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3 PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON FEBRUARY 13TH,
5 2019 AT APPROXIMATELY 7:30 **P.M.**

6

7 February 13th, 2019
8 Brighton Town Hall
9 2300 Elmwood Avenue
10 Rochester, New York 14618

11

12 PRESENT:
13 WILLIAM PRICE, CHAIRPERSON
14 PAMELA DELANEY
15 JOHN J. OSOWSKI
16 LAURA CIVILETTI
17 DAVID FADER
18 JASON BABCOCK-STINER
19 JAMES WENTWORTH

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22 DAVID DOLLINGER, ESQ.
23 Town Attorney

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26 RAMSEY A. BOEHNER
27 Town Planner

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36 REPORTED BY: RHODA COLLINS, Court Reporter
37 FORBES COURT REPORTING SERVICES, LLC
38 21 Woodcrest Drive
39 Batavia, New York 14020

3 applications now, there are three tonight.

4 APPLICATION 2P-01-19

5 2P-01-19 Application of Shawn and Valerie
6 Carey, owners, for Preliminary/Final Site Plan Approval and
7 Demolition Review and Approval to raze a single family house
8 and construct a 1,921 +/- sf two story single family house on
9 property located at 1550 Elmwood Avenue. All as described on
10 application and plans on file.

11 GREG MCMAHON: Good evening, Greg McMahon of
12 McMahon LaRue Associates. I'm here tonight representing the
13 Careys. The Careys own the property at 1550 Elmwood Avenue.
14 It's a pre-existing flag lot. They've lived on the property
15 for a number of years and due to their growing family are
16 looking to enlarge their current residence. And through a
17 study of that they have determined their best option is to
18 demolish the existing one-story frame house and reconstruct a
19 new two-story house on the existing foundation.

20 The house sits very close to the, we will call
21 it the front lot line, the Elmwood Avenue lot line. There's
22 also an existing garage and existing -- it's much nicer than
23 a shed, it's some type of a landscape room. But this
24 proposal would replace the existing single-story wood frame
25 with a two-story wood frame on the existing foundation.

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3 There would be no new impervious, no tree
4 removal, and very little disturbance for this option. There
5 is because they're taking this house down to the foundation
6 they are required to get a variance since this does not meet
7 the front setback.

8 That application has been submitted, they will
9 be appearing before the Zoning Board in March, and I believe,
10 and I'm not certain, but I believe they submitted possibly
11 yesterday for the ARB.

12 MR. BOEHNER: Yes, they have.

13 GREG MCMAHON: So we have applications in for
14 Architectural Review Board and Zoning Board. There was an
15 asbestos survey done and the Town was provided with a copy.
16 There was a very small amount of asbestos in the existing
17 house, it will have to be removed prior to demolition.
18 There's no utility work needed with this option. All water,
19 sewer, gas, electric are all at the existing foundation.
20 They would be temporarily shut off during the construction
21 process and reconstructing.

22 That's the extent of their application. We
23 understand that you can't act on this tonight because of the
24 Zoning Board and Architectural Review Board approval, but we
25 wanted to start the process and make a presentation.

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3 CHAIRPERSON PRICE: A couple things. What
4 happens to the existing basement foundation, that maze? Do
5 you add to it when the new home gets built?

6 GREG MCMAHON: No. It will be taken down to
7 the top of block, it's a concrete block foundation. A new
8 deck will be put on. And they have determined through their
9 builder, their builder is Bowering Homes, and in an
10 inspection that the existing foundation is more than adequate
11 for the new two-story house. The existing foundation is in
12 good condition and there would be no necessary disturbance to
13 that. So it would take it right down to the top of block and
14 then just construct the new deck on that and go up from it.

15 MR. WENTWORTH: Greg, does the power come in
16 underground?

17 GREG MCMAHON: I believe the power is
18 currently overhead from the rear. There's a power line,
19 these homes which are on Howard Avenue, there's a power line
20 that runs down that back lot line. And I don't show exactly,
21 but I believe the power is connected overhead off of the rear
22 yard overhead lines.

23 With the new service they may choose to put
24 that new service in underground to this house. I know on new
25 services if they have to run a new service, RG&E likes the

3 pole to house services to be underground.

4 MR. OSOWSKI: Do you know when the original
5 house was built?

6 GREG MCMAHON: I believe and I looked at it, I
7 believe it was prior to 1950, but I'm not --

8 MR. BOEHNER: It was in the early 1930s, is my
9 understanding.

10 GREG MCMAHON: Yes, 34 rung a bell with me,
11 but -- and they did appear before the Historic Preservation
12 Board and they determined that a hearing was not necessary
13 for this house.

14 MR. BOEHNER: Will any trees be removed?

15 GREG MCMAHON: No trees will be removed at
16 all.

17 MR. BOEHNER: Do you know what they're doing
18 with their exterior lighting?

19 GREG MCMAHON: Any existing lighting on the
20 garage would remain, they will just be doing the
21 architectural lighting that goes at a front door and side
22 door. The usual fixture that's affixed to that. There's no
23 floodlighting or anything proposed for the new structure.

24 MR. BOEHNER: How soon after demolition are
25 they planning to build the house?

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GREG MCMAHON: Immediately. They moved out of this house, it became unlivable. They have a relatively new child. They are currently renting off of Clinton Avenue in the town, and as soon as they can get into a new house they want to do that, so it would be immediately.

8

MR. BOEHNER: A couple things is that, if the house is not demolished or if the construction doesn't follow demolition quickly, they will need to restore the property. You will need to come in with a restoration plan.

12

GREG MCMAHON: We did. We submitted both a demolition restoration plan and a site plan, there were two sheets with the submittal.

15

MR. BOEHNER: We will have to look at that again because we weren't seeing the restoration, maybe we missed something.

18

GREG MCMAHON: Yeah, there were -- this is the site plan and also this sheet. We also submitted another sheet of which was listed as a demolition restoration plan.

21

MR. BOEHNER: Yeah, but what is the restoration? How is it going to be restored? What's the note? What does it say? It talked about how it was going to be restored or if a house was going to be built.

25

GREG MCMAHON: If --

MR. BOEHNER: I'm talking about if the house doesn't get built, the foundation wall is going to need to be knocked down, the basement will need to be filled. It's going to need to be brought up to grade, it's going to need to be seeded. Do you understand about a restoration plan, if the house is not to be built?

GREG MCMAHON: Okay. Assuming they demolish the house and then they decide not to -- to move to California. All right, I understand. I would have to address some of those issues on the plan.

MR. BOEHNER: What I'm saying is if they don't in a timely manner, we are saying you have to fill in that hole and finish this thing up. The other thing is too, if the new house is not constructed, they are going to either take off the accessory buildings off of the property or get variances to allow them to remain. Again, this is if the house ends up not being built. I know that's not their intent.

GREG MCMAHON: Yeah, very little chance that would happen, but I understand what you are saying.

MR. BOEHNER: Okay. I don't want to get caught holding the bag. It's happened here, a long time ago. And there's not going to be any grading?

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3 GREG MCMAHON: No. Finished floor is going to
4 be identical to the current finished floor.

5 MR. BOEHNER: Were you guys televised the
6 sanitary sewer to see what type of shape that's in yet?

7 GREG MCMAHON: We haven't, but that note is on
8 the plan. I would assume once the house is demolished and
9 the plumber can get in they can then run a camera down
10 through it. There's a note on the plans indicating that that
11 has to be done.

12 MR. BOEHNER: And you're not going to have any
13 stock pile or --

14 GREG MCMAHON: No. We basically, the existing
15 driveway in front of the garage would be an area where lumber
16 and construction-type, it will strictly be lumber and
17 buildings supplies that are on site.

18 MR. BOEHNER: Okay.

19 MR. WENTWORTH: Where will the demolition
20 debris be stock piled?

21 GREG MCMAHON: Typically what they do these
22 days is there will be a Dumpster brought on site, hydraulic
23 shovel will be able to pull the house down, it loads it right
24 into the Dumpster. As soon as the Dumpster is filled, a
25 truck comes on site, picks it up, hauls it to the landfill,

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3 and delivers either another Dumpster or there will already be
4 a second Dumpster there. So it's immediately hauled off
5 site.

6 MR. WENTWORTH: Okay.

7 CHAIRPERSON PRICE: Any questions? Thank you.

8 Is there anyone in the audience that cares to
9 address this application? We will move on.

10 APPLICATION 2P-02-19

11 2P-02-19 Application of Dan Gray, Bill Gray's,
12 Inc., owner, for Site Plan Modification, Conditional Use
13 Permit Approval and EPOD (watercourse) Permit Approval to
14 construct a 337+/- sf patio allowing for outdoor dining (20
15 seats) on property located at 2545 Monroe Avenue. All as
16 described on application and plans on file.

17 ERIC SCHAAF: Eric Schaaf, Marathon
18 Engineering, with me is Dan Gray. As indicated we are here
19 to talk about improvements to Tom Wahl's. Tom Wahl's has
20 been in the Brighton community for a number of years. We're
21 looking to make facade improvements and add a 20-person
22 outdoor seating area.

23 MR. BOEHNER: And a vestibule too, right?

24 ERIC SCHAAF: The vestibule is part of an
25 interior improvement.

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3 MR. BOEHNER: I think it's an addition.

4 DAN GRAY: The east side is going to
5 incorporate --

6 MR. BOEHNER: Could you come up and give us
7 your name.

8 DAN GRAY: My name is Dan Gray, President of
9 Bill Gray's and Tom Wahl's. Part of this is taking the
10 east -- basically it's an emergency exit currently and making
11 it into a permanent enter/exit with a vestibule on the east
12 side of the building.

13 MR. BOEHNER: Along with the outdoor dining?

14 DAN GRAY: Correct.

15 MR. BOEHNER: Got it, thank you.

16 ERIC SCHAAF: There are no changes to the
17 parking, there are no site changes other than the addition of
18 the planting bed which is on the 337+/- square foot patio.
19 We have been to the Architectural Review Board, received
20 their approval. We have been to the Zoning Board and last
21 week received their approval for the signage, for a
22 pre-existing nonconforming condition which is primarily
23 caused because the zoning lot line happens to go through our
24 property. So both of the back portion of the property is
25 part of Tom Wahl's but it's zoned differently.

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3 And we also had to get a parking space
4 variance for one parking space, that was granted. So we can
5 fully comply with everything now that we've got the
6 variances. We are happy to answer any questions. I will
7 admit, it's good to see you all. This is one of the simpler
8 site plan applications that I've been here for.

9 MR. BOEHNER: I have a question and it was
10 something that we talked about during the workshop. As you
11 know the Town would like to facilitate direct access down to
12 the observation deck. To be able to do that we would need an
13 easement, it's not a very big easement, for future
14 construction of the sidewalk. Do you have any issues with
15 granting us an easement or working with us on that?

16 DAN GRAY: We have no problem working with the
17 Town on that. The only issue we might have is a liability
18 issue. If we grant an easement to come on our property to
19 access that dock and somebody is injured or the sidewalk
20 isn't maintained it could trigger, you know, a lawsuit or
21 liability issue for Tom Wahl's. As long as we can navigate
22 around that issue we have no problems granting you the
23 easement.

24 ERIC SCHAAF: Then from my engineer's point of
25 view, there's no problem assuming that the grade can be

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3 maintained. I assume it would have to be ADA complaint, that
4 would be an issue I'm not sure it can be done. If it is done
5 and it affects the parking we would need another variance.
6 So it would be presumably that would not be an issue and
7 wouldn't be a cost to our clients, should we have to make any
8 of those adjustments.

9 MR. BOEHNER: Yes, I understand that. We've
10 talked about it, but now you're here, so let's see if we can
11 get that thing done. One of the other things that I wanted
12 to kind of point out too is that the fire marshal reviewed
13 the outdoor dining plan and it appears that there is a table
14 blocking the fire department connection? So one of the
15 things we would need is for you to look at the outdoor dining
16 plan and revise it so that the fire department will have
17 clear access to the fire connection. The fire connection is
18 on the wall with RPZ.

19 DAN GRAY: I think it was, if you look at the
20 plan it doesn't show the fire connection, it would be on
21 this --

22 MR. BOEHNER: It would be along the Monroe
23 Avenue.

24 DAN GRAY: It would be behind the fence, but
25 there's clear access to it. It wouldn't be behind a table

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3 because --

4 MR. BOEHNER: Yes, if you look at the drawing
5 you will see where we think it is. They didn't show it, but
6 it looks like there's a table in front of it.

7 DAN GRAY: That can be fixed, the placement of
8 those tables.

9 MR. BOEHNER: And the last thing is, could you
10 talk about the exterior lighting? There's going to be new
11 wall mounted lighting. What could you tell us about it? Is
12 it, you know, the intensity, the wattage, color temperature?

13 DAN GRAY: The lighting is the gooseneck
14 configuration, which right now there are sconces on there
15 that it just broadcasts light everywhere. The goosenecks
16 tend to direct the light to the ground.

17 It's just like a one-for-one replacement. The
18 signs are not backlit anymore, the one that's there is, neon
19 backlit. The signs on the building will be lit with
20 goosenecks which will drop light to wash down the side
21 instead of projecting light out.

22 In terms of intensity, we don't plan on
23 changing a 100-watt bulb to a 250-watt equivalent LED or
24 anything of that nature. We just want to try to keep the
25 lighting at the intensity it is currently and actually using

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3 goosenecks will make that from a spillage perspective --

4 MR. BOEHNER: That's the concern. As you know
5 there's residential around the back and around the side.

6 It's kind of our concern. So you've used these lights
7 before?

8 DAN GRAY: Yes.

9 MR. BOEHNER: So you have specifications that
10 you can give us?

11 DAN GRAY: We do.

12 CHAIRPERSON PRICE: Okay. Ramsey, you are
13 okay?

14 MR. BOEHNER: Yes.

15 CHAIRPERSON PRICE: Thank you. Is there
16 anyone in the audience that would care to address this
17 application? There being none, then our third application.

18 APPLICATION 2P-03-19

19 2P-03-19 Application of the University of
20 Rochester, owner, and Navalis Construction, agent, for Site
21 Plan Modification to construct an additional 16 parking
22 spaces on property located at 5901 Lac De Ville Blvd. All as
23 described on application and plans on file.

24 MR. WENTWORTH: Mr. Chairman, I need to recuse
25 myself.

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3 CHAIRPERSON PRICE: James Wentworth is
4 recusing himself and has left the room.

5 RICHARD GIRAULO: Good evening, I'm Richard
6 Giraulo with LandTech, I'm here representing the Highlands at
7 Brighton tonight. We're before you with a plan to add some
8 parking. So this is a 145-bed transitional care facility,
9 it's at 5901 Lac De Ville Drive in Brighton. It serves
10 transitional care for the most part, which tends to generate
11 a lot of visitor traffic during peak times when folks come to
12 see their family, their mother, knee replacement, what have
13 you. It tends to get a lot of visitors, generally that
14 averages 100 visitors a day. So they get a lot of traffic
15 coming in and out to visit people in there.

16 They currently have 117 parking spaces that
17 are kind of to the north in what I would call the rear of the
18 facility, and they have 15 spaces in the front, for 132
19 spaces. This has actually kind of been in the works, this
20 whole parking need, for probably a year. We actually did a
21 plan last year to connect, really, their kind of north lot up
22 to another U of R facility to the west that has a lot of
23 excess parking. We created a sidewalk plan to connect those
24 two so that they could share parking with staff.
25 Unfortunately, logistics couldn't be worked out between the

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3 owner of the property up there and this owner, so that sort
4 of went away.

5 So now they wanted to find how else can we add
6 some parking, but not really impact the site too greatly. So
7 we've proposed 16 spaces, they're kind of shaded in gray on
8 what we'll call the front entrance loop. They currently have
9 15 spaces there now, most of them are handicap parking
10 spaces. I'll talk a little bit more about accessible spaces
11 in a moment. We don't plan any new lighting. We will be
12 losing two trees, two smaller trees that are in these areas,
13 we're replacing those with two new trees as shown on the
14 plan. We will not be impacting any snow storage. There's
15 still a lot of space within the island to store snow from the
16 existing parking lot as well as the new spaces.

17 We did a review of the site drainage for this
18 project using the rationale method. This is a 6.7-acre site,
19 so looking at the colored map, that's kind of the whole
20 property. So we took a look at that property based on the
21 green space and the change to that green space and new
22 impervious. Using the rationale method out to two figures,
23 it doesn't change the runoff, it's still about 6.6 cubic feet
24 per second, existing and proposed. So logically there really
25 isn't going to be any noticeable change in storm water runoff

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3 and that runoff all ends up in the very large storm water
4 facility to the south of the property.

5 The accessible parking. So by code we will
6 have 150 spaces total with the 16 new spaces, 32 existing
7 spaces. That requires five accessible parking spaces by
8 state code. We have those five spaces currently striped in
9 the front parking. I do apologize for some confusion, we
10 added the dimension of existing striping on our existing
11 condition plan that kind of got carried over and should have
12 been turned off on this plan.

13 These would be re-striped. They're off by a
14 few inches, some are 7.8 feet and the next one's 8.3 feet.
15 So whoever striped it got a little sloppy so we will just
16 call for that to be re-striped, but they're all 8 feet wide
17 and uniform. So we'll get rid of those dimensions and we'll
18 have 8 feet onto that.

19 MR. BOEHNER: That is for all your accessible
20 parking spots that you have on the site?

21 RICHARD GIRAULO: They could go that. There's
22 some in the back too. Well, let me get into that whole -- so
23 there's two needs that these types of facilities have for
24 accessible parking. There's the code required need with the
25 access aisle, those are for people that have wheelchairs or

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3 other devices or apparatus that require that loading space.

4 We also have people come to these facilities
5 that simply are elderly, they can't walk that far, but they
6 don't need an access aisle. So what they've done at this
7 facility is provide additional accessible parking without the
8 access aisle. I'm not familiar with the U of R and how they
9 have other sites, but I do a lot of work at Unity Hospital in
10 Greece, and they have done that same thing there. They may
11 have 15 code compliant spaces, but we may have 35 other
12 handicapped parking spaces striped and signed, so that people
13 that don't need the access aisle can still be close to the
14 door and not have to fight for a space and then the parking
15 on the way out.

16 MR. BOEHNER: If you have the spaces noted as
17 accessible spaces they need to meet the code. You can sign
18 them however you want, but once you sign them as accessible
19 spaces they need to meet the code.

20 RICHARD GIRAULO: So we can change the signage
21 on those.

22 MR. BOEHNER: Yeah, get rid of the whole
23 notation and you can have them from the minimum size up if
24 you want, but you cannot have the accessible signage.

25 RICHARD GIRAULO: Right. So we will get rid

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3 of that sign and we will put some other signage there.

4

MR. BOEHNER: You can say visitor parking or whatever you want.

6

7 come up with signage.

7 | come up with signage.

8

MR. BOEHNER: Yeah, just keep it away because you don't want someone that needs an accessible spot to pull in there and find out they can't get out.

11

12

13

RICHARD GIRAULO: Right. So we will come up with a different way to sign that. Otherwise, I think that's about it and if you have any questions.

14

15

16

CHAIRPERSON PRICE: I want to walk through this a little bit. Your two-way access is on your northern that goes into and around the back of the building. So if somebody is coming out they can go around the loop or they can come out to that same northern curb cut.

19

30

RICHARD GIRAULO: Correct, yes, just as it exists today.

21

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CHAIRPERSON PRICE: So you're adding spaces and you don't feel you've got a problem with the cars exiting and depth of their cueing up behind the stop sign, that those cars in the new parking spaces are going to run into a problem?

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RICHARD GIRAULO: I don't think so. You know, during their peak use people would be able to park in here, you get a lot of staff and vendors that use the back parking lot. There may be a time somebody has to wait a minute or two for traffic to clear up, but I think the need for the parking spaces is great and you can go there at times and not find a space. So I think that's more important that we provide somewhere for people to park.

CHAIRPERSON PRICE: The new spaces on the north side appear to be 20-feet deep. I think our code calls for 18.

RICHARD GIRAULO: The existing are 20, so to be consistent we can make them 18.

CHAIRPERSON PRICE: And the width of the drive aisle behind those going up to your front drop off loop?

RICHARD GIRAULO: There's excess of 24.

CHAIRPERSON PRICE: 24? And the way it's used, is there a need for the bypass lane to be as wide as it is? I know you've had the drop off lane near the --

RICHARD GIRAULO: Up here?

CHAIRPERSON PRICE: Yes. Being one way, I am trying to think of ways, it seems like you're really just shoe horning these in, and I'm trying to find a little better

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3 way to design it. I know you have a parking problem, but we
4 really don't love the idea of adding parking without it being
5 really well designed. By that, I mean narrowing up drive
6 lanes, reducing the amount of asphalt that's not necessary.

7 RICHARD GIRAULO: This is the drop off so even
8 though it is wider than your typical lane, people are pulling
9 up and dropping off so there might be two or three cars cued
10 up here.

11 CHAIRPERSON PRICE: And that's why I'd asked
12 what the bypass lane width was. You got 24-foot of bypass
13 for one way?

14 RICHARD GIRAULO: Yeah, it's --

15 CHAIRPERSON PRICE: I'm trying to solve the
16 design issue here. This six-space lot, you have these little
17 teeny islands, you're jamming those six spaces in there,
18 that's just not the best design.

19 RICHARD GIRAULO: We still have, you know,
20 this could be less than 24 and a half given this is one way.

21 CHAIRPERSON PRICE: Anything that allows this
22 geometry to be a little bit better, I don't think we are
23 opposed to the number that you're providing, not sure I read
24 the code on the handicap spaces the same way you are, but --

25 RICHARD GIRAULO: We can make these 18-feet

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3 deep, this could be a little tighter.

4

5 MR. BOEHNER: Typically we like to see 24 to

back up, and swing, but you could pull over --

6

7 RICHARD GIRAULO: You've kind of got the
island, gives you part of that 24 feet in reality. So you
8 could make that 20 feet or 18 feet.

9

10 CHAIRPERSON PRICE: You are proposing new

curbing in the entire new paved area?

11

RICHARD GIRAULO: Yes.

12

13 CHAIRPERSON PRICE: Anybody else? Ramsey, you
good?

14

MR. BOEHNER: I am, yeah.

15

16 CHAIRPERSON PRICE: Okay. I think that's it.

17

18 Thank you. We will probably end up making some conditions to
our decision, give some flexibility to staff to work with you
19 on things like the signage and the striping, dimensioning of
the parking stalls, and geometry.

20

RICHARD GIRAULO: Perfect, appreciate that.

21

Thank you.

22

23 CHAIRPERSON PRICE: Is there anyone who cares
to address this application? Okay, thank you.

24

25 That is the end of the public hearings
tonight. Is everybody good to go through these? We can have

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3 Mr. Wentworth come back in.

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3 APPLICATION 2P-01-19

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5 2P-01-19 Application of Shawn and Valerie
6 Carey, owners, for Preliminary/Final Site Plan Approval and
7 Demolition Review and Approval to raze a single family house
8 and construct a 1,921 +/- sf two story single family house on
9 property located at 1550 Elmwood Avenue. All as described on
application and plans on file.

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CHAIRPERSON PRICE: Is there a motion to table
this?

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

19

CONDITIONS:

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1. All required variances shall be obtained.
2. Architectural Review Board approval shall be obtained.
3. A restoration plan for the property following demolition
of the existing house should be included with the drawings.
The restoration plan must show the proposed grading of the
property after the demolition of the existing house.

3 Appropriate erosion control measures should be included on
4 the restoration plan.

5 4. If the home construction does not follow the demolition
6 in a timely manner, the property shall be restored in
7 conformance with the restoration plan.

8 5. If the existing house is demolished and a new house is
9 not constructed, any remaining accessory buildings and
10 structures shall be removed, or a variance must be obtained
11 from the Zoning Board of Appeals.

12 6. The limits of disturbance shall be shown on the plans and
13 delineated by orange construction fencing. All trees in
14 proximity to the work area shall be shown to be protected
15 with orange construction fencing. All trees to be saved
16 shall be protected with orange construction fencing placed at
17 the drip line or a distance greater than the drip line.
18 Trees shall be pruned, watered, and fertilized prior to,
19 during and after construction. Materials and equipment
20 storage shall not be allowed in fenced areas.

21 7. The applicant shall review the site plan, architectural
22 elevations, and floor plans to ensure that the areas and
23 dimensions provided on those plans agree with one another.
24 Architectural elevations showing the height of the structure
25 in relationship to proposed grade as shown on the site plan,

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3 and including ground elevations at the house corners, shall

4 be submitted.

5 8. According to a representative or Paradigm, the

6 "Limitations" section of the asbestos report contains

7 incorrect language (in bold) referencing a renovation project

8 rather than a demolition project. This section shall be

9 revised as necessary.

10 9. Following approval by the boards, a building/demolition

11 permit application shall be submitted. Prior to issuance of

12 a demolition permit or building permit, asbestos shall be

13 removed according to NYS and Town of Brighton requirements

14 and verification shall be provided from a qualified company

15 that asbestos has been removed.

16 10. This approval is only for the demolition of the

17 principle structure and construction of a new house.

18 11. Maintenance of any landscape plantings shall be

19 guaranteed for three (3) years.

20 12. Any contractor or individual involved in the planting,

21 maintenance or removal of trees shall comply with the

22 requirements of the town's Excavation and Clearing (Chapter

23 66), Trees (Chapter 175) and other pertinent regulations and

24 shall be registered and shall carry insurance as required by

25 Chapter 175 of the Comprehensive Development Regulations.

3 13. The project and its construction entrance shall meet the
4 New York State Standards and Specifications for Erosion and
5 Sediment Control.

6 14. If soil/fill will be stored on site, a soil stockpile
7 area shall be shown with erosion protection. If debris or
8 equipment will be stored on site, debris and equipment
9 storage areas shall be shown on the plan. Notes shall be
10 included in the sequence of demolition and construction.

11 15. Erosion control measures shall be in place prior to
12 issuance of any permits.

13 16. The contractor shall designate a member of his or her
14 firm to be responsible to monitor erosion control, erosion
15 control structures, tree protection and preservation
16 throughout construction.

17 17. The project will comply with the requirements of NYSDOL
18 Code Rule 56 regarding asbestos control and Chapter 91 of the
19 Code of the Town of Brighton, Lead-Based Paint Removal. In
20 addition to any other requirements of Code Rule 56, the
21 applicant shall verify that the project will comply with
22 Section 56-3.4(a)(2) regarding on-site maintenance of a
23 project record, and Section 56-3.6(a) regarding 10 Day Notice
24 requirements for residential and business occupants. The
25 property owner shall ensure that the licensing requirements

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3 of Section 56-3 and asbestos survey and removal requirements

4 of Section 56-5 are met.

5 18. A letter of credit shall be provided to cover certain

6 aspects of the project, including, but not limited to:

7 Demolition, restoration, sanitary sewer, water service, and

8 sediment and erosion control. The letter of credit should be

9 submitted to the Town for review and approval. An original

10 Letter of Credit must be received by the Town prior to the

11 start of construction.

12 19. The entire new building shall comply with the most

13 current Building & Fire Codes of New York State.

14 20. Prior to issuance of any building permits, all plans for

15 utility and storm water control systems must be reviewed and

16 have been given approval by appropriate authorities. Prior

17 to any occupancy, work proposed on the approved plans shall

18 have been completed to a degree satisfactory to the

19 appropriate authorities.

20 21. The project and its construction entrance shall meet the

21 New York State Standards and Specifications for Erosion and

22 Sediment Control. Erosion control measures shall be in place

23 prior to site disturbance.

24 22. All County Development Review Comments shall be

25 addressed prior to final approval.

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23. Meet all requirements of the Town of Brighton's Department of Public Works.

24. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.

25. All Town codes shall be met that relate directly or indirectly to the applicant's request.

26. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.

27. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.

28. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed

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

MS. CIVILLETI: Second

CHAIRPERSON PRICE: Moved and seconded to table the application. All in favor?

ALL COUNCIL MEMBERS: Ave.

CHAIRPERSON PRICE: Those opposed?

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3 APPLICATION 2P-02-19

4

5 2P-02-19 Application of Dan Gray, Bill Gray's,
6 Inc., owner, for Site Plan Modification, Conditional Use
7 Permit Approval and EPOD (watercourse) Permit Approval to
8 construct a 337+/- sf patio allowing for outdoor dining (20
9 seats) on property located at 2545 Monroe Avenue. All as
described on application and plans on file.

10

11 MR. BABCOCK-STINER: I move to close the

Public Hearing.

12

MR. WENTWORTH: Second.

13

14 CHAIRPERSON PRICE: Moved and seconded to

close the hearing. All in favor?

15

ALL COUNCIL MEMBERS: Aye.

16

CHAIRPERSON PRICE: Opposed?

17

Okay. Let's make a motion first.

18

19 MR. WENTWORTH: I move that the Planning Board
approves the application based on the testimony given, plans
submitted, and with the following 19 conditions and negative
declaration.

20

DETERMINATION OF SIGNIFICANCE:

21

22 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

23

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

10 **APPROVAL WITH CONDITIONS:**

11 I move the Planning Board approves the application based on
12 the testimony given, plans submitted, and with the following
13 conditions:

- 14 1. The front and side setbacks on the site plan are not
15 measured to the closest point of the building (the tower
16 roof). The site plan shall be revised.
- 17 2. Existing and proposed building floor area and site
18 density (overall and BF-1 only) should be provided. The site
19 plan shall be revised.
- 20 3. The fence around the dining area shall not exceed 3.5' in
21 height (to highest point) in the front yard.
- 22 4. Any proposed exterior lighting shall be shown on plans
23 and cut sheets shall be provided specifying options chosen.
24 The color temperature of the proposed lights should not
25 exceed 3000k. All exterior lighting shall be reviewed and

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3 approved by the Building & Planning Department.

4 5. Lighting. All lighting shall be designed to eliminate
5 light overflow onto adjacent residential properties. Any
6 signage, building or parking lighting not necessary for
7 security purposes shall be placed on automatic timing devices
8 which allow illumination to commence each day 1/2 hour before
9 the business is open to the public and to terminate 1/2 hour
10 after the close of business.

11 6. Proposed plantings shall be identified by species and
12 size.

13 7. All conditions of approval of the Zoning Board of Appeals
14 and Architectural Review Board shall be met.

15 8. All requirements of Section 203-74(B) (4), Outdoor Dining
16 Facilities, of the Comprehensive Development Regulations
17 shall be met.

18 9. Meet all requirements of the Town of Brighton's
19 Department of Public Works.

20 10. All Town codes shall be met that relate directly or
21 indirectly to the applicant's request.

22 11. The project and its construction entrance shall meet the
23 New York State Standards and Specifications for Erosion and
24 Sediment Control.

25 12. The contractor shall designate a member of his or her

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3 firm to be responsible to monitor erosion control, erosion
4 control structures, tree protection and preservation
5 throughout construction.

6 13. Maintenance of landscape plantings shall be guaranteed
7 for three (3) years.

8 14. Any contractor or individual involved in the planting,
9 maintenance or removal of trees shall comply with the
10 requirements of the town's Excavation and Clearing (Chapter
11 66), Trees (Chapter 175) and other pertinent regulations and
12 shall be registered and shall carry insurance as required by
13 Chapter 175 of the Comprehensive Development Regulations.

14 15. All outstanding Site Plan comments and concerns of the
15 Town Engineer and Fire Marshal shall be addressed. The
16 applicant shall contact the Fire Marshal for comments.

17 16. Erosion control measures shall be in place prior to site
18 disturbance.

19 17. All Monroe County comments shall be addressed.

20 18. The Town of Brighton would like to facilitate pedestrian
21 access to the recently constructed Allen's Creek observation
22 deck. A sidewalk easement across a portion of this property
23 to the Town of Brighton would enable future construction of a
24 sidewalk or path to the deck. Will the applicant consider
25 granting a sidewalk easement along the northern edge of the

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3 parking area to the Town of Brighton?

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

6 MR. BABCOCK-STINER: Second.

7 CHAIRPERSON PRICE: We have a motion and a
8 second and with correction amendments. Those that moved and
9 seconded, are you okay with the corrected amendments?

10 MR. WENTWORTH: Yes.

11 MR. BABCOCK-STINER: Yes.

12 CHAIRPERSON PRICE: Okay. As amended, all in
13 favor?

14 ALL COUNCIL MEMBERS: Aye.

15 CHAIRPERSON PRICE: Those opposed?

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3 APPLICATION 2P-03-19

4 2P-03-19 Application of the University of
5 Rochester, owner, and Navalis Construction, agent, for Site
6 Plan Modification to construct an additional 16 parking
7 spaces on property located at 5901 Lac De Ville Blvd. All as
8 described on application and plans on file.

9

MR. WENTWORTH: I recuse myself.

10

CHAIRPERSON PRICE: James Wentworth is

11 recusing himself.

12

MS. CIVILETTI: I move to close the Public
13 Hearing.

14

MR. BABCOCK-STINER: Second.

15

CHAIRPERSON PRICE: Moved and seconded to
16 close the hearing, all in favor?

17

ALL COUNCIL MEMBERS: Aye.

18

CHAIRPERSON PRICE: Opposed?

19

Okay. Let's make a motion.

20

MS. CIVILETTI: I'll move approval of
21 Application 2P-03-19 based on testimony given and plans
22 submitted and 14 conditions and a determination of
23 non-significance.

24

DETERMINATION OF SIGNIFICANCE:

25

I move that the Planning Board of the Town of Brighton

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3 declares itself to be lead agency under the State of New York

4 Environmental Quality Review Act. After considering the

5 action contemplated, the Planning Board finds it to be an

6 Unlisted Action. Upon review of the Environmental Assessment

7 form, the application and materials submitted, and the

8 criteria for determining significance pursuant to the SEQRA,

9 the Planning Board finds that the proposed action will not

10 have a significant impact on the environment. The Planning

11 Board adopts the negative declaration prepared by Town Staff.

12 **APPROVAL WITH CONDITIONS:**

13 I move the Planning Board approves the application based on

14 the testimony given, plans submitted, and with the following

15 conditions:

16 1. All accessible spaces located on site shall meet all ADA

17 requirements. As shown, none of the proposed spaces are

18 compliant.

19 2. The following comment of the Conservation Board shall be

20 addressed:

21 - The two replacement trees should be large shade bearing

22 native trees rather than smaller ornamental trees as

23 proposed.

24 3. Revised plans showing compliance with accessible parking

25 requirements and the Conservation Board comment shall be

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3 submitted to and approved by the Building & Planning
4 Department.

5 4. Tree protection is shown on the Existing Conditions plan;
6 it should also be shown on the Site Plan.

7 5. Meet all requirements of the Town of Brighton's
8 Department of Public Works.

9 6. All Town codes shall be met that relate directly or
10 indirectly to the applicant's request.

11 7. The project and its construction entrance shall meet the
12 New York State Standards and Specifications for Erosion and
13 Sediment Control.

14 8. The contractor shall designate a member of his or her
15 firm to be responsible to monitor erosion control, erosion
16 control structures, tree protection and preservation
17 throughout construction.

18 9. Maintenance of landscape plantings shall be guaranteed
19 for three (3) years.

20 10. Any contractor or individual involved in the planting,
21 maintenance or removal of trees shall comply with the
22 requirements of the town's Excavation and Clearing (Chapter
23 66), Trees (Chapter 175) and other pertinent regulations and
24 shall be registered and shall carry insurance as required by
25 Chapter 175 of the Comprehensive Development Regulations.

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3 11. All outstanding Site Plan comments and concerns of the
4 Town Engineer and Fire Marshal shall be addressed. The
5 applicant shall contact the Fire Marshal for comments.

6 12. Erosion control measures shall be in place prior to site
7 disturbance.

8 13. All Monroe County comments shall be addressed.

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

11 MS. DELANEY: I'll second.

12 CHAIRPERSON PRICE: Moved and seconded, are
13 there any discussions?

14 MS. CIVILETTI: My only comment on the
15 discussion about this area is I'm a little concerned about
16 narrowing this up too much just based on the tendency of the
17 vehicles to stack up in that area. If there's a vehicle
18 along the curb here somebody may decide they want to sit on
19 the outside of the island.

20 CHAIRPERSON PRICE: You and I don't have to
21 solve this, is there any advantage to -- and I know sometimes
22 capacity gets lost when you angle the parking, but if it is
23 one way, is there an advantage to that at all? This just
24 gets very tight where we're placing those six spaces. It's
25 not as much with the ten spaces, it's more the six spaces and

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3 how it impacts the adjacent existing parking, that if that
4 could be worked out so that those aren't quite so tight
5 together.

6 MS. CIVILETTI: Yes, I agree. If these are
7 actually 20-feet deep, if you shave a couple feet off and --

8 CHAIRPERSON PRICE: Opens that up in there.

9 MS. CIVILETTI: Have a slightly smaller
10 radius, you don't get incrementally narrower here but it will
11 improve this situation a little bit.

12 CHAIRPERSON PRICE: Yes. And even some of
13 them can be angled parking, not all of them. Some can be
14 angled and some can be 90 degree. Some of these are going to
15 be a tough spot to back out of. They will need all the
16 24 feet if they're backing out on that radius.

17 MS. CIVILETTI: Yes, but if they go to angle
18 they're going to lose spaces.

19 CHAIRPERSON PRICE: Think about how they're
20 using it and how tight they are to one another.

21 We moved and seconded, all in favor?

22 ALL COUNCIL MEMBERS: Aye.

23 CHAIRPERSON PRICE: Opposed?

24 Best of luck to you.

25

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3 **SIGNS:**

4 1543 Lite Coms, LLC, for a building face sign at 1221 East
5 Henrietta Road.

6

7 1544 Nobles & DeCarolis for a building face sign at
8 1507 Monroe Avenue.

9 MS. CIVILETTI: I'll move we approve as
10 recommended, Sign 1544.

11 MR. FADER: Second.

12 MR. BOEHNER: Sign 1543 is approved with the
13 condition that all required variances are obtained. Can we
14 have a motion and a second?

15 MS. CIVILETTI: So moved.

16 MR. BABCOCK-STINER: Second.

17 CHAIRPERSON PRICE: All in favor?

18 ALL COUNCIL MEMBERS: Aye.

19 CHAIRPERSON PRICE: Opposed?

20 Thank you.

21 * * *

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REPORTER CERTIFICATE

5

6

7

8

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

9

10

11

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

12

13

Dated this 26th day of February, 2019.

14

At Rochester, New York

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16

17



Rhoda Collins

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