

Proceedings held before the Planning Board  
Brighton at 2300 Elmwood Avenue, Rochester, New York on April 18,  
2018 commencing at approximately 7:30 p.m.

PRESENT: William Price  
Laura Civiletti  
Justin Babcock Stiner  
David Fader  
John Osowski  
Pamela Delaney  
James Wentworth

Ramsey Boehner: Town Planner  
David Dollinger, Dpty Town Attorney

**FIRE ALARM PROCEDURES WERE GIVEN**

MR. CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the April 18, 2018 meeting of the Town of Brighton's Planning Board to order. We are going to postpone the approval of the February and March meetings until next month. Mr. Secretary, were the hearings properly advertised?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of April 12, 2018.

MR. CHAIRMAN: The first application is 3P-02-18 and it has been withdrawn by the applicant. We will the next application now.

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4P-01-18 Applicatin of The Harley School, owner, for Site Plan Modification and EPOD (watercourse) Permit Approval to redevelop existing playgrounds into natural playgrounds on the southern portion of property located at 1981 Clover Street. All as described on application and plans on file.

MR. LINDSTORM: Hi, my name is Jeffrey Lindstrum and I am from natural playgrounds and we are working co-laboratory with the Harley School and the MRB Group to redevelop the playgrounds at the Harley School. So just to give you a quick overview of the project. The current structures are in place at the Harley School and you can see those on the plans submitted traditionally with an enclosed platform and they are reaching the end of their life. They are beginning to deteriorate and there is a safety issue and the school has decided to go the more natural route. What we mean when we say natural playground is deviating a little bit from the traditional post and platform with manufactured plastic, of slides and swings and monkey bars and things like that. What we are talking about is using more natural materials such as hard woods and plant material and thinking about this as a more full sensory experience and not thinking about this as a play area exclusively.

So what we have done is gone through the designing process with the steering committee to provide the Harley School, the parents and administrative staff a learning experience. We have two spaces LL 111 and the 111 is a series of drawings and referred to as the lower school and then we have RH 12 which is the nursery school and has the traditional playground in its place presently. Part of this will be demolition of the existing playground and the installation of two natural playgrounds in cohesion with the extension of the classroom.

MR. CHAIRMAN: This is an interesting concept. Do you have any pictures? Do you actually manufacture the products or do you build them out of materials?

MR. LINDSTORM: For things like the natural borders what we will do is source those locally through loggers and sources making sure that we have hard woods that are sourced from the Carolinian forest and then for the structural components. Those are all engineered either on site with shop materials or working here collaboratively with a local manufacturer. Those are all designed and engineered to make sure they meet all safety requirements and have proper clearance around them. So are making sure those are structurally sound.

MR. CHAIRMAN: What are you doing with the existing equipment?

MR. LINDSTORM: We demolished them.

MR. CHAIRMAN: Are they being recycled?

MR. LINDSTORM: Yes, if possible.

MR. CHAIRMAN: So the surfaces are predominantly porous?

MR. LINDSTORM: For the pathways we are using crushed limestone screening which is compacted other than that we are talking about mulch, planting beds infiltration through matrix boxes and weeping tile to promote impervious surface and make sure we maintain storm water rather than sheet flow off site towards Allen Creek. We do have sand as well but all of those areas are designed as part of the scope of the contractor to make sure those drain properly so they don't hold water and become a maintenance issue farther down the road.

MR. CHAIRMAN: How about lighting?

MR. LINDSTORM: Lighting is not incorporated into this current plan. I believe there is some external lighting attached to the school at the moment there is not a lot of lighting. One of the things we wanted to be conscious of was the neighbors and night lighting making sure we weren't creating an issue.

MR. CHAIRMAN: Some of the tree materials I don't recognize and some plant material is staying?

MR. LINDSTORM: Yes, everything that is on site is staying except for one or two that are being relocated but everything else is staying on site. And they are going to be protected according to the Town of Brighton standards and we are also using the plant material from the Town of Brighton's master tree list as well.

MR. BOEHNER: What about the Kentucky Coffee trees? You show three on the plan and those are not on the master tree list and they have seeds that are toxic.

MR. LINDSTORM: We use them in a lot of our natural playgrounds and we haven't had any issues in the past from my understanding and I am not admittedly an arborist, but the over consumption of the seeds has not come up at any of our sites before. And they are great for play material and we use them in educational work shops and they have not posed any problems with toxicity.

MR. BOEHNER: M Have any of the trees been removed yet?

MR. LINDSTORM: No.

MR. CHAIRMAN: Ramsey has Mike looked at this from a drainage standpoint.

MR. BOEHNER: We had talked and the plans have to be prepared by a P.E. who is licensed in New York State or a licensed surveyor the Conservation Board had problems with it and those plans need to be prepared by a surveyor.

MR. LINDSTORM: The plans we used were prepared in 2012 from Costich Engineering.

MR. BOEHNER: When the plans come in they all need to be incorporated because you are near the flood way and flood plain. We don't think it is a problem and we think everything is going to work out but we need a set of plans to verify that and satisfy that per code. That is something your engineer can talk to our engineer about. I don't want to spend a lot of time on it right now but I wanted to get that message across. I just have a couple of questions to ask will any structure be within 25 feet of the creek bed?

MR. LINDSTORM: No.

MR. BOEHNER: What are you going to do

about erosion control? What type of erosion control will you have during construction?

MR. LINDSTORM: During construction we will have silk fencing running through the entire area.

MR. BOEHNER: Any fences or walls being installed there were notes about those being installed by the property owner?

MR. LINDSTORM: Those were generic notes and should have been deleted as part of this. The only fence that will be installed will be as part of the construction and then be removed.

MR. BOEHNER: Did someone look at this it looks like the grading is impacting some of the existing trees being proposed to be saved to make sure it is not impacting the trees.

MR. LINDSTORM: We have tried to stay out of the drip line on all of our grading so we are protecting most of those but if there is a particular concern we will look into that further.

MR. CHAIRMAN: Anything else?

MR. OSOWSKI: Those side laying trees are those anchored into the ground?

MR. LINDSTORM: Yes. Those have engineered footings designed by a structural engineer. So upon installation those are inspected so they are insured and certified as a play component.

MS. CIVILETTI: What are they made of?

MR. LINDSTORM: Traditionally, it would be of a local hardwood so what we do when we source trees for our shop we source trees from Southern Ontario and we have relationships with the loggers concerning girth, types of branching patterns, widths, lengths and

they try to select those and call us and say we have found a few of those. And would you be interested in taking them off of our hands. Here in Rochester we would be working with somebody local.

MS. CIVILETTI: Out of curiosity what type of tree works best for this sort of application?

MR. LINDSTORM: We have used Maple we have used a variety of different tees. I want to say we have used Willow as well. In this area I would deviate a little bit but I could get a list though of the ones we have used in the past two or three years.

MS. CIVILETTI: It is mostly curiosity on my part.

MR. LINDSTORM: Yes.

MR. OSOWSKI: Have you done a play ground some where within 20 miles of here or 50 miles from here?

MR. LINDSTORM: I don't think we have installed a playground within 25 miles of here but I could send you information on the closest natural playgrounds.

MR. OSOWSKI: It would be interesting to know where the closest playground is.

MS. CIVILETTI: It would be interesting to know where the closest one is?

MR. LINDSTORM: I will get you that information.

MR. CHAIRMAN: I have a question for the Harley School. We ask every time and I am going to ask again do you guys ever have plans to do a master plan. I asked you last time when you came in for the addition to the gym and I think you said no and the next month we get a new application. And I am just wondering do you think we will ever see an opportunity to have a master plan.

MR. GHORY: Ward Ghory, Harley School, are you requesting a master plan?

MR. CHAIRMAN: We have been looking for one for 25 years. We are just a little bit concerned and we love this project and it is hard to believe at some point you are not going to need to increase enrollment. We don't want to get blind sided by the increase in enrollment because you have such a nice facility that you need to get paid for it somehow.

MR. GHORY: The idea of increasing enrollment from our school side is that we are at a good size and if we were to increase in size we would have to increase class size which would be difficult in our competitive position and we would have to build and that is not the way we are thinking. We see ourselves in a market where We have softer enrollment demand and it is not like people are flooding at us and we could easily fill it. So on the enrollment side we have a faculty that are strongly in favor of the size that we are and if that is the underlying concern that is not what we are doing. The real concern is should the school be operating under this master plan –

MR. CHAIRMAN: We just want to know when you do come in with an application what is the context of it and each time you come in with a plan we have a master plan so that when you come in with a donner for a plan we can say okay this is where it fits in. I don't know.

MR. GHORY: If that is something that Brighton is interested in a long term plan then we can work towards it. We have not been in the best position to sort of master plan the future campus. We are in a better spot now to comply with your master plan.

MR. CHAIRMAN: You are master planning it as you go.

MR. GHORY: We are replacing an existing playground.

MR. CHAIRMAN: Right and at some point whether it be a 3 year or 5 year or 10 year plan what up grades you are going to want. That is all I am saying.

MR. GHORY: I can see a benefit to a long range plan –

MR. CHAIRMAN: I appreciate your considering it.

MR. GHORY: It is helpful to know what the specific request is and if it is something this planning board sees as important that makes a difference. I am not sure that message had registered in the past but it does now.

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

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4P-02-18 Application of Ilya and Isanna Voloshin, owner and Design Works Architecture, agent for Demolition Review and Approval to raze a carriage house on property located at 2700 East Avenue. All as described on application and plans on file.

MR. SMITH: Chuck Smith, principal at Design Works Architecture and I am working with Mr. and Mrs. Voloshin, who are here tonight and we brought our builder Justin Hamilton to answer any questions you may have for him. Our purpose for being here tonight is to remove a brick carriage house, a two story brick carriage house in the rear of the property along the north property line. So in addition to the carriage house there is an asphalt driveway leading to the north property line from the existing house to this property, that will be removed as well and that will leave a small hole because the building is on a small crawl space with the exception of the garage and we would be filling it and planting it with grass and restoring it to a grass lawn.

MR. BOEHNER: Have you done an asbestos survey?

MR. SMITH: Yes.

MR. BOEHNER: Is there asbestos on the property?

MR. HAMILTON: Justin Hamilton, Hamilton Construction, there is asbestos on the floor tile that needs to be abated.

MR. BOEHNER: Is that the only thing?

MR. HAMILTON: Yes.

MR. BOEHNER: The plans show the carriage house encroaches on the neighbors property. Do you have their permission?

MR. HAMILTON: I did not know that it did.

MR. BOEHNER: If it does you will need their consent. So you have not talked with them?

MR. HAMILTON: No.

MR. BOEHNER: Has the site been surveyed recently?

MR. SMITH Yes, we have a survey that indicates the foundation is point 05 inches which is a half an inch beyond the property line which is just a small bay window. So it is not actually the foundation of the building, so the building is 2.9 feet away from the property line. It is a bay window that sticks out and there is a fence that borders the property too on their side of the fence not the neighbors side. I think it would be proper to notify the neighbors that encroachment exists.

MR. BOEHNER: And you are going to correct it.

MR. SMITH: And we will correct it. We will remove it, it's a half an inch off.

MR. BOEHNER: How much of the driveway will be removed. I was a little confused.

MR. SMITH: All the way to the corner where the property line meets so there will be no driveway and we will be removing it to the corner.

MR. SMITH: So the first house on GreenField that points towards their driveway will be removed up to that point.

MR. BOEHNER: So the framed garage shown on this plan is going to remain without a driveway?

MR. SMITH: That is correct. It is a barn like storage facility. It will become a garden structure.

MR. BOEHNER: How big is that garage?

MR. SMITH: About 600 sf.

MR. BOEHNER: If it is not going to be used as a garage any more it is too large for an accessory building per our code.

MR. SMITH: Is there a need to have a driveway in order to consider it a garage?

MR. BOEHNER: Yes, and a garage door the whole nine yards. You will have to apply for a variance to have it used as an accessory structure.

MS. VOLOSHIN: Isanna Voloshin, one of the property owners, it says it is a garage but it is not there is a barn door and I can tell a lawnmower was kept in there. It could not hold a car there it is not the width of a vehicle. It is more of a shed or a barn for horses.

MR. BOEHNER: I guess what I am going to say now is we will have to take a look at it and make a decision after taking into consideration what you have said and making a site inspection and looking at it a little bit further and we can deal with that later.

MS. VOLOSHIN: Does that have to be looked at before the demolition can take place?

MR. BOEHNER: No, the question is whether you have to get a variance or not and if they don't give you a variance it may have to be removed and that would be up to the board too in their approval of the demolition. Do you know how old it is?

MR. SMITH: My guess would be 1920's, it's heavy timber and there is a barn like door, its fairly old.

MS. CIVILETTI: So the notes on the plan refer to additional removals such as the swimming pool.

MS. VOLOSHIN: Yes that will be in the next phase when the house is removed that whole pool structure will be removed and we will be building on the same footage. ARB approved the design

MS. CIVILETTI: So the whole house is going to be removed?

MR. BOEHNER: Yes, the application has been made but that has to be approved by a PE.

MR. SMITH: I disagree.

MR. BOEHNER: That is per town code just so you know.

MR. SMITH: That is offensive to a registered architect since there is no grading involved and no engineering involved, it is just an added expense to our clients.

MR. BOEHNER: If you would like to talk to me tomorrow I will be glad to clarify it and show you the code.

MS. VOLOSHIN: So even though we are using the foundation we will need it prepared by a licensed You do need

MR. BOEHNER: You do need site plan approval to build it and by town code it has to be prepared by a licensed engineer?

MR. BOEHNER: Whether you use the foundation or not if has to be prepared by a licensed professional engineer or a licensed land surveyor in the State of New York.

MR. CHAIRMAN: Any other questions? This is a public hearing does anyone care to address this application? There being none we will move on.

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#### NEW BUSINESS

2P-NB1-18 Application of Faith Bible Church, owner, for Preliminary Site Plan Approval to construct a 7,670 +/- sf church building, addition on property located at 10095 East Henrietta Road. All as described on application and plans on file. TABLED – PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE MAY 16, 2018 MEETING AT APPLICANT’S REQUEST.

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3P-NB1-18 Application of Newcomb Brighton, Inc. owner and Brian Mattiacio, contract vendee, for Preliminary Site Plan Approval to construct a 2, 200 +/- sf dental office on property located at 2087 Monroe Avenue. All as described on application and plans on file. TABLED AT THE MARCH 21, 2018 –PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE MAY 16, 2018 MEETING AT APPLICANT’S REQUEST.

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4P-NB1-18 Application of Rufus and Judson, owner, and Landtech surveying and Planning agent, for Preliminary Site Plan Approval and Demolition Review and Approval to raze a single family house and construct a 6,686 +- sf single family house with a 1,556+/- sf attached garage on property located at 3525 Elmwood Avenue. All as described on application and plans on file.

MR. MARTIN: Hello, my name is Ed Martin an engineer with Landtech representing the application of Rufus and Amy Judson that is before you. Amy is in attendance this evening and in the event you have any questions it would be best answered by her. So the 1.6 acre property is right next to the Country Club of Rochester and it is a very stately neighborhood. The Judsons would like to demolish the existing home and construct a new home a rather large home and use the existing detached garage for a pool house. The application requires an 8 area variances which we have submitted for and your initial reaction is that is a lot and it is but in doing our research for this we found just within walking distance of this property there are over 30 homes comparable to this house that the Judsons are building not to make our ZBA arguments but just to let you know this is comparable to what is in the neighborhood. And just to let you know the Judsons have approached the neighbors and they are nearing unanimous approval of their proposal.

The new home is significantly larger than the existing one and the driveway is being improved including a second access out to a private drive that had been approved by the two neighboring property owners that own that existing driveway and we will have letters in writing in the very near future. The added impervious we are choosing to mitigate that with some underground chambers located along the south property line. The plan for that is take the run off from the added impervious into the ground and we have submitted a preliminary engineering report on that. There are minimal trees to be removed as a result of this and the trees to be preserved and outlined on the plans in front of you greatly exceed the minimum required by code. The existing water service will be replaced with one slightly larger to insure adequate pressure for all of the water uses in the home and you will note that to the east of the proposed home a pool and spa are proposed and that is largely due to the way the site operates.

And while that is technically the side yard by the way code is assessed for this property it really lives as a rear yard and I think it is indicative that it is reflected in the existing detached garage. So the way the property orients itself it lends itself well in putting a pool and spa there and it is shielded well and the Judsons are receiving support from all the neighbors. I would be happy to answer any questions you might have.

MR. CHAIRMAN: Ramsey, prior to the variances is there anything else?

MR. BOEHNER: They have done a pretty good job. We need an asbestos report from you.

MR. SMITH: I have one right here.

MR. BOEHNER: Is there asbestos there?

MR. SMITH: I don't know we just got this yesterday or the day before.

MS. JUDSON: Amy Judson, I am one of the property owners, and my husband is away on business. There is no asbestos there but there was when we moved in and we had it abated pretty much when we moved in just so I wouldn't have to worry about the children playing in the basement and having to tell them not to touch this or that.

MS. CIVILETTI: How old is the existing structure?

MS. JUDSON: The existing structure was built in 1960, the basement was 1920. They leveled the house in 1960 and built it on the foundation.

MR. BOEHNER: So this report is the one that was done before the asbestos was removed.

MR. SMITH: Like I said I just received the report. There is a separate report but that contains lead paint.

MR. BOEHNER: I will have to look at this report.

MR. SMITH: Understood.

MR. CHAIRMAN: The sanitary is coming in from the south.

MR. SMITH: It is and as luck would have it some of the documentation that Rufus provided including the reports are some mapping that shows there is an easement over that and we will show that on the map.

MR. CHAIRMAN: It is low enough I assume to get your chambers?

MR. SMITH: It is the chambers are very, very shallow and those are the same chambers we used on other properties.

MR. CHAIRMAN: Did you perk this?

MR. SMITH: We did not simply because of the way the weather has been. The soils in the area are a mixed bag and that area is considered urban disturbed and has a history. So I think we assumed a half inch in our perk rate in our analysis and as I said we take all the additional run off and were able to accommodate that in there.

MR. CHAIRMAN: Is one of the variances the size of the house?

MR. SMITH: It is, yes.

MR. CHAIRMAN: And the paved surfaces are any of them going to be impervious?

MR. SMITH: The plan is not to do any impervious pavement and to do storm water run off in other ways. It doesn't have a great track record with plows and any kind of additives to prevent ice from occurring.

MR. BOEHNER: The driveway modification is that all on the easement and is there a consent from the other property owners?

MR. SMITH: There is a consent and the Judson's lawyer will draw it up to make it more formal prior to pulling any permits .

MS. JUDSON: We currently have a driveway agreement with these two neighbors to go all the way through to this house. So we have an agreement with them and we have written approval from these people saying yes, we can go across so we are working with them and their attorney and everybody is on board to go through their property.

MR. BOEHNER: Okay. I did review this asbestos report and this is the one that is telling you that you have asbestos in 2011. You probably have some documentation that says it has been removed before we can give you a permit for demolition we are going to need that.

MS. JUDSON: No problem. I think my husband just pulled that out of the file but if he calls the company that did the abatement I am sure they have it.

MR. BOEHNER: Yes, there is a second report but you don't need it right now but you will need it.

MR. OSOWSKI: So there will be two driveways into your house.

MS. JUDSON : It will be like a loop.

MR. OSOWSKI: The existing driveway will stay okay.

MR. BOEHNER: If you are going to demolish this house you are going to have to show a restoration plan if the house isn't going to be built. You can't keep a stock pile there and the second thing is what if you do not build the house you are planning to leave the old garage.

MS. JUDSON: Yes.

MR. BOEHNER: That is fine but if you were to build on the property you will need a variance from the Zoning Board of Appeals to have an accessory structure.

MR. SMITH: I think we have a note that the new home needs to be constructed immediately upon the demolition?

MR. BOEHNER: I will share with you normally the demolition permit gets pulled first and if you do not pull the demolition permit it is revising what you have there. That is everything.

MR. CHAIRMAN: This is a public hearing does anyone care to address this application. All right I believe that is it for the public hearings.

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OLD BUSINESS

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NONE

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PRESENTATIONS

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NONE

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COMMUNICATIONS

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated March 27, 2018 stating that the Historic Preservation Commission reviewed the demolition application for a carriage house on property located at 2700 East Avenue and decided not to hold a public hearing to consider the property for landmark status.

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated March 27, 2018 stating that the Historic Preservation Commission reviewed the demolition application for a house on property located at 3525 Elmwood Avenue and decided not to hold a public hearing to consider the property for landmark status.

Letter from Thomas Fromberger, MRB Group, dated April 17, 2018 withdrawing application 3P-02-18.

Letter from Nancy Reale, 3539 Elmwood Avenue, dated April 14, 2018 In support of the application for 3525 Elmwood Avenue. (4P-NB1-18)

Letter from Michael Montalto, Costich Engineering, dated April 27, 2018 requesting adjournment of application 3P-NB1-18 to the May 16, 2018 meeting.

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**PETITIONS**

NONE

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**SIGNS**

NONE

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4P-01-18 Application of The Harley School, owner, for Site Plan Modification and EPOD (watercourse) Permit Approval to redevelop existing playgrounds into natural playgrounds on the southern portion of the property located at 1981 Clover Street. All as described on application and plans on file.

MR. WENTWORTH: 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 Determination of Significance and conditions:

1. The submitted design plans must be developed in accordance with the Town's Comprehensive Development Regulations and must be prepared by a professional engineer or land surveyor licensed to practice in the State of New York, in sufficient detail to permit an adequate review by an architect, civil engineer, surveyor, land planner and or other competent person.

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

#### CONDITIONS

1. The submitted design plans must be developed in accordance with the Town's Comprehensive Development Regulations and must be prepared by a professional engineer or land surveyor licensed to practice in the State of New York, in sufficient detail to permit an adequate review by an architect, civil engineer, surveyor, land planner and or other competent person.
2. No new structures shall be installed within 25 feet of the bank of Allen's Creek.
3. 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.
4. 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.
5. Site data shall include the amount of impervious surface removed as well as proposed to be installed.
6. All numeric notations shall be in inches/feet instead of metric.

7. The project and its construction entrance shall meet the New York State standards and Specifications for Erosion and Sediment control.
8. Erosion control measures shall be in place prior to issuance of any permits.
9. 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 .
10. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
11. Fences and walls shall be limited to a maximum of 3.5 feet in height in any front yard and 6.5 feet in any side or rear yard. All proposed fences and walls shall be shown on the plans.
12. All County Development Review Comments shall be addressed prior to final approval.
13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All town codes shall be met that related directly or indirectly to the applicant's request.
15. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
16. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
17. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
18. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTIN UNANIMOUSLY CARRIED\

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4P-02-18 Application of Ilya and Isanna Voloshin, owner, and Design Works Architecture, agent for Demolition Review and Approval to raze a carriage house on property located at 2700 East Avenue. All as described on application and plans on file.

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

MR. WENTWORTH: 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.

#### 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 as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determination 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 project will record, Section 56-3.4(a)(2) regarding on site maintenance of a project record Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3 and the asbestos survey and removal requirements of Section 56-5 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 improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

MR. WENTWORTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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

DETERMINATION OF SIGNIFICANCE

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

#### CONDITIONS

1. A building demolition permit application shall be submitted. Prior to issuance of a demolition permit, a certified asbestos abatement report shall be submitted.
2. This approval is only for the demolition of the carriage house and a portion fo the driveway. Any other project shall require separate review.
3. The plan shall be revised to show the limits of disturbance, with orange construction fencing installed.
4. The extent of any pavement to be removed as a part of this project shall be clearly indicated on the plan along with the square foot area of the removal.
5. Plans shall show any debris, soil and or equipment storage along with erosion control measures.
6. Erosion control measures shall be shown on the plans and a detail provided. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment control.
7. Erosion control measures shall be in place prior to issuance of any permits.

8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. 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 project will record, Section 56-3.4(a)(2) regarding on site maintenance of a project record Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
10. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
11. All County Development Review Comments shall be addressed prior to final approval.
12. Meet all requirements of the Town of Brighton's Department of Public Works.
13. All Town Codes shall be met that relate directly or indirectly to the applicants request.
14. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
15. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
16. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
17. 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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4P-NB1-18 Application of Rufus Judson, owner and Landtech Surveying and Planning agent for Preliminary Site Plan Approval and Demolition Review and Approval, to raze a single family house and construct a 6,686 +/- sf single family house with a 1,556 +/- sf attached garage on property located at 3525 Elmwood Avenue. All as described on application and plans on file.

MS. CIVILETTI: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. The following comment of the Conservation Board shall be addressed:
  - Consideration should be given to planting replacement trees for those that are removed.
  - Investigate the use of green infrastructure techniques.
2. An asbestos survey shall be submitted.
3. All required variances shall be obtained.
4. Architectural Review Board approval shall be obtained.
5. The project encroaches onto two of the neighboring lots. Written verification shall be provided that the owners of 3503 Elmwood Avenue and 3515 Elmwood Avenue have agreed to the work on their properties.
6. Details shall be provided for fences and walls with heights indicated.
7. All comments and concerns of Monroe County shall be addressed.
8. Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton's

requirements and verification shall be provided from a qualified company that asbestos has been removed.

- 9 All trees in proximity to the work area shall be shown to be protected with orange construction fencing.
- 10 The entire building shall comply with the most current Building & Fire Codes of New York State.
- 11 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.
- 12 Meet all requirements of the Town of Brighton's Department of Public Works.
- 13 All Town Codes shall be met that relate directly or indirectly to the applicant's request.
- 14 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.
15. 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.
- 16 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.
- 17 Maintenance of landscape plantings shall be guaranteed for three years.
- 18 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.

- 19 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.
- 20 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 21 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 project will record, Section 56-3.4(a)(2) regarding on site maintenance of a project record Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
- 22 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. Spot elevations around the proposed house on the grading plan should indicate the spot location. Architectural elevations showing the height of the structure in relationship to proposed grade as shown on the site plan, and including ground elevations at the house corners shall be submitted
- 23 The restoration plan shall be revised to address site restoration if the proposed house is not constructed.
- 24 If the home construction does not immediately follow the demolition the restoration of disturbed areas should immediately follow the disturbance of the area and include the redistribution of topsoil to facilitate vegetative growth. At least six inches of topsoil shall be replaced where the topsoil is removed or stripped. The disturbed area shall be reseeded with a permanent pasture mixture or other fast

growing surface vegetation to create growth within 30 days of the original disturbance.

- 25 If the existing house is demolished and a new house is not constructed, a variance must be obtained from the Zoning Board of Appeals to allow the existing garage to remain on the property without a principle structure.
- 26 All required permits and approvals of the Town of Brighton's Highway and Sewer Department shall be obtained.
- 27 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 28 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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## CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the April 18, 2018 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

State of New York  
County of Wayne

On this 10<sup>th</sup> day of May in the year 2018, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.

Lisa D. Grimes

Notary Public

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