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PROCEEDINGS HELD BEFORE THE PLANNING BOARD  
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK, ON  
MAY 15, 2019, AT APPROXIMATELY 7:30 P.M.

May 15, 2019  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON  
PAMELA DELANEY  
JOHN J. OSOWSKI  
DAVID FADER

DAVID DOLLINGER, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

NOT PRESENT:

JAMES WENTWORTH  
LAURA CIVILETTI  
JASON BABCOCK-STINER

REPORTED BY: SUSAN M. RYCKMAN, Court Reporter,  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive,  
Batavia, NY 14020,  
(585) 343-8612

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CHAIRPERSON PRICE: Good evening, everyone.

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I would like to call to order the Town of Brighton

4

Planning Board's meeting for May 2019.

5

In the unlikely event of an emergency, we do

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have an alarm system, but there are doors behind you

7

and a door behind me. Please exit in a normal manner.

8

Mr. Secretary, will you please call the roll

9

call.

10

MR. BOEHNER: Absent is Wentworth,

11

Civiletti, and Babcock-Stiner.

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CHAIRPERSON PRICE: Thank you. Did

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everybody receive the meeting minutes from our March

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meeting?

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ALL COUNCIL MEMBERS: Aye.

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CHAIRPERSON PRICE: Do we have a motion to

17

approve those meeting minutes?

18

MR. OSOWSKI: I will move we approve the

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March 20th meeting minutes.

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CHAIRPERSON PRICE: I'll second that. Any

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discussion?

22

MR. FADER: Well, I wasn't here, so I can't

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approve them. So I don't know if that will be a

24

problem.

25

MR. BOEHNER: We will have to hold them

1 over.

2 CHAIRPERSON PRICE: Okay. We will hold that  
3 until our June meeting.

4 Mr. Secretary, were the public hearings for  
5 tonight properly advertised?

6 MR. BOEHNER: Yes. They were properly  
7 advertised in the Brighton-Pittsford Post of  
8 May 9th, 2019.

9 CHAIRPERSON PRICE: Okay. We will hear  
10 those applications at this time.

11 APPLICATION 5P-01-19

12 The first is 5P-01-19 application of Modular  
13 Properties, LLC, for a Conditional Use Permit. Please  
14 come up, give us your name, names.

15 MR. REAGAN: Andrew Reagan. I am one of the  
16 principal owners of the Modular Comfort Systems and  
17 Modular Properties.

18 MR. KREMERS: I am Henry Kremers. I am  
19 helping with his move as temporary assistant.

20 CHAIRPERSON PRICE: You are not employed by.

21 MR. KREMERS: Yeah.

22 CHAIRPERSON PRICE: And we will just ask you  
23 to explain a little bit about your operation and  
24 employees, hours of operation, generally what you do.

25 MR. REAGAN: Sure. So we're here for

1 consideration for a conditional use certificate. Our  
2 business, Modular Comfort Systems, is a manufacturer's  
3 rep company. So we represent several manufacturers of  
4 air-conditioning equipment for commercial use. Our  
5 company is established in Syracuse, here in currently  
6 Victor, New York, and we have an office in Buffalo as  
7 well. The Victor office we have eight employees, all  
8 of which would be coming to this new facility here in  
9 Henrietta, which we look forward to doing.

10 The business is a normal office operation,  
11 Monday through Friday, 8 to 5 are the general hours.  
12 We conduct sales activities. We also have a couple  
13 service techs who operate out of that business.

14 At that location there's about three trucks  
15 on the road that cover the Rochester area. Those  
16 vehicles will be mostly with the service technicians.  
17 On occasion they are also parked at the facility,  
18 which would be in the back, maybe on weekends, some  
19 evenings.

20 We also conduct training for mechanical  
21 contractors and mechanical engineers. We bring them  
22 to our facility, we teach them how to install the  
23 products, and design their systems for our products.  
24 Our company has been around since 1969, and is  
25 growing.

1           We believe at its peak during the day, one  
2   of the things that we completed in our application,  
3   was amount of parking spaces we have and amount of  
4   individuals that would be in our facility. We have 35  
5   parking spaces at the property at 660 West Metro. We  
6   have eight employees, and at the max we may have up to  
7   12 individuals come in simultaneously for a training.  
8   So we have ample parking to facilitate any training  
9   requirements that we do during normal business  
10   activities.

11           That's pretty much about it, unless you have  
12   any questions.

13           MR. KREMERS: So just to add a little bit  
14   about the company. Many of the buildings right around  
15   here have equipment that's been sold through the  
16   company, including this particular one, and also the  
17   high school down the street that Drew has worked with  
18   where we provided equipment for the general  
19   contractors for them to do the installs.

20           So if it gets too hot or too cold in here,  
21   it's the general, the guy, it's not the equipment's  
22   fault. I just wanted to point that out. Any other  
23   questions?

24           MR. BOEHNER: Your warehouse, the equipment  
25   and have it on, like, ready for people when they need

1       it, is that how it works?

2               MR. REAGAN: A portion of it. Some of the  
3       smaller commercial equipment we do warehouse. We will  
4       be warehousing -- this facility has 10,000 square foot  
5       with a warehouse, which we are coming from a place  
6       that has, I think --

7               MR. KREMERS: About ten.

8               MR. REAGAN: Is it even ten? It's smaller  
9       than it is here. But we do warehouse package terminal  
10      air-conditioning units, heat pumps. They come on  
11      skids, usually individually packaged on skids. They  
12      come in, probably, once a week on a truck. We've got  
13      two loading bays in the back to accept trucks, and we  
14      sell them throughout the week as contractors need them  
15      they will be delivered.

16              MR. BOEHNER: So how many truck trips do you  
17      get? Doesn't sound too many.

18              MR. REAGAN: No. Maybe one a week or maybe  
19      a couple a day, as small deliveries.

20              CHAIRPERSON PRICE: Do you have any refuse  
21      or debris that would require a dumpster for or  
22      packaging of the product? Do they take care of it at  
23      the site?

24              MR. REAGAN: Nothing abnormal. Most of our  
25      waste will be just normal office material waste. Once

1 in a while we will have to unpack something that  
2 has a large container, a skid or something like that.  
3 We do currently keep a dumpster at our current  
4 location in Victor, which gets emptied very rarely,  
5 periodically, maybe every three, four weeks.

6 CHAIRPERSON PRICE: And you have access to a  
7 dumpster here?

8 MR. REAGAN: Yes.

9 MR. OSOWSKI: So if you were to take  
10 delivery of, say, a container size rooftop unit, it  
11 wouldn't come to your shop, it would go directly to --

12 MR. REAGAN: Correct. Most of our sales are  
13 direct from the manufacturer to the job sites, not to  
14 our office.

15 MR. BOEHNER: Will you be doing any repair  
16 work at your facility?

17 MR. REAGAN: I'm sorry?

18 MR. BOEHNER: Will you be doing any repair  
19 work? Would you grab a unit, bring it in, fix it?

20 MR. REAGAN: Periodically we do. There is  
21 light grammatic repairs, nothing really too involved  
22 with it. Most of our repair work is done out in the  
23 field. Once in a while we will have a tech in the  
24 office working on a piece of equipment.

25 MR. BOEHNER: Would you be doing some,

1 maybe, modification of the equipment?

2 MR. REAGAN: Not generally, no.

3 MR. BOEHNER: Generally no. They do all  
4 that out on site?

5 MR. REAGAN: Correct.

6 CHAIRPERSON PRICE: Any equipment that has  
7 -- generates any noise? You got forklifts or  
8 anything, backup beepers?

9 MR. REAGAN: We will have a forklift, but it  
10 is an interior forklift, electric. We will do no work  
11 in the yard. So it will be in our warehouse to move  
12 product from our racking to the trucks, and trucks to  
13 the racking.

14 CHAIRPERSON PRICE: Any questions?

15 MR. OSOWSKI: Does your site, does it have a  
16 backup generator now? Do you plan to install one?

17 MR. REAGAN: We don't have one, and I don't  
18 think we have any plans to.

19 MR. OSOWSKI: Okay.

20 CHAIRPERSON PRICE: Pam, any questions?

21 MS. DELANEY: I'm good.

22 CHAIRPERSON PRICE: Anything else?

23 MR. BOEHNER: No, they did a pretty good  
24 application.

25 CHAIRPERSON PRICE: Okay. Thank you.



1 MR. REAGAN: Thank you.

2 MR. KREMERS: Thank you very much.

3 CHAIRPERSON PRICE: This is a public  
4 hearing. Is there anyone that wishes to address this  
5 application? I had to ask that.

6 Okay. Moving on.

7 APPLICATION 5P-02-19

8 Our second application is 5P-02-19.  
9 Application of 150 Metro Park, LLC, for an extension  
10 of a Site Plan Modification, approval was actually at  
11 that location, 6P-02-18.

12 MR. DOLLINGER: Site plan as well, just in  
13 case.

14 MR. BOEHNER: Okay. Thank you.

15 MR. BIRNBAUM: Good evening. I'm  
16 Bernard Birnbaum. I am the property owner and manager  
17 for 150 Metro Park. I'm here to request an extension  
18 on the Site Plan Approval that was approved last  
19 summer.

20 Our plan was to get the building fully  
21 occupied, as I described last time, and then do the  
22 improvements. Unfortunately, I haven't gotten the  
23 building fully occupied as of yet. We're about 50/60  
24 percent full. We did get another lease, I think they  
25 came for a Special Use Permit last month, I believe.

1           And I think everything else that was  
2           required by the Town we have provided.

3           And note, the easement we have negotiated  
4           with the neighbor next door. We haven't executed it  
5           yet because there is a monetary value to it, and until  
6           we do the project, they're understanding that they're  
7           fine with us waiting until the project moves forward.  
8           Then we will be able to put the easement in place  
9           beforehand, because they do want a fee for that.

10           MR. BOEHNER: Be aware, the Planning Board  
11           can only give you an extension for a year. After  
12           that, the permit will expire.

13           MR. BIRNBAUM: And I will have to start the  
14           process again. I am really hoping, we've had a lot of  
15           great interest, and I thought I was being aggressive  
16           enough, but unfortunately, we lost a few. It's  
17           getting pretty competitive out there. And hopefully,  
18           you know, if we can get it locked up this year, then  
19           we will be able to move forward for the next year. I  
20           do think that will be a benefit for the property, for  
21           the long term of it.

22           MR. BOEHNER: I was going to ask him about  
23           the agreement. He gave us that information. So I  
24           have nothing else.

25           CHAIRPERSON PRICE: Anybody else? Thank

1       you.

2               MR. BIRNBAUM: Thank you very much.

3               CHAIRPERSON PRICE: Does anyone care to  
4 address this application?

5               Thank you. All right. That closes the  
6 public hearing. So that is the last public hearing  
7 for the evening.

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1 APPLICATION 5P-01-19

2 5P-01-19 Application of Modular Properties,  
3 LLC, owner, for Conditional Use Permit Approval to  
4 allow for a HVAC sales and service facility with  
5 warehousing and training classes on property located  
6 at 660 West Metro Parkway.

7 CHAIRPERSON PRICE: Why don't we just move  
8 right into it, and I will ask for a motion on 5P-01-19  
9 Modular Properties, LLC.

10 MR. FADER: I will move to close the public  
11 hearing.

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

14 ALL COUNCIL MEMBERS: Aye.

15 MR. FADER: I'll move approval based on  
16 testimony given, by plans submitted, limited  
17 conditions, and the negative declaration.

18 **DETERMINATION OF SIGNIFICANCE:**

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

1 determining significance pursuant to the SEQRA, the  
2 Planning Board finds that the proposed action will not  
3 have a significant impact on the environment. The  
4 Planning Board adopts the negative declaration  
5 prepared by Town Staff.

6 **APPROVAL WITH CONDITIONS:**

7 1. An Operational Permit shall be obtained from the  
8 Town of Brighton Fire Marshal (Chris Roth,  
9 585-784-5220).

10 2. Attendance at training sessions shall be limited  
11 by the availability of parking on the site.

12 3. Outside storage of equipment and materials shall  
13 not be permitted without further Planning Board review  
14 and approval.

15 4. All required permits and approvals of the Town of  
16 Brighton Sewer Department shall be obtained.

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

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

21 7. Meet all requirements of the Town of Brighton's  
22 Department of Public Works.

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

25 9. Any proposed events that will entail activities,

1 temporary structures or signs outside of the building  
2 may require a permit from the Building and Planning  
3 Department.

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

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

11 CHAIRPERSON PRICE: Is there a second?

12 MS. DELANEY: I will second.

13 CHAIRPERSON PRICE: Move to second it. Is  
14 there any discussion? No changes or modifications,  
15 Ramsey?

16 MR. BOEHNER: No, pretty straight forward.

17 CHAIRPERSON PRICE: Move to second. All in  
18 favor?

19 ALL COUNCIL MEMBERS: Aye.

20 CHAIRPERSON PRICE: Okay. Good luck.

21 MR. REAGAN: Thank you.

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1 APPLICATION 5P-02-19.

2 5P-02-19 Application of 150 Metro Park, LLC,  
3 owner, for extension of Site Plan Modification  
4 Approval (6P-02-18) allowing for parking lot expansion  
5 and other site improvements on property located at  
6 150 Metro Park.

7 CHAIRPERSON PRICE: That brings us to  
8 Mr. Birnbaum, 5P-02-19, 150 Metro Park. This is an  
9 extension of a Site Plan Modification.

10 MS. DELANEY: I will move to close the  
11 public hearing.

12 MR. FADER: I will second that.

13 CHAIRPERSON PRICE: Close the public  
14 hearing. Move to second it. All in favor?

15 ALL COUNCIL MEMBERS: Aye.

16 MS. DELANEY: I move that the Planning Board  
17 approve the application based on testimony given,  
18 plans submitted, the six conditions, and the negative  
19 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  
23 New York Environmental Quality Review Act. After  
24 considering the action contemplated, the Planning  
25 Board finds it to be an Unlisted Action. Upon review

1 of the Environmental Assessment form, the application  
2 and materials submitted, and the criteria for  
3 determining significance pursuant to the SEQRA, the  
4 Planning Board finds that the proposed action will not  
5 have a significant impact on the environment. The  
6 Planning Board adopts the negative declaration  
7 prepared by Town Staff.

8 **APPROVAL WITH CONDITIONS:**

9 I move the Planning Board approves application  
10 5P-02-19 based on the testimony given, plans  
11 submitted, and with the following conditions:

12 1. Site Plan Modification Approval shall expire on  
13 June 19, 2020. No further extensions can be granted.

14 2. All conditions of approved Planning Board  
15 application 6P-02-18 remain in effect and must be  
16 satisfied.

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

24 4. Meet all requirements of the Town of Brighton's  
25 Department of Public Works.



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

3 6. All outstanding comments and concerns of the Town  
4 Engineer shall be addressed.

5 CHAIRPERSON PRICE: I'll second.

6 MR. FADER: I'll -- oh.

7 CHAIRPERSON PRICE: You want to second?

8 MR. FADER: No.

9 CHAIRPERSON PRICE: Any discussion? All in  
10 favor?

11 ALL COUNCIL MEMBERS: Aye.

12 MR. BIRNBAUM: Thank you very much.

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**SIGNS:**

MR. BOEHNER: Some signs.

CHAIRPERSON PRICE: We've seen them.

MR. BOEHNER: I would recommend Sign 1551,  
3490 Winton Place, be approved as submitted.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Sign 1552, 2323 Monroe Avenue,  
I recommend that the sign be tabled.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

\* \* \*

1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF GENESEE)

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6 I DO HEREBY CERTIFY as a Notary Public in and  
7 for the State of New York, that I did attend and  
8 report the foregoing proceeding, which was taken down  
9 by me in a verbatim manner by means of machine  
10 shorthand.

11 Further, that the proceeding was then  
12 reduced to writing in my presence and under my  
13 direction. That the proceeding was taken to be used  
14 in the foregoing entitled action.

15

16 Dated this 20th day of May, 2019,  
17 at Rochester, New York.

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*Susan M. Ryckman*

SUSAN M. RYCKMAN,  
Notary Public.