homes. So I will conclude my presentation because I think we have seen this many times.

MR. FADER: You are providing an easement for Midland between 7 and 8 that would have to be pumped?

MR. PARONE: Yes.

MR. BOEHNER: You are proposing to have a storm water facility for this one lot.

MR. PARONE: Yes, I think you and I and Mike talked about that and we concluded at this time it would provide its own parcel.

MR. BOEHNER: The one thing you should do is make sure the public has access to it to the parklands behind it because that land goes to drainage distribution. We also need an easement down the east property line for maintenance purpose and storage facilities along lots 7 and 8.

MR. SMITH: I guess we could do some sort of language relative to easements but that is an attorney issue.

MR. BOEHNER: I think it will work out fine.

MS. CIVILETTI: So that would be along the rear of those lots ?

MR. BOEHNER: Yes, it is actually through the town parkland that impacts the easement for the drainage.

MR. DOLLINGER: When you say a separate lot are you talking about a separate tax account.

MR. BOEHNER: It would be owned by the drainage district and the people of the drainage district also. The reasons

we wanted it on its own lot is that it is easier to maintain rather than have it on private property. I have a question about the height of the houses. How tall are those houses?

MR. SMITH: I think in our response the maximum height was 35 feet.

MR. BOEHNER: It was 33 feet last time?

MR. SMITH: Yes. If you recall we looked through that whole sherset (spelling) relative to heights and if I recall we agreed to 35 feet.

MR. BOEHNER: You are right we determined the first floor elevations? Can you describe that?

MR. SMITH: What we tried to do is we did develop elevations for each of the homes and there is a difference of elevation as you go down hill and you are probably looking at a two foot drop as you get towards the end and what we have done is created a drainage so that on each of the lots they would drain to the lot line and then drain back toward the wetland area and toward the disfusers and as you can see from the grading plan some of the houses will have the ability to have a walkout on the back side of these lots,

MR. BOEHNER: So on the front side of those lots you will have steps going up to the first floor for storm?

MR. SMITH: We did agree to that yes.

MR. BOEHNER: And you are doing that because of the high water table?

MR. SMITH: That is correct.

MR. BOEHNER: I have a question on lots 7 and 8, do you think the first floor elevation can get lowered?

MR. SMITH: If I recall the intent was still to keep the elevation to the street level itself in terms of the garage. So the garage structure in relation to the street will go down two to three feet and change as you go down from these elevations and each one will have an elevated porch because of the bedrock and it will physically raise the basement keeping the garage elevation down. So for the total height there will be a portion of the house at a walkout level as you measure it at the rear of the house it is higher than the front but our average grading is intended to stay well within the definition of a cellar area not a finished floor elevation and we have computed everything to make sure it would work.

MR. BOEHNER: So you are not proposing any other conservation areas.

MR. SMITH: No, we actually donated more land to the town, as I think you understand we at one point had storm drainage facilities around the individually owned properties and it was felt we might not maintain them so the simplest solution was to make the lots smaller and include it in the town property area and provide a storm easement. They are simple structures intended to disburse any drainage through these vaults between the houses that is an adequate environment of conservation and this is acceptable.

MS. ACTING CHAIRMAN: Has an environmental audit been done on the property to be conveyed to the town?

MR. PARONE: I believe we have.

MS. ACTING CHAIRMAN: Ramsey have you received any information on that?

MR. BOEHNER: We haven't and that is going to need to be done to the satisfaction of the attorney of the Town.

MR. SMITH: We were told that and it has

been done once and it will have to be redone to the satisfaction of the town and the bank.

MS. CIVILETTI: How have you mitigated the impacts to the woodlot?

MR. PARONE: We went through that with the Conservation Board and we had to go back and do some more tree locations which we did and showed them where the tree line was and what we were taking away. So the audience knows as well as the Board, 68 percent of the trees in this particular woodlot are Ash and 15 percent are Cottonwood. So we agreed upon providing a stone fence in this location. And that will delineate a porch fence where we are not going to disturb any more foliage that exists in that area. And it is just beyond where the diffusers are and we added some more trees were added on what the Conservation Board desired and they were satisfied.

MR. FADER: What are you providing as added landscaping for lot 8?

MR. PARONE: I think it is going to be up to who ever is the property owner on lot 8. Jeff has been with us for over 40 years and I think his property and landscaping show that he gives a pretty hefty allowance for landscaping

MR FADER: I was thinking of the existing house rather than the new house.

MR. PARONE: I think there are two things that relate to lot 8one is we have increased rear setback of the new homes so the homes will be smaller than the others in terms of depth and we have plantings in the rear and in the abutting properties and we would expect the properties in the front and rear would get together and decide what was necessary for screening and privacy.

MS. CIVILETTI: Did you revisit the results of the traffic studies that was done previously for this project?

MR. PARONE: Yes, and it said the impacts were even less. We wrote a one page summary on the 8 lot subdivision and there are no real changes as it relates to Highland. So its on file and I concur with his adjustments.

MR. BOEHNER: Does this project impact any wetlands.

MR. PARONE: No.

MR. BOEHNER: Has SHIPO reviewed this project?

MR. PARONE: Yes.

MR. BOEHNER: Did the DEC show any rare or endangered species of plants or animals?

MR. PARONE: No.

MR. BOEHNER: Did they find anything near the site?

MR. PARONE: Not to my knowledge no.

MS. ACTING CHAIRMAN: This is a public hearing does anyone in the audience care to address this application if so come forward and give your name and address.

MR. COFFEE: Good evening my name is Jim Coffee and I live at 36 Midland Avenue at the end of the street. I would just like to reflect on the process. To start off with I would like to thank you Mr. Smith, I have written a number of times over the past three years on this project and I know we are opposite ends of this because on Midland Avenue we worry about water. We are lower and we are on septic and we don't know how this project is going to affect us but you always got back to me the very next day. I would also like to thank the

Town Board, Ramsey and Mike Guyon and I always felt like I could come in and get all the information that was available and I felt like I had been listened to. I know they couldn't stop the project or get the sewer in but it does have an easement at the end of Midland Avenue and that they couldn't get funding for our small 7 house sewer district. And it was nice to see that was actually made to happen because of the feed back from the neighbors. I would love seeing those yards get smaller because of the protected federal wetlands from private ownership and having it enforced on people's private property whether or not it is affected. I know that was a concern.

We still fear the water because I don't know what is going to happen. And just as a final thought I would like to say I have always enjoyed the native American culture and they are looking 3 or 4 generations out into the future and I would like us to say how is it going to affect them. I am looking out 4 generations say 100 years from now and how will this decision affect our children. And just as a final thing I would not like to go through this and keep it as a preserved piece of nature the way it is now. I want to say thank you again.

**MS. ACTING CHAIRMAN:** Thank you, is there anyone else that would like to address this application?

**MR. SWARTZ:** My name is Jack Swartz and I live at 39 Willard Avenue which is actually the first real house across from lot 7 and 8 on the proposed subdivision. Most of you are familiar with me, I have been here each time. Speaking with all of the neighbors I have been able to speak with people from Highland, Williard and Midland and they have been waiting for me to speak after Mr. Coffee. To be honest as we make our presentation we are opposed to this very fragile environmental area in the heart of Brighton. This is a very unique fragile environmental area and once it is gone it can't be replaced as Mr. Coffee just pointed out. So this Board is the best hope for residences here but I would like to thank Mr. Parone and Mr. Smith for their openness with us in the last three or four years.

Initially we were invited out to discuss the project and we have worn it down to 8 lots and one thing I have noticed in

my 38 years that I have been at my residence is property changes hands several times. And the previous developers have given up on it when they realized the amount of work and money to be invested and that has been already been invested by the current developer in this case but that doesn't turn back the clock on the long term damage that we see potentially here. One point that was that I was asked to reiterate to the Board which I am sure you already know and that is the concept of cost of community services to any development that may be granted. This is an old study but the point I have to reiterate is that this type of development is considered as a loss of services of local government and usually exceeds the income and revenue depending on what services are provided.

We would assume this type of house would be young people with children and would add more costs into the school system than other types of development. The next point is as we look at the change in the building plans we notice several things that feature that came to our attention that we had discussed and one of the first is the actual size of the houses and as you see in front of you or have seen it that last time we were here the builder was very kind enough to provide us with a picture and floor plan of the proposed Pinnacle Hill houses and we noticed that the proposed houses are 2,246 sf. In examining the latest file submitted to the Town the proposed houses from these lots, I will come back to the lot size in a minute, lot number one is proposed for 3,800 sf house with a 816 sf garage. Lots 2 through 7 are proposed 3,100 sf houses with an 816 sf garage and the small lot is 2,400 sf house with a 576 sf garage.

Now on these much reduced properties, as it has already been pointed out the elevation could be 35 feet or more which is much higher than anything there, considering they can't be that far above ground because of the drainage issue. If in fact with these sizes of houses and the size of the lots being reduced to lots of 13020 sf and lot number 8 would only be 9,200 sf lot. Now when you start looking at the diagram and putting these on every 88 feet you can see from the plot map there is very little space and the space in between is going to create more and more pavement and hard area with less drainage. Again bringing the water drainage down into the areas that are left and making it more swampy than it already is. The builder I will say has built some beautiful

houses and some every large houses looking at the adds in last week's paper from his project in Victor. The homes he currently has up for sale are in the range of 432,000 to 490,000 ranches . That was for Stoney Ridge in Victor which is a much more open area that is not environmentally sensitive as this area here is.

How does this fit into the character of this neighborhood and this area of Brighton? This is not one of the more elite areas. In fact there is one house that is built on the corner of South Clinton and Highland which is 9,000 sf and it has been on the market for a year and a half and there have been no buyers and the last owner it took him two and a half years to sell it because it is out of place for the area. We feel that this size of house crammed into this small a space is again totally out of proportion to the neighborhood. Who is going to want to buy in this area with the older smaller houses with the 8 "McMansions" pardon the expression. As was pointed out by Mr. Parone and Mr. Smith the lot sizes have been drastically reduced. The lot sizes are smaller but the houses are too big for those lots and again some of the concerns is the drainage here and this big drainage pond. Who is going to maintain it and what is the danger of it if the Town is going to be responsible for the improvements and so forth.

Once the bulldozers come in and start doing any damage the damage is done and as Mr. Coffee pointed out 100 years from now what are our descendants going to say, why did they destroy this land? This is not like the Buckland property this is a very wooded wetland full of fox and woodchucks and skunks, raccoons and birds of all types it is a nature of habitat and it is a beautiful asset to the Town of Brighton which we feel should not be looked over lightly. One question we also have in the original submission years ago we noted that the area in through here was shown on the original map as a conservation easement area and that is where house number one ended up. And the question is why couldn't we find any conservation easement reflected in the current application when that easement is shown on the original. So not to bother you any more on behalf of myself and those neighbors that have spoken to me I would ask that the Board think very carefully before considering approval of this project which will forever alter this little corner of Brighton. Thank you.

MS. ACTING CHAIRMAN: Is there anyone else that would like to address this application?

MS. JURASINSKI : I am Aurora Jurasinski and I live at 57 Willard Avenue in a lovely private home at the end of the street. I was hoping I would hear a little bit more information about the specific logistics of the retention pond planned for and the proximity of the homes. I have not heard anything about that and I understand we are not allowed to ask questions but I pose the pond as a query and hope someone will indulge me here with more information. As Mr. Swartz said the people on Willard Avenue we have three families who own homes on the street and we are not really wildly excited about being relegated as an interloper on our street. It is a modest street all three homes are owned by college professors and those people won't be able to afford those new homes. So looking at the means of the people living here you will be socially excluding people like ourselves from the street .

It is sad but putting my own personal thoughts aside we are still concerned about the unfortunate ramifications of the alterations in the water table and drainage situation. Quadrupling the number of families and vehicles going up and down the street without the addition of any sidewalks being planned will impact my family not as much as acquisition of parkland or tax revenue for the Town but there are children on the street and they have to walk up and down the street and have to walk the street to get to the school bus and they like to ride their bikes on the street and this is going to change our lives. So you are not just disturbing the animals but the people who live there also and this is going to change our lives. We are not just trading animals as neighbors but people that are not so comfortable to have us nearby. I would like to hear something in regards to the retention pond so close to our homes for safety reasons. We thought this was a great place to raise our children not near any unprotected bodies of water currently. I would like to hear someone speak to how that is going to play out. We chose our home for its privacy and safety. Thank you.

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

MR. ROBINS: My name is Jason Robins and I live at 47 Willard Avenue. I do have a couple of questions and a few comments. I was just informed by Jim Swartz that the street is not being widened up to the point where the street is existing and it is only being widened and curbed to the end of the development and the existing street. Whose is responsible for the damage to the street? It is a very narrow street and the construction vehicles are very large and there is going to be a lot of them and who is going to take care of that and also I did have a question regarding height measurement from the street grade and what is the town code for that. Can anybody tell me?

MS. ACTING CHAIRMAN: Ramsey go ahead.

MR. BOEHNER: Town code for single family districts is 30 feet and that is done side by side by side from the front, two sides and the rear. Basically it is 35 feet from street grade on the street side. And under cluster development they can request a higher height of 35 feet. This is a unique situation with the clustering.

MR. ROBINS: I have a question about sewers if the homeowners choose not to hook up will they be taxed at all or are there any maintenance fees.

MR. BOEHNER: That is a question for the Department of Public Works and you can call them tomorrow morning about what your responsibility to connect to the sewer. You can stay on septic if you so choose but fees and taxes you would have to talk to the Department of Public Works. That is not part of this process and that would have to be a separate issue.

MR. ROBBINS: When you add sewers to a development this could affect the owners by the lenders requirements to connect to the sewers and add additional cost to the owners of the property in the area. I wanted to make that point. Also there are 8 houses to be constructed and that is going to be a long time to have construction. When you buy a home in a fully developed area you don't see this happening

and it could affect the neighborhood for years. I don't know how long it will take I imagine 3 or 4 months to build a house and I don't know if they will have a spec house and it could take 3 or 4 years to complete. I just wanted to make that comment too. I think that is all I have. Thank you.

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

MS. NICKELSON: Good evening Michelle Nickelson and I live at 35 Midland just kiddy corner to number 8 the smallest property. Thank you for opening up the meeting for speakers. I am here to represent myself and my family. I have small children and I am also representing the people directly behind me who were not able to be here. I am not speaking for them but I have had a conversation with them and their property line is literally not much more than a step from the back of this house. You can just take one step and the property line is right there. I feel bad for them if it were my house I would be very concerned about a house being built right on top of me. I purchased my house 11 years ago and I always explain to people where I live because they don't know this street exists till I give them the address. I always say this is a little bit of country in the city and that is really what it feels like. It is very quiet and there is a lot of animals that the kids get to see from their front porch. And all the freedom like when the kids go up and down the driveway or streets and that won't affect our street because people coming down the street are aware of the kids and don't travel fast down the street.

I also have a concern about being kiddy corner on that lot and how big is that house going to be and how will it look. I could be incorrect but it sounds like the trees that are going to be on that property are going to have to be torn down to build that house. Therefore the trees that are there right now are huge and they give us shade from 3:00 o'clock on which is nice to have. And I know you said you had to work with Nick and Randy to develop whatever trees they will need for privacy and I know trees take a while to grow. No one likes change and I know change is probably going to occur but I just want to bring it to the forefront that when I purchased this house I had a little bit of country in the city and myself and the neighbors liked the feel of not

having their homes on top of each other. They liked sitting on their porch and looking at all the wildlife. This is going to affect their property and their only back yard which is the side will be someone else's back yard and if those trees come down I am going to see their whole back yard. Please keep that in mind to make sure everyone is content as we move forward. My house was 100 years old when I bought it 11 years ago and I hope 100 years from now it can still feel like a piece of country in the city. So I hope we can come to a compromise and help everyone out. Thank you for your time and I appreciate it.

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

MR. DUGGER: My name is Keith Dugger. And I live at 721 Highland Avenue which is kind of kiddy corner to all of the neighbors but these are all my neighbors though. We moved in approximately a year and a half ago. Part of the draw was to have all this ego system around us in a place where you wouldn't find it and that is a huge draw and I think a lot of our neighbors have already spoken to that. This is a real intimate lovely part of where we live and with that said I want you all to know I am not against development but there is a balance with development and that balance has to take into consideration your environment and this is a very dynamic environment from underwater streams and any of the parallel roads you can see how they developed those properties 60 or 70 years ago. You can walk down the road any rainy day and you can see water standing nearby and so just with the ecology that is one consideration but then the surrounding homes that should be another consideration. Look at homes that we bought and we are talking about really big homes 35 feet in height sticking in front of their homes.

The developer is a smart guy and willing to work at a plan that makes sense and I see a couple of areas where we have really taken shortcuts and one is allowing them to develop a house that is 35 feet high and Jim has a single story home and you are talking about almost a three story building right in front of his home. He will never get sunlight in the morning. So the style of the home should be taken into consideration and I know there is value in square footage. You

take a lot and put the biggest house you can put on it and at 100 dollars a square foot you are talking about 300,000 dollars. It doesn't make sense here at all. If you take a look at the plan there is very little room and we can do better than that.

In terms of the retention pond I am glad somebody else came out to talk about the retention pond. I mean I have a child and I was planning on having more. I don't know what that retention pond will look like when we leave it to the town to maintain. It is their responsibility the developer comes in builds it and leaves and we will have the legacy of maintaining that at the end of our street. I don't think that pond will be a very good feature and there should be better ways to deal with it. We are dealing with giving these people a sewage system and connecting it all the way through here. Why can't we do the drainage as well and get rid of that feature. I think there is a challenge in this and that appears to be the biggest liability in terms of foot print itself. 20 percent is committed to that pond. It doesn't make a lot of sense. Just looking at it build a 300,000 dollar home and put it next to a cesspool because there is no aeration it is just a drainage body of water. I imagine if any of you has a home and they build a big stagnant retention pond you would be against it for a number of reasons especially if you have a one or two year old child who is going to be playing in this area.

The other thing is we have this hammerhead feature at the end of the road and that is the cheapest way to deal with a dead end. A cul de sac would be kind of nice at the end of the road. I think if you said to any of the neighbors you were going to build a cul de sac at the end of your road they would say that is kind of nice. You have a responsibility to the neighbors and people to try to work with them and create an environment that makes sense. My argument isn't about what makes sense in terms of square footage of the homes that are existing but the layout of the homes versus the homes in that area. You need to look at the area and create something that works, works for everybody. I am not saying shut them down. I am saying build homes that make sense, a ranch home without a basement would make more sense than a three story structure with 300,000 sf.

So I am going to step from the

conversation with those points. I am opposed to what I see right now. I really would have liked to see a cul de sac. I really would like to see some sort of drainage drawn up for all of the neighbors and I would like to see some sewers for the drainage water. I would like to see some serious considerations of how we can improve the neighborhood as opposed to just building homes. It is the responsibility of the people to work out the issues. So that is my two concerns. I wish I could stand here and say I am in favor of this and the builder brought a good plan but I can't say that right now. Thank you.

MS. ACTING CHAIRMAN: Is there anyone else who cares to address this application? Hearing none we will move on.

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7P-02-17 Application of Robert / Aqua Valley, Inc. owner for Site Plan Modification to install parking lot pole lighting on property located at 1701 Lac De Ville Blvd. All as described on application and plans on file.

MR. RYAN: Good evening Robert Ryan here representing the proposed project to illuminate the lot at 1701 Lac De Ville Blvd situated on the corner of Rue De Ville. I have brought my affirmation of signs and disclosure of interest forms. Joining me tonight is Tom Yatteau who is the contractor for the proposed lighting whose main purpose is to provide safety to our employees and patients. The purpose of the facility is eye care and in line with some of the questions proposed here the employees based on any given day are 13 to 15 individuals at any particular point in time with a maximum of 20 patients. The lot is 1.3 acres with 22000 hard surface paved area and our parking lot's parking spaces is 66 that are not shared with any other individuals. The hours of operation are generally 8 to 6 in the evening with Thursdays to 8 and on Saturdays until noon and in the months when the days are short that lot is pretty dark and we are hoping to be able to provide some illumination to provide safety to patients and employees alike to get to their cars and safe passage to the building. It will not remain illuminated overnight but just until the business is shut down for the day and everyone has vacated so as not to disturb the neighborhood. So I think this is very simple and straight forward project.

There is no illumination on the property now other than a few wall packs on the building to illuminate the porches and entry way on the south elevation and north west elevation. Formerly the former use was previously for administrative use only. Now we have opened it up to public access and turned it into a medical office to provide eye care on site. So we have illumination at the employee entrance and the south porch for patients. And with the lot being 22000 sf it is pretty dark in the shorter days. I think that essentially outlines the proposed project and I will be happy to address any questions and Tom is the contractor for the project and will address any technical questions.

MS. ACTING CHAIRMAN: Would you point out on the plans where you have existing lighting.

MR. RYAN: Along here is the entrance way that has a wall pack and basically to illuminate out here. There are also some wall packs underneath there, and the porch and entryway have down lights underneath the porch and wall packs here and then another small porch has two lights for the employee entranceway.

MS. ACTING CHAIRMAN: And are they all LED lights?

MR. RYAN: Yes..

MR. WENTWORTH: What temperature are they?

MR. RYAN: They are 2,000.

MR. BOEHNER: I have a general concern for mixed use areas with residential uses on the street and through the years we have been very careful about how the parking lot lighting looks around the surrounding properties and it is very low or ballard or not at all. You are talking about 20 foot poles on a two foot base. Have you looked at reducing the lights and the height of the lights and intensity to get the achieved light level?

MR. YATTEAU: Well to get the light over a 60 foot light source on the back side area you have to because if you have a shorter pole there will be a more intense light at the base of the pole. If you notice the lamp light is two LED lamps and the alternate was four lamps.

MS. ACTING CHAIRMAN: What is the distribution pattern of those?

MR. YATTEAU: Four.

MS. ACTING CHAIRMAN: Did you consider moving some of the poles and staggering them on either side of the parking lot versus trying to light an area 60 feet away from the poles?

MR. YATTEAU: Well it is not very conducive and it makes more sense to have the light source come back towards the building. So it doesn't permeate the side streets .

MS. ACTING CHAIRMAN: So let's say I am looking at the upper left hand corner of the building there was a pole mounted light there that would illuminate that area. Is there an opportunity to have lower lamps along the front of the building versus the high intensity and higher pole?

MR. YATTEAU: The gables are at this end and there is very low light on that side and it is rather difficult to get a decent amount of light out there. The other challenge there is there is a sidewalk that comes all around the side of the building and ties into the handicapped accessibility ramp all the way across here and connects to another ramp here and then between that and the building are the French drains. So I am not sure there is any other means of doing this because frankly I didn't want to put this on the whole west side of the parking lot and the south side otherwise. at considerable expense. We just don't see a reasonable way to provide safe lighting to the lot.

MR. BOEHNER: Where are those wall packs because they are not shown on the plan?

MR. YATTEAU: They just illuminate the entrance ways.

MR. WENTWORTH: So you are okay with point one light level at the building?

MR. YATTEAU: Yes. With that light source it lets you out of the building and it will get greater as you get to your car.

MR. BABCOCK STINER: It varies from 7.5 to .9 between the fixtures.

MR. YATTEAU: That is correct.

MR. BABCOCK STINER: So some people will have light at their car.

MR. YATTEAU: In the discussion with the engineer we both agreed to go less on the lights to the proposed 4,000.

MR. BABCOCK STINER: Did you look at going to something warmer.

MR. YATTEAU: It wasn't offered in the shoe box

MR. BABCOCK STINER: By this particular manufacturer?

MR. YATTEAU: Right.

MR. BOEHNER: Did you investigate other manufacturers to see if you could come up with a lower temperature of 3,000?

MR. YATTEAU: Is that what you would like to see 3,000?

MR. BOEHNER: We require 3,000. We are trying to understand the issues and we want it to be safe and the concern is to respect the other residence.

MR. YATTEAU: 3,000 is under the porch entrance and it is down lighting and they are close on the other side of the lot. I don't think there is much of a relationship between what is on the building and the parking lot. It is such a small light but certainly we want to be considerate of our neighbors and from my perspective and the technical perspective and I look at the club entrance which is across the lot from us and they have LED not show boxes angled and from my lot I can see that glaring all night every night and across each street of course you have street lamps two street lamps between us and the neighbors and I am talking about illuminating our lot until 8 or 9 at night. So as the staff and patients clear the place it is shut down on a timer.

MR. BOEHNER: Did you look at other fixtures?

MR. YATTEAU: No. We picked this one because it was cost effective.

MR. BOEHNER: But I have seen parking lots with shooter poles.

MR. YATTEAU: Again I just compared us to our neighbors and their poles are 25 feet.

MR. BOEHNER: And I would say those lights were done years ago way before what is being done now.

MS. ACTING CHAIRMAN: Can you explain the fixed cut off? Can you just provide an explanation of the cut off fixtures?

MR. YATTEAU: It's a shoebox with right angles at the top. There is no light that goes up towards the sky.

MS. ACTING CHAIRMAN: Are these  
dark sky compliant?

MR. YATTEAU: Yes. They are with a  
forward throw designed to buffer the light out.

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

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7P-03-17 Application of the University of Rochester, owner and Bell  
Atlantic Mobile Systems of Allentown, Inc. lessee, for Site Plan  
Modification to install a standby emergency generator, associated with cell  
tower support equipment, in a side yard on property located at 5901 Lac  
De Ville Blvd. All as described on the application and plans on file.

MR. WENTWORTH HAS RECUSED HIMSELF

MR. GRINER: Good evening my name is  
Tom Grinerattorney from Nixon and Peabody and I am here on behalf of  
Brighton Wireless and this is a request for approval of a backup stand by  
generator on the side yard and we are seeking approval for a back up  
generator in the side yard and we looking for approval from the Brighton  
Ordinance. In looking at this and looking at the standards for this I think  
the project meets all the requirements for approval of the generator except  
it is not in the rear yard and that is why we are here not for the location of  
it and it will just require building permit. I don't want to take up your  
time and I could talk about why we need this one but I can sum it up by  
saying it will provide good wireless coverage to Clinton Crossing and also  
provide a good handle to what is called the Jewish Home site. We were  
here two weeks ago for the approval of variances from the Zoning Board  
of Appeals. With me tonight are the site acquisition consultants Peter  
Jorge and Jackie Gorloto (phonetic) who are from Conick Engineering  
who are interfacing between the University of Rochester and the City of  
Rochester.

Looking at this there are certain standards for the generator, it shall be no closer than 10 feet from the lot line and we meet that. It will be placed in a safe place without interference with pedestrians or vehicles. This will be up against the southwest face of the building and it is depicted with the plan and will be surrounded by the equipment including the radio cabinets and the generator will be surrounded with six and a half foot tall board on board fencing. The generator will only be used for electrical power outages and testing required by the manufacturer for maintenance purposes. So when there is an outage it will kick on and when there isn't one it won't. Typically Verizon Wireless tests these every one or two weeks for half an hour on a week day typically at 9 or 10 o'clock in the morning for maintenance purposes and this will not be surrounded by a medical building. This is proposed to operate on natural gas. The existing gas meter and the proposed gas meter are in the northern face of the building. The gas line then comes up along the roof of the building and comes down into where the equipment is. That will be painted to match the façade. We have submitted documentation of the noise levels and code requires that it not be more than 72 feet. And because of the housing near this generator will more than meet the standard and be 62.1 and that doesn't take into account any attenuation of the 6 foot tall board on board fence would provide. So that is really it in a nut shell. We have also taken a look at this to see As the distance increases what happens to the decimals and the property line and if this does need to kick in during an outage or weekly or biweekly maintenance at the property line the decimal level drops from 62 to a little over 51 decimals and then to the nearest building it actually drops to 46. In terms of impact there should be none, again it is surrounded by a fence, it is out of the way and it is standard operation for Verizon. I will be happy to answer any questions.

MR. BOEHNER: You have answered all my questions.

MS. ACTING CHAIRMAN: Just a question on the sound data. The cut sheet has an entry that says provided at 72 meters and the stand by is 64.35 decimals.

MR. GRINER: That is the specs and if you

look 7 pages later you can see over in the right hand corner of that in the noise report it says a level 3 model and that is with the sound down to 62.1 and that doesn't include the fencing.

MS. ACTING CHAIRMAN: I think you covered it already the height of the fence?

MR. GRINER: Six and a half feet.

MS. ACTING CHAIRMAN: A question regarding the gate and the sidewalk which way does that swing and would there be any interference with pedestrians.

MR. GRINER: I wouldn't think so which ever way it swings open. It would only be open every other week for an hour and probably at the same time you would be testing the equipment. It is limited usage.

MS. ACTING CHAIRMAN: This is a public hearing is there anyone who cares to address this application? Hearing none we will move on. Thank you.

MR. WENTWORTH HAS RETURNED

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7P-04-17 Application of Temple Brith Kodesh, owner and Abigail Dan/Torah Loving Care, lessee for a Conditional Use Permit Approval to allow for a child day care facility on property located at 2131 Elmwood Avenue. All as described on application and plans on file.

MS. DAN: My name is Abigail Dan and I reside at 3361 Quarantine Drive in the Town of Brighton and I am here because we are trying to open a child care center with the Jewish community in September. It will be a non profit with a New York State license or sanction. We are currently going to lease 2131 Elmwood Avenue across the street in the Temple Brith Kodesh four class rooms and one office for the director and that is about it. We are going to have between two and 3 classes the age group would be one through toddlers

and one group of preschool which would be 4 year olds. Hours of operation would be Monday thru Thursday 8:30 to 3:00 and Friday 8:30 to one and we have hired four teachers and we will have about 26 children enrolled right now. There is also ample parking spaces available at the building. It is a huge building and they have auditoriums that they rent out for numerous affairs. So they have several parking spaces in back. We would not need parking spaces except for our four teachers and director. Parents drop off and pick up. The traffic would be similar to every day traffic since there is only 26 children. So we shouldn't have any significant impact on traffic in that area. No liquid or solid waste. The name of our day care is going to be Torah Loving Care. We will not be dumping anything into the sanitary system. No special events are planned or other displays outside of the building to cause any other additional traffic.

MS. ACTING CHAIRMAN: Are you currently licensed by New York State .

MS. DAN: We are in the process right now they have the application and we are working on it so that we can have the license in time obviously it is the end of August and we are opening in September. That is why we are here tonight because we need the Conditional Use Permit in order to get our application approved and receive our license.

MR. BOEHNER: Has anyone evaluated the rooms that you are going to use from New York State's perspective. Have you done an analysis of the New York State building code for the proposed use because the building was originally built as a place of worship and a Sunday school many years ago and now you are using that area as a daycare which is something different in the New York State building code. So you have to make sure that space you are using meets the New York State building code. There may be some improvements that may need to be made for a conditional use and the analysis needs to be prepared by a registered architect and approved by the Building and Planning Department and since time is of the essence I am wondering if you have done that yet?

MS. DAN: Yes, and the classrooms that we are going to be leasing is in their actual educational wing. They had schooling that was located there years ago and now they have all these empty classrooms and we are going to be leasing classrooms from that wing and that was what that was made for. Two rooms down the hall is 12 Corner Daycare they do after care and early drop off and they have been there for three years in that building. I have met the director there and she is giving very supportive helpful and I assume they are licensed.

MR. BOEHNER: What I was going to say though is just because they have been there a long time they could have been grandfathered in to code where you would be subject to the new code but it is good to see them.

MS. DAN: And we can't have a ruling from the State until we have all this done.

MR. BOEHNER: There is an inspection from the Health Department that is part of the Condition Use Permit and you are going to have to show us the Town of Brighton that you meet the New York State Building Code and you need to provide that analysis and submit it for our review as part of your approval. So you need to give me that information and it will have to be a letter and it has to be done by a registered architect. And if that is going to take a long time that is why I asked if you had it done.

MS. ACTING CHAIRMAN: What is the age range of the children?

MS. DAN: 18 months to 36 months and preschool is 3 to 4. We have ten toddlers and 16 18 to 36 months.

MS ACTING CHAIRMAN: What is the total number of staff there?

MS. DAN: The number of staff is two teachers and two assistants .

MS. ACTING CHAIRMAN: So when you refer to classes that is the way you are dividing them?

MS. DAN: Yes.

MS. ACTING CHAIRMAN: The four class rooms how are you utilizing them.

MS. DAN: Originally we were going to have two toddler rooms and then one 3 year old and one 4 year old but right now currently enrollment is not to that point where we would need to have that but as time goes on we may but right now we are getting registration forms out and having kids enrolled so right now we have 26 kids but it may grow but we will have to wait and see but we want to have those rooms available in case we need it.

MS. ACTING CHAIRMAN: Do you have any food preparation on site? How is food provided for the children?

MS. DAN: The parents will have to provide a lunch and snacks. We just started working on this in January so it is just too much right now and we just want to get it open for these kids.

MS. ACTING CHAIRMAN: Do you anticipate set drop and pick up times or at any time?

MS. DAN: No based on the survey we are serving them from 8:30 to 3:00 I asked about who needed early drop off and no one needed anyone before 8:30 and in the evening we have late drop off till 4:00 o'clock.

MR. OSOWSKI: So no one needs care beyond 4:00 o'clock?

MS. DAN: No.

MS. ACTING CHAIRMAN: Are there any other activities taking place in that part of the building?

MS. DAN: No no one else. There is a couple of other synagogues that are down at the other end of the hall way from us but here is no traffic in the halls. The only traffic would be us. The 12 Corners Daycare is there before us and after us. So it works out well for us and they don't have any toddlers they start with school age children in kindergarten.

MS. ACTING CHAIRMAN: Are you proposing any signage on the building?

MS. DAN: No.

MS. ACTING CHAIRMAN: Not on the building how do you anticipate people will get there?

MS. DAN: They are small families and there is just not enough child care for now in a Jewish school. We know exactly who the Jewish families are and those are the ones we are targeting.

MR. BABCOCK STINER. Are there any changes being made to the building?

MS. DAN: Not that we are aware of, after the inspection we will find out. Right now we are on task with everything.

MR. BABCOCK STINER: The other side of this you are willing to accept them as they are. You don't need to do any painting of the rooms?

MS. DAN: Oh no the are wonderful and we are very fortunate and they are very well maintained.

MR. OSOWSKI: Do you anticipate any growth for 26 or 28?

MS. DAN: Yes. I don't know about this

year but there is a possibility.

MR. BOEHNER: What is the maximum number of children you see having there?

MS. DAN: We will have to depend on the number of rooms and teachers. It will only be toddlers or preschoolers we will never go over to school age. We may have infants at one point. 26 is our maximum right now and we have ten preschool and we have one teacher and one assistant and that is the maximum we can have for that number and the same for the two and three year olds.

MS. ACTING CHAIRMAN: Ramsey is the Conditional Use Permit pertinent to the size of the group? Does the Conditional Use Permit define how many children they may have in a group?

MR. BOEHNER: We are limited to 28 and if they want to grow they will have to come back. That is why I asked her what was the maximum size?

MS. DAN: It wouldn't be good right now to have more than 26 because we would have to hire more teachers.

MR. DAHARE: Johnathan Dahare. There are about ten four year olds and next year they won't be coming back. They go to a different school and next year there will be three year olds coming into the program and they are going to take up that spot.

MR. BABCOCK STINER: How long does a Conditional Use Permit go for?

MR. BOEHNER: You can ask them to do it yearly if you want or you can give it to them indefinitely.

MR. BABCOCK STINER: It sounds like you would want to expand by 8 would you need an additional room and what would that do to a Conditional Use Permit?

MR. BOEHNER: You can make the maximum 34 children which is what I was trying to do. If you were to run it to 34 I believe there is adequate parking.

MS. DAN: So in order to get this Conditional Use Permit we will have to get a certified architect?

MR. BOEHNER: Yes and you can talk with our Town architect and see what she is going to want to see.

MS. DAN: Thank you very much.

MS. ACTING CHAIRMAN: I think we are set. Is there anyone who wishes to address this application? There being none we will move on.

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7P-05-17 Application of Brighton Volunteer Ambulance, owner, for Final Site Plan Approval to construct a 6,875 +/- sf building addition (of which 3,900 sf is garage area) on property located at 1551 Winton Road south. All as described on application and plans on file.

SP- NB-1-17 Application of Brighton Volunteer Ambulance, owner, for Preliminary Site Plan Approval to construct a 6, 875 +/- sf building addition ( of which 3,960 sf is garage area) on property located at 1551 Winton Road South. All as described on application on file. TABLED AT THE May 17, 2017 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. JULIUS: Good evening Board members my name is Jimmy Julius (phonetic) from the MRB Group representing Brighton Volunteer Ambulance. Also with me is Brian Teller the landscape architect. The building only has a few changes and the major change is up here in front the parking being an issue in that area and we decided to provide a straight run into the building and create new parking spaces for the public. The other change we added curbing along the side and the curbing will help direct more drainage to the catch basin and then to a pond and that will provide a little less sheet run off of

Winton Road. The other thing we addressed was lighting fixture. One of the concerns of the town engineer was to add direct light fixtures and that was not an issue to us. Other than that there has not been too many changes. Brian do you want to talk about any changes in the front to the landscaping?

MR. TELLER: Just to recap we discussed removing four hazardous trees along the street front on Winton Road and I can give you more detail if you need it but we discussed it last time. In return we will be replacing that square footage in an attempt to blend in with the adjacent areas to the south and provide adequate screening to the residences on Winton and also Westfall.

MR. WENTWORTH: I see there is an accessible parking spot and I see there is a required signage for that. I didn't see a note on the plan or the detail sheet for a no parking sign.

MR. TELLIER: That should go into the Front of the accessible aisle.

MS. ACTING CHAIRMAN: The sidewalk from South Clinton Road a future sidewalk comes up towards the building. It comes up and takes a loop. Would it be possible to align that more favorably with the access into the building?

MR. TELLIER: You are talking about a straight shot in there and it is all future anyways but the grading out there isn't the standard 5 percent but we can look into it that is no problem.

MS. ACTING CHAIRMAN: What is the status of the Historic Preservation Commission approval?

MR. BOEHNER: It has not been approved and they continued it at their last meeting for more detail on the elevations, I did talk with them and they were fine with this project and we are all set. I did put a condition on it that they have to get all required Preservation Approvals prior to any issues but that is still in the works but they are 95 percent there.

MR. WENTWORTH: You might have an issue about putting in a no parking sign.

MS. ACTING CHAIRMAN: Are there any proposal of removal of trees in the right of way?

MR. TELLIER: Yes.

MS. ACTING CHAIRMAN: Which are those that are in the right of way?

MR. TELLIER: Those four trees and there is one maple and one chestnut in the right of way. 40 percent of the trees are to be removed by RGE's certified arborist. That is just a simple permit through Monroe County.

MS. ACTING CHAIRMAN: Is the addition going to be sprinklered?

MR. JULIUS: Yes.

MS. ACTING CHAIRMAN: Is the existing building sprinklered?

MR. JULIUS: It is not but it will be added.

MS. ACTING CHAIRMAN: Proposed lighting, do you have a proposed lighting plan?

MR. JULIUS: Yes.

MS. ACTING CHAIRMAN: If you could describe it briefly.

MR. JULIUS: We are have Sodium Lights out there and we are going to replace them with LED lights with the same architectural style which is this loop here. These four here are part of the existing light fixtures and we are going to keep the poles and replace the fixtures with LED lights and we are going to add two more. This one here is so close to the property line that we are going to put a shield on it.

MR. BABCOCK STINER: What is the temperature on those?

MR. JULIUS: 3,000 when I asked before it was 4,000.

MS. ACTING CHAIRMAN: Is there any building mounted lighting proposed?

MR. JULIUS: Yes above each door.

MS. ACTING CHAIRMAN: Mechanical locations and the generator?

MR. JULIUS: We have not located them yet but right there and they have replaced the existing ones.

MS. ACTING CHAIRMAN: Does it meet the requirements for noise levels.

MR. JULIUS: I am not sure but we understand there are requirements that we have to reach.

MS. ACTING CHAIRMAN: Ramsey is there any issue with the locations?

MR. BOEHNER: No.

MS. ACTING CHAIRMAN: Have you obtained the required variances?

MR. JULIUS: Yes.

MS. ACTING CHAIRMAN: I had a couple of comments from Bill Price on the landscaping. I will ask Ramsey to share those with you. Just a little bit of comments on grouping and the type of plants and also he is a little concerned about the island on the corner.

MR. JULIUS: Okay.

MS. ACTING CHAIRMAN: That is where the monuments are?

MR. JULIUS: And we are back lighting it and there is a historic marker on the front. We tried to accommodate what was there from the last round as best we could keeping in mind the south part.

MS. ACTING CHAIRMAN: Okay anything else? This is a public hearing does anyone care to address this application? We will move on then.

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7P-06-17 Application of Christopher and Melissa Gunter, owners of property located at 88 Cheswell Way, for Preliminary/Final Site Plan Approval and Demotion Review and Approval to raze a single family house and construct a new 2, 452 +/- single family house with a 385 +/- attached garage on property located at 88 Cheswell Way. All as described on application and plans on file.

MR. MCGAIR: Shawn McGair, (phonetic) representing Christopher and Melissa Gunter. We are here seeking to demolish the existing house that was destroyed by a large tree during the wind storm back in March. Basically we are looking to raise the building down to the foundation and then build a new one on top of that with some slight modifications. We are looking to extend the one car garage to a two car garage and having a new covered front porch area and moving the wall out where we can create a two car garage and adding a new covered porch to the existing house. The existing house is a cape style with a half story and we are looking at making that a full story second story. We have a new floor plan and we are reducing the foot print of the building by eliminating the existing family room on the first floor.

MS. ACTING CHAIRMAN: Has the design materials been reviewed by the Architectural Review Board?

MR. MCGAIR: We got approval from the Architectural Review board and also the Zoning Board for a variance on the design.

MS. ACTING CHAIRMAN: What are the plans for the demolition activity in reference to controlled demolition?

MR. MCGAIR: I have not talked to the demolition contractor at this point but every thing will be a controlled demolition. We are unable to get up onto the second floor because of the damage by the tree and structurally it is unsafe so we were unable to find out if there was a asbestos on the second floor. There were some traces on the basement level very minor, so given the fact that we couldn't get into the second floor and see in there. We decided that we would do a controlled demolition. I know you assume that there is asbestos and we can't say there isn't.

MR. BABCOCK STINER: Are you proposing any new grading?

MR. MCGAIR: The only grading that would be done is for the first floor family room that is being removed. Basically we are keeping it as level as it is now.

MS. ACTING CHAIRMAN: Are you matching the existing first floor elevation?

MR. MCGAIR: The existing floor joists are two by eights and we are going to two by twelve and increasing the height by 4 inches and the house on the right is two feet lower and the house on the right is two feet higher so it won't be noticed.

MS. ACTING CHAIRMAN: Do you have a demolition restoration plan?

MR. MCGAIR: Yes it is on the plan here.

MR. BOEHNER: You have a demolition plan you don't have a restoration plan.

MS. ACTING CHAIRMAN: What is the sequence of the activities planned following demolition? Will the site need to be stabilized prior to new construction beginning.

MR. MCGAIR: I am not sure, Chris what do you know.

MR. GUNTER: Christopher Gunter home owner.

MS. ACTING CHAIRMAN: Once the existing home has been demolished as part of the demolition activity we need to see a restoration plan or how this site will be stabilized depending on what your schedule is. Are you planning on moving immediately into construction?

MR. GUNTER: Yes.

MR. BOEHNER: So would it be one building permit or two separate ones.

MR. GUNTER: I filled out two permits one for demolition and one for the building separately. My rationale for that was the current basement had been open to the elements for almost five months and it is completely overcome with mold and in order to build a new house the current house needs to be demolished and the basement open to the sunlight for some period of time. So we would like to get the house demolished as soon as possible in order to allow the basement to dry out before construction begins.

MR. BOEHNER: So it will just be sitting there?

MR. GUNTER: My contractor will fence it off.

MS. ACTING CHAIRMAN: I think that will need to be documented. Ramsey is that something you can work through with them administratively with them?

MR. BOEHNER: Yes.

MS. ACTING CHAIRMAN: Any questions? This is a public hearing does anyone care to address this application. Okay thank you.

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7P-07-17 Application of the Jewish Home of Rochester, owner and LeCesse Construction Services, agent for Site Plan Modification to substitute 25 Red oak trees lineing the new entrance road with ornamental pear trees and Japanese lilac trees on property located at 2021 Winton Road South. All as described on application and plans on file.

MR. INGALSTINE: Barry Ingalstine with the LeCesse Construction Services agent for the Jewish Home. I don't know if you wanted the landscape architect here tonight to amend the Site Plan that was approved for the project. Our site plan was approved including the planning of over 500 new trees on the parcel. We are coming in to amend that plan. The 25 oak trees that we have lining the proposed entrance way are a concern by the owner of a slip hazard. The residents and the visitors would be using the sidewalks and the red oaks is a species he would like to have removed for safety reasons. One is a Japanese lilac tree and an ornamental pear tree. We are aware that there are some concerns by the Conservation Board about the species and we are here tonight to address that. 'we have spoken to our client and he is willing to change the species.

MS. ACTING CHAIRMAN: We are opposed to the replacement of the Red Oaks but it should be a larger shade tree versus the flowering ornamentals. Can you speak a little bit about the utility conflicts.

MR. INGALSTINE: There is no utility conflict as part of the application so I am not sure what you are talking about.

MS. ACTING CHAIRMAN: I am looking at the report of the Conservation Board, Ramsey.

MR. BOEHNER: I wasn't part of the staff at the Conservation Board.

MR. INGELSTINE: There is no conflict with the utilities as part of this application and the reason the owner is changing the trees is the owner is concerned with acorns and he thought a flowering tree would add some color to the entranceway. I spoke with the owner tonight and he is willing to go along with maples.

MR. FADER: There is a variety of trees you don't have to go with maples.

MR. INGALSTINE: We understand and I think there was a comment about the size of the trees so the Jewish Senior Life leadership wanted something flowering. It is tough to find a large majestic flowering tree and the flowering lilac and pear trees seemed to fit but there is a hundred different trees that we can pick from but some don't have that street tree quality so we are looking at going back to a more traditional street tree.

MS. ACTING CHAIRMAN: Okay this is a public hearing are there any comments from the audience? Hearing none we will move on. Thank you. I guess that concludes the hearings for tonight.

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#### NEW BUSINESS

1P-NB1-17 Application of Jerome Koresko, Sr. Owner and Dr. Indra Quagliatat, contract vendee for Preliminary Site Plan Approval , Preliminary Subdivision Approval and Demolition Review and Approval to raze a single family house, combine two lots into one and construct two 7,000 +/- sf two story office buildings with related infratsturcute on property located at 1230 East Henrietta Road (Tax ID's 149.18-2-3 and 149.18-2-4) All as described on application and plans on file. TABLED AT THE JANUARY 18, 2017 MEETING – PUBLIC HEARING REMAINS OPEN ADJOURNED UNTIL THE September 13, 2017 MEETING AT APPLICANT'S REQUEST

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6P-NB1-17 Application of Mamasan's Monroe , LLC owner, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit approval and Demolition Review and Approval to raze a commercial building and construct a 2, 858 +/- sf restaurant with out door dining and a drive- thru window on property located at 2735 Monroe Avenue. All as described on application and plans on file. TABLED AT THE JUNE 21, 2017 MEETING – PUBLIC HEARING REMAINS OPEN ADJOURNED UNTIL THE SEPTEMBER 13, 2017 MEETING AT APPLICANT'S REQUEST.

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PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Ramsey Boehner. Historic Preservation Commission Secretary dated June 23, 2017, stating that the Commission will not schedule a public hearing to consider landmark status for 150 Old Mill Road.

Letter from Andrew Spencer, BME Associates, dated June 29, 2017, requesting the Planning Board to declare itself Lead Agency for a coordinated SEQRA review process for a some to be submitted application for Site Plan approval and EPOD (woodlot Permit approval for Lot #3 of the Jewish Senior Life properties at 2021 South Winton Road.

Memo from David G. Prizzi, RLA, dated July 18, 2017 requesting adjournment of the IQ Dental project review until the September 13, 2017 meeting.

Letter from Gregory McMahon, PE, dated July 19, 2017, requesting that application 6P-NB1-17 remain dabbled until the August 16, 2017 Planning Board meeting.

Letter from James Wentworth, RA, dated July 18, 2017, requesting that the South Campus Signage Plan Approval be adjourned until the August 2017 meeting.

PETITIONS

NONE

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6P-2-17 Application of Tim Fournier, owner, for Preliminary/Final Demolition Review and Approval. Site Plan Approval and EPOD (steepslope) Permit Approval to raze a single family house and construct a 5,648 +/- sf single family house with a 900 sf attached garage on property located at 250 Old Mill Road. All as described on application and plans on file. TABLED AT THE JUNE 21, 2017 MEETING PUBLIC HEARING REMAINS OPEN.

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

MR. BABCOCK STINER: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move that the Planning Board adopts the following findings based on the application submitted, testimony presented and the determination comments and recommendations of the Historic Preservation Commission, Architectural Review Board and Conservation Board.

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.

1. The existing building if currently designed as a landmark, has received required approvals from the Historic Preservation Commission and if not currently designed, has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.
8. 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 onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting 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 56-3 are met.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the

10. public welfare or injurious to property or improvements of the neighborhood.
11. The project does not have a significant negative impact on affordable housing within the Town.

MR. FADER: I move that the application be approved based on the testimony given and plans submitted and with the following conditions:

CONDITIONS:

1. A detail of the construction of the walls behind the garage shall be submitted, as well as the drainage pipe going through the walls.
2. The French drain is shown going through a trees to remain. The drain should be removed north to go between trees.
3. A plant schedule should be added, including the sizes and rootball of the Hemlock and Douglas Fir trees.
4. Roads shall be kept clean of dirt and debris.
5. A demolition sequence has been added to the demolition plan. The sequence should be modified to include tree protection and proper handling and disposal of asbestos.
6. Proposed limits of disturbance should include the staging area or soil stockpile area.
7. Trees proposed to be planted shall be identified by species, common name and proposed planting height (for evergreens) or caliper (for Deciduous). Evergreens shall be planted at a minimum 7' in height. Deciduous trees shall be planted at minimum 3" caliper.
8. Staging and soil stockpile areas shall be shown with required erosion control.
9. Corner ground elevations shall be provided on the site/grading plan and on the architectural elevations.

10. The geotechnical engineer shall be retained to confirm his initial findings from grading or footer excavations. Any changes in the geotechnical engineer's assessment shall be provided to the Town and any requirements of the Town based on the assessment shall be met.
11. All comments and conditions of Monroe County shall be addressed.
12. Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.
13. 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.
14. The applicant shall review the site plan, architectural elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Architectural elevations showing the height of the structure in relationship to proposed grade as shown on the approved site plan, and including ground elevations at the house corners shall be submitted.
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 onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting 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 56-3 are met.
16. All Town codes shall be met that relate directly or indirectly to the applicant's request.

17. Meet all requirements of the Town of Brighton's Department of Public Works.
18. The project and its construction entrance shall meet the New York State Standards and Specifications for erosion and Sediment Control. Erosion control measures shall be in place prior to site disturbance.
19. 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.
20. 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.
21. Maintenance of landscape plantings shall be guaranteed for three years.
22. 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.
23. Fire hydrants shall be fully operational prior to and during construction.
24. 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.
25. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

26. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed/
27. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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7P-01-17 Application of Woodstone Custom Homes, owner, for Final Subdivision Approval, Final Site Plan Approval and EPOD (woodlot) Permit Approval to develop an eight lot residential single family subdivision using Town Law 278- Cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID 3s 136-11-2-42 thru 52, 136.11-3-1 thru 44, 136.11-3-53 thru 71 and 136.11-3-75 thru 83. All as described on application and plans on file.

4P-NB1-17 Application of Woodstone Custom Homes, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval and EPOD (woodlot) Permit Approval to develop an eight lot residential single family subdivision using Town Law 278- Cluster Development on lands near Willard Avenue, Midland Avenue and Eldridge Avenue, known as Tax ID 3s 136-11-2-42 thru 52, 136.11-3-1 thru 44, 136.11-3-53 thru 71 and 136.11-3-75 thru 83. All as described on application and plans on file.  
TABLED AT THE APRIL 13, 2017 MEETING – PUBLIC HEARING REMAINS OPEN

MR. WENTWORTH: I move we close the public hearing.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED  
DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the Stat 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 Planing Board adopts the negative declaration prepared by Town Staff.

Parkland findings for residential subdivision

I move that the Planning Board finds that suitable park or park lands of adequate size can not 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.

Cluster Development Findings:

I move that the Planning Board finds the proposed cluster development meets the following conditions outlined in Section 231-5-1.B(3) of the Town of Brighton's Comprehensive Development Regulations.

(a) Designated Environmental Protection Overlay District (EPOD) areas, New York State or federal wetland areas, and/or properties designated as historic landmarks exist on or adjacent to the parcel.

(b) The land to be developed is contiguous to a public recreational area, parkland or permanently protected open space.

© Preservation of areas identified in the Comprehensive Plan or determined by the Town Board to be important views or significant community open space will be ensured.

(d) The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services; and

(E) The specific goals and policy recommendations of the Comprehensive Plan will be directly accomplished or advanced.

MS. CIVILETTI: I move the Planning Board the Determination of Significance, the Parkland findings and Cluster Development Findings and also approves the application based on the testimony given, plans submitted, and with the following conditions:

#### 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. All buildings shall comply with the New York State Uniform Fire Prevention and Building code.
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 the 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 codes 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. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
12. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshall shall be addressed.
13. Drainage and sanitary sewer districts shall be established or extended as part of this project subject to the requirements, review and approval of the Department of Public Works.. Petitions accompanied by a map and description shall be submitted to the Department of Public Works for processing.
14. The storm maintenance facility shall be constructed on its own lot giving public access to the parkland to be conveyed to the Town at the developers expense subject to the requirements, review and approval of the Department of Public Works.
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.
16. Fire hydrants shall be fully operational in accordance with the New York State Building Code during the construction of the buildings.
17. The indicated road improvements shall be constructed to specific Town standards at the expense of the property owner and dedicated to the Town of Brighton.

18. All County Development Review Comments shall be addressed prior to final approval
19. All other reviewing agencies must issue heir approval prior to the Department of Public Works issuing its final approval.
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. 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.
22. The height of the proposed house shall be shown on the plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
23. Prior to any framing above the deck, an instrument survey showing setback and firs floor elevation shall be submitted to and reviewed by the Building and Planning Department.
24. Erosion control measures shall be in place prior to site disturbance.
25. The Town Board must approve the conveyance of the proposed parkland and easements. Prior to the parkland and easement being conveyed to the Town, the applicant must provide an Environmental Audit for the property as required by the Attorney for the Town.
26. The parkland boundary should be permanently delineated to avoid encroachment into Town Property and the environmental sensitive areas.
27. All utilizes should be installed underground.

28. 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 site plan must be submitted with the building permit to confirm the proposed height of the structure complies with the 35" height regulation. Any changes to the plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
29. A drainage district must be formed to provide revenues to insure the maintenance of the storm water management improvements. Easements must be provided to permit access and the ability to maintain the proposed stormwater management facilities within the lands to be dedicated to the Town as parkland.
30. The Brighton Consolidated Sewer District must be extended to encompass the proposed lots.
31. A sanitary sewer easement shall be provided between lots 7 and 8 to accommodate a future sanitary sewer extension to the east. The subdivision map and site plan must be revised to show the location of the easement.
32. The jurisdictional determination of the wetland boundary from the USACOF must be submitted.
33. The applicant's engineer should review the elevations of Lots 7 and 8 to see if the first floor elevations can be lowered.
34. 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.
35. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
36. The landscape plan shall be revised to show significant vegetative, screening on lot number 8, the impact of the woodlot and help screen the house.

37. The storm water facilities shall be revised to insure that safety ridges are minimized for safety.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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7P-02-17 Application of Robert / Aqua Valley, Inc. owner for Site Plan Modification to install parking lot pole lighting on property located at 1701 Lac De Ville Blvd. All as described on application and plans on file.

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

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. FADER: I move the application be approved based on the testimony given and plans submitted, and with the flowing 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 Stat 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 Planing Board adopts the negative declaration prepared by Town Staff.

#### CONDITIONS:

1. Plans shall accurately show the location of lot lines, structures, utilites and pavement/parking. Plans shall be revised to resolve any conflicts

between the location of proposed structures and existing utilities. Further review by the Planning Board may be required if any of the proposed lights must be relocated.

2. The lighting plan shall be revised to show Color temperature of the lights shall not exceed 3,000 K and the pole height should not exceed 15 feet.
3. A note shall be added to the plan that says:

All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building, or parking lighting is not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day  $\frac{1}{2}$  hour before the business is open to the public to terminate  $\frac{1}{2}$  hour after the close of business.

4. A note shall be added to the plans that says:

Work shall be prohibited except for the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 6:00 p.m Saturdays and Sundays.
5. Lights should use cutoff shields where possible to prevent light overflow onto adjacent properties or the right of way.
6. Lighting locations shall not interfere with access to existing parking spaces, drive aisles or utilities.
7. A permit is required from the Brighton Highway Department for any work within the public right of way.
8. Meet all requirements of the Town of Brighton's Department of Public Works.
9. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
10. The project and its construction entrance shall meet the New York Standards and Specification for Erosion and Sediment Control

11. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
12. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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7P-03-17 Application of the University of Rochester, owner and Bell Atlantic Mobile Systems of Allentown, Inc. lessee, for Site Plan Modification to install a standby emergency generator, associated with cell tower support equipment, in a side yard on property located at 5901 Lac De Ville Blvd. All as described on the application and plans on file.

MR. WENTWORTH HAS RECUSED HIMSELF

MR. FADER: I move to close the application.

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 conditions and Determination of Significance: 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. The Planing Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. A building permit shall be obtained for the project. All work shall comply with the New York State Uniform Fire Prevention and Building Code.
2. An electric inspection shall be conducted by an inspection agency approved by the Town of Brighton. An electrical completion certificate shall be submitted.
3. The equipment shall be installed per the manufacture's installation instructions and shall comply with the NEC and NFPA 37.
4. The generator shall be used only during power disruptions. Testing of generator shall be done during daylight office hours.
5. The generator shall be installed with an "L3" enclosure as described in submitted material. The sound level of the generator shall not exceed 72 decibels without further approval.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
9. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing it's approval.

10. A detail of the proposed fence enclosure shall be submitted. The height of the fence shall not exceed 6.5 feet.
11. All Monroe County review comments shall be addressed.
12. All comments and concerns of the Town engineer as contained in the attached memo shall be addressed.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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7P-04-17 Application of Temple Brith Kodesh, owner and Abigail Dan/Torah Loving Care, lessee for a Conditional Use Permit Approval to allow for a child day care facility on property located at 2131 Elmwood Avenue. All as described on application and plans on file.

MR. WENTWORTH HAS RETURNED

MR. BABCOCK STINER: I move to close the hearing.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. BABCOCK STINER: I move 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 Stat of New York Environmental Quality Review Act. After considering the action contemplated the Planniing 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 Planing Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. An analysis of the NYS Building Code for the proposed use shall be prepared and submitted to the Building and Planning Department for review.
2. All New York State and/or Monroe county licensing registration, and/or other requirements shall be met.
3. The applicant shall contact the Town Fire Marshal, Chris Roth (585-784-5220). All requirements of the Fire Marshall shall be met.
4. Care shall be limited to 40 children without further approval.
5. Hours shall be limited to Monday through Friday 8 a.m. to 4 p.m. without further approval.
6. No outside identification signage is permitted without the proper approvals.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All Town Codes shall be met that relate directly or indirectly to the applicant's request.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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7P-05-17 Application of Brighton Volunteer Ambulance, owner, for Final Site Plan Approval to construct a 6 ,875 +/- sf building addition (of which 3,900 sf is garage area) on property located at 1551 Winton Road south. All as described on application and plans on file.

5P- NB-1-17 Application of Brighton Volunteer Ambulance, owner, for Preliminary Site Plan Approval to construct a 6, 875 +/- sf building addition ( of which 3,960 sf is garage area) on property located at 1551 Winton Road South. All as described on application on file. TABLED AT THE May 17, 2017 MEETING – PUBLIC HEARING REMAINS OPEN.

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

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move the planning Board approves the application based on the testimony given, plans submitted 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 Stat of New York Environmental Quality Review Act. After considering the action contemplated the Planniing 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 Planing Board adopts the negative declaration prepared by Town Staff.

#### CONDITIONS:

1. All Zoning Board of Appeals conditions of approval shall be met.

2. All required approvals from the Historic Preservation Commission shall be obtained prior to issuance of any permits.
3. All Monroe County comments shall be addressed.
4. Tree protection shall be shown around the trees to be saved on the demolition plan and site plan.
5. A permit from MCDOT will be required for any work within the Winton Road S. ROW on Westfall Road ROW.
6. 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.
7. The location of any HVAC or other mechanicals and/or generators shall be shown on the site plan along with their proposed screening.
8. All County comments shall be addressed.
9. Plans shall be revised as necessary so that all notes, labels and variance references are accurate (check Westfall setback line, parking data, variance references)
10. The proposed generator shall comply with all zoning requirements or a variance will be required. Generator information shall be submitted with the building permit application.
11. Parking lot lighting fixtures shall be a color temperature of 3,000K.
12. All existing trees to remain shall be shown on the existing conditions plan (Sheet G-1) including along Westfall Road.
13. When determined necessary by the Town of Brighton, sidewalks shall be constructed on the site meeting specific Town standards at the

expense of the property owner in accordance with the September 1, 2009 agreement between the Town of Brighton and BVA.

14. 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 with the final application.
15. Erosion control measures shall be shown on the demolition plan. Erosion control measures shall be in place prior to site disturbance.
16. The entire building shall comply with the most current Building and Fire Codes of New York State.
17. 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 the appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
18. All Town codes shall be met that relate directly or indirectly to the applicant's request.
19. Meet all requirements of the Town of Brighton's Department of Public Works.
20. The project and its construction entrance shall meet the New York State Standards and Specifications for erosion and Sediment Control.
21. 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.
22. 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.

23. Maintenance of landscape plantings shall be guaranteed for three years.
24. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
25. All outstanding comments and concerns of the Town Fire Marshall shall be addressed.
26. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia shall be addressed.
27. All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
28. 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
29. 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.
30. Any proposed signs shall require additional approval.
31. The landscape plan shall be revised to show similar species grouped together.
32. The plans shall be revised to show the future sidewalk from Winton Road aligned with the door and handicapped striped area. The sidewalk should be 90 dress to the sidewalk on Winton Road.
33. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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7P-06-17 Application of Christopher and Melissa Gunter, owners of property located at 88 Cheswell Way, for Preliminary/Final Site Plan Approval and Demotion Review and Approval to raze a single family house and construct a new 2, 452 +/- single family house with a 385 +/- attached garage on property located at 88 Cheswell Way. All as described on application and plans on file.

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I MOVE THAT THE Planning Board adopts the following findings based on the application submitted, testimony presented, and the Determinations, comments and recommendations of the Historic Preservation Commission , Architectural Review Board and Conservation Board, as well as the 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 Stat 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.

#### DEMOLITION FINDINGS:

1. The existing building, if currently designated as a landmark, has received required approvals from the Historic Preservation Commission and if not currently designated has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A demolition restoration will be prepared. The plan will be submitted to and approved by the Building and Planning Department prior to the issuance of a demolition permit.
8. The applicant has submitted a report by a registered architect that the house is unsafe and a controlled demolition be completed for the project with any asbestos in place being removed and disposal in an approved Landfill. 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 onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting 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 56-3 are met.

9. The project will not, under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvement in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

**CONDITIONS:**

1. The entire house shall comply with the most current Building & 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 the 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 Codes 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 tress shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 10 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.
- 11 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 12 The demolition of the house shall be reviewed and approved by the Historic Preservation Commission prior to the issuance of a demolition permit.
- 13 The applicant has submitted a report by a registered architect that the house is unsafe and a controlled demolition be completed for the project with any asbestos in place being removed and disposal in an approved Landfill. 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 onsite maintenance of a project record and Section 56-3.6(a) regarding 10 Day Noting requirements for residential ana business occupants. The property owner shall ensure that the licensing requirements of

Section 56-3 and asbestos survey and removal requirements of Section 56-3 are met.

- 14 Given that the house was destroyed by casualty and must be demolished, in lieu of a letter of credit the owner of the property shall submit verification to the Building and Planning Department that they have adequate financing to complete the project as approved by the Planning Board.
- 15 The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
- 16 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.
- 17 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 plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 18 Prior to the issuance of any permits the Single Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.
- 19 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.
- 20 The location of the HVAC shall be shown on the site plan.
- 21 A demolition restoration plan should be prepared. The plan should be submitted to and approved by the Building and Planning Department prior to the issuance of a demolition permit.

- 22 The applicant must confirm that the proposed driveway expansion will not cause the paved area to exceed 30% of the total front yard area, otherwise a variance will be required.
- 23 All comments and concerns of the Town Engineer as contained in the attached memo 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. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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7P-07-17 Application of the Jewish Home of Rochester, owner and LeCesse Construction Services, agent for Site Plan Modification to substitute 25 Red oak trees lineing the new entrance road with ornamental pear trees and Japanese lilac trees on property located at 2021 Winton Road South. All as described on application and plans on file.

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move 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 Stat of New York Environmental Quality Review Act. After considering the action contemplated the Planniing

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 Planing Board adopts the negative declaration prepared by Town Staff.

## CONDITIONS:

1. The following comments of the Conservation Board shall be addressed.
  - The proposed replacement trees are not native and possibly invasive and should not be considered. Instead of the Red oaks a diversity of native hardwoods, with less debris should be planted.
  - Representation by the applicant would have been beneficial so that a meaningful discussion about possible alternative could have been had.
  - The revised landscaping plan needs to include a complete planting schedule.
2. Shade trees must be used as previously approved. The species may be changed to a variety on the Conservation Board's native species list.
3. The Town Engineer's comments, as contained in the attached memo, shall be addressed.
4. A revised landscaping plan shall be submitted to the Building and Planning Department for review and may require further Planning Board approval.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

## MOTION UNANIMOUSLY CARRIED

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