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PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON MARCH 20TH, 2019
AT APPROXIMATELY 7:30 **P.M.**

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March 20th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

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WILLIAM PRICE, CHAIRPERSON
PAMELA DELANEY
JOHN J. OSOWSKI
LAURA CIVILETTI
JAMES WENTWORTH

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DAVID DOLLINGER, ESQ.
Town Attorney

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RAMSEY A. BOEHNER
Town Planner

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NOT PRESENT:
JASON BABCOCK-STINER
DAVID FADER

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

3 Carey, owners, for Preliminary/Final Site Plan Approval and
4 Demolition Review and Approval to raze a single family house
5 and construct a 1,921 +/- sf two story single family house on
6 property located at 1550 Elmwood Avenue. All as described on
7 application and plans on file.

8 AL LARUE: Good evening, Al LaRue of McMahon
9 LaRue Associates. Since the last meeting we have received an
10 answer from the Planning Board and Town comments. A variance
11 was granted for the location of the home. And to my
12 knowledge the ARB has approve the architecture for the home
13 plan.

14 We also have received County Planning
15 comments. There's nothing in them of any concern. There's
16 one about mine mutation, but this is just a site plan, so we
17 are not filing the map. But other than that we have
18 addressed all of the comments and I think we're ready to go.
19 The owner, Shawn, is here, the builder is here. Do you have
20 any questions?

21 CHAIRPERSON PRICE: Was there something
22 regarding access easement?

23 AL LARUE: There was and it was for the home
24 here, and there was nothing in the abstract. We did find an
25 unrecorded easement for that. So there's an easement and the

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3 Town has a copy of that.

4

5 have ARB, was there anything regarding asbestos, anything
6 special about demolition?

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AL LARUE: I don't know about that.

8

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GREGG BOWERING: There was. We had asbestos testing done prior to any of this. They found a couple minor --

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GREGG BOWERING: Greg Bowering of Bowering Homes. We will be building the house for the Careys. We've worked on this for quite a bit of time. We did take the initiative to get an asbestos review and report done on that house prior to even coming to the Town at all. There were some minor findings of some asbestos tape and so forth that were found, a report was generated. I think it got to the Town, I don't know if it didn't.

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MR. BOEHNER: I have a question because in the report it talked about remodeling, it didn't talk about the demolition of the house. I called Paradigm, who did the testing and there's a wording thing so we've got that squared away.

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MR. BOEHNER: Thank you.

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5

GREGG BOWERING: So if you don't have a copy of the reworded one, I have one I can get for you.

6

MR. BOEHNER: Thank you.

7

GREGG BOWERING: So anyway, that was a report done, there was some asbestos to be found. We sequentially today went over and did hire the mitigation people to go ahead and it was very minor. And they've taken care of it and have gotten rid of all of what was in there and we'll be getting a report back from them shortly stating as such.

13

CHAIRPERSON PRICE: Okay. And what is your

14 current schedule at this point?

15

GREGG BOWERING: As soon as you guys say okay

16 we will be ready. I hope to get going on it very shortly.

17

MR. BOEHNER: Will there be any grading?

18

AL LARUE: No.

19

MR. BOEHNER: What is happening with utilities?

21

AL LARUE: They're going to be cut off and the Town Building Inspector is going to take a look at the sanitary. And we are using both sanitary and water. No new facilities --

25

MR. BOEHNER: Have you televised the sewer

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3 line yet?

4 AL LARUE: We have it but it's --

5 GREGG BOWERING: It's on the agenda for us to
6 do but we haven't gotten to do that yet.

7 MR. BOEHNER: Okay.

8 GREGG BOWERING: Those were the comments the
9 DPW had on it.

10 MR. OSOWSKI: Is the domestic water pipe size
11 adequate for the fire protection sprinklers in the new house?

12 MR. BOEHNER: I don't think they need
13 sprinklers.

14 GREGG BOWERING: I don't think we need fire
15 sprinklers in the house. It's a one-inch line that comes
16 into the house which looks pretty standard.

17 CHAIRPERSON PRICE: Ramsey, you good?

18 MR. BOEHNER: The only thing I'll say, you're
19 going to leave some of the structures fencing on the
20 property? If the house does not commence construction,
21 either those structures would have to be moved or variances
22 would have to be obtained. I'm just saying that, I think
23 you're going to be moving right along.

24 GREGG BOWERING: Our hope is to get right to
25 it. We understand that comment, it's not a problem. I don't

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3 think it's going to be an issue.

4

MR. BOEHNER: Okay. That's all I have.

5

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CHAIRPERSON PRICE: Okay, thank you. This is a Public Hearing is there anyone in the audience that cares

7 to address this application?

8

Okay, we will move on.

9

APPLICATION 3P-01-19

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3P-01-19 Application of Woodstone Custom

Homes, owner, for Site Plan Modification in regards to

construction of a single family home on Property located at

97 Willard Avenue (Lot 1 - Pinnacle Hills Subdivision). All

as described on application and plans on file.

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ED PARRONE: Good evening, my name is Ed

Parrone from Parrone Engineering and we are here on behalf of

Woodstone Custom Homes, and Jeff Smith the developer and

owner of Woodstone Custom Homes is with me this evening. We

are here for a modification from the approved

subdivision that you all approved a few years ago as it

relates to Lot 1 and site and grading.

22

23

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25

We needed to get a variance back on April 6th,

from the Zoning Board of Appeals on the original approved

subdivision plan the setbacks as it related to Lot 1 as

depicted on the subdivision. At the time it was shown on one

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3 of the drawings it was a 30-foot setback and to accommodate a
4 home that we are contemplating building on that particular
5 lot, we needed to get it to 12 feet.

6 The other distances and the other setbacks are
7 still being respected. This large scale lot of Lot 1 is
8 showing you what we're looking for this evening is approval
9 for modification of, we'll call it the box that was
10 originally approved. And the shaded in area which I think
11 you all have drawings of that nature, will demonstrate where
12 we are going. In fact, put the building inside that box, I
13 know it's the Planning Board's policy that if it's outside of
14 the box that's originally approved that we need to come back
15 to you folks.

16 So we're here this evening to answer any of
17 your questions. We're looking for the site approval for
18 Lot 1, as well as the grading. I will mention this, the
19 grading in effect pretty much the same it was originally.
20 Ultimately everything will drain towards the Stonewater
21 Management Facility which is at the south end of the other
22 side of Willard Avenue.

23 All other things stay the same. As I said,
24 the ZBA did, in fact, grant the variance a little more than a
25 week ago. And I will more than happy to answer any questions

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3 fine.

4 ED PARRONE: The answer is, yes.

5 JEFF SMITH: We kind of expedited the design a
6 little bit. It was in concept for the last month or so --

7 MR. BOEHNER: Jeff, I'm sorry, give your name.

8 JEFF SMITH: Jeff Smith, Woodstone Custom
9 Homes. We did expedite the plans a slight amount so I got
10 something to scale. I have that here this evening if you
11 would like to look at it. This has been on our drawing board
12 for a while for the owner, and we have looked -- they were
13 trying to accomplish a southern orientation on the house
14 which started to work on the variance, and then we were
15 working to fit it into the box.

16 ED PARRONE: As you can see it doesn't fill
17 the box at all.

18 JEFF SMITH: We have taken a home from one of
19 our other subdivisions as a concept when we initially started
20 working with the couple months ago and they were trying to
21 get the southern orientation to the home. We realized that
22 the setbacks were not conducive to that, so kind of
23 simultaneous with the variance and the Planning Board
24 submission we were proceeding with the design. So that's
25 very close to the final. We didn't have time to develop the

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3 front elevation and the elevation of the home, but it's
4 within the square footage parameters of the lot which is a
5 maximum of 3,800 square feet. It will be a little bit over
6 3,700 square feet and will have a good presence on the
7 street. We're orienting it in a way that it will not
8 obstruct the views to the end of the street. You'll still
9 see further south on the left of the house and the entire
10 storm water management facility will be shown further to the
11 east.

12 MR. BOEHNER: Will it be a walkout?

13 JEFF SMITH: No. We're putting some daylight
14 windows in the lower level of the house.

15 MR. BOEHNER: Okay.

16 ED PARRONE: This lot was never intended to be
17 a walkout.

18 MR. BOEHNER: There is a drop in the lot.

19 JEFF SMITH: Yes, there is, but you don't
20 sense it when you look at the lot. All of the topography is
21 accurate as we're saying, and the actual drainage pattern is
22 very similar to what would have been in the other building
23 lots.

24 CHAIRPERSON PRICE: Ramsey, just refresh us on
25 the -- I was there at the ZBA when this was approved, but the

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3 way that the front setback was drawn it continues straight.

4 ED PARRONE: That is correct, Bill. That was
5 the intent even though the right of way will never be that
6 way, but it was -- the decision was made that that would have
7 been the front. That's why we had to get the variance.

8 JEFF SMITH: The interpretation would be that
9 it would have gone from the 30-foot setback all the way
10 across the lot. So it would have only give us a little bit
11 over 30-foot building parameter within that 60-foot setback
12 which was still honored.

13 So the idea was to rotate it and we found from
14 the building department that they saw an issue with that and
15 unless we got a variance on this what we were thinking on the
16 sideline.

17 CHAIRPERSON PRICE: Okay. Everything else the
18 same?

19 ED PARRONE: Nothing else changes, Bill, from
20 the subdivision originally approved, nothing changes.

21 MR. OSOWSKI: This is the only lot you
22 anticipate having anything --

23 ED PARRONE: Yes.

24 JEFF SMITH: This is the only different lot.
25 There's one we have of substance back here so we had proposed

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3 as much as a 3,800-square-foot house. All the other ones are
4 identical with the setbacks. And we are proceeding on the
5 design on most of them right now.

6 MR. BOEHNER: So you have one that's built and
7 you're going to have three under construction here?

8 JEFF SMITH: We have 7's built, Lot 3 is under
9 construction, Lot 5 and 6 are at the architects, and we'll
10 have Lot 2 going to the ARB next month.

11 ED PARRONE: With a little bit of luck this
12 will be built out this year.

13 MR. BOEHNER: Okay.

14 CHAIRPERSON PRICE: Questions? Thank you.

15 Is there anyone in the audience that cares to
16 address this application?

17 BEATRICE FERRIS: Yes. My house is
18 188 Howland Avenue, Beatrice Ferris. May I take a look? I
19 just want to see the plans.

20 MR. BOEHNER: Yes, sure.

21 CHAIRPERSON PRICE: Did he answer your
22 questions?

23 BEATRICE FERRIS: Yes, he did.

24 CHAIRPERSON PRICE: Thank you for coming out.

25 Other questions or comments? Thank you.

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3 APPLICATION 3P-02-19

4 3P-02-19 Application of the University of
5 Rochester, lessee, and 150 Metro Park LLC, owner, for
6 Conditional Use Permit Approval to allow for a warehousing
7 and distribution facility (U of R Clinical Material Services
8 Unit) on property located at 150 Metro Park. All as
9 described on application and plans on file.

10 MR. WENTWORTH: Mr. Secretary, I need to
11 recuse myself.

12 CHAIRPERSON PRICE: Please note that James is
13 recusing himself.

14 JUSTIN HILDRETH: My name is Justin Hildreth
15 and I'm with HBT Architects. Also with me today is some of
16 the members from the University of Rochester, the tenant for
17 space and is also the representative of the owner of the
18 building.

19 Today we are here looking to get a conditional
20 use permit for 150 Metro Park, tenant's Space C, which is for
21 the Clinical Material Services Unit which is a part of the
22 University of Rochester. CMSU is a dedicated regulatory
23 client facility that provides investigational drug and device
24 packaging, labelling distribution, and return services for
25 numerous large multicenter, multiyear clinical trials, all

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3 being conducted by the University of Rochester. Also, they
4 provide this to academic medical centers, biotech and
5 pharmaceutical companies.

6 Their operations, they are primary -- CMSU
7 doesn't engage in primary packaging of the drugs or anything
8 like that. All they do is, the medications come in, they
9 assemble, and they distribute for the clinical trials.

10 The operations of the space is going to be
11 about eight employees that work there, and normal hours are
12 8:00 to 5:00, Monday through Friday, and there will never be
13 more than six visitors at a time. Currently on site there
14 are 79 parking spaces, eight of which will be for CMSU for
15 their employees and a couple for visitors.

16 All deliveries to the space will happen off
17 Metro Park Boulevard into the back of the building, an
18 existing loading dock area. And that would also all happen
19 regular business hours from 8:00 to 5:00.

20 Inside the space the trash generated by CMSU
21 is just typical trash that will be unloaded in the existing
22 trash areas. There's no unusual solid liquid waste into the
23 sanitary system, and they have no plans for special events or
24 other functions that cause any additional traffic.

25 The building itself is 19,000 square feet,

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3 8,600 plus or minus, would be used by CMSU. In renovation of
4 the interior space is there's going to be knocked out about
5 four offices and reconfigure the office space to have a
6 couple packaging areas inside there and existing offices will
7 remain, the existing warehouse space will remain, and
8 essentially what is already in the space is essentially just
9 reusing, reconfiguring a few offices.

10 MR. BOEHNER: How many deliveries a day? And
11 I assume they distribute the driver delivery trucks, how many
12 trips do you have?

13 If you could give your name for the record.

14 PAT FOLGER: Pat Folger with the Clinical
15 Material Services Unit, CMSU. We have one outgoing shipment
16 or one outgoing FedEx stop a day. And our inbound shipments
17 are maybe once every couple weeks, they are palletized
18 quantities, and then the outbound shipments are FedEx express
19 everyday, Monday through Wednesday, sometimes Monday through
20 Thursday.

21 MR. BOEHNER: Okay.

22 CHAIRPERSON PRICE: Is this a secured
23 facility? Do you need to --

24 PAT FOLGER: It will be. The perimeter will
25 be monitored as well as the interior with alarm monitored.

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3 We don't have controlled substances, DEA regulated
4 substances, but in many cases they are prescription products.

5 MR. BOEHNER: Okay. Is that anything you need
6 to talk to the police department about, a security plan or
7 anything?

8 PAT FOLGER: No, I don't think so. It's just
9 our own internal security as far as -- it's kind of carrying
10 over to what we have now, camera surveillance.

11 MR. BOEHNER: All right.

12 CHAIRPERSON PRICE: I'm not sure, can you tell
13 me where are you now?

14 PAT FOLGER: We are at 77 Ridgeland Road in
15 Henrietta, behind the Outback Steakhouse and Sutherland Group
16 in a biotech center kind of across from the Lay's plant.

17 MR. BOEHNER: So you have experience with the
18 operation?

19 PAT FOLGER: Yes, we have been in existence
20 for 10 years. And now we're just moving out of that facility
21 and finding a new home.

22 MR. BOEHNER: How do you dispose of the trash?

23 PAT FOLGER: We have a regular Waste
24 Management pick up, whatever the landlord has in place.

25 MR. BOEHNER: What do you do with the meds

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3 that have to be disposed?

4 PAT FOLGER: Those are a special arrangement
5 with a third-party environmentally contracted company that
6 handles these destructions in an environmentally sound
7 manner.

8 MR. BOEHNER: Nothing going down the
9 sanitary --

10 PAT FOLGER: No. They often go into an
11 incineration, a company called Viola and they handle all of
12 our destructions of these regulated materials.

13 CHAIRPERSON PRICE: Do you put any signage on
14 the building or anything?

15 PAT FOLGER: We're trying not to.

16 CHAIRPERSON PRICE: Okay.

17 MR. OSOWSKI: Is there any need for a backup
18 emergency generator?

19 PAT FOLGER: The plans call for one of those
20 because it's really critical that we maintain the temperature
21 requirements for these. We have refrigerated drugs as well
22 as room temperature. We need to absolutely maintain those at
23 all times.

24 CHAIRPERSON PRICE: This is conditional use?

25 MR. BOEHNER: Yes, conditional use.

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3 CHAIRPERSON PRICE: Any other questions?

4 Thank you.

5 This is a Public Hearing is there anyone who
6 cares to address this application?

7 MR. BOEHNER: Can we get James?

8 APPLICATION 3P-03-19

9 3P-03-19 Application of Beachland Consulting,
10 LLC, lessee, and R&A Family Limited Partnership, owner, for
11 Site Plan Modification to construct an additional six (6)
12 parking spaces on property located at 2301 Lac De Ville
13 Boulevard. All as described on application and plans on
14 file.

15 JAMES CRETEKOS: Good evening everybody, my
16 name is James Cretekos, I'm with BME Associates. Here with
17 me this evening is Teresa Viggiani, she's with Beachland
18 Consulting the applicant. We're here on behalf of R&A Family
19 Limited Partnership, they're the property owner. And the
20 current tenant of the building is Rochester Eye Associates,
21 they have been there for around 20 years now at this point.

22 We are here this evening to request a site
23 plan approval for the construction of six additional parking
24 spaces at the property. Currently Rochester Eye Associates
25 has about 26 employees, they only have around 48 existing

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3 parking spaces. So we're looking to basically capture a
4 couple extra more. They do have intentions of bringing
5 another doctor on over the summer. They do occasionally hit
6 their capacity with parking there already. So we are looking
7 to resolve this.

8

9 So part of our proposed application, we're
10 going to be constructing two parking spaces up on the
11 northern limits of the property. Those are going to be
12 within the side setback, but per Section 205-18(b) of the
13 Town Code, a waiver can be granted for the front side
14 setbacks if a cross access easement is in place between the
15 joined parcels. That easement was established with the
16 original developer so it does join from the road down here,
up through the plaza.

17

18 With the parking spaces we'll be capturing a
19 couple more, is going to be down on the rear of the property
20 on the western limits. But we're proposing to basically
21 remove the existing dumpster enclosure and put a little bit
22 of additional pavement over there. For the refuse, we're
23 going to be proposing a small little concrete sidewalk area
24 behind the building where we can do a number of totes. Right
25 now they have biweekly garbage pick up. The parking spaces
are more important to the current tenant than that, so if

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3 they need to go to weekly refuse pick up they are more than
4 willing to do that.

5

6 With the development we're going to be
7 removing two of the trees that are within the future pavement
8 area. We basically propose to replace them kind of along the
9 southern drive to help screen some of where the new parking
spaces will be.

10

11 To the west of the property is the rear of the
12 Tops Plaza. We have employee parking back there. There's a
13 little bit of a berm between their site and ours. Our site
14 sits a little bit lower than berm basically screens their
15 headlights from our site. So opposite wise we're going to
16 shine no light onto their property because that berm will
function the same for them.

17

18 We're not proposing any building, lighting or
19 utility improvements with the site. The owner is planning to
20 resurface a couple of the spaces to get the dimensions a
21 little bit more uniform as well as capture an extra parking
22 space kind of in the middle. We will also be doing some
23 improvements to the sidewalk by the main entrance. We're
24 going to be updating ADA parking spaces, putting new signage
and bring those up to compliance.

25

So that is essentially the project in a

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3 nutshell. The hours of operation are Monday through Friday

4 7:30 to 5:30. They do operate on Thursdays until 8:30 p.m.

5 And then for vehicles that come to the site they have their

6 daily UPS and FedEx delivery vehicles, they have a Medical

7 Motor van that comes and then the refuse pick up. They also

8 have a supply delivery once a week, I believe the vehicle

9 parks on Lac De Ville Boulevard temporarily due to site

10 access, and then unloads quickly and then disperses.

11 So if there's any questions I'd be happy to

12 field them. We did submit a variance application to the

13 Zoning Board of Appeals to allow for these parking spaces.

14 We're going to be requesting a eight foot, two foot setback

15 as opposed to the ten-foot rear setback. We're scheduled to

16 be on their April 3rd meeting. So we would like to request

17 additional site plan approval pending the reception of that

18 variance.

19 CHAIRPERSON PRICE: Remind me, you might have

20 said it earlier in your presentation, do you currently have

21 any parking sharing agreements?

22 JAMES CRETEKOS: No. There's no parking

23 sharing agreements in the plaza, just the cross access

24 easement.

25 CHAIRPERSON PRICE: Okay. So none of your

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3 employees or customers are using Tops Plaza?

4

5 JAMES CRETEKOS: No, I don't believe so. I
6 think if they were going to be using any they would probably
7 park on the site next door. There's not an established
8 walkway from the Tops area into the site.

9

10 CHAIRPERSON PRICE: You are on the agenda for
11 the ZBA for which part? This is where your pitch point --

12

13 JAMES CRETEKOS: Right. So right here on this
14 corner, our parking space is only 8.2 feet away. We need to
15 basically infringe on that setback just to dimensionally fit
16 that additional space. So we're going to the Zoning Board to
17 request a variance for it.

18

19 CHAIRPERSON PRICE: Okay. In the unlikely
20 event that they don't do that, that would be one less space
21 then?

22

23 JAMES CRETEKOS: Correct.

24

25 CHAIRPERSON PRICE: And not to grant final
approvals until you actually do have the ZBA approval, but we
will talk about the condition.

26

27 JAMES CRETEKOS: That would be acceptable. If
28 you need us to come back we would be happy to.

29

30 CHAIRPERSON PRICE: Okay. All of your
handicapped parking symbols, and I think your note does say

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3 that you will stripe out the existing one and repaint it?

4

5 JAMES CRETEKOS: Right. What will end up
6 happening is we wanted to originally put another accessible
7 space right on the one adjacent to the existing door area,
8 with the grade from that kind of pitch point on the corner
9 there and our ADA compliant, and we can just move in and get
everything up to code. Thank you very much.

10

CHAIRPERSON PRICE: Okay, thank you.

11

12 This is a Public Hearing, does anyone care to

address this application? Thank you.

13

I believe that was our last Public Hearing.

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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.

10

11 CHAIRPERSON PRICE: We're looking for a motion

12

first to close the Public Hearing.

13

MR. WENTWORTH: So moved.

14

MR. OSOWSKI: Second.

15

CHAIRPERSON PRICE: Moved and seconded, all in
favor?

16

ALL COUNCIL MEMBERS: Aye.

17

CHAIRPERSON PRICE: Okay. We have
determination of significance, demo findings, as well as site
plan approval. Is there a motion?

20

21

22

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25

MR. WENTWORTH: I move the Planning Board
adopt the following findings based on the application
submitted, testimony presented, and the determinations,
comments, and recommendations of the Historic Preservation
Commission, Architectural Review Board, Conservation Board,
and the following 10 conditions.

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3 **DETERMINATION OF SIGNIFICANCE:**

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

14 **DEMOLITION FINDINGS:**

15 I move that the Planning Board adopts the following findings
16 based on the application submitted, testimony presented, and
17 the determinations, comments and recommendations of the
18 Historic Preservation Commission, Architectural Review Board,
19 and Conservation Board.

20 1. The existing building, if currently designated as a
21 landmark, has received required approvals from the Historic
22 Preservation Commission, and if not currently designated, has
23 been found by the Commission not to be a candidate for
24 designation by the Historic Preservation Commission as a
25 landmark.

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3 2. The Architectural Review Board and Conservation Board
4 have reviewed the project per the requirements of this
5 article and their determinations and recommendations have
6 been considered.

7 3. The project is consistent with the Brighton Comprehensive
8 Plan.

9 4. The project meets all Town zoning requirements, or a
10 variance has been granted by the Brighton Zoning Board of
11 Appeals.

12 5. The Brighton Department of Public Works has approved the
13 proposed grading plan for the project.

14 6. The project complies with the requirements of the Town's
15 regulations regarding trees.

16 7. A restoration/landscaping plan has been approved by the
17 Planning Board.

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

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3 56-3, and the asbestos survey and removal requirements of
4 Section 56-5.

5 9. The project will not, under the circumstances of the
6 particular case, be detrimental to the health, safety or
7 general welfare of persons residing or working in the
8 neighborhood and will not be detrimental to the public
9 welfare or injurious to property or improvements in the
10 neighborhood.

11 10. The project does not have a significant negative impact
12 on affordable housing within the Town.

13 MS. DELANEY: I will second.

14 CHAIRPERSON PRICE: Do we want to take them
15 one at a time?

16 MR. BOEHNER: You can take one long motion.

17 MR. WENTWORTH: So I would add to that that we
18 approve the application based on the testimony given, plans
19 submitted, the following 27 conditions for the whole project,
20 so that's the project and the demolition and includes a
21 negative declaration.

22 **APPROVAL WITH CONDITIONS:**

23 1. If the home construction does not follow the demolition
24 in a timely manner, the property shall be restored in
25 conformance with the restoration plan.

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3 2. If the existing house is demolished and a new house is
4 not constructed, any remaining accessory buildings and
5 structures shall be removed, or a variance must be obtained
6 from the Zoning Board of Appeals.

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

16 4. The applicant shall review the site plan, architectural
17 elevations, and floor plans to ensure that the areas and
18 dimensions provided on those plans agree with one another.
19 Architectural elevations showing the height of the structure
20 in relationship to proposed grade as shown on the site plan,
21 and including ground elevations at the house corners, shall
22 be submitted.

23 5. According to a representative of Paradigm, the
24 "Limitations" section of the asbestos report contains
25 incorrect language (in bold) referencing a renovation project

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3 rather than a demolition project. This section shall be
4 revised as necessary.

5 6. Following approval by the boards, a building/demolition
6 permit application shall be submitted. Prior to issuance of
7 a demolition permit or building permit, asbestos shall be
8 removed according to NYS and Town of Brighton requirements
9 and verification shall be provided from a qualified company
10 that asbestos has been removed.

11 7. This approval is only for the demolition of the principle
12 structure and construction of a new house.

13 8. Maintenance of any landscape plantings shall be
14 guaranteed for three (3) years.

15 9. Any contractor or individual involved in the planting,
16 maintenance or removal of trees shall comply with the
17 requirements of the town's Excavation and Clearing (Chapter
18 66), Trees (Chapter 175) and other pertinent regulations and
19 shall be registered and shall carry insurance as required by
20 Chapter 175 of the Comprehensive Development Regulations.

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

24 11. If debris or equipment will be stored on site, debris
25 and equipment storage areas shall be shown on the plan.

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3 Notes shall be included in the sequence of demolition and
4 construction. If soil/fill will be stored on site, a soil
5 stockpile area shall be shown with erosion protection.

6 12. Erosion control measures shall be in place prior to
7 issuance of any permits.

8 13. The contractor shall designate a member of his or her
9 firm to be responsible to monitor erosion control, erosion
10 control structures, tree protection and preservation
11 throughout construction

12 14. The project will comply with the requirements of NYSDOL
13 Code Rule 56 regarding asbestos control and Chapter 91 of the
14 Code of the Town of Brighton, Lead-Based Paint Removal. In
15 addition to any other requirements of Code Rule 56, the
16 applicant shall verify that the project will comply with
17 Section 56-3.4(a)(2) regarding on-site maintenance of a
18 project record, and Section 56-3.6(a) regarding 10 Day Notice
19 requirements for residential and business occupants. The
20 property owner shall ensure that the licensing requirements
21 of Section 56-3 and asbestos survey and removal requirements
22 of Section 56-5 are met.

23 15. A letter of credit shall be provided to cover certain
24 aspects of the project, including, but not limited to:
25 Demolition, restoration, sanitary sewer, water service, and

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3 sediment and erosion control. The letter of credit should be
4 submitted to the Town for review and approval. An original
5 Letter of Credit must be received by the Town prior to the
6 start of construction.

7 16. The entire new building shall comply with the most
8 current Building & Fire Codes of New York State.

9 17. Prior to issuance of any building permits, all plans for
10 utility and storm water control systems must be reviewed and
11 have been given approval by appropriate authorities. Prior
12 to any occupancy, work proposed on the approved plans shall
13 have been completed to a degree satisfactory to the
14 appropriate authorities.

15 18. Prior to any framing above the deck, an instrument
16 survey showing setback and first floor elevation shall be
17 submitted to and reviewed by the Building and Planning
18 Department.

19 19. The project and its construction entrance shall meet the
20 New York State Standards and Specifications for Erosion and
21 Sediment Control. Erosion control measures shall be in place
22 prior to site disturbance.

23 20. All County Development Review Comments shall be
24 addressed prior to final approval

25 21. Meet all requirements of the Town of Brighton's

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Department of Public Works.

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

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

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

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

CHAIRPERSON PRICE: So moved, is there a second?

MS. DELANEY: I will second.

CHAIRPERSON PRICE: Moved and seconded, do we have any discussions? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

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3 APPLICATION 3P-01-19

4 3P-01-19 Application of Woodstone Custom
5 Homes, owner, for Site Plan Modification in regards to
6 construction of a single family home on Property located at
7 97 Willard Avenue (Lot 1 - Pinnacle Hills Subdivision). All
8 as described on application and plans on file.

9 MS. DELANEY: I'll motion to close the Public
10 Hearing.

11 MR. WENTWORTH: Second.

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

14 ALL COUNCIL MEMBERS: Aye.

15 CHAIRPERSON PRICE: This has ZBA, we move this
16 one forward. Is there a motion?

17 MR. WENTWORTH: I move that we approve the
18 application base on the testimony given, plans submitted, and
19 the following 27 conditions and a negative declaration.

20 **DETERMINATION OF SIGNIFICANCE:**

21 I move that the Planning Board of the Town of Brighton
22 declares itself to be lead agency under the State of New York
23 Environmental Quality Review Act. After considering the
24 action contemplated, the Planning Board finds it to be an
25 Unlisted Action. Upon review of the Environmental Assessment

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3 form, the application and materials submitted, and the

4 criteria for determining significance pursuant to the SEQRA,

5 the Planning Board finds that the proposed action will not

6 have a significant impact on the environment. The Planning

7 Board adopts the negative declaration prepared by Town Staff.

8 **APPROVAL WITH CONDITIONS:**

9 I move the Planning Board approves the application based on

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

11 conditions:

12 1. Architectural Review Board approval is required prior to

13 submitting a Building Permit application for the project.

14 2. Prior to any framing above the deck, an instrument survey

15 showing setback and first floor elevation shall be submitted

16 to and reviewed by the Building and Planning Department.

17 3. All utilities should be installed underground.

18 4. The Project Statistics shown on the Site Plan shall be

19 revised to show the area requirements that are allowed

20 pursuant to the Town Law 278 approval and the variance

21 granted by the Zoning Board of Appeals. The Project

22 Statistics shall also show all the area requirements proposed

23 for this project.

24 5. The house pad shown, calculated as + 5,482 sf, is greater

25 in area than allowed by the Planning Board approval. The

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3 plan should be revised to comply with approvals.

4 6. The limits of disturbance shall be shown on the plans and
5 delineated by orange construction fencing. All trees in
6 proximity to the work area shall be shown to be protected
7 with orange construction fencing. All trees to be saved
8 shall be protected with orange construction fencing placed at
9 the drip line or a distance greater than the drip line.
10 Trees shall be pruned, watered, and fertilized prior to,
11 during and after construction. Materials and equipment
12 storage shall not be allowed in fenced areas.

13 7. If materials or equipment will be stored on site,
14 material and equipment storage areas shall be shown on the
15 plan. If soil/fill will be stored on site, a soil stockpile
16 area shall be shown with erosion protection.

17 8. A stabilized construction entrance shall be shown.

18 9. The applicant shall review the site plan, architectural
19 elevations, and floor plans to ensure that the areas and
20 dimensions provided on those plans agree with one another.
21 Architectural elevations showing the height of the structure
22 in relationship to proposed grade as shown on the site plan,
23 and including ground elevations at the house corners, shall
24 be submitted.

25 10. The Site Plan shall be revised to show the proposed

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3 ground elevations at the house corners.

4 11. Maintenance of any landscape plantings shall be
5 guaranteed for three (3) years.

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

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

15 14. Erosion control measures shall be in place prior to
16 issuance of any permits.

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

21 16. A letter of credit shall be provided to cover certain
22 aspects of the project. Contact Evert Garcia (585-784-5222)
23 for specifics. The letter of credit should be submitted to
24 the Town for review and approval. An original Letter of
25 Credit must be received by the Town prior to the start of

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3 construction.

4 17. The entire new building shall comply with the most
5 current Building & Fire Codes of New York State.

6 18. Prior to issuance of any building permits, all plans for
7 utility and storm water control systems must be reviewed and
8 have been given approval by appropriate authorities. Prior
9 to any occupancy, work proposed on the approved plans shall
10 have been completed to a degree satisfactory to the
11 appropriate authorities.

12 19. The project and its construction entrance shall meet the
13 New York State Standards and Specifications for Erosion and
14 Sediment Control. Erosion control measures shall be in place
15 prior to site disturbance.

16 20. All County Development Review Comments shall be
17 addressed prior to final approval.

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

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

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

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

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

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

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

9 CHAIRPERSON PRICE: Second?

10 MR. OSOWSKI: Second.

11 CHAIRPERSON PRICE: Any discussion? All in
12 favor?

13 ALL COUNCIL MEMBERS: Aye.

14 CHAIRPERSON PRICE: Opposed?

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Department of Public Works.

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

9. Any proposed events that will entail activities, temporary structures or signs outside of the building may require a permit from the Building and Planning Department.

10. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

11. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.

MS. DELANEY: I'll second.

CHAIRPERSON PRICE: Moved and seconded, any further discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

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3 APPLICATION 3P-03-19

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5 3P-03-19 Application of Beachland Consulting,
6 LLC, lessee, and R&A Family Limited Partnership, owner, for
7 Site Plan Modification to construct an additional six (6)
8 parking spaces on property located at 2301 Lac De Ville
9 Boulevard. All as described on application and plans on
file.

10

11 CHAIRPERSON PRICE: That's brings us to last

12 application. Please note James has reentered the meeting.

13

14 MS. CIVILETTI: I move to close the Public
15 Hearing.

16

17 MR. WENTWORTH: Second.

18

19 CHAIRPERSON PRICE: All in favor?

20

21 ALL COUNCIL MEMBERS: Aye.

22

23 MS. CIVILETTI: I move to approve Application
24 3P-03-19 based on testimony given, plans submitted,
12 conditions, and a determination of nonsignificance.

25

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

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3 form, the application and materials submitted, and the

4 criteria for determining significance pursuant to the SEQRA,

5 the Planning Board finds that the proposed action will not

6 have a significant impact on the environment. The Planning

7 Board adopts the negative declaration prepared by Town Staff.

8 **APPROVAL WITH CONDITIONS:**

9 I move the Planning Board approves application 3P-03-19 based

10 on the testimony given, plans submitted, and with the

11 following conditions:

12 1. All required variances shall be obtained prior to any

13 permits being issued.

14 2. The number of accessible spaces shall comply with ADA

15 requirements. All new accessible parking space signage to be

16 installed or replaced shall have the logo depicting a dynamic

17 character leaning forward with a sense of movement as

18 required by Secretary of State pursuant to section one

19 hundred one of the Executive Law.

20 3. The following comment of the Conservation Board shall be

21 addressed:

22 • Consideration should be given to planting a more

23 substantial tree species in lieu of the proposed Autumn

24 Brilliance Serviceberry.

25 4. All trees to be saved shall be protected with orange

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3 construction fencing placed at the drip line or a distance
4 greater than the drip line. Trees shall be pruned, watered,
5 and fertilized prior to, during and after construction.
6 Materials and equipment storage shall not be allowed in
7 fenced areas.

8 5. A dimensioned detail of the trash enclosure shall be
9 submitted.

10 6. All comments and conditions of Monroe County shall be
11 addressed.

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

15 8. Meet all requirements of the Town of Brighton's
16 Department of Public Works.

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

19 10. All other reviewing agencies must issue their approval
20 prior to the Department of Public Works issuing its final
21 approval.

22 11. All comments and concerns of the Town Engineer as
23 contained in the attached memo from Evert Garcia, dated
24 3/19/19, to Ramsey Boehner, shall be addressed.

25 12. A letter or memo in response to all Planning Board and

1 Brighton Planning Board 3/20/19

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3 Town Engineer comments and conditions shall be submitted.

4

5 CHAIRPERSON PRICE: I will second. Any

further discussion? All in favor?

6

7 ALL COUNCIL MEMBERS: Aye.

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9 CHAIRPERSON PRICE: Opposed?

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SIGNS:

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1545 The Vein Institute, for a building face sign at 50 South Clinton Avenue.

6

1546 Brighton Village Luxury Apartments, for a monument sign at 1625 Crittenden Way.

8

1547 Salvatore's.com, for a building face sign at 2833 Monroe Avenue.

10

11

MR. BOEHNER: 1545, I recommend approve as recommended.

12

CHAIRPERSON PRICE: All in favor?

13

ALL COUNCIL MEMBERS: Aye.

14

15

CHAIRPERSON PRICE: I do have to leave for this one.

16

17

MR. BOEHNER: 1546, So Crittenden, Laura if you could take the lead for the approved as recommended.

18

19

MS. CIVILETTI: I will move we approve as recommended.

20

MR. WENTWORTH: Second.

21

MS. CIVILETTI: All in favor?

22

ALL COUNCIL MEMBERS: Aye.

23

MR. BOEHNER: Approved as recommended.

24

Come back in, Bill.

25

CHAIRPERSON PRICE: Thank you.

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MR. BOEHNER: 1547.

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CHAIRPERSON PRICE: Approved as revised, all
in favor?

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ALL COUNCIL MEMBERS: Aye.

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3 REPORTER CERTIFICATE
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56 I, Rhoda Collins, do hereby certify that I did
7 report in stenotype machine shorthand the proceedings held in
the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 17th day of April, 2019.13 At Rochester, New York
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Rhoda Collins
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