

## Brighton Planning Board 6/19/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JUNE 19TH, 2019  
AT APPROXIMATELY 7:30 **P.M.**

June 19th, 2019  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

## PRESENT:

WILLIAM PRICE, CHAIRPERSON  
PAMELA DELANEY  
JOHN J. OSOWSKI  
LAURA CIVILETTI  
DAVID FADER  
JASON BABCOCK-STINER  
JAMES WENTWORTH

DAVID DOLLINGER, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

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

Brighton Planning Board 6/19/19

CHAIRPERSON PRICE: Good evening. I'd like to call to order the June 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: All present.

CHAIRPERSON PRICE: Thank you. We have meeting minutes from our March 20th meeting and from our May 15th meeting. Could I get a motion to approve the March 20th meeting minutes?

MS. CIVILETTI: I move approval.

MR. OSOWSKI: Second.

CHAIRPERSON PRICE: Moved and seconded, any discussion?

MR. FADER: I need to recuse myself for March.

MR. BOEHNER: David was not here for March.

CHAIRPERSON PRICE: You didn't say aye?

MR. FADER: No.

CHAIRPERSON PRICE: So we have Jason and David that were not here in March. All of those that were here, all in favor?

ALL COUNCIL MEMBERS: Aye.

Brighton Planning Board 6/19/19

CHAIRPERSON PRICE: As far as May 15th minutes, do I have a motion to approve those?

MR. FADER: I move and approve those.

CHAIRPERSON PRICE: Do we have a second?

MS. DELANEY: I'll second.

CHAIRPERSON PRICE: Moved and seconded, is there any discussion? That was a short one.

MR. WENTWORTH: I will recuse myself, I was not here.

MR. BABCOCK-STINER: Same here.

CHAIRPERSON PRICE: All of those that were here, all in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Okay. That's it for the meeting minutes. We will start the Public Hearings now. Mr. Secretary, were the Public Hearings properly advertised for tonight?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of May 9, 2019.

CHAIRPERSON PRICE: Let's start with 6P-01-19. Application 6P-01-19

6P-01-19 Application of Rhinecliff Monroe Corp, owner, and T.Y. Lin International, agent, for

Brighton Planning Board 6/19/19

Conditional Use Permit Approval to allow for the expansion of an existing restaurant use with hours of operation until 2:00 AM on property located at 1780 Monroe Avenue. All as described on application and plans on file.

JAY GELB: Good evening, my name is Jay Gelb and I'm from Rhinecliff Monroe Corporation. I have with me today Andrew Gartley, Herb Guenther, both with T.Y. Lin. I have Joe McBane and Casey Walpert, they are the proposed tenant.

What I thought I would do is give a brief overview of what we're doing and what we're asking for on the property owned by Rhinecliff Monroe Corporation located at 1780 Monroe Avenue in the Town of Brighton.

Mr. Chairman, may I proceed?

CHAIRPERSON PRICE: Yes.

JAY GELB: Thank you. We are here today to request a conditional use permit for a bar/restaurant with hours of 11:00 a.m. to 2:00 a.m., Monday through Sunday. I note the use is the same use as the property has been for many, many years, other than an expanded area for ADA compliant bathrooms and additional family-style seating. Although the current lower level is not a part of our application and noted as storage on our submitted plans, we

## Brighton Planning Board 6/19/19

reserve the right to investigate its use for additional setting and/or parties and obtain approvals from the Town in the future if the business needs it since we certainly don't want to turn away any patrons. Again, to be crystal clear, the lower level would be used as storage only until such approvals are granted by this Board.

As part of this project we're going to upgrade the exterior of the property by installing a new facade and other improvements which will be very positive for the plaza. We presented our ideas to the Architectural Review Board and obtained approval. I would like to put into the record the approval letter from the Architectural Review Board. This is a letter dated April 25, 2019, signed by Paul R. White and it states in substance: Your application 3AR-1-19 was presented for review before the Board of Architectural Review at their meeting on April 23, 2019, and the following decision was reached. And it states, the revised plan is approved as presented. Mr. Gunther during his presentation time is going to answer any questions on the facade exterior improvements.

We also appeared before the ZBA and obtained approval for a bar/restaurant to be located within 50 feet of a residential district. I also would like to read the approval letter from the Zoning Board of Appeals for the

Brighton Planning Board 6/19/19

record. I'm looking at a letter dated June 10, 2019, signed by Mr. Rick DiStefano, Secretary, Board of Appeals. This is regarding Board of Appeals Application 6A-04-19, it says in substance: Dear Mr. Gelb, your application was presented for consideration before the Board of Appeals at their meeting held on June 5, 2019. This letter shall serve as formal notification that your application was approved with conditions.

Please keep in the mind the footprint of the building will not change and the proposed bar/restaurant use will not be any closer to the residential district than the current bar/restaurant, not even an inch.

I received a letter from the Monroe County Department of Planning and Development dated June 5th. I'd like to put this into the record as well. This is a letter from Steve Olufsen, Planner II, regarding 1781 Monroe Avenue, it states in substance: The Monroe County Department of Planning and Development has reviewed this application and does not have any comment.

There are three ADA parking spaces required by the code and noted as such on our submitted plans. There is no change to the overall parking spaces other than restriping and minor asphalt/guardrail modifications. And these

Brighton Planning Board 6/19/19

gentlemen during their presentation will talk a little bit more about that.

There will be no smoking allowed anywhere on the exterior of the building except in a fenced-in area with a six-foot high fence. It is only accessed from the interior of the property designated as the patio area on our submitted plans.

We have improved the trash area by adding an enclosure for a trash receptacle. Pursuant to the Town's Codes there will be a properly sized grease trap installed, exhaust fans will be properly vented through the roof, and the landlord will continue to maintain the property free from litter as we have in the past. In addition, the proposed tenant will talk about his pest prevention program and grease cleaning program during his presentation.

The new tenant is the owner of Tap and Mallet and they have agreed not to have employees congregate in the rear of the property which should alleviate any noise issues.

I'd like to comment on some specifics of the operation. There will be no live music of any kind. I want to repeat that, no live music of any kind. No music of any kind will be played outside. The only music being played on the premises will be background music inside of the property

Brighton Planning Board 6/19/19

at a volume low enough so that people sitting down, having a drink, or eating dinner with their families will be able to hear one another and communicate.

This is not a nightclub setting and we acknowledge our responsibility as a good neighbor in close proximity to a residential district to keep noise levels as low as possible. I think it's important to let the Board know that we as a landlord think it is vital to make sure we have the right tenant for the property. So we have in place a rigorous, due diligence process of checking credit, criminal records, financial stability, and I can tell you our new tenant passed all of the criteria with no issues of any kind whatsoever.

Additionally, they have been operators of the Tap and Mallet for 12 years with a great history in the City of Rochester and no liquor authority violations. We are very comfortable with them as a tenant.

One of the proprietors, Joe McBane, has been a Brighton property owner for 10 years and has three children currently in the Brighton school system. So this will be a real Brighton owned neighborhood pub for anyone looking to drink beers and for families looking to get together for some great pub food.



Brighton Planning Board 6/19/19

Now I would like Joe and Casey to come up and talk about their vision for the bar/restaurant and then Andrew and Herb will give an overview of the specifics of the interior design and exterior facade.

CHAIRPERSON PRICE: Mr. Gelb, could we just clarify one thing, are you the owner of the plaza?

JAY GELB: I'm a representative of the owner.

CHAIRPERSON PRICE: Okay. And these will be tenants, your owner has the authority to parking spaces and Dumpsters as they see fit? They are the ones making the decisions?

JAY GELB: Just to clarify, my family in-laws are the owners, and my wife and the future owners are actually in the back here, so I will answer that question and say yes.

CHAIRPERSON PRICE: I just wanted to know all the players.

JOE MCBANE: Good evening, my name is Joe McBane. Jay, rather nice job introducing a lot of that. So a little bit about myself, I grew up here. I am English, I grew up with pubs and I came as a student for one year in 2000. I ran The Old Toad, which maybe a lot of you have heard of, for 7 years. And then me and Casey we opened the

Brighton Planning Board 6/19/19

Tap and Mallet back in 2007. Growing up in the UK I really enjoyed neighborhood pubs, something that people who lived in the county could call local.

And so when we opened Tap and Mallet that was our aim, to be part of the neighborhood that we enjoyed and to have something that people could enjoy, be proud of, and frequent as they like, really. And that approach from day one we had signs on both doors reminding people on their way out that we are part of a residential neighborhood, and please be respectful of our neighbors. And we have had a good relationship with the neighborhood and I've reached out and been contacted by neighbors by various things over the years. I would like to say that we'll have the same approach. Hopefully you guys are excited for us to go in at 12 Corners.

After this meeting if we do get approval, our doors will be open for any comments, questions, concerns for as long as we're being there. I would really like to be considered an asset to the neighborhood for many years to come.

So I know some of you are familiar with the Tap and Mallet, so I would say we're not going to open Tap and Mallet II, but if you do enjoy Tap and Mallet there will

Brighton Planning Board 6/19/19

be a lot of similarities to that and the same values. So we are known for pub food, affordable food. We make it fresh, we work with a lot of local farmers in the Rochester area to create the menus.

We have a very wide range of people from young children all way through to retirees that come in and you see a lot of single women coming in and they feel comfortable. I'd say that's a big complement that we created a space where people feel comfortable and welcome.

I'm known for beer and I have phenomenal contacts in the craft beer industry, so you can look forward to some excellent, excellent pints of beer, and just a clean, well-maintained pub. We really believe in putting money back into our space to continue to improve and maintain. I'm not long for letting things get really rundown and doing a huge overhaul, it's a continual thing.

Jay talked on this a little bit in terms of noise. The noise always is a concern and we want to be good neighbors in that regard. Our business model doesn't include live music and we don't amplify music outside of the premises ever. And a big part of our atmosphere is people having conversation so we keep the music at a volume where that can continue at all times.

## Brighton Planning Board 6/19/19

With our plans you can see we've taken the existing space and included an area of booths which is quite family friendly and will be removed from the traditional barroom setting. And we've also added disabled accessible bathrooms, which again I think opens it up to anyone in the community who may want to come down and enjoy an evening with us.

Also the smoking area on the side, our thinking with that is, it's not the most attractive look for people coming in to have a group of people congregate by the front door smoking cigarettes and we intend to enclose that, and certainly put up signs saying as you exit the premises please be respectful, keep the volume low. Again, I will say there won't be any amplified music out there and I just think it will create a more welcoming environment for anyone coming down that they don't have to walk through a cloud of smoke on their way in.

If members of staff are going to step out for a cigarette, I will tell you lots of kitchen staff do smoke cigarettes, we will have a very firm policy which we will enforce that only allows one person to be outside having a cigarette at any given time. And I think we can all agree they will stand in silence doing that.

Brighton Planning Board 6/19/19

We operate a proactive rather than a reactive business, so I think the things that really are first are pest control. We contract a company who comes in regularly. We don't call for problems and we haven't had problems, but we stay on top of that. That also applies to refuse, we will have an enclosed Dumpster. We'll certainly make sure that cooks and staff at the end of the evening remain to be quiet and not slam lids.

And we will make sure the containers are properly sized to accommodate the restaurant's needs. And if that changes, and I know at the pub a few years ago it did, we'll get a bigger Dumpster and make sure the things are being done properly. Same goes with the grease trap. I don't want to clean the grease trap out by hand, we have a company that comes in and does that for us regularly, so that never becomes a problem, and the same with our hoods.

We have a long track record of doing this and we have the relationships and contacts to put that in place from day one. That's it.

CHAIRPERSON PRICE: Thank you.

HERB GUENTHER: I'm Herb Guenther from T.Y. Lin, an architect and project manager of the job. In terms of the site plan that we have submitted, take a look at it.

Brighton Planning Board 6/19/19

The summary of our parking actually requires we need 65 spaces for the type of uses we have on the site.

ANDREW GARTLEY: I want to make sure everybody has this drawing that has the parking. We did revise it.

HERB GUENTHER: Jump in any time you want. So 65 are required, we actually provide 68. We originally had two handicap spots, three were required by code. We did add the additional handicap spot, so we are completely compliant in terms of the requirements for the ADA. We can move those spots wherever you would deem appropriate. We put them in front of the restaurant and one around the corner where the hardware store is at this point. If there are issues we can work with you and accommodate anything there.

Also, as Jay had stated before and Joe expounded on, we do have a Dumpster. We are enclosing the Dumpster in the same material we are enclosing the smoke area, so it's going to be a fence of proper material and height to make sure we screen all that and keep that contained.

And that's really about the site. We think it's a better plan than it was before. We did provide for the ADA, the Dumpster is enclosed, and we provide all of the parking that is required for the use that we have there.

Brighton Planning Board 6/19/19

ANDREW GARTLEY: And with the layout we didn't modify any parking spots so that they stayed the existing 68 that is currently there. This area you might be curious about but that actually was striped. Currently the hardware stores some stuff there, but Jay has mentioned he's going to bring that up to them and they no longer can store their supplies outside in that spot, so that is clear to them and that will help, so we can maintain the property clearance on that spot.

HERB GUENTHER: In terms of the architecture itself what we're doing on the outside is a metal corrugated facade at the moment. What we're going to do is we're going to put in a composite panel. It's similar to if you go down the street to CoreLife it's similar material. It's a cementitious composite material and the color scheme we have, sort of a neutral beige color scheme. They're going to redo their complete facade and the panel and we're actually on the one side going to raise it up and make it uniform so the roof line continues uniform with the end here.

And the current canopy we're going to either repaint or reflash the canopy and we're going to paint the facade, that's the metal chip there, and we are going to repaint the facade. Paint the brick, give it a fresh coat,

Brighton Planning Board 6/19/19

freshen up the facade, and the storefront that's there is going to be a traditional storefront, insulated aluminum anodized storefront that is in keeping with what is there now. It is a very thin storefront system and we want to put back what is currently there in the same format, but in a more modern thermally insulated material that we're going to use there.

On the inside as we move forward with Joe and Casey, we will obviously, the interior design, working with them and in keeping with the decor they really want inside and as we get to that we will deal with that. Architecture-wise am I missing anything?

ANDREW GARTLEY: Just note that the existing -- we are replacing existing windows with anodized aluminum to match the rest of the storefront. It is currently a dark brown right now, so we will match the whole plaza. That's the reason why we are switching the windows. That's about it.

MS. CIVILETTI: So the entire plaza storefront is being redone?

HERB GUENTHER: Not all of it, just the new area and this section here, there's this section of broken glass in here so we will replace that area. As we move along



Brighton Planning Board 6/19/19

and we do more there we will replace it as it's needed, but as of right now the focus is on this section of the storefront.

MS. CIVILETTI: Any changes to the exterior lighting?

HERB GUENTHER: What we're going to do, the canopy has florescent lighting candlelights, we're going to replace it with LED lights. Again, keeping it within the canopy, we're just changing out the fixture type to LED lights rather than florescent fixture.

ANDREW GARTLEY: And signage will be modified. The sign is mounted to the canopy right now. We will be mounting new signage to this panel and obviously we'll come back for variances on those when they are decided on.

MR. WENTWORTH: Could you just describe the accessible route from the new accessible spots?

ANDREW GARTLEY: Yes. So currently you're probably noticing that actually this layout when we got it surveyed unfortunately they didn't do the parking. So there's no parking by the guardrails. So when we actually go for permitting, we'll obviously go through and measure that and make sure that this clearance spot will be in compliance. I did take a picture in Google maps to kind of show where

Brighton Planning Board 6/19/19

that opening is, show it is compliant. It's actually right where this motorcycle is as I pass it around, so you can pull a wheelchair through that space.

And if we need to modify the guardrail, we plan to do that when we go for the permit to get proper slopes and proper access to it. So you pull in there and you go into the front door, it will also be modified as required, and make sure that all will be compliant.

MR. WENTWORTH: What's the clear distance between the guardrails?

ANDREW GARTLEY: We didn't get to that level on our survey, but I do believe it's almost more than five feet.

MR. WENTWORTH: Your plan shows that sign right in the middle of that opening?

ANDREW GARTLEY: Yes. Again, that was a mishap on this drawing, again, we can modify these. We'll actually be moving those over to be within that opening of five feet in the photograph. So we're aware of that and will be moving these over one parking spot each, but we will revisit that and make that correct when we go for the permit.

CHAIRPERSON PRICE: The little shed that's on the side of the west side of the building addition that has a

Brighton Planning Board 6/19/19

glass block in it, it's the area that you're going to go out through to get out to the smoking area, is that being new facade treatment as well?

ANDREW GARTLEY: Most of that will probably be hidden with the six-foot fence. The fence will be a wood stain that we'll try to match the redwood. But as of right now, that is not the scope, once we get into it we might want to address some of that, like the paint to match the color of paint here.

HERB GUENTHER: That will be closed essentially, the fence we're putting there for the smoking.

CHAIRPERSON PRICE: I am not sure that -- I don't know how the rest of the Board feels, I'm not sure of putting people behind a six-foot fence in the front. I can understand the fence on the backside between the neighbors and the freezer part, but I'm not sure that putting people in a box like that --

ANDREW GARTLEY: Yeah, unfortunately this backside we are going to maintain for fire code.

CHAIRPERSON PRICE: No, that's not what I'm talking about. I'm saying that the area that you have designated for the new smoking, you've got it extending six feet out of the back wall, closest to the door that's

Brighton Planning Board 6/19/19

1  
2  
3 exiting. Maybe that's a wooden fence that's six-foot high,  
4 the other fencing on the Dunkin Donuts side, the front  
5 facade, I am not sure we want to see a six-foot fence at the  
6 front of the building. You're going to the extent of fixing,  
7 now -- we're not the Architectural Review Board -- you're  
8 going to the extent of fixing this facade, why leave little  
9 pieces, little boogers, you know, that aren't done?

10 ANDREW GARTLEY: Yeah. We can evaluate that  
11 when we get to that level for permitting. I see what you're  
12 saying, that part there we can take that, maybe we do side it  
13 with the panel as well. We have to get into the nitty gritty  
14 of it all.

15 CHAIRPERSON PRICE: Would you mind passing the  
16 architectural drawing around?

17 ANDREW GARTLEY: Yes.

18 CHAIRPERSON PRICE: Question for Jay. It  
19 appears that you're taking what you might need to satisfy the  
20 bathroom issue and add some seating upstairs. What are you  
21 going to end up doing with the rest of that space? I think  
22 this question came up at the Zoning Board of Appeals. You're  
23 cutting a space in essentially into a third and leaving a  
24 space in the plaza that doesn't appear to be rentable, but I  
25 don't know.

Brighton Planning Board 6/19/19

JAY GELB: At this moment in time we do have it sketched out on the drawings for storage. At some point in time if there is a usage, we would come back and make sure we meet the parking requirements and whatever else is required for that space. At this point in time it is for storage.

CHAIRPERSON PRICE: I guess you would know our concern is we like to see active storefronts, we don't like to see vacated storefronts. That's our point.

JAY GELB: Understood.

MR. BOEHNER: On this side of the building by the Dunkin Donuts also there is, I'm not sure if it's a storm drain or a drain for the cooler to discharge its condensation of water?

ANDREW GARTLEY: Here?

MR. BOEHNER: Yes. It is going right into Dunkin Donuts' access road. Take a look at that, that needs to be corrected.

ANDREW GARTLEY: Okay.

JAY GELB: We are happy to do that.

MR. BOEHNER: I would imagine as part of the project you would be. I just wanted to point it out. That really is not acceptable.

Brighton Planning Board 6/19/19

ANDREW GARTLEY: Okay, absolutely, yes.

JAY GELB: We will make any corrections. We want to make sure it is compliant.

MR. BOEHNER: Yes, it looks like it got stuck out there.

ANDREW GARTLEY: Good point, thank you.

HERB GUENTHER: Bill, again to your point, in terms of that facade with the fenced-in area, whether that becomes the composite panel or maybe even partly masonry in that panel to carry on the look that's going on. I think once we get into that we can certainly improve that rather than just having a slat fence. Maybe it does become part of the panel, part masonry, carry that planning over and do some of the panelling there.

CHAIRPERSON PRICE: We'll talk amongst ourselves a little bit to see what we think about that. My initial reaction is not to embrace a six-foot high fence right there. But being sensitive to the neighbors in back --

ANDREW GARTLEY: Well, currently right now people are outside in the front smoking. So it is like we are trying to make it better, you know what I mean? I get your point, but we are maybe --

JAY GELB: We certainly don't want to put it

Brighton Planning Board 6/19/19

too far in the back, it would be disruptive.

CHAIRPERSON PRICE: I'm just thinking it's the front that's parallel to the front facade that's lower or more visually penetrable with an aluminum picket or something.

JAY GELB: We are flexible enough to come up with something. We certainly will take your suggestion back.

HERB GUENTHER: We certainly have an issue with some alluminum, but we will certainly work with the Board to get that correct.

MS. DELANEY: I think as well, if there's going to be people out there all the time having those people be eyes on the parking lot, visibility of the parking lot for guests coming back and forth adds an additional level of safety as well.

CHAIRPERSON PRICE: Say what you want about smoking, but seeing people is activity. Don't need to hide people.

Are there other questions?

MR. OSOWSKI: There's no emergency generator for this strip plaza, is there?

JAY GELB: No.

MR. OSOWSKI: You don't intend to put one in

Brighton Planning Board 6/19/19

for the restaurant operation?

JAY GELB: No. I just have one concluding remark, if there's no additional questions. So both the tenant and the landlord plan to spend a lot of money making positive improvements to upgrade not only the interior space but the exterior of the building also. And we respectfully request approval of our conditional use permit so we can proceed ahead with the project. If the Board is so inclined to grant our conditional use permit, from a procedural standpoint I also respectfully request adoption of SEQRA negative declaration prior to issuing approval. Thank you for your time.

CHAIRPERSON PRICE: Thank you. If you don't mind leaving your materials there.

This is a public hearing and I will ask the audience if there's anyone that cares to address this application? Please come up, thank you for coming out.

MATTHEW DELI: Good evening, my name is Matthew Deli, I live at 21 Avalon Drive. Love living in the 12 Corners neighborhood, love living here. In the interest of full disclosure, I've known Mr. McBane for 17 years. We're not close friends, I think we only talked one or twice a year, we're busy and have families, but I'm very familiar



## Brighton Planning Board 6/19/19

1  
2  
3 with the bars he operates. That sounded good when I was  
4 thinking about it, it doesn't sound so good saying it out  
5 loud.

6 I want to say as a Brighton resident and a  
7 Brighton tax payer I'm very excited about the proposed  
8 development. I think Brighton needs a family-friendly  
9 bar/restaurant of the kind being proposed here. As I said, I  
10 am familiar with the other establishments that Mr. McBane has  
11 managed. Both of which are excellent, sometimes a little  
12 expensive craft beers, but the fact they are a little  
13 expensive is a good thing. It's good stuff and great food.  
14 In fact, I met my wife at a dating game competition at the  
15 Old Toad. So the fact that it's kind of a family-friendly  
16 kind of place where you can have a conversation really helped  
17 in that regard. It gave me a wife and two great children.

18 I'm not aware of any other bar/restaurant in  
19 Brighton within walking distance of where I live in the  
20 12 Corners neighborhood where I really feel comfortable  
21 taking my wife and young kids, they are nine and seven. So  
22 just want to say I think this would be a great addition to  
23 Brighton, I think it would benefit the town, both socially  
24 and financially. And I would ask you to consider the  
25 conditional use permit favorably. Thank you.

Brighton Planning Board 6/19/19

CHAIRPERSON PRICE: Thank you, we appreciate you coming out.

Paul, in the back.

PAUL TANKEL: My name is Paul Tankel I live at 70 Penarrow Road in 12 Corners. I have lived there for 28 years and I'm just going to again speak out in favor of this application. I have been going to the Tap and Mallet for a lot of years and when I heard that you're going to have a location at 12 Corners, it was unbelievable.

But the fact that it's a locally owned, supporting local businesses, other businesses, local farmers, family friendly, I am not sure what more we could ask for. Again, it's going to bring more activity, very positive activity to the 12 Corners area.

I know you're complying with all of the parking requirements, but hopefully people will find a way to walk to that location because it's very walkable. Again, I praise the applicant for supporting this and just hoping businesses like this bring our children who have moved away to Brooklyn and Los Angeles and other places to say, wow, these things are happening in Brighton, I don't need to be in Brooklyn. So, again, I support the application. Thank you.

CHAIRPERSON PRICE: Thank you. The gentleman

Brighton Planning Board 6/19/19

in the back.

JASON ZOGHLIN: I came supplied, try to be as quick as I can. My name is Jason Zoghlin, I live at 311 Rhinecliff Drive right around the corner. I want to start by saying that these gentlemen's proposal sounds lovely, the establishment sounds lovely. And certainly, I have never been in their establishment, but I have no concern. I have been more frequently in the establishment that they may replace, but that's another story. But I have lived on the street over 20 years.

I think I can speak, I don't want to put words in anybody's mouth for most of my neighbors when my guess is most of them would be thrilled for a nice establishment there. But I can't speak in favor of the ownership of the plaza. I can say factually from my own witnesses and all of my neighbors over these 20-some years, they have been very poor stewards of our neighborhood.

So what I would ask the Planning Board to do before you approve anything -- and I wish I'd gotten into this a little bit earlier with the Architectural Review Board -- is take a look at what they've done over the years, which I'm about to show you. And Laura asked a question, a gentleman asked a question about if they're going to do

Brighton Planning Board 6/19/19

anything about the rest of the plaza. That, to me, is a big question tonight. I'll show you why I say this.

I'll start with the plaza. So you talked about empty storefronts, I'm not sure if I'm correct, we call it Wolk plaza in my neighborhood. I don't know if it's still owned by the Wolk family, if not I apologize for that. This shows an empty sign, I think that was Whelpley & Paul that left a little while ago. The former karate Dojo studio that's next to where the Otter is now, what they're talking about moving into, been empty at least five years. If you look at these properties it's not hard to figure out why they are empty. They have been poorly kept. You can see now they took down the sign but that's what we see on the face of the building now.

There's, you know, missing facia is a regular thing there, rusting. The soffits are very bad. You know from walking that sidewalk those soffits got to be four foot anyway, I think. This is nothing new, these pictures were taken this month, but it's been like this for years. So any argument that they're good stewards of the property I can't go along with.

Here's an open junction box under the soffit which regularly leaks, by the way. I didn't hear any mention

## Brighton Planning Board 6/19/19

1  
2  
3 with their facade, are they going to be replacing the soffit?  
4 Here's another picture of the soffit. I found some cardboard  
5 boxes I was going to recycle this morning, it didn't work  
6 out. The soffit's been falling down for years, years. So  
7 the remedy that they did was they put a little slat up to  
8 help hold it up. That's what it looks like today, that's  
9 what it's looked like for many years.

10 This is the side -- Monroe Avenue goofs me up,  
11 I call it the northwest side. This is the access road that  
12 faces Dunkin Donuts. The buildings often look like this,  
13 foam oozing out, holes. And the pipe that you mentioned, the  
14 drain pipe that Ramsey mentioned, I have a good shot of that.  
15 But this is what I was picking on Supervisor Moehle the other  
16 night, because we have had a longstanding complaint about the  
17 lack of code enforcement in Brighton in general and in our  
18 neighborhood and in this plaza.

19 This is my neighborhood. We call the squirrel  
20 that lives in the side of the plaza, we call him Harry, the  
21 code enforcement squirrel. Harry is not doing a very good  
22 job. This is Harry here. He's been both outside and inside  
23 the Otter Lodge. He's never bought me a drink. So this is  
24 what this looks like right now. This is this guy talking  
25 about improving the plaza. Are they going to make this look

Brighton Planning Board 6/19/19

different? This is what I would like you to ask them.

The plaza has a difficult time with gutter systems. Here's the existing gutter on that back corner of the building, same side facing the Dunkin Donuts access road. This is also, just drove by it today to make sure I wasn't coming here telling any lies, that's what it looks like, broken gutter, fascia missing. Has looked like this for years.

This is the back. I was inspired when you hear them talk about improving the grease situation. This is the back that's just whatever that is from that fence, then the neighborhood. I live on Rhinecliff, this is Varinna over the fence there. But again, they should go into the gutter repair business because most of their gutters have a problem.

Here is what Ramsey was talking about. Mr. Boehner, this is what you call the empty mud bucket method of supporting your roof drain. Again, it's been like this for a long time. And this drain drains the roof, I believe that's what it is, because that's a flat-style roof probably has a central roof drain, I think. This, you can't see it from that.

This drains into the parking area into the access road between Dunkin Donuts, another place I frequent,

Brighton Planning Board 6/19/19

big bump on the truck. Sorry this is smaller, you can't see this, but this is what happens when you drain water like that in that method into a roadway day after day after day. This road has constantly been patched a couple times. It deteriorates the roadway.

Here, again, they have addressed it they're going to do something with the grease trap, but this is what the landlords of this property have allowed this to look like about ten feet from the backyard of people on the other side of the fence. This is what it looks like right now.

This one is a little more personal to me, but the other thing that's part of the plaza, which again I call it Wolk plaza, is the house that you see first when you enter my neighborhood on Rhinecliff Drive. The reason nobody's gotten mail, since nobody's lived there in over 15 years. They've left the house empty, we regularly see squirrels going in, we've seen squirrels looking out the living room window as we walk by. They don't buy us a drink either.

Again, the same thing with the house, very poor maintenance. This is a phonebook that I finally picked up after weeks, an RG&E billing lying there. So it's evident between the mailbox and this stuff that this house is empty, which we know is not a good thing from a security standpoint.

Brighton Planning Board 6/19/19

This is where I have had arguments with the supervisor and others is the code enforcement. Just went to the meeting Wednesday, the Board meeting Supervisor Moehle told me that the house doesn't violate any Brighton codes. It's serviceable I think is the word he used.

I read in this, which is the condensed version that Brighton put out to summarize neighborhood maintenance, exterior surfaces should be maintained in a neat and orderly and serviceable manner. Bill and I disagree on that. He considers this serviceable, it does have an accessible entrance for the squirrels, however. This is what this extremely wealth -- no, that's separate, I am sorry. This is what the property owner, how they've kept this house, I can only speak for 20 years because I've only been there 20 years.

That was the front door, this is the back door to the house. Mildew, paint peeling, this is what it looks like right now, today. This is the paint peeling that the supervisor has told me is okay. It wouldn't be okay on my house, I hope it wouldn't be okay on your house.

CHAIRPERSON PRICE: Sir --

JASON ZOGHLIN: Two more, three more pictures and I'm done.



Brighton Planning Board 6/19/19

CHAIRPERSON PRICE: -- the application doesn't include the house at this time.

JASON ZOGHLIN: But it's on the property so wouldn't you have leverage in this situation? I'll just show you the last, missing gutter on the house --

CHAIRPERSON PRICE: I'm not disagreeing with you, but please wrap it up.

JASON ZOGHLIN: -- missing gutters, okay. Down spouts not -- I'll wrap it up. The reason -- I knew you were going to go there and I understand, it's reasonable, but it speaks to the credibility. So when they're telling you they are going to fix this place up they didn't even mention the soffits, you know? What I am saying is I don't think the owners of this plaza should have any credibility with the Town. We have asked this again and again and again for 20 years and we have seen nothing but empty storefronts and a rundown property.

So what I'm saying is don't shy away from what you were already talking about, which is before you allow -- and I love these guys, sound great. I live 100 yards away, they'll see my face in their place. But what I hear is that they're going to do the minimum that you let them do. That house is on their property. The other day somebody came to

## Brighton Planning Board 6/19/19

1  
2  
3 my property and said, that's my street. We take a lot of  
4 pride in our street. My wife has spent more in mulch in  
5 20 years than these guys have spent maintaining their  
6 property. Okay? So there's no reason where you can't hold  
7 your foot to the fire and get them to fix up the whole plaza  
8 and that house.

9 I will close with this, I wrote a letter to  
10 the owners years ago and I said, look, if you knock the house  
11 down, first of all it will lower your assessment. Don't tell  
12 the assessor I said that. But I said, I'll plant grass and  
13 mow it for free for as long as I live on Rhinecliff Drive,  
14 you can put a bench on it if you want to. I didn't hear  
15 back, you know? I just wonder, is that what their homes look  
16 like in their neighborhoods? Thank you for your time, really  
17 appreciate indulging me.

18 CHAIRPERSON PRICE: We appreciate you taking  
19 the time to come out. Other speakers? You, way in the back.

20 SARAH MYERS: Hello, my name is Sarah Myers, I  
21 live on Orchard Drive. Really, it's definitely tough to  
22 follow but I just wanted to come in today to show my support  
23 for Casey and Joe. I know Joe is A Brighton resident, as he  
24 said his kids are in school, et cetera. But I want to bring  
25 up as a Brighton resident, as a customer of his current

## Brighton Planning Board 6/19/19

1  
2  
3 establishment, my husband and I and the kids have been going  
4 there for I guess over 10 years. I was trying to figure out  
5 how long they have been open. I wanted to say that Joe  
6 really takes pride in his businesses. If any of you have  
7 ever driven by, it's not a rowdy place, it's not driving by a  
8 Monroe Avenue, downtown location where you see people  
9 loitering out in front. It is very respectable. I would say  
10 that as a middle aged lady, mother, I don't feel  
11 uncomfortable going there. It's not super young kids  
12 partying, it's a very, very nice environment.

13 And I think a lot of Brighton residents will  
14 really enjoy attending and bringing their families there and  
15 meeting friends and not having to drive downtown, not having  
16 to leave the town to enjoy each other's company.

17 And then also to kind of follow on sprucing up  
18 the plaza, as a resident we all like to see businesses  
19 thriving, we don't like to see open storefronts, but I think  
20 this is a start of bringing in a nice establishment that  
21 wants to really see the plaza do well. If we start with a  
22 redone facade for this new establishment that's just going to  
23 bring more people to follow. If they see Brighton residents  
24 coming and frequenting the location it will really, you know,  
25 want more establishments to come.

Brighton Planning Board 6/19/19

So and just the idea of a Brighton resident owning also a restaurant or store or a business in Brighton, I think it just really brings a good feel to the community and getting to know your neighbors and et cetera. So that's what I have to say. Hopefully it will all work out and more power to you. Thanks.

CHAIRPERSON PRICE: Thank you for coming out.

MARK ARPAGE: Good evening, my name is Mark Arpage and I've lived in Brighton for about 37 years on Brooklawn Drive and I have known Joe since the Old Toad days, and have been I would say a good friend over the years. He lives in my neighborhood, I know his wife and kids.

But we're concerned with the establishment that he is going to open up. And like everyone who has come up here and stated, we want an asset, we want an improvement in Brighton. And Joe and Casey and their establishment would be a huge upgrade to the establishment that was there before.

Joe'S standards as he related in terms of cleanliness and following the rules, if you don't have to take his word for it, you can go see for yourself how things are at that Tap and Mallet. From the very beginning he was concerned with the neighbors and the noise and has been on great terms with the people in the neighborhood at the Tap

Brighton Planning Board 6/19/19

and Mallet.

The establishment that Joe will open up is the kind of a place that families come to. All people from all different walks of life will be comfortable in it. It will in my opinion be a huge asset. I am aware of that plaza. I am not happy with any part of Monroe Avenue that looks rundown or has empty signs, and I feel for the gentleman who lives on that street. It's very disheartening and I know that the portion that Joe will be taking care of will be upgraded, but I would love to see that plaza look a whole hell of a lot better as well. I would think you're going to be having families coming into that area, they deserve better. And I hope that we can do it. That's it, thank you.

CHAIRPERSON PRICE: Thank you, appreciate your time.

DAVID DELANEY: My name is David Delaney, no relation to Pam. I've also lived in Brighton 30-plus years. I've known Joe for a decade and heard all the personal testimony for you, Joe and Casey, and there's not much more to say except here's the American dream, only from England. One must consider what that means.

This gentleman, right, is the little engine that could. I can do this, I can do this, right? And Joe

## Brighton Planning Board 6/19/19

has done that. He is teaching us a lesson, coming to our shores and becoming a citizen, raising the banner, and providing that hometown touch in the Tap and Mallet on the corner. Now he wants to bring it to our town. Are you kidding?

That gentleman who talked about his bringing the children back or having a draw card. For me it's a good draw card. I want for my kids to come too, and that's a good point. And that gentleman with his signs and photographs, valid. And I appreciate that as much as I appreciate the Board digging into the details as you have shown this evening, for me it was a first time. Well done, well done.

And you're not making a mistake with this, you're moving forward I expect. And I'm counting on the American spirit to rise through your ranks and make sure this happens. And you could not bet on a better horse. Thank you.

CHAIRPERSON PRICE: Thank you for coming out. Anyone else? Thank you, we are going to move on to our next application.

APPLICATION 6P-02-19

6P-02-19 Application of 1950 Brighton Henrietta Town Line LP (DiMarco), owner, for modification of

Brighton Planning Board 6/19/19

a condition set forth in the approval of Application 2P-04-18 (site plan modification) to allow for chain link fencing with opaque mesh in lieu of a solid wood fence as approved. All as described on application and plans on file.

PAUL COLUCCI: Good evening, Paul Colucci with the DiMarco Group. I'm here tonight on behalf of 1950 Brighton Henrietta Town Line LP. I have a few photo packets that I will hand out. I don't have one for everyone, but I think we can share. I know you have a full agenda, I will be brief, hopefully we can make that happen.

As we read into the roll, we're here tonight just to consider modifications in a couple of conditions for site plan approval from what was essentially the expansion of the ADMAR yard and us relocating ADMAR out of our corporate offices to 330 Metro. That's all complete, ADMAR is operating out of that new facility, it came out great and we are closing out on some punch list items.

As I've been working with Ramsey and Town staff, a couple of the items that had come up that we'd like consideration on, first is the fence along the north property line. When we went through the site plan approval process one of the conditions of the outdoor yard was that it is enclosed by a fence of at least six feet high, hoping the

Brighton Planning Board 6/19/19

barrier we had proposed at the time, a picket fence, all around the property both along our western property where we extended the yard. We resubdivided and we moved the property line to the north, we owned the land to the north. I will run through the photos. The picket fence along the north property line was proposed and conditioned, and then along the east property line.

As we were looking at operations and snow movement and snow removal and where they were storing snow, it was very clear that when they were working through the yard which is 365 days a year, so isn't seasonal, through the winter as well as construction season, they're pushing snow to the north. So rather than have a wood fence that's right along the north property line pushing snow against it, which would be a ridged fence and essentially damaged from snow removal operations, we would like to have consideration to have a chain link fence remain with an opening mesh barrier put along that so that we can comply with the spirit of the code as it relates to outdoor storage.

The photos that I have, the first three just show the north property line. As you can see it's heavily vegetated, there's two gates that give us access to the remainder of the land we own to the north, another six and a



Brighton Planning Board 6/19/19

half acres. There's a small top soil stockpile that is rapidly dwindling through some of the landscape projects that we're doing. I anticipate that to be gone before the end of the season.

This is the portion of the fence that runs all along the north property line that we would like to essentially install a mesh fabric on it so it would be that opaque barrier. We don't have a property neighbor to the north, again, that's vacant land.

Another condition that was required was to really comply with that 40-foot buffer, which was required for the outdoor yard from the north property line and west property line. We decided we would put the road along that perimeter. When we were reviewing with Town staff, one of the requests was to make that road a binder road. That will essentially delineate the road, we would make sure we always had a road there and it wouldn't encroach with equipment, et cetera.

We have chosen not to pave that yet. The soil in the area is all clay. There is very little grade across the yard. It pumps regularly, we did install that with an 18-inch heavy duty base for the entire road. But our experience is, if we wind up paving that with the type of

## Brighton Planning Board 6/19/19

equipment that comes out, it's just going to be broken asphalt. In order to delineate the road and organize a yard there's a series of photos that are in the packet that show you how the branch manager is organizing the yard, there's signs for where equipment is stored. The road is delineated with cones.

There's a lot of equipment there. There's a lot of activity. I think the Town staff can attest. I think some of them visited the site recently. It's both our staff and our yard manager's responsibility to maintain the yard. They know the condition that is required that we maintain that 40-foot buffer from the property line of an open area that they cannot store equipment in that area. And essentially the access road in and out is along that north property line and along the west property line, as they loop around the yard.

When you have equipment that can lift you up several hundred feet, I took a few aerial photos this afternoon so the later photos show just an aerial perspective just looking down at how the yard is organized and where essentially that buffer is.

So those are the two conditions that we'd like consideration for modification, such that I can install the

Brighton Planning Board 6/19/19

mesh fabric, be compliant, remove that condition that exists on our temporary C of O, and then an agreement that we would not need to binder that roadway.

CHAIRPERSON PRICE: When it comes to the binder, Paul, are you experiencing -- Ramsey, I don't know if the Town has experienced any sediments getting on the pavement, public right of way?

MR. BOEHNER: No. I was just out there and I did not see any trace of it because you have to drive through their parking area before you get out onto the road. And their, at least ADMAR's parking lot is clean. I did not see any --

CHAIRPERSON PRICE: So that's about an 18-inch base that you got?

PAUL COLUCCI: Yes. We built this with a heavy duty base and then, as Ramsey was saying, all of the vehicles are coming in, go through the yard, get loaded at various stations that you can see in the aerials and then they're coming back out this way. So they have this entire area of our existing, that's all paved, basically from about this portion is paved all the way out.

The only area that we did have an issue with is the trucks are making this maneuver, they're rolling this

Brighton Planning Board 6/19/19

curb. So I'm actually going to be backing that curb up with some more suitable materials. So we put top soil in and the truck runs over it and it just kind of oozes out.

CHAIRPERSON PRICE: Questions?

MR. WENTWORTH: Could you explain how the mesh is not going to be damaged by snow pushing against it?

PAUL COLUCCI: Yes. So the wood fence winds up it's just a ridged barrier. So as they're pushing snow and they're doing it with loaders and, you know, not really taking a lot of consideration all of the time. They're pushing it from south to the north, piling it in this area on the north side of the road into a few places. The chain link fence is flexible, so if they're completely careless, that would get damaged, but the mesh fabric winds up flexing with the fence versus the wood fence which the slats come off and the cross members get broken and wind up pushing and toppling the fence over. So the chain link fence being a more flexible material is going to be just a better solution there on that property line.

And then this is all wood on this side. We have a neighbor over there and no neighbor to the north at this time. So our thought was that the chain link fence would be acceptable to the Board and a more suitable solution

Brighton Planning Board 6/19/19

than something that will be constantly damaged.

MR. WENTWORTH: Is the mesh on the inside or the outside of the fence?

PAUL COLUCCI: We would wind up likely putting it on the windward side so it's able to push against the fence and it would be zip tied along the top member, bottom member and uprights.

MR. WENTWORTH: So if the prevailing wind is from the northwest, this fence runs east and west, which side would it be?

PAUL COLUCCI: It would likely go on the north side. Just as you said we probably get more northwesterly winds than southwesterly, but I would be open to either. It really is --

CHAIRPERSON PRICE: Seasonal.

MR. WENTWORTH: So you don't expect -- do you expect finesse with the snow movement so that once the fence starts flexing and the zip ties start pulling against the mesh, they will stop pushing it?

PAUL COLUCCI: I would hope so. Again, this is a material that's very easily repaired too. You buy it in hundred foot rolls and if there is damage it is a lot easier to repair than a fence which the members and uprights get

Brighton Planning Board 6/19/19

broken, the slats get broken, and it just looks more unsightly.

MR. WENTWORTH: Okay.

MR. BOEHNER: You own the property to the north?

PAUL COLUCCI: Yes.

MR. OSOWSKI: So the fence post is set in concrete?

PAUL COLUCCI: They're driven into the ground.

CHAIRPERSON PRICE: Ultimately, Ramsey, what are we approving here? This is an approval of --

MR. BOEHNER: What it was on the plans, the condition was that it was to be screened, was what the condition was. They came back showing a picket fence. I think it might have been in discussion with the Board, was kind of a history to it. They put up the picket along the west side, some on the east side between the properties that they don't own, and it's the north side where they want to put the fabric up. The code does say it needs to be screened, that's what we needed stated in the letter. The issue here is what their plans show.

PAUL COLUCCI: It was the fence detail.

CHAIRPERSON PRICE: So we would be modifying

Brighton Planning Board 6/19/19

that condition?

MR. BOEHNER: We'd modify, approving modifications to the plan, before the post fabric and eventually the topping of the binder coat of the access road is what they are asking for.

CHAIRPERSON PRICE: All set? Okay, thank you, Paul.

This is a Public Hearing, is there anyone who cares to address this application? We will move on.

APPLICATION 6P-03-19

6P-03-19 Application of Mamasan's Monroe LLC, owner, for Conditional Use Permit Approval and extension of site plan approval (3P-01-18) to allow for the construction of a 2,858 +/- sf restaurant with a drive-thru pick up window on property located at 2735 Monroe Avenue. All as described on application and plans on file.

GREG MCMAHON: Good evening, Greg McMahon of McMahon LaRue Associates, I am here tonight representing the owner and applicant Mamasan's Monroe LLC. Approximately a year ago, a little more than a year ago you granted final site plan approval and a conditional use permit for a drive-thru for the former, I'll call it the Pizza Hut. That is the most recognizable previous use. The property is

Brighton Planning Board 6/19/19

2735 Monroe Avenue.

For various reasons construction did not begin within a one-year period. We are very much hoping that that is going to start shortly. The architectural plans are nearing completion right now. The building of this building is tied, for reasons that are beyond my understanding, to the progress or lack of progress across the street. So we are here tonight asking for an extension of the site plan approval and since the conditional use permit expired at a year, a new conditional use permit for a drive-thru restaurant.

Absolutely nothing with these plans have changed. Since the last approval we addressed all of the staff comments, all of the engineering comments have been addressed, have been reviewed by staff, and approved. And with the exception of an easement issue which attorneys are working through right now, hopefully shortly and approval of architectural plans and the issuance of a building permit, we're ready to start. So that summarizes where we are on this and we are just asking for, as I say, an extension and a new conditional use permit.

CHAIRPERSON PRICE: So just briefly, can you remind us of the traffic studies that you were asked to do,



Brighton Planning Board 6/19/19

standards we ask you apply?

GREG MCMAHON: Yes. We went through an extensive review of traffic studies and it has to do -- I will step way from the mic for a minute -- right now the entrance to the former restaurant is a free-for-all, right in, left in. And eventually, again, based on the development of the Whole Foods project there's a future access through the rear of these properties that's going to exist, is my understanding, the traffic light that's going to be right at this location.

So our traffic study took into consideration the current conditions, the use of this site, and under current conditions it was determined that the entrance would remain as it is right now. Right in, left out, all access, whatever works for you similar to the other developments. At the point in time that the construction goes under, is in progress and the rear access is constructed, there will be just a right in for this property off Monroe Avenue.

So in the future if the Whole Foods project gets constructed and all this work takes place, there will be a very designated right into this property, exiting will be through the traffic light here, and left turns into the property would have to come in through this property and into

Brighton Planning Board 6/19/19

the back. So again, there were several meetings held with the DOT, Town staff, and a consultant hired by the applicant to do this traffic study, and that has all been approved by the DOT. The only thing we're lacking from the DOT is the actual permit and that we have to have a contractor on board to make application for the permit.

So that's where we stand. All other approvals, the water authority is ready to sign the plan. We're bringing new four-inch fire service or six-inch fire service in. The new building will be sprinklered in accordance with Town requirements, and connecting to the existing utilities.

CHAIRPERSON PRICE: Okay.

MR. WENTWORTH: Greg, can you remind me if the access is staggered the way out, who would be paying for that future right in, right only in?

GREG MCMAHON: That would be the obligation of the developer of the Whole Foods project and incorporated into their Monroe Avenue improvements. They have extensive Monroe Avenue improvements and also of all of the construction with the rear access, traffic light, it all falls under that developer.

MR. WENTWORTH: Thank you.

Brighton Planning Board 6/19/19

GREG MCMAHON: We've granted or provided the Town with the necessary easements for this all to happen -- or will be providing. I think that's the one point right now that the attorneys are trying to resolve is the wording of this easement.

MR. DOLLINGER: I'm working on that with someone.

GREG MCMAHON: So that's just the only other issue that we need to get that easement filed.

CHAIRPERSON PRICE: Is the easement a condition of the conditional use or is it a condition of site plan?

MR. DOLLINGER: I think site plan.

CHAIRPERSON PRICE: Okay. Any other questions?

MR. OSOWSKI: You said architectural plans are being finished, you're anticipating construction starts in summer or fall?

GREG MCMAHON: We would hope. The intent, my understanding with the owners is they would like to have construction started probably by late summer or early fall.

CHAIRPERSON PRICE: Ramsey, is this existing building causing any problems? Is it a nuisance of any kind?

Brighton Planning Board 6/19/19

MR. BOEHNER: Not that I know of, but I have not been out to the site recently.

CHAIRPERSON PRICE: Okay. Thank you, Greg.

This is a Public Hearing, I will ask if anyone wants to address this application? Thank you. We'll go to the next application.

APPLICATION 6P-04-19

6P-04-19 Application of Kaupp Family LLC, owner, and Joni Lucas, JK Findings, agent, for Site Plan Modification to expand a parking area by 12 spaces on property located at 1500 Brighton Henrietta Town Line Road. All as described on application and plans on file.

PAUL SCHREINER: Good evening, my name is Paul Schreiner from Parrone Engineering. I am here tonight on behalf of JK Findings located on 1500 Brighton Henrietta Town Line Road. With me tonight is Joni Lukas, the Chief Executive and operating officer of JK Findings. And you can ask her to speak later on after I get done with my description here.

The existing proposal is what we are doing for proposing a 12-car parking in addition to the existing site. The parcel is about an acre and a half in size, it's zoned light industrial, the use is manufacturing. JK Findings

Brighton Planning Board 6/19/19

deals in precious metals. The building size is approximately 15,000 square feet, the existing parking area consists of 75 existing parking spaces and 12 additional parking spaces are in the northeast corner here, the colored portion of our plan.

The existing site coverage is 55 percent impervious. With the new parking area it would be increased to 60 percent, which is still below the maximum allowed by the zoning code of 65 percent. The improvement of the parking area would be storm graded and bioteching facility. For the increased impervious area we're also providing additional lighting in that area. We have one pole we are going to relocate and add two more lights to the new parking area. The lights in the area are 15-foot tall poles on a 2- or 3-foot high base and we will continue that with the new part condition.

We are also going to do some landscape work. So the landscaping that was installed when the existing parking lot was extended I think two years ago, and access off Southern Drive was placed, there was some trees here that were installed and we would like to respade those and spread them along the perimeter of the site.

As far as where we have been to date, we have

Brighton Planning Board 6/19/19

been in front of the Zoning Board of Appeals on May 1st, for approval for construction of the parking area and the front setback of the site. So it's this portion, the rest of the parking area is also in the front setback, so we were in front of them May 1st, and they granted an approval with conditions. And one of the conditions were approval by the Conservation Board and the Planning Board. We also attended the Conservation Board meeting on 6/11 of this year and presented the plan and they have no comment.

And so that brings us to you folks for the additional parking and we are here seeking final site plan approval for the addition of that parking area. We have received Monroe County DRC comments for the project. I think they gave us three comments and were pretty much standard items for all applications, and I didn't see any issues with any of their comments. With that, I would close and then if you have any questions.

CHAIRPERSON PRICE: Paul, the notes that you have on the plans for the transplant, to use a 60-inch veneer, I suspect that has that step one, that you do the relocation of the trees?

GREG MCMAHON: Yes. Those trees are located primarily in the new pavement area, so they have to be

Brighton Planning Board 6/19/19

extended and relocated and protected.

CHAIRPERSON PRICE: Okay. From my own experience, at 6 inches, your one note says to leave them 6 inches above finished grade. I am not sure --

GREG MCMAHON: That came from our landscape architect so Heiner Fischer himself, so . . .

CHAIRPERSON PRICE: Okay.

GREG MCMAHON: He was concerned they would get planted too low.

CHAIRPERSON PRICE: If you have roots that are exposed once it is transplanted you need to add soil around that so it has something to grow in.

GREG MCMAHON: I would understand that too.

CHAIRPERSON PRICE: Any questions? All good? Thank you.

This is a Public Hearing is there anyone who cares to address this application? Okay, that brings us to the next application.

APPLICATION 6P-05-19

6P-05-19 Application of Excelsior Communities, owner, and Brighton Village Luxury Apartments, for Site Plan Modification to improve common areas and parking areas throughout the apartment complex on property located at 1625

Brighton Planning Board 6/19/19

Crittenden Road. All as described on application and plans on file.

CHAIRPERSON PRICE: I do have to recuse myself from this application, Laura will take over for this application.

MARLEE FINESTONE: Good evening, my name is Marlee Finestone, landscaper at SWBR. I'm here tonight with Mike Gainer from Perm Engineering representing our client, Excelsior Communities. We also have Ahmi in the audience, the owner of the property.

Tonight we are asking for a final site plan modification approval for the property located at 1625 Crittenden Road known as Brighton Village Luxury Apartments. The property was purchased by Excelsior Communities in January of this year, and the owners have been making a number of incremental improvements to the property including site buildings and apartment units.

The project has already received a number of approvals for some of the improvements that they are going to create. These include a setback variance in Planning Board approval for the improvements to the leasing office. And they have Planning Board approval for a new main entrance sign at Crittenden Way off of Crittenden Road, and a Zoning



Brighton Planning Board 6/19/19

Board approval for a secondary entrance sign which will be reviewed by the Planning Board at the July meeting.

This application was presented to the Zoning Board of Appeals for an area variance for the reduction in parking spaces from 752 spaces to 717 spaces. That application was approved for the reduction in those parking spaces. We are asking for a site plan modification approval for two main areas within the site, which we have noted as Zone A and Zone B in our application documents. Zone A is depicted in the top rendering and Zone B is depicted in the bottom rendering. Sheet L100 also shows these locations of the improvement zones in relation to the rest of the site.

Zone A includes expanding the common space amenities offered to tenants in the area just adjacent to the existing swimming pool and clubhouse. The proposed improvements include outdoor seating, a fire pit, trellis, play equipment, and landscaping.

In an effort to improve access and pedestrian safety the plans also include accessible ramps at the first interior section on Crittenden Way and parking lot islands to define the circulation drives near the new common space area. An Amazon locker is proposed on one of the interior parking lot islands.

Brighton Planning Board 6/19/19

Zone B includes landscape improvements for the building entrances that front along Crittenden Way including new sidewalks to the entrances, small patios, and landscape plantings. The new sidewalks will connect to the existing inner curve curb along Crittenden Way as you enter the site.

These proposed improvements will give additional amenities to tenants and improve areas that are most visible as you drive into the property. Thank you. I'm happy to answer any questions you may have.

MS. CIVILETTI: Are there any changes in the number of accessible spaces?

MARLEE FINESTONE: We are actually increasing the number of accessible spaces. We are providing two in Zone A on the top in the area closest to the new community common area.

MS. CIVILETTI: Okay.

MR. BOEHNER: Will the Amazon lockers be open to the public?

MARLEE FINESTONE: No, they are just for the tenants on the property.

MR. BOEHNER: What type of new lights? Are you putting LED lights or are they dark sky compliant?

MARLEE FINESTONE: So the lights are going to

Brighton Planning Board 6/19/19

be replacing the existing lights that have been there I believe since the property was built, maybe in the '70s, '80s, and they will be right now just replacing the ones in the two improvement zone areas. And the lights will be on a 12-foot high pole so more pedestrian friendly. They are LED lights, and I believe they are dark sky compliant, but I can double check.

MR. BOEHNER: Do you know the color temperature, 3,000 K?

MARLEE FINESTONE: Yes, 3,000 K.

MS. CIVILETTI: Any other questions?

MR. OSOWSKI: There's a relocated Dumpster pad. Is that a new Dumpster or is the Dumpster relocated from somewhere else or was one eliminated?

MARLEE FINESTONE: There is an existing Dumpster near that location and because of the site improvements that we're making to the drive aisle, we are restriping that area. So the existing Dumpster is located in that vicinity already.

MS. CIVILETTI: Okay.

MR. WENTWORTH: Site A, the accessible spots, the curb cut and ramp up into the existing sidewalk is fine if you're heading into the new amenity. If you are heading

Brighton Planning Board 6/19/19

north, I am confused as to how you would get on the sidewalk?  
How you can deal with that more than two percent crossover?

MARLEE FINESTONE: I believe we have some room  
to adjust so that the accessible ramp is more central to that  
concrete pad behind it, so that you can easily get around in  
either direction.

MS. CIVILETTI: Ramsey?

MR. BOEHNER: I'm good.

MS. CIVILETTI: Thank you. This is a Public  
Hearing, is there anyone who would care to address this  
application? We will move on.

(Chairperson Price came back in.)

APPLICATION 6P-06-19

6P-06-19 Application of Lynda Neufeld, owner,  
and Insite Development, agent, for Preliminary/Final Site  
Plan Approval to construct a 2,812 +/- sf single family house  
with a 576 +/- sf attached garage on property located on  
Penfield Road, known as Tax ID #123.17-2-25 (between 525 and  
555 Penfield Road). All as described on application and  
plans on file.

RUDY NEUFELD: Good evening, ladies and  
gentlemen. I haven't had the pleasure to be before you, some  
of you never, so thank you for your time this evening. I

Brighton Planning Board 6/19/19

also will be brief, I know it's late. With me is Fred Shelley from BME Associates, I have been working with them. The company I work with, Crosstown Construction, they own several hundred building lots. So some might ask why am I spending a great deal of time on a little infill lot, and as you all know infill lots are tedious, time consuming, and costly. And the short answer is that I would like if it works this to be my retirement home inmate.

My wife and I are avid gardeners. We have a big property now and when we leave that property, we love that piece in Brighton, love the view of the park. There's not as much space for gardening as we are used to, but we do love the area very much. And so that is the reason why we are spending time with this little property. I can answer any questions the Board might have and for technical things, Mr. Shelly will help us with those. Rudy Neufeld is my name.

MR. BOEHNER: Probably be good if someone could just give a presentation.

FRED SHELLEY: I will. Members of the Board, Fred Shelley from BME Associates, representing the applicant and owner.

This property is approximately 4/10 of an acre in size. We have proposed a basic footprint for you. We

Brighton Planning Board 6/19/19

have proposed a ranch home on the site. It will include a single residential driveway access to the public street, which is a county road. We have submitted the plans to the Monroe County DOT and the water authority and we've received some comments from them from their review.

A few technical items, one comment from the DOT involves the available site distance at the proposed site. The driveway does -- the site affords just under the minimum required stopping site distance to the west of the site, though this has been under the review of the County DOT and they're willing to accept it. They've asked us to add additional notes to the plan that we'll take care to provide in grading and landscape removal as applicable and as possible on the site to improve that site distance to the west of the site.

Again, the site will connect to the public town sewers for sanitary sewer service. Public water, which is Monroe County Water Authority and then site storm water generally will mostly flow to the rear of the house over land through swales. The driveway will drain toward the public roadway and the public roadway storm sewer systems. And we have proposed some dry wells to collect the runoff from the rooftop in connection with that so we can infiltrate that.

Brighton Planning Board 6/19/19

The existing site soils are hydraulic soil Group A, very sandy lone soil. We anticipate a fairly low percolation test and we plan to evaluate the soil when the final footprint for the house is selected so that we can effectively locate those proposed dry wells.

We presented the project to the Conservation Board, didn't get too many major comments from them. We're happy to answer any questions from the Planning Board.

MR. BOEHNER: Fred, the Monroe County DOT had comments about the site distance. How are they going to be addressed? Can they be addressed? Can you do anything to improve the site distance?

FRED SHELLEY: They have not denied or refused to approve the site. Basically, we have requested, basically, word from the County DOT that they'd specifically accept the site distance, but they don't -- basically, the answer we got was that if there was an issue we would comment on the issue on the site distance and say it's either not allowed or it is permissible. And essentially the Monroe County DOT is responsible for issuing the permit for the driveway. Eventually once they've reviewed the revised plans they will issue notification to us that they've accepted the driveway and we can follow up with submitting permit

Brighton Planning Board 6/19/19

applications.

MR. BOEHNER: Is there anything that you're going to do to the grading? Is there any -- I didn't see what you could do to the grading.

FRED SHELLEY: There's not a whole lot and we have been coordinating with the DOT on that. If there's an opportunity to shave down the west hand side of the grade there next to the driveway, we might take a look into that, a little bit more visibility.

MR. BOEHNER: Just plant it out a little bit more?

FRED SHELLEY: Yes. Unfortunately, there's quite a jump from the curb into the property. So the neighboring property is high as well, and we cut down lower than that area there. So we have provided site distances, two spots either nine foot back from the curb or six foot from the travel lane and we've provided those site distances as well for the review.

MR. BOEHNER: Did you design this house with a walkout basement?

FRED SHELLEY: Yes. Plans currently show that as a walkout basement. We have discussed with the applicant the Town Code requirements as far as maximum height of the



Brighton Planning Board 6/19/19

building. So we'll take that into consideration with our submission of the building plans.

MR. OSOWSKI: Is the proposed waterline sized for fire protection sprinklers?

FRED SHELLEY: No, it is not.

CHAIRPERSON PRICE: Has the home been designed yet or are you really just presenting an envelope?

FRED SHELLEY: We're basically presenting an envelope. It has not been designed yet.

CHAIRPERSON PRICE: Could we ask you to as you start the design to consider sliding that garage back so it's not the first thing that you see? Consider projecting the porch to the front and see if you can just kind of reverse those away that those are presently.

RUDY NEUFELD: Yes, absolutely. I would love to say I have the authority to do those kinds of decisions, but that will not be on me. Once we get a sketch and a concept and we know what we're going to have. My mother-in-law may be with us, so once we get to that we'll be happy to provide sketches, share them with the Board, whatever, our garden plans, that wouldn't be an issue at all.

CHAIRPERSON PRICE: Thank you. Anybody else?  
Thank you very much.

Brighton Planning Board 6/19/19

Is there anyone who cares to address this application? Okay.

APPLICATION 6P-07-19

6P-07-19 Application of Niagara Mohawk Power Corporation (National Grid), owner of property known as Tax ID #148.18-2-2, and Rochester Gas and Electric, owner of property known as Tax ID #148.14-4-42, for Conditional Use Permit Approval and Site Plan Modification to expand and improve an electrical substation on properties located at 1430 and 1436 Brighton Henrietta Town Line Road. All as described on application and plans on file.

BEN WEISEL: Chairperson Price, Members of the Board, my name is Ben Weisel, I'm an attorney for Niagara Mohawk Power Corporation doing business as National Grid. Since the 1920s, National Grid and its predecessors have operated an electric transmission substation on its fee owned property located at 1430 Brighton Henrietta Town Line Road, in Brighton. As I will discuss tonight, we are proposing to perform necessary maintenance work on the station, doing work on the parcel owned by National Grid and a very small amount on the parcel directly to the north which is owned by Rochester Gas & Electric.

As this Board is aware, Town Code

Brighton Planning Board 6/19/19

Section 203-93 designates public utility structures located in light industrial districts has a use which requires a conditional use permit. In addition, Town Code Section 201-103 provides that all uses in a light industrial district shall be subject to site plan approval of the Planning Board. Pursuant to these sections and our discussion tonight, National Grid is respectfully requesting a conditional use permit and a site plan modification for our proposed work.

Before I discuss the details of our proposed work, I will very briefly discuss the station's history and its function. According to New York State Public Service Law, National Grid is considered a public utility. As a public utility, National Grid is required by law to provide safe and adequate electricity to its customers. Although the station we're modifying is currently providing electricity to our customers, which its major components were built in the 1920s and 30s, and they are nearing the end of their functional life.

As the condition of these stations' components has worsened, National Grid engineers and their expert opinions have determined that the maintenance work we are proposing tonight is necessary to ensure we can continue to

Brighton Planning Board 6/19/19

provide safe, reliable service to our customers.

I think the easiest way to describe the proposed work to you is to look at the existing conditions plan which is up on the board, which we submitted as part of the application, it is sheet Number 3. So this plan divides the station work into four separate work areas, for ease of explanation. The drawing contains a few sentences describing the proposed work, I'll read them out loud for clarity.

I will start with Work Area 2. So Work Area 2 is a triangular-shaped portion of National Grid's property where we're proposing to complete minimal grading due to an existing slope. We're going to be placing a new transformer on a new foundation once the grading is complete.

In Work Area 1, which is currently owned by RG&E and will remain in ownership by RG&E, National Grid is proposing to bump out our existing security fence which will take up approximately 9,400 square feet in order to maintain a safe driving lane and fire access around the new transformer.

So currently if we were to build the transformer, the existing fence would be only 11 feet from that transformer so there's no way for our employees to safely driveway around the equipment. So this additional

Brighton Planning Board 6/19/19

space, the soul purpose is to allow us to drive around safely.

Again, as I said before, Work Area 1, which is outlined here, is only in fee by the RG&E Corporation. To be clear, National Grid is not purchasing this land from RG&E. We will utilize the same if we have a license agreement and there will be no National Grid structures on RG&E's land other than the fence extension.

The Work Area 3, which is the rectangle to the north -- actually, it's to the west. We will be completing minimal grading for underground cable installation and installing new breakers, risers, and switch structures on new foundations.

Work Area 4, which is the rectangle to the east, we will also be installing new breakers, risers, and switch structures on the new foundations, as well as completing structural retrofits for new mounted equipment.

There's additional information I would like to share before opening up to any questions you might have. I believe the information I'm about to give you will put National Grid's proposed work in perspective. First, the top height of any existing structures on the property are approximately 67'2" tall. None of our proposed structures

Brighton Planning Board 6/19/19

will be anywhere close to that existing height. In fact, of all of the replacement of new structures proposed tonight the tallest will have a top height of approximately 35 feet. Those are the insulators in Sections 3 and 4.

Second, the closest home to National Grid's existing station equipment is approximately .21 miles or 1,126 feet to the west along Park Circle. This is an aerial that I'm passing out, and photos taken just to show the minimal nature and the lack of an impact this will have on our neighbors. So the aerial has a very small triangle which is the location of the new transformer. You can see in context all of the green between our transformer and the homes.

In addition here, this is a photo taken from the location where we're going to be expanding the fence, looking towards the homes. You can see stands of trees, these are existing trees between us and the homes. This is a photo of the right of way from Park Circle looking east where you can see a little bit of the substation, you can see the existing utility poles. But if you go a little bit further to the south, this is the first home. So the first home has a huge stand of trees directly to the south and also trees in the back so they cannot see a thing. In the first photo you

Brighton Planning Board 6/19/19

can see all the homes in that area of Park Circle have similar trees that will block the view of our substation.

Third, under Section 201-3 of the Town Code, the very first purpose and intent of a town zoning resolution is the facilitation of the efficient and adequate provision of public facilities and services. I think that our proposed work fits that first goal pretty clearly, closer.

Fourth, there will be no negative impact on the health, safety, and general welfare of the community as a result of the proposed work. Before I conclude, I would like to call Mary Bitka to talk about the comments that we received from Monroe County. Mary, if you could please state your name and your title?

MARY BITKA: Hi, my name is Mary Bitka, B-i-t-k-a, I'm a licensing and permit engineer for National Grid. I have approximately 34 years experience in the consulting and utility business. So I'm just here to talk about the letter as Ben said, from the Department of Planning and Development. Actually, I want to start with comments on Number 2 and 3, and you'll understand why when I hand out this next aerial. The aerial that Ben just handed out shows where the New York State DEC wetland is, BR-5. BR-5 is approximately 1,700 feet from the area that we proposed to

Brighton Planning Board 6/19/19

expand, so I don't really think that there's any connection at all to the DEC wetland and the area we are going to be expanding.

The third comment is regarding the Federal wetland, the National Wetland Inventory Map, and you can see on that aerial that is going around right now you've got the light blue area, that actually is a mapped Federal wetland. And there's nothing close to the area that we are expanding, but I contracted a wetland biologist to go out there and confirm in fact there's no Federal wetland out there. And they will also determine if there's any connection at all to the DEC wetland B on Number 5. We will confirm that for you.

And then, here is another aerial, you can take and pass it down. And it's the same aerial that you have right now but then I turned on the floodplain map, the layer that goes with that, and it obscures the other wetlands. That's why I wanted to go to question numbers two and three first. What you see there is a hundred year floodplain and our property is well outside of any floodplain mapping at all. So there really is no risk at all for no floodplain intervention or any need for any floodplain management permits or authorizations. So this is something I just wanted to share with you.



Brighton Planning Board 6/19/19

BEN WEISEL: Thank you. So just to sum up, for all the reasons we just gave National Grid is determined that modifying this station is a public necessity and that is required to continue to render safe, adequate, and reliable energy to our customers, and a safe working environment for our employees. And National Grid is determined that a failure to complete the proposed work could potentially result in significant customer outages. With me tonight are Dan Lambert the project manager and Tim Valzoe the project engineer, and we're available for any questions you might have. Thank you.

CHAIRPERSON PRICE: Could you just give us a quick idea, what property do you own?

BEN WEISEL: Sure. So National Grid owns 1430 Brighton Henrietta Town Line Road, so if you look at the aerial that I submitted tonight --

CHAIRPERSON PRICE: The one you handed out here?

BEN WEISEL: Yes. Can I come over and show you?

CHAIRPERSON PRICE: Yes, please do. Do you own the right of way to the driveway it's on to get to the site?

Brighton Planning Board 6/19/19

BEN WEISEL: No, RG&E owns that.

CHAIRPERSON PRICE: You have a cross access  
easement?

BEN WEISEL: Yes.

CHAIRPERSON PRICE: Okay.

BEN WEISEL: The right of way does cross over  
Park Circle so we do have frontage, if that's what the  
question is.

CHAIRPERSON PRICE: It's so far back I just  
didn't know how you got there and what was the legal way you  
have to get back.

BEN WEISEL: So I thought you meant the site.  
It's a long distance on the dirt road that you're referring  
to to get back to the property. It is an isolated site. I  
think for that reason there are limited to no impacts on the  
public.

MR. BOEHNER: Would you talk a little bit  
about the fencing that you're proposing?

BEN WEISEL: Sure. So we're proposing an  
eight-foot tall security fence with one foot, three strands  
of barbwire. This is National Grid's standard security  
fence, that we propose around all of our substations. Our  
substations are unmanned, so the security fences are the most

Brighton Planning Board 6/19/19

feasible way to secure these sites on a 24/7 basis. They prevent loitering, they prevent people from breaking into our sites which happens from time and time to try to steal copper.

And honestly, they protect people's lives because we have had incidents where people have broken into the station and unfortunately tragic consequences have occurred because they don't know what they are touching. Obviously, it's 115-kv, it's not meant for the public to gain access to the station. And we will be applying for a variance for that proposed fence expansion.

CHAIRPERSON PRICE: What is it for, the height?

BEN WEISEL: For the height and for the barbwire.

MR. WENTWORTH: Is the fence nonconductive?

BEN WEISEL: Yes.

TIM GUZZO: Do you mean the RG&E station?

MR. WENTWORTH: I mean the fence.

BEN WEISEL: The fence is ground.

MR. BOEHNER: You've got to give your name.

BEN WEISEL: That was Tim Guzzo, G-u-z-z-o, he's the project engineer. Tim, can you come up?

Brighton Planning Board 6/19/19

TIM GUZZO: Sure. Our fence is going to be galvanized steel or aluminum. It depends on what the contractor goes with on our spec. But that's grounded every third pole, tie into the ground grid, and virtually there's no current running through the fence.

CHAIRPERSON PRICE: Thank you. Are these sites lit in any way?

BEN WEISEL: We have existing lights. We're proposing two additional 30-foot tall LED lights. The lights will be facing down and they will face the property. Typically the lights are off at night. Sometimes the stations have motion detection sensors, so if someone were to enter the property then the lights would go on.

In addition, the real purpose of the lights is if we need to do work at night then we turn the lights on, and that would only be during emergencies.

MR. BOEHNER: What type of lighting is there now? Is it going to be matching the lightings there or is it different?

BEN WEISEL: I don't know the answer to that question. I could confirm.

CHAIRPERSON PRICE: Out of curiosity, does this station feed Brighton or is this --

Brighton Planning Board 6/19/19

BEN WEISEL: No, the station doesn't feed Brighton. The station feeds 20,000 homes and businesses, and schools and hospitals in the Genesee area.

CHAIRPERSON PRICE: So south of us.

BEN WEISEL: Yes. They are your neighbors to the south.

MR. WENTWORTH: You do feed the RG&E substation though, correct?

TIM GUZZO: There's definitely lines between the two stations, but I'm not sure how much we actually feed them or if they're getting their stuff off of separate towers. There's definitely a connection between the two stations that they have communications running into our control house. I'm a civil structural engineer, so that's -- I can't really answer those questions.

BEN WEISEL: I will say clearly, 20,000 homes and businesses, clearly it benefits the community. Maybe not necessarily within the boundaries of the Town of Brighton, but I'm sure people in Genesee allude to Brighton and vice versa. So I'm sure it may indirectly provide the same benefits to the town.

MR. OSOWSKI: So the 115-kv and then 69 goes out to Geneseo?

Brighton Planning Board 6/19/19

BEN WEISEL: Yes, that's exactly right. It's essentially a step down.

CHAIRPERSON PRICE: Is there a simple definition of a bus breaker?

TIM GUZZO: A bus breaker? It's just like a circuit breaker in your house. Power comes in, if there's a fault that breaker trips and it shuts off power. Same thing our breakers do, but they're doing it for 115,000 volts.

CHAIRPERSON PRICE: Thank you. Any other questions? Thank you.

Is there anyone who cares to address this application? We'll move on.

APPLICATION 6P-NB1-19

6P-NB1-19 Application of Loren Flaum, owner, for Preliminary Site Plan Approval, Preliminary EPOD (steepslope) Permit Approval and Demolition Review and Approval to raze a single family house and construct a new 10,393 +/- sf single family house with a 1,171 +/- sf attached garage and a 574 +/- sf detached garage on property located at 141 Old Mill Road. All as described on application and plans on file.

JAMES FAHY: Good evening, everyone. My name is Jim Fahy of James Fahy Design Associates, we're the

Brighton Planning Board 6/19/19

architects for Loren and Jamie Flaum in the design and construction of a new home at 141 Old Mill.

Here with me tonight is Loren Flaum the owner, Mark Bayer our landscape architect from Bayer Landscape Architecture, and Evan Gafeld from Costich Engineering who will be in charge of all the civil engineering parts of the project.

A basic summary of what we're proposing which is in our application as the Flaums are planning to raise an existing 5,200-square-foot ranch-style home and the site improvements on the property now, followed by the construction of a new single-family home with associated site improvements. We're proposing a new two-story, 6,900-square-foot residence with a 2,700-square-foot finished walkout basement level. There will be an attached three-car garage with the home and a covered drive-thru porte-cochere and an additional two-car carriage garage attached to the porte-cochere. The architecture you can see kind of in the poster board at the bottom shows you the front facade and on the roadside.

I think of importance to note to the Board is the project was presented to the Architectural Review Board on the 28th of May. We thoroughly discussed not only the

Brighton Planning Board 6/19/19

exterior architecture and appointments to the home, but we talked at length about the scale of massing of the house, its setting on the property, and it's appropriateness to the neighborhood in general. The Board approved the project enthusiastically with the only stipulation is that we need to receive the variances that we are looking for, for the project.

The home as you can see is a soft contemporary with expansive glass on all elevations of the home. The primary materials on the exterior are lath and plaster stucco stone accents. The overall footprint fits comfortably on the property. We are well within all of the required setbacks of the RLA district. Our building footprint of just under 5,600 square feet is only 3.4 percent of the 3.8 acre parcel, which as the Board is well aware, we could build up to 30 percent of that parcel.

We will be before the Zoning Board on July 2nd, asking for several variances. I believe that all of those are reasonable and consistent with other variances that have been granted in the neighborhood or they're variances that will not produce an undesirable change to the character of the neighbor.

So that in a nutshell is the structure. I



Brighton Planning Board 6/19/19

think the site development side of this that Mark has been in charge of, I will hand it over to him to kind of give the Board a summary of the site development side of this.

MARK BAYER: Thanks, Jim. Good evening, I'm Mark Bayer, a principle of Bayer Landscape Architecture. I'll try to keep this brief, Jim has touched on much of the project already. Again, our focus has been on the site components and if you haven't been out there, it's like a wonderful, spectacular piece of property. It's about 3.8 acres that falls from Old Mill Road down towards the creek.

The couple things I want to point out is, you know, the Flaums as Jim mentioned are wanting to remove the existing structure and build a new home to raise their family at. The house as we're siding it is really going to sit more or less where the existing building is. We're kind of positioning it there and our focus of our site work and so on is concentrated in the upper portion of the site.

As you may know already the lower half of the property, this rendering doesn't really show the full property. The property extends -- on the survey you can see it, this is what the rendering is on -- the property extends down to the creek, so there's another 40 or 45 percent of the

Brighton Planning Board 6/19/19

site which is below what that rendering shows and our focus of our work is all in that upper reaches of the site. So we are not really getting down into the zone of the creek at all.

The project from a site perspective, again, consists of placing the building, we're proposing to utilize, we're coming out with the proposed drive basically where we are now. This is kind of on the private section of the road, the public driveway stops right before here. So these are existing curb cuts onto a private road that we're going to tie back into -- we're proposing to do what I refer to as a courtyard arrival, courtyard garden space. It will be beautifully planted and detailed. Right now our mission is to have a very low wall, three to three and a half feet just to kind of frame the space. There will be lots of plantings in there and it will be kind of a welcoming area where guests will arrive.

And as Jim's house has developed with the porte-cochere all the parking service functions will be on that side of the house. And very conscious of how Jim's oriented the garage so no garage doors are facing the street, it all looks like it's part of the building, so I think it presents itself very nicely to the public face.

Brighton Planning Board 6/19/19

As far as other features on the side, we have a gravel lane way, there's a similar thing there now, but you see the gravel lane way off to the side of the property for maintenance. There is obviously the pool and the pool terraces that we're going to do. They will be at the lower level of the building, they'll be the lower building elevation.

I should mention the tennis court that's in the lower portion of the lot is existing. The pavilion is something we would like to do as kind of a shade structure to enhance that space, but everything below about here, that whole lower half of the property is undisturbed. There is a woodland conservation forever wild piece of the property that we're not touching at all.

As far as grading goes, basically we are following very closely to what is on the site today. The current house on the site is a walkout situation. So basically, there's a gentle slope from the road to the house. And then along the side of the house we drop a story of grade, which is what is there today. All of the drainage that's on the impervious surfaces such as the auto court, the pool deck, all of that is going to be collected. We have working with Adam from Costich, we are developing a rain

Brighton Planning Board 6/19/19

garden type feature at the low end of the upper portion of the property and all drainage from our new improvements, impervious surfaces are going to filter through the rain garden and be collected there.

We have the ability to tie roof leaders in the way the piping is set up, if that's something the Town wants to see. We definitely can have that ability to do all of that. And then again, no grading really in the lower reaches of the property, so that's going untouched.

We're proposing to plant 32 new trees, 28 of which will be native trees, native species. We'll also be doing a lot of other supplemental planting to tie the property into the existing context. And again, I think presented this to the Conservation Board about a week ago, went through the whole plan with them. They were good with it, they asked a question about the roof leaders, could we tie them in, the answer was yes, we can tie them in.

They also had great conversations about Emerald Ash borer and some other things that they were interested in. But in general I thought they were very receptive, had no serious issues with the plan.

As Jim has already mentioned, he's been to the Architectural Review Board, a good response there. We have

Brighton Planning Board 6/19/19

to go to the Zoning Board of Appeals. But we pointed out, I think everything we're doing, I think we have justification and reasons for the variances we're applying for. And I think that the project is going to be very, very fitting for the neighborhood in context, and we think we will just fit right in. I have no doubt about that.

The other thing I want to mention is that this property has a steep slope EPOD associated with it and I want to point out that I think much of what is the reason for that is because of the previous home and the way it was sited and the way they graded it. And it basically made land where we have one of three slopes that ran down the side of the property on both sides of the house.

So this is the area on both of these, both sides of the house is where the steep slopes exist. And again, what we're doing is we're going to go from one on three to one on four, which exist today, to one on five to one on six. We're going to ease the slopes, we're going to plant them. And I think we are going to fit right into the existing topography without any impacts. And again, it's created a condition, it's not a natural condition that's there now. It does meet those steep slope criteria, but it's not a natural setting.

Brighton Planning Board 6/19/19

So I think at this point I will pause and answer questions you might have. Jim and I and Evan certainly can try to address any concerns or questions you may have.

CHAIRPERSON PRICE: Looks like an exciting project. I guess I see you have already had the conversation on the scale and massing with the Architectural Review Board. I did want to ask about the topography and if it was a natural steep slope that had continued on adjacent properties and it was characteristic of the kind of floodway or at least that corridor or if it was manmade.

MARK BAYER: My guess, and I haven't investigated the history of the topography there, but just looking at it, it looks that when they built that house it was in the 80s, Jim?

JAMES FAHY: It was 82.

MARK BAYER: They basically filled and then dropped to create the walkout.

CHAIRPERSON PRICE: So it meets the definition of a steep slope, but it's not natural.

MR. BOEHNER: As you head over though the steep slope continues for a while.

MARK BAYER: It does. It's a little bit

Brighton Planning Board 6/19/19

different, it's not as severe. There's actually some maps of this for us.

EVAN GAFELD: The yellows, both yellows are indicating any slope 15 percent or greater. The lighter yellow is what we are impacting, what's called the steep slope. You can see that we obviously have to be crazy to change the property, so we're trying to do that in a reasonable fashion and not disturb that steep slope, that green that goes off the property, as you were just explaining.

So we are kind of staying within pretty much the existing footprint or the limit of disturbances of the previous house that was built, which kind of created some of these steep slopes. I'm Evan Gafeld with Costich.

MARK BAYER: So we're tying right back into, if you look at the grading plan, we are tying literally right back into where things are today, and very consciously doing that because we're trying to avoid minimizing the amount of disturbance to the trees at the edges of the property and minimize the amount of grading we have to do.

CHAIRPERSON PRICE: So the amount of impervious surface that it is there today versus what you are proposing.

Brighton Planning Board 6/19/19

MARK BAYER: It's really close. So today, .3 on nine acres and proposed .443, we're under 12 percent, we're like at 11.5 percent of the site as impervious.

CHAIRPERSON PRICE: Are you assuming the auto court -- what is the material in the auto court?

MARK BAYER: It will be -- we haven't nailed down the exact material, but it will be some combination of ornamental paving, what we're thinking. But we don't --

CHAIRPERSON PRICE: Porous joints?

MARK BAYER: It will have -- I can't say it will be porous paving, but what we're doing is we're collecting in the courtyard and we're taking it to the rain garden. And then the rain garden is going to be our filter, and then below the rain garden we have about 50 percent of the site, which is basically a gigantic bio-filter. I don't think there's any issue with any contaminations.

CHAIRPERSON PRICE: And your general soils here, like the rest of this area it's pretty much all sand and --

MARK BAYER: I would say, yes, but it's Evan's research.

EVAN GAFELD: So the way we designed the storm system too it's collected in the auto court area and then



Brighton Planning Board 6/19/19

everything will be piped to the discharge point right above the Beyer retention or the storm water management facility. And along the path there will be yard inlets, so this one will help keep some of the water off the steeper slopes and we can dissipate it in an area that will spread out evenly and be filtered before continuing on to Allens Creek. Has been sized also for one year up to 100 years as well.

CHAIRPERSON PRICE: You're not retaining anything you're just doing water quality?

EVAN GAFELD: Yeah, it's peak flow. We also did receive Monroe County Planning comments today. I have reviewed them and we have no issue with them. The majority of the comments were impacts on the stream bed, the stream banks, or the repairing buffering where we're no where near doing any construction there.

MR. BOEHNER: Could you explain your two sets of demolition restoration plans?

EVAN GAFELD: Sure, I can bring it up. Spoke to Paul Lake earlier today about it. So we had a demolition plan in our full set, then we created what we are calling the building demolition restoration plan. This plan basically shows the first stage of demolition. If they were to go in there, what they would have to remove in front, while

Brighton Planning Board 6/19/19

removing the current structure and any hard scape behind it, while preserving some of the other trees in the back.

This being said, during the first phase if something happened with the project, this remediating plan can fill the void, fill it with stone. There's a note on there that says by October 15th, I believe, of the following year -- or this year, it would be seeded if needed. And then the other demolition plan in the set is a full go, start to finish. So it was kind of if the project just got stuck once the building came down --

MR. BOEHNER: Which can happen, it does. See it happen more often than not.

EVAN GAFELD: Yes.

MR. BOEHNER: Thank you.

EVAN GAFELD: You're welcome.

CHAIRPERSON PRICE: Other questions?

MR. WENTWORTH: Did we cover asbestos?

EVAN GAFELD: We did have a report survey done, we sent it in today, I received it from the builder and it was pretty clean.

MARK BAYER: I'm not sure if it was --

MR. BOEHNER: Well you did it, so that's the question.

Brighton Planning Board 6/19/19

MR. OSOWSKI: Is the tennis court clay or hard court?

MARK BAYER: It's a hard court, it's sheet drains.

MR. OSOWSKI: Is the waterline sized adequately?

JAMES FAHY: It won't be designed for sprinklers.

MR. OSOWSKI: I noticed there's three steps going up to the house, was the universal accessibility considered or not?

JAMES FAHY: It wasn't designed.

MR. WENTWORTH: Is a generator proposed?

MARK BAYER: Yes, I can speak to that. There's a generator proposed and I mistakenly took it -- I thought it said just the rear yard, but I talked to Rick DiStefano and it's behind the house and he wants it per code to be -- I mean, it's in the rear yard, but has to be now I guess behind the house to work. We're simply going to move it from here to behind the garage before we go to the Zoning Board of Appeals. We will resubmit it with the new location so it will not require a variance.

MR. BOEHNER: Also check your decibel levels.

Brighton Planning Board 6/19/19

MARK BAYER: Yes, we will do that.

MR. BOEHNER: Mark or Jim, check your AC units too. They can be in the side or rear yard.

CHAIRPERSON PRICE: Any questions? Thank you. Is there anyone in the audience that would care to speak regarding this application?

LOREN FLAUM: Loren Flaum, I'm the homeowner at 141 Old Mill Road, wife and I, Jamie. We're just very excited about this project. We're lifelong Brighton residents, went to Brighton High School and have two young kids in Brighton as well and we would love to make this community our home. And we live in Brighton now and very excited about this project moving forward and being on Old Mill Road. Thank you very much and hopefully it will go smoothly.

CHAIRPERSON PRICE: Thank you.

MR. BOEHNER: Thank you.

CHAIRPERSON PRICE: Let's take five minutes and we'll come back and review the applications.

(There is a short pause in the proceedings.)

\* \* \*

Brighton Planning Board 6/19/19

Application 6P-01-19

6P-01-19 Application of Rhineeliff Monroe Corp, owner, and T.Y. Lin International, agent, for Conditional Use Permit Approval to allow for the expansion of an existing restaurant use with hours of operation until 2:00 AM on property located at 1780 Monroe Avenue. All as described on application and plans on file.

CHAIRPERSON PRICE: Motion to close the Public Hearing.

MR. WENTWORTH: I move to close the Public Hearing.

MS. CIVILETTI: Second.

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

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Let's get a motion on the table. Anybody wish to make a motion? I will move Planning Board approves the application based on testimony given and plans submitted, 21 conditions, and negative declaration. Any second.

MS. DELANEY: I'll second.

CHAIRPERSON PRICE: Moved and seconded.

**DETERMINATION OF SIGNIFICANCE:**

## Brighton Planning Board 6/19/19

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.

**APPROVAL WITH CONDITIONS:**

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The restaurant shall comply with the most current Building & Fire Codes of New York State.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. All parking lot lighting shall be low in height and intensity.
6. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in

## Brighton Planning Board 6/19/19

the rear yard. The enclosure shall equal the height of the dumpster. The dumpster enclosure shall be large enough to hold both refuse and grease.

7. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.

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

9. A total of number of seats shall not exceed 33 without further Town review and approval.

10. 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.

11. The basement shall only be used for storage without further Town review and approval.

12. Live entertainment is prohibited.

13. The site plan must be revised to provide greater details for the install of the accessible parking spaces. Signage and a guardrail block the accessible route to the existing walkway. The revised plan shall be submitted to and reviewed and approved by the Building and Planning Department.

14. The site plan must be revised to include details of the

## Brighton Planning Board 6/19/19

proposed dumpster enclosure.

15. Outdoor dining is not permitted without further Town review and approval.

16. All requirements of the Architectural Review Board and Zoning Board of Appeals shall be met.

17. All applicable requirements of Sections 203-74.B(3) and 207-14.2 of the Comprehensive Development Regulations shall be met.

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

19. The hours of operation shall be from 11 AM to 2 AM.

20. All exterior facade defects shall be repaired.

21. The patio area shall be enclosed with a four-foot high decorative fence on the south and west side. The plans shall be revised and approved by the Building and Planning Department.

CHAIRPERSON PRICE: We have a motion and a second, all in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?



Brighton Planning Board 6/19/19

APPLICATION 6P-02-19

6P-02-19 Application of 1950 Brighton  
Henrietta Town Line LP (DiMarco), owner, for modification of  
a condition set forth in the approval of Application 2P-04-18  
(site plan modification) to allow for chain link fencing with  
opaque mesh in lieu of a solid wood fence as approved. All  
as described on application and plans on file.

MR. FADER: I move we close the Public  
Hearing.

MS. CIVILETTI: Second.

CHAIRPERSON PRICE: Moved and seconded to  
close. All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. FADER: I move approval based on testimony  
given, plans submitted, and the two conditions.

**APPROVAL WITH CONDITIONS:**

1. The applicant shall install fabric mesh on the fence as  
presented to the Planning Board. The mesh fabric and chain  
link fence shall be maintained.

2. The access drive does not have to be topped with binder  
as shown on the approved plans.

CHAIRPERSON PRICE: So moved, is there a  
second?

Brighton Planning Board 6/19/19

MS. CIVILETTI: Second.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 6/19/19

APPLICATION 6P-NB1-19

6P-NB1-19 Application of Loren Flaum, owner,  
for Preliminary Site Plan Approval, Preliminary EPOD  
(steepslope) Permit Approval and Demolition Review and  
Approval to raze a single family house and construct a new  
10,393 +/- sf single family house with a 1,171 +/- sf  
attached garage and a 574 +/- sf detached garage on property  
located at 141 Old Mill Road. All as described on  
application and plans on file.

MR. FADER: I move the application be tabled  
based on testimony given and plans submitted.

MR. BABCOCK-STINER: Second.

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

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 6/19/19

APPLICATION 6P-03-19

6P-03-19 Application of Mamasan's Monroe LLC, owner, for Conditional Use Permit Approval and extension of site plan approval (3P-01-18) to allow for the construction of a 2,858 +/- sf restaurant with a drive-thru pick up window on property located at 2735 Monroe Avenue. All as described on application and plans on file.

CHAIRPERSON PRICE: Motion to close the Public Hearing?

MR. WENTWORTH: Move to close the Public Hearing.

MR. FADER: Second.

CHAIRPERSON PRICE: Moved and seconded, all in favor?

ALL COUNCIL MEMBERS: Aye.

MR. WENTWORTH: I move we approve the application based on the testimony given, plans submitted, the following eight conditions and the 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

## Brighton Planning Board 6/19/19

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.

**APPROVAL WITH CONDITIONS:**

1. Site Plan Approval shall expire on March 21, 2020. No further extensions can be granted.
2. Conditional Use Permit Approval is granted for a restaurant with outdoor dining and a drive-thru pickup window, as previously approved in 2018, and shall expire in one year unless the use is established as proposed.
3. All conditions of approved Planning Board application 3P-01-18 remain in effect and must be satisfied.
4. All buildings shall comply with the most current Building & Fire Codes of New York State.
5. 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.

## Brighton Planning Board 6/19/19

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

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

8. All outstanding comments and concerns of the Town  
Engineer shall be addressed.

CHAIRPERSON PRICE: So moved, is there a  
second?

MR. FADER: Second.

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

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 6/19/19

APPLICATION 6P-04-19

6P-04-19 Application of Kaupp Family LLC,  
owner, and Joni Lucas, JK Findings, agent, for Site Plan  
Modification to expand a parking area by 12 spaces on  
property located at 1500 Brighton Henrietta Town Line Road.  
All as described on application and plans on file.

CHAIRPERSON PRICE: Looking for a motion to  
move to close the Public Hearing.

MS. CIVILETTI: Move to close.

MR. FADER: Second.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

MS. CIVILETTI: I move approval of Application  
6P-04-19 based on the plans submitted and testimony given,  
14 conditions, and a determine of nonsignificance.

**APPROVAL WITH CONDITIONS:**

1. Meet all requirements of the Town of Brighton's  
Department of Public Works.
2. All Town codes shall be met that relate directly or  
indirectly to the applicant's request.
3. The project and its construction entrance shall meet the  
New York State Standards and Specifications for Erosion and  
Sediment Control.

## Brighton Planning Board 6/19/19

4. 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.

5. 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.

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

7. 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.

8. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.

9. All County Development Review Comments shall be addressed.



## Brighton Planning Board 6/19/19

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

11. Prior to the start of construction, a letter of credit shall be provided to the Town to cover the cost of construction of the proposed drainage system to insure that it conforms to the approved plans and that the landscape plantings survives in a healthy condition.

12. All requirements of the Zoning Board of Appeals shall be met.

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

14. 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.

MR. FADER: Second.

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

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 6/19/19

APPLICATION 6P-05-19

6P-05-19 Application of Excelsior Communities, owner, and Brighton Village Luxury Apartments, for Site Plan Modification to improve common areas and parking areas throughout the apartment complex on property located at 1625 Crittenden Road. All as described on application and plans on file.

MR. BOEHNER: Chairperson Price is excusing himself, Ms. Civiletti will Chair the application.

MR. WENTWORTH: I move we close the Public Hearing.

MR. FADER: Second.

MS. CIVILETTI: Any discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. FADER: I will move for approval based on the testimony given, plans submitted, the 9 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 6/19/19

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:**

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

A. Consider replacing Hop Hornbeam with a larger (at maturity) native species.

2. Pole lights shall be 3,000 K color temperature.

3. The use of the proposed Amazon lockers shall be limited to the residents of the apartment complex.

4. 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.

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

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

## Brighton Planning Board 6/19/19

7. All outstanding comments and concerns of the Town Engineer shall be addressed.

8. The dumpster shall be screened with materials that are compatible with the complex.

9. 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.

MS. DELANEY: Second.

MS. CIVILETTI: David moved, Pam seconded, any other discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

Brighton Planning Board 6/19/19

APPLICATION 6P-06-19

6P-06-19 Application of Lynda Neufeld, owner, and Insite Development, agent, for Preliminary/Final Site Plan Approval to construct a 2,812 +/- sf single family house with a 576 +/- sf attached garage on property located on Penfield Road, known as Tax ID #123.17-2-25 (between 525 and 555 Penfield Road). All as described on application and plans on file.

MR. WENTWORTH: I move the Public Hearing be closed.

MR. FADER: Second.

CHAIRPERSON PRICE: Moved and seconded, all in favor?

ALL COUNCIL MEMBERS: Aye.

MR. WENTWORTH: I move that we approve 6P-06-19 based on plans submitted, testimony given, the following 21 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 6/19/19

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:**

1. The applicant should be aware of the Town's definition of livable floor area. Contact the building and planning department with any questions.

2. Architectural Review Board approval shall be obtained.

3. Prior to the issuance of a building permit, 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 to and approved by the Building and Planning Department.

4. 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.

## Brighton Planning Board 6/19/19

5. 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.

6. 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

7. 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.

8. 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.

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

10. The entire new building shall comply with the most

## Brighton Planning Board 6/19/19

current Building & Fire Codes of New York State.

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

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

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

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

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

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

17. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: Driveway apron, sanitary sewer, water main, storm water management facilities, and 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



Brighton Planning Board 6/19/19

by the Town prior to the start of construction.

18. Prior to starting construction, all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies must be obtained.

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

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

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

MS. DELANEY: Second.

CHAIRPERSON PRICE: Any discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Brighton Planning Board 6/19/19

APPLICATION 6P-07-19

6P-07-19 Application of Niagara Mohawk Power Corporation (National Grid), owner of property known as Tax ID #148.18-2-2, and Rochester Gas and Electric, owner of property known as Tax ID #148.14-4-42, for Conditional Use Permit Approval and Site Plan Modification to expand and improve an electrical substation on properties located at 1430 and 1436 Brighton Henrietta Town Line Road. All as described on application and plans on file.

CHAIRPERSON PRICE: Can we have a motion to table the application?

MR. FADER: I move that it be tabled.

MS. DELANEY: Second.

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

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

## Brighton Planning Board 6/19/19

**SIGNS:**

1553 Roc Pet Rehab for a building face sign at 580 White Spruce Boulevard.

1554 Brighton Garden Apartments for a free standing sign at 2125-2157 Monroe Avenue.

1555 Modular Comfort Systems for a building face sign at 660 West Metro Park, with the condition the top of the sign shall not exceed 20 feet from grade.

1556 CVS Pharmacy for two building face signs and one monument sign at 2100 Monroe Avenue.

1552 Hotel on Monroe for a building face sign at 2323 Monroe Avenue is tabled as recommended.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

\*

\*

\*

Brighton Planning Board 6/19/19

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 20th day of July, 2019.

At Rochester, New York

  
Rhoda Collins