

Brighton Planning Board 3/20/19

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

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

PRESENT:

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

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:
JASON BABCOCK-STINER
DAVID FADER

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

Brighton Planning Board 3/20/19

CHAIRPERSON PRICE: Good evening. I'd like to call to order the March session of the Town of Brighton Planning Board. In the likely event of any kind of emergency tonight there are exits behind you and one behind me.

Mr. Secretary, please call the roll for this evening.

MR. BOEHNER: Jason Babcock-Stiner and David Fader are absent.

CHAIRPERSON PRICE: Thank you. We did receive meeting minutes of the February meeting. Is there a motion to approve the meeting minutes?

MS. CIVILETTI: I move.

MR. OSOWSKI: Second.

CHAIRPERSON PRICE: Motion moved and seconded. Any comments, questions, edits? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Okay. Mr. Secretary, were the Public Hearings for tonight properly advertised?

MR. BOEHNER: Yes, they were properly advertised in the Brighton-Pittsford Post of March 14, 2019.

APPLICATION 2P-01-19

2P-01-19 Application of Shawn and Valerie

Brighton Planning Board 3/20/19

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

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

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

CHAIRPERSON PRICE: Was there something regarding access easement?

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

Brighton Planning Board 3/20/19

Town has a copy of that.

CHAIRPERSON PRICE: Okay. And you say you have ARB, was there anything regarding asbestos, anything special about demolition?

AL LARUE: I don't know about that.

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

CHAIRPERSON PRICE: I'm sorry, you have to come up and give you name.

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.

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.

1 Brighton Planning Board 3/20/19

2
3 MR. BOEHNER: Thank you.

4 GREGG BOWERING: So if you don't have a copy
5 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
8 done, there was some asbestos to be found. We sequentially
9 today went over and did hire the mitigation people to go
10 ahead and it was very minor. And they've taken care of it
11 and have gotten rid of all of what was in there and we'll be
12 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
20 utilities?

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

25 MR. BOEHNER: Have you televised the sewer

Brighton Planning Board 3/20/19

line yet?

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

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

MR. BOEHNER: Okay.

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

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

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

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

CHAIRPERSON PRICE: Ramsey, you good?

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

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

Brighton Planning Board 3/20/19

think it's going to be an issue.

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

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

Okay, we will move on.

APPLICATION 3P-01-19

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.

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.

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

Brighton Planning Board 3/20/19

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

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

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

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

Brighton Planning Board 3/20/19

you may have.

MR. BOEHNER: Is there a proposed house that you have?

ED PARRONE: Jeff is looking at right now there's a conceptual design that will fit in that envelope, but it's not completed yet. There's still going through the design with the homeowner, the client. So, Ramsey, it will be in that box.

MR. BOEHNER: The question I have, the box or the building pad --

ED PARRONE: The building area, yes.

MR. BOEHNER: -- the area that's shown on the plans is bigger than what would be allowed by code if it's a single-family home. That should be reduced a little bit to meet --

ED PARRONE: It will be reduced. We just wanted to -- we used this to show the extremities of where we could in fact build. We're not going to use all of that at all.

MR. BOEHNER: Yeah. So I was just saying, it's a little bit too big. It needs to be shrunk down a little bit if you're to build a one-story house. If it's going to be two stories, you should be able to fit it in just

Brighton Planning Board 3/20/19

fine.

ED PARRONE: The answer is, yes.

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

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

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

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

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

Brighton Planning Board 3/20/19

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

MR. BOEHNER: Will it be a walkout?

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

MR. BOEHNER: Okay.

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

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

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

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

Brighton Planning Board 3/20/19

way that the front setback was drawn it continues straight.

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

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

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

CHAIRPERSON PRICE: Okay. Everything else the same?

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

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

ED PARRONE: Yes.

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

Brighton Planning Board 3/20/19

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

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

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

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

MR. BOEHNER: Okay.

CHAIRPERSON PRICE: Questions? Thank you.

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

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

MR. BOEHNER: Yes, sure.

CHAIRPERSON PRICE: Did he answer your questions?

BEATRICE FERRIS: Yes, he did.

CHAIRPERSON PRICE: Thank you for coming out.

Other questions or comments? Thank you.

Brighton Planning Board 3/20/19

APPLICATION 3P-02-19

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

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

CHAIRPERSON PRICE: Please note that James is recusing himself.

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

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

Brighton Planning Board 3/20/19

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

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

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

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

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

The building itself is 19,000 square feet,

Brighton Planning Board 3/20/19

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

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

If you could give your name for the record.

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

MR. BOEHNER: Okay.

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

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

Brighton Planning Board 3/20/19

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

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

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

MR. BOEHNER: All right.

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

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

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

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

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

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

MR. BOEHNER: What do you do with the meds

Brighton Planning Board 3/20/19

that have to be disposed?

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

MR. BOEHNER: Nothing going down the sanitary --

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

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

PAT FOLGER: We're trying not to.

CHAIRPERSON PRICE: Okay.

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

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

CHAIRPERSON PRICE: This is conditional use?

MR. BOEHNER: Yes, conditional use.

Brighton Planning Board 3/20/19

CHAIRPERSON PRICE: Any other questions?

Thank you.

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

MR. BOEHNER: Can we get James?

APPLICATION 3P-03-19

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

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

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

Brighton Planning Board 3/20/19

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

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

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

Brighton Planning Board 3/20/19

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

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

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

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

So that is essentially the project in a

Brighton Planning Board 3/20/19

nutshell. The hours of operation are Monday through Friday 7:30 to 5:30. They do operate on Thursdays until 8:30 p.m. And then for vehicles that come to the site they have their daily UPS and FedEx delivery vehicles, they have a Medical Motor van that comes and then the refuse pick up. They also have a supply delivery once a week, I believe the vehicle parks on Lac De Ville Boulevard temporarily due to site access, and then unloads quickly and then disperses.

So if there's any questions I'd be happy to field them. We did submit a variance application to the Zoning Board of Appeals to allow for these parking spaces. We're going to be requesting a eight foot, two foot setback as opposed to the ten-foot rear setback. We're scheduled to be on their April 3rd meeting. So we would like to request additional site plan approval pending the reception of that variance.

CHAIRPERSON PRICE: Remind me, you might have said it earlier in your presentation, do you currently have any parking sharing agreements?

JAMES CRETEKOS: No. There's no parking sharing agreements in the plaza, just the cross access easement.

CHAIRPERSON PRICE: Okay. So none of your

Brighton Planning Board 3/20/19

employees or customers are using Tops Plaza?

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

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

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

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

JAMES CRETEKOS: Correct.

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

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

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

Brighton Planning Board 3/20/19

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

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

CHAIRPERSON PRICE: Okay, thank you.

This is a Public Hearing, does anyone care to address this application? Thank you.

I believe that was our last Public Hearing.

* * *

Brighton Planning Board 3/20/19

APPLICATION 2P-01-19

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

CHAIRPERSON PRICE: We're looking for a motion first to close the Public Hearing.

MR. WENTWORTH: So moved.

MR. OSOWSKI: Second.

CHAIRPERSON PRICE: Moved and seconded, all in favor?

ALL COUNCIL MEMBERS: Aye.

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

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.

Brighton Planning Board 3/20/19

DETERMINATION OF SIGNIFICANCE:

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

DEMOLITION FINDINGS:

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

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

Brighton Planning Board 3/20/19

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

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

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

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

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

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

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

Brighton Planning Board 3/20/19

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

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

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

MS. DELANEY: I will second.

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

MR. BOEHNER: You can take one long motion.

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

APPROVAL WITH CONDITIONS:

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

Brighton Planning Board 3/20/19

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

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

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

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

Brighton Planning Board 3/20/19

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

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

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

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

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

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

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

Brighton Planning Board 3/20/19

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

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

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

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

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

Brighton Planning Board 3/20/19

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

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

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

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

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

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

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

Brighton Planning Board 3/20/19

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?

Brighton Planning Board 3/20/19

APPLICATION 3P-01-19

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.

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

MR. WENTWORTH: Second.

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

ALL COUNCIL MEMBERS: Aye.

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

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

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

Brighton Planning Board 3/20/19

form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA, the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

APPROVAL WITH CONDITIONS:

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

1. Architectural Review Board approval is required prior to submitting a Building Permit application for the project.
2. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
3. All utilities should be installed underground.
4. The Project Statistics shown on the Site Plan shall be revised to show the area requirements that are allowed pursuant to the Town Law 278 approval and the variance granted by the Zoning Board of Appeals. The Project Statistics shall also show all the area requirements proposed for this project.
5. The house pad shown, calculated as + 5,482 sf, is greater in area than allowed by the Planning Board approval. The

plan should be revised to comply with approvals.

6. The limits of disturbance shall be shown on the plans and delineated by orange construction fencing. All trees in proximity to the work area shall be shown to be protected with orange construction fencing. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line.

Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

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

8. A stabilized construction entrance shall be shown.

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

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

Brighton Planning Board 3/20/19

ground elevations at the house comers.

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

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

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

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

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

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

Brighton Planning Board 3/20/19

construction.

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

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

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

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

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

Brighton Planning Board 3/20/19

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: Second?

MR. OSOWSKI: Second.

CHAIRPERSON PRICE: Any discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 3/20/19

APPLICATION 3P-02-19

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

MR. WENTWORTH: I recuse myself.

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

MR. OSOWSKI: Second.

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

ALL COUNCIL MEMBERS: Aye.

MS. CIVILETTI: I move approval of Application 3P-02-19 based on the testimony given, plans submitted, 11 conditions, and a determination of nonsignificance.

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

Brighton Planning Board 3/20/19

form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA, the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

APPROVAL WITH CONDITIONS:

I move the Planning Board approves application 3P-02-19 based on the testimony given, plans submitted, and with the following conditions:

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The applicant should be aware that the Site Plan Modification approval granted in 2018 will expire in June of this year.
3. Outside storage of equipment and materials shall not be permitted without further Planning Board review and approval.
4. All required permits and approvals of the Town of Brighton Sewer Department shall be obtained.
5. The entire building shall comply with the most current Building & Fire Codes of New York State.
6. All comments and conditions of Monroe County shall be addressed.
7. Meet all requirements of the Town of Brighton's

Brighton Planning Board 3/20/19

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.

Brighton Planning Board 3/20/19

APPLICATION 3P-03-19

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

CHAIRPERSON PRICE: That's brings us to last application. Please note James has reentered the meeting.

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

MR. WENTWORTH: Second.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

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

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

Brighton Planning Board 3/20/19

form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA, the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

APPROVAL WITH CONDITIONS:

I move the Planning Board approves application 3P-03-19 based on the testimony given, plans submitted, and with the following conditions:

1. All required variances shall be obtained prior to any permits being issued.

2. The number of accessible spaces shall comply with ADA requirements. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

3. The following comment of the Conservation Board shall be addressed:

- Consideration should be given to planting a more substantial tree species in lieu of the proposed Autumn Brilliance Serviceberry.

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

Brighton Planning Board 3/20/19

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

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

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

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

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

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

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

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

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

Brighton Planning Board 3/20/19

Town Engineer comments and conditions shall be submitted.

CHAIRPERSON PRICE: I will second. Any
further discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 3/20/19

SIGNS:

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

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

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

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

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

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

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

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

MR. WENTWORTH: Second.

MS. CIVILETTI: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Approved as recommended.

Come back in, Bill.

CHAIRPERSON PRICE: Thank you.

Brighton Planning Board 3/20/19

MR. BOEHNER: 1547.

CHAIRPERSON PRICE: Approved as revised, all
in favor?

ALL COUNCIL MEMBERS: Aye.

*

*

*

REPORTER CERTIFICATE

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

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.

Dated this 17th day of April, 2019.

At Rochester, New York


Rhoda Collins

Brighton Planning Board 3/20/19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25