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3 PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JUNE 19TH, 2019
5 AT APPROXIMATELY 7:30 P.M.

6

7 June 19th, 2019
8 Brighton Town Hall
9 2300 Elmwood Avenue
10 Rochester, New York 14618

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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

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

5 MR. FADER: I move and approve those.

6 CHAIRPERSON PRICE: Do we have a second?

7 MS. DELANEY: I'll second.

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

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

12 MR. BABCOCK-STINER: Same here.

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

15 ALL COUNCIL MEMBERS: Aye.

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

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

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

24 6P-01-19 Application of Rhinecliff Monroe
25 Corp, owner, and T.Y. Lin International, agent, for

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3 Conditional Use Permit Approval to allow for the expansion of
4 an existing restaurant use with hours of operation until
5 2:00 AM on property located at 1780 Monroe Avenue. All as
6 described on application and plans on file.

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

12 What I thought I would do is give a brief
13 overview of what we're doing and what we're asking for on the
14 property owned by Rhinecliff Monroe Corporation located at
15 1780 Monroe Avenue in the Town of Brighton.

16 Mr. Chairman, may I proceed?

17 CHAIRPERSON PRICE: Yes.

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

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

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

22 We also appeared before the ZBA and obtained
23 approval for a bar/restaurant to be located within
24 50 feet of a residential district. I also would like to read
25 the approval letter from the Zoning Board of Appeals for the

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

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

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

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

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3 gentlemen during their presentation will talk a little bit

4 more about that.

5 There will be no smoking allowed anywhere on

6 the exterior of the building except in a fenced-in area with

7 a six-foot high fence. It is only accessed from the interior

8 of the property designated as the patio area on our submitted

9 plans.

10 We have improved the trash area by adding an

11 enclosure for a trash receptacle. Pursuant to the Town's

12 Codes there will be a properly sized grease trap installed,

13 exhaust fans will be properly vented through the roof, and

14 the landlord will continue to maintain the property free from

15 litter as we have in the past. In addition, the proposed

16 tenant will talk about his pest prevention program and grease

17 cleaning program during his presentation.

18 The new tenant is the owner of Tap and Mallet

19 and they have agreed not to have employees congregate in the

20 rear of the property which should alleviate any noise issues.

21 I'd like to comment on some specifics of the

22 operation. There will be no live music of any kind. I want

23 to repeat that, no live music of any kind. No music of any

24 kind will be played outside. The only music being played on

25 the premises will be background music inside of the property

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

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

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

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

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

7

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

9

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

10

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

14

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

18

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

20

JOE MCBANE: Good evening, my name is Joe
21 McBane. Jay, rather nice job introducing a lot of that. So
22 a little bit about myself, I grew up here. I am English, I
23 grew up with pubs and I came as a student for one year in
24 2000. I ran The Old Toad, which maybe a lot of you have
25 heard of, for 7 years. And then me and Casey we opened the

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

6 And so when we opened Tap and Mallet that was
7 our aim, to be part of the neighborhood that we enjoyed and
8 to have something that people could enjoy, be proud of, and
9 frequent as they like, really. And that approach from day
10 one we had signs on both doors reminding people on their way
11 out that we are part of a residential neighborhood, and
12 please be respectful of our neighbors. And we have had a
13 good relationship with the neighborhood and I've reached out
14 and been contacted by neighbors by varies things over the
15 years. I would like to say that we'll have the same
16 approach. Hopefully you guys are excited for us to go in at
17 12 Corners.

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

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

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

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

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

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

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

10

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

20

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

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

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

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

22 CHAIRPERSON PRICE: Thank you.

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

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

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

7 HERB GUENTHER: Jump in any time you want. So
8 65 are required, we actually provide 68. We originally had
9 two handicap spots, three were required by code. We did add
10 the additional handicap spot, so we are completely compliant
11 in terms of the requirements for the ADA. We can move those
12 spots wherever you would deem appropriate. We put them in
13 front of the restaurant and one around the corner where the
14 hardware store is at this point. If there are issues we can
15 work with you and accommodate anything there.

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

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

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3 ANDREW GARTLEY: And with the layout we didn't
4 modify any parking spots so that they stayed the existing
5 68 that is currently there. This area you might be curious
6 about but that actually was striped. Currently the hardware
7 stores some stuff there, but Jay has mentioned he's going to
8 bring that up to them and they no longer can store their
9 supplies outside in that spot, so that is clear to them and
10 that will help, so we can maintain the property clearance on
11 that spot.

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

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

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

10 On the inside as we move forward with Joe and
11 Casey, we will obviously, the interior design, working with
12 them and in keeping with the decor they really want inside
13 and as we get to that we will deal with that.

14 Architecture-wise am I missing anything?

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

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

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

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

6 MS. CIVILETTI: Any changes to the exterior
7 lighting?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

12 JAY GELB: Understood.

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

17 ANDREW GARTLEY: Here?

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

21 ANDREW GARTLEY: Okay.

22 JAY GELB: We are happy to do that.

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

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ANDREW GARTLEY: Okay, absolutely, yes.

4

5

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

6

7

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

8

ANDREW GARTLEY: Good point, thank you.

9

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.

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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

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3 too far in the back, it would be disruptive.

4

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

8

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

10

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

13

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

18

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

21

Are there other questions?

22

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

24

JAY GELB: No.

25

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

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3 for the restaurant operation?

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

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

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

20 MATTHEW DELI: Good evening, my name is
21 Matthew Deli, I live at 21 Avalon Drive. Love living in the
22 12 Corners neighborhood, love living here. In the interest
23 of full disclosure, I've known Mr. McBane for 17 years.
24 We're not close friends, I think we only talked one or twice
25 a year, we're busy and have families, but I'm very familiar

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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.

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

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Paul, in the back.

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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

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3 in the back.

4 JASON ZOGHLIN: I came supplied, try to be as
5 quick as I can. My name is Jason Zoghlin, I live at
6 311 Rhinecliff Drive right around the corner. I want to
7 start by saying that these gentlemen's proposal sounds
8 lovely, the establishment sounds lovely. And certainly, I
9 have never been in their establishment, but I have no
10 concern. I have been more frequently in the establishment
11 that they may replace, but that's another story. But I have
12 lived on the street over 20 years.

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

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

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

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

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

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

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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

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

4

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

11

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

17

18 Here is what Ramsey was talking about.

19

20 Mr. Boehner, this is what you call the empty mud bucket
method of supporting your roof drain. Again, it's been like
21 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
22 probably has a central roof drain, I think. This, you can't
23 see it from that.

24

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

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

8

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

14

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

23

24 Again, the same thing with the house, very
25 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.

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

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

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

23 CHAIRPERSON PRICE: Sir --

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

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4 CHAIRPERSON PRICE: -- the application doesn't

include the house at this time.

5

6 JASON ZOGHLIN: But it's on the property so
wouldn't you have leverage in this situation? I'll just show

7 you the last, missing gutter on the house --

8

9 CHAIRPERSON PRICE: I'm not disagreeing with

you, but please wrap it up.

10

11 JASON ZOGHLIN: -- missing gutters, okay.

12

13 Down spouts not -- I'll wrap it up. The reason -- I knew you
14 were going to go there and I understand, it's reasonable, but
15 it speaks to the credibility. So when they're telling you
16 they are going to fix this place up they didn't even mention
17 the soffits, you know? What I am saying is I don't think the
18 owners of this plaza should have any credibility with the
19 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.

20

21 So what I'm saying is don't shy away from what
22 you were already talking about, which is before you allow --
23 and I love these guys, sound great. I live 100 yards away,
24 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

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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

10 I will close with this, I wrote a letter to

11 the owners years ago and I said, look, if you knock the house

12 down, first of all it will lower your assessment. Don't tell

13 the assessor I said that. But I said, I'll plant grass and

14 mow it for free for as long as I live on Rhinecliff Drive,

15 you can put a bench on it if you want to. I didn't hear

16 back, you know? I just wonder, is that what their homes look

17 like in their neighborhoods? Thank you for your time, really

18 appreciate indulging me.

19 CHAIRPERSON PRICE: We appreciate you taking

20 the time to come out. Other speakers? You, way in the back.

21 SARAH MYERS: Hello, my name is Sarah Myers, I

22 live on Orchard Drive. Really, it's definitely tough to

23 follow but I just wanted to come in today to show my support

24 for Casey and Joe. I know Joe is A Brighton resident, as he

25 said his kids are in school, et cetera. But I want to bring

up as a Brighton resident, as a customer of his current

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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.

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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.

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

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

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3 and Mallet.

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

16 CHAIRPERSON PRICE: Thank you, appreciate your
17 time.

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

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

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

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

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

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

23 APPLICATION 6P-02-19

24 6P-02-19 Application of 1950 Brighton
25 Henrietta Town Line LP (DiMarco), owner, for modification of

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

7 PAUL COLUCCI: Good evening, Paul Colucci with
8 the DiMarco Group. I'm here tonight on behalf of
9 1950 Brighton Henrietta Town Line LP. I have a few photo
10 packets that I will hand out. I don't have one for everyone,
11 but I think we can share. I know you have a full agenda, I
12 will be brief, hopefully we can make that happen.

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

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

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

10

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

23

24 The photos that I have, the first three just
25 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

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

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

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

21 We have chosen not to pave that yet. The soil
22 in the area is all clay. There is very little grade across
23 the yard. It pumps regularly, we did install that with an
24 18-inch heavy duty base for the entire road. But our
25 experience is, if we wind up paving that with the type of

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3 equipment that comes out, it's just going to be broken

4 asphalt. In order to delineate the road and organize a yard

5 there's a series of photos that are in the packet that show

6 you how the branch manager is organizing the yard, there's

7 signs for where equipment is stored. The road is delineated

8 with cones.

9

10 There's a lot of equipment there. There's a

11 lot of activity. I think the Town staff can attest. I think

12 some of them visited the site recently. It's both our staff

13 and our yard manager's responsibility to maintain the yard.

14 They know the condition that is required that we maintain

15 that 40-foot buffer from the property line of an open area

16 that they cannot store equipment in that area. And

17 essentially the access road in and out is along that north

18 property line and along the west property line, as they loop

19 around the yard.

20

21 When you have equipment that can lift you up

22 several hundred feet, I took a few aerial photos this

23 afternoon so the later photos show just an aerial perspective

24 just looking down at how the yard is organized and where

25 essentially that buffer is.

26

27 So those are the two conditions that we'd like

28 consideration for modification, such that I can install the

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3 mesh fabric, be compliant, remove that condition that exists

4 on our temporary C of O, and then an agreement that we would

5 not need to binder that roadway.

6 CHAIRPERSON PRICE: When it comes to the

7 binder, Paul, are you experiencing -- Ramsey, I don't know if

8 the Town has experienced any sediments getting on the

9 pavement, public right of way?

10 MR. BOEHNER: No. I was just out there and I

11 did not see any trace of it because you have to drive through

12 their parking area before you get out onto the road. And

13 their, at least ADMAR's parking lot is clean. I did not see

14 any --

15 CHAIRPERSON PRICE: So that's about an 18-inch

16 base that you got?

17 PAUL COLUCCI: Yes. We built this with a

18 heavy duty base and then, as Ramsey was saying, all of the

19 vehicles are coming in, go through the yard, get loaded at

20 various stations that you can see in the aerials and then

21 they're coming back out this way. So they have this entire

22 area of our existing, that's all paved, basically from about

23 this portion is paved all the way out.

24 The only area that we did have an issue with

25 is the trucks are making this maneuver, they're rolling this

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

6

CHAIRPERSON PRICE: Questions?

7

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

9

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

22

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

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3 than something that will be constantly damaged.

4

5 MR. WENTWORTH: Is the mesh on the inside or

6

7 PAUL COLUCCI: We would wind up likely putting

10

11 MR. WENTWORTH: So if the prevailing wind is

12

13 PAUL COLUCCI: It would likely go on the north

16

17 CHAIRPERSON PRICE: Seasonal.

18

19 MR. WENTWORTH: So you don't expect -- do you

21

22 PAUL COLUCCI: I would hope so. Again, this

25

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3 broken, the slats get broken, and it just looks more

4 unsightly.

5 MR. WENTWORTH: Okay.

6 MR. BOEHNER: You own the property to the

7 north?

8 PAUL COLUCCI: Yes.

9 MR. OSOWSKI: So the fence post is set in

10 concrete?

11 PAUL COLUCCI: They're driven into the ground.

12 CHAIRPERSON PRICE: Ultimately, Ramsey, what

13 are we approving here? This is an approval of --

14 MR. BOEHNER: What it was on the plans, the

15 condition was that it was to be screened, was what the

16 condition was. They came back showing a picket fence. I

17 think it might have been in discussion with the Board, was

18 kind of a history to it. They put up the picket along the

19 west side, some on the east side between the properties that

20 they don't own, and it's the north side where they want to

21 put the fabric up. The code does say it needs to be

22 screened, that's what we needed stated in the letter. The

23 issue here is what their plans show.

24 PAUL COLUCCI: It was the fence detail.

25 CHAIRPERSON PRICE: So we would be modifying

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3 that condition?

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

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

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

12 APPLICATION 6P-03-19

13 6P-03-19 Application of Mamasan's Monroe LLC,
14 owner, for Conditional Use Permit Approval and extension of
15 site plan approval (3P-01-18) to allow for the construction
16 of a 2,858 +/- sf restaurant with a drive-thru pick up window
17 on property located at 2735 Monroe Avenue. All as described
18 on application and plans on file.

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

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3 2735 Monroe Avenue.

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

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

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

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

9

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

15

CHAIRPERSON PRICE: Okay.

16

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

19

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

25

MR. WENTWORTH: Thank you.

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

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

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

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

15 MR. DOLLINGER: I think site plan.

16 CHAIRPERSON PRICE: Okay. Any other
17 questions?

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

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

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

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

5 CHAIRPERSON PRICE: Okay. Thank you, Greg.

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

9 APPLICATION 6P-04-19

10 6P-04-19 Application of Kaupp Family LLC,
11 owner, and Joni Lucas, JK Findings, agent, for Site Plan
12 Modification to expand a parking area by 12 spaces on
13 property located at 1500 Brighton Henrietta Town Line Road.
14 All as described on application and plans on file.

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

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

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3 deals in precious metals. The building size is approximately
4 15,000 square feet, the existing parking area consists of
5 75 existing parking spaces and 12 additional parking spaces
6 are in the northeast corner here, the colored portion of our
7 plan.

8 The existing site coverage is 55 percent
9 impervious. With the new parking area it would be increased
10 to 60 percent, which is still below the maximum allowed by
11 the zoning code of 65 percent. The improvement of the
12 parking area would be storm graded and biotching facility.
13 For the increased impervious area we're also providing
14 additional lighting in that area. We have one pole we are
15 going to relocate and add two more lights to the new parking
16 area. The lights in the area are 15-foot tall poles on a
17 2- or 3-foot high base and we will continue that with the new
18 part condition.

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

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

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

12

20

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

24

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

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3 extended and relocated and protected.

4

5 CHAIRPERSON PRICE: Okay. From my own
6 experience, at 6 inches, your one note says to leave them
7 6 inches above finished grade. I am not sure --

8

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

11

12 CHAIRPERSON PRICE: Okay.

13

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

16

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

20

21 GREG MCMAHON: I would understand that too.

22

23 CHAIRPERSON PRICE: Any questions? All good?
24

25 Thank you.

26

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

30

31 APPLICATION 6P-05-19

32

33 6P-05-19 Application of Excelsior Communities,
34 owner, and Brighton Village Luxury Apartments, for Site Plan
35 Modification to improve common areas and parking areas
36 throughout the apartment complex on property located at 1625

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

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

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

13 Tonight we are asking for a final site plan
14 modification approval for the property located at
15 1625 Crittenden Road known as Brighton Village Luxury
16 Apartments. The property was purchased by Excelsior
17 Communities in January of this year, and the owners have been
18 making a number of incremental improvements to the property
19 including site buildings and apartment units.

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

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

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

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

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

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

8

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

13

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

14

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

18

MS. CIVILETTI: Okay.

19

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

21

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

23

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

25

MARLEE FINESTONE: So the lights are going to

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3 be replacing the existing lights that have been there I
4 believe since the property was built, maybe in the '70s,
5 '80s, and they will be right now just replacing the ones in
6 the two improvement zone areas. And the lights will be on a
7 12-foot high pole so more pedestrian friendly. They are LED
8 lights, and I believe they are dark sky compliant, but I can
9 double check.

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

12 MARLEE FINESTONE: Yes, 3,000 K.

13 MS. CIVILETTI: Any other questions?

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

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

22 MS. CIVILETTI: Okay.

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

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

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

9 MS. CIVILETTI: Ramsey?

10 MR. BOEHNER: I'm good.

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

14 (Chairperson Price came back in.)

15 APPLICATION 6P-06-19

16 6P-06-19 Application of Lynda Neufeld, owner,
17 and Insite Development, agent, for Preliminary/Final Site
18 Plan Approval to construct a 2,812 +/- sf single family house
19 with a 576 +/- sf attached garage on property located on
20 Penfield Road, known as Tax ID #123.17-2-25 (between 525 and
21 555 Penfield Road). All as described on application and
22 plans on file.

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

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

11

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

20

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

23

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

26

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

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

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

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

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

8

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

12

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

17

18 FRED SHELLEY: They have not denied or refused
19 to approve the site. Basically, we have requested,
20 basically, word from the County DOT that they'd specifically
21 accept the site distance, but they don't -- basically, the
22 answer we got was that if there was an issue we would comment
23 on the issue on the site distance and say it's either not
24 allowed or it is permissible. And essentially the Monroe
25 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

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3 applications.

4

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

8

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

14

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

17

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

25

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

26

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

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

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

7 FRED SHELLEY: No, it is not.

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

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

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

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

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

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

5 APPLICATION 6P-07-19

6 6P-07-19 Application of Niagara Mohawk Power
7 Corporation (National Grid), owner of property known as Tax
8 ID #148.18-2-2, and Rochester Gas and Electric, owner of
9 property known as Tax ID #148.14-4-42, for Conditional Use
10 Permit Approval and Site Plan Modification to expand and
11 improve an electrical substation on properties located at
12 1430 and 1436 Brighton Henrietta Town Line Road. All as
13 described on application and plans on file.

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

25 As this Board is aware, Town Code

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

12

13 Before I discuss the details of our proposed
14 work, I will very briefly discuss the station's history and
15 its function. According to New York State Public Service
16 Law, National Grid is considered a public utility. As a
17 public utility, National Grid is required by law to provide
18 safe and adequate electricity to its customers. Although the
19 station we're modifying is currently providing electricity to
20 our customers, which its major components were built in the
21 1920s and 30s, and they are nearing the end of their
functional life.

22

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

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3 provide safe, reliable service to our customers.

4

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

11

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

16

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

22

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

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

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

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

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

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

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

6

Those are the insulators in Sections 3 and 4.

7

8 Second, the closest home to National Grid's
9 existing station equipment is approximately .21 miles or
10 1,126 feet to the west along Park Circle. This is an aerial
11 that I'm passing out, and photos taken just to show the
12 minimal nature and the lack of an impact this will have on
13 our neighbors. So the aerial has a very small triangle which
14 is the location of the new transformer. You can see in
15 context all of the green between our transformer and the
homes.

16

17 In addition here, this is a photo taken from
18 the location where we're going to be expanding the fence,
19 looking towards the homes. You can see stands of trees,
20 these are existing trees between us and the homes. This is a
21 photo of the right of way from Park Circle looking east where
22 you can see a little bit of the substation, you can see the
23 existing utility poles. But if you go a little bit further
24 to the south, this is the first home. So the first home has
25 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

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

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

10

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

16

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

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

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

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

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

14

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

17

18 BEN WEISEL: Sure. So National Grid owns
19 1430 Brighton Henrietta Town Line Road, so if you look at the
20 aerial that I submitted tonight --

21

22 CHAIRPERSON PRICE: The one you handed out
23 here?

24

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

27

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

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

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

14 CHAIRPERSON PRICE: What is it for, the
15 height?

16 BEN WEISEL: For the height and for the
17 barbwire.

18 MR. WENTWORTH: Is the fence nonconductive?

19 BEN WEISEL: Yes.

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

21 MR. WENTWORTH: I mean the fence.

22 BEN WEISEL: The fence is ground.

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

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

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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, tide into the ground grid, and virtually there's no current running through the fence.

8

9

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

10

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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 --

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

6

CHAIRPERSON PRICE: So south of us.

7

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

9

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

11

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

18

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

24

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

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

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

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

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

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

15 APPLICATION 6P-NB1-19

16 6P-NB1-19 Application of Loren Flaum, owner,
17 for Preliminary Site Plan Approval, Preliminary EPOD
18 (steepslope) Permit Approval and Demolition Review and
19 Approval to raze a single family house and construct a new
20 10,393 +/- sf single family house with a 1,171 +/- sf
21 attached garage and a 574 +/- sf detached garage on property
22 located at 141 Old Mill Road. All as described on
23 application and plans on file.

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

1 Brighton Planning Board 6/19/19

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

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

10 A basic summary of what we're proposing which
11 is in our application as the Flaums are planning to raise an
12 existing 5,200-square-foot ranch-style home and the site
13 improvements on the property now, followed by the
14 construction of a new single-family home with associated site
15 improvements. We're proposing a new two-story,
16 6,900-square-foot residence with a 2,700-square-foot finished
17 walkout basement level. There will be an attached three-car
18 garage with the home and a covered drive-thru porte-cochere
19 and an additional two-car carriage garage attached to the
20 porte-cochere. The architecture you can see kind of in the
21 poster board at the bottom shows you the front facade and on
22 the roadside.

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

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

10 The home as you can see is a soft contemporary
11 with expansive glass on all elevations of the home. The
12 primary materials on the exterior are lath and plaster stucco
13 stone accents. The overall footprint fits comfortably on the
14 property. We are well within all of the required setbacks of
15 the RLA district. Our building footprint of just under
16 5,600 square feet is only 3.4 percent of the 3.8 acre parcel,
17 which as the Board is well aware, we could build up to
18 30 percent of that parcel.

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

25 So that in a nutshell is the structure. I

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

6 MARK BAYER: Thanks, Jim. Good evening, I'm
7 Mark Bayer, a principle of Bayer Landscape Architecture.
8 I'll try to keep this brief, Jim has touched on much of the
9 project already. Again, our focus has been on the site
10 components and if you haven't been out there, it's like a
11 wonderful, spectacular piece of property. It's about
12 3.8 acres that falls from Old Mill Road down towards the
13 creek.

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

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

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

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

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

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

10

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

17

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

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

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

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

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

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

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

9

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

16

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

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

7

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

14

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

19

20 JAMES FAHY: It was 82.

21

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

23

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

25

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

26

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

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

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

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

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

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

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3 MARK BAYER: It's really close. So today,
4 .3 on nine acres and proposed .443, we're under 12 percent,
5 we're like at 11.5 percent of the site as impervious.

6

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

8

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

11

12 CHAIRPERSON PRICE: Porous joints?

13

14 MARK BAYER: It will have -- I can't say it
15 will be porous paving, but what we're doing is we're
16 collecting in the courtyard and we're taking it to the rain
17 garden. And then the rain garden is going to be our filter,
18 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.

19

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

22

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

24

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

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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

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

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

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

15 EVAN GAFELD: Yes.

16 MR. BOEHNER: Thank you.

17 EVAN GAFELD: You're welcome.

18 CHAIRPERSON PRICE: Other questions?

19 MR. WENTWORTH: Did we cover asbestos?

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

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

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

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4

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

5

6

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

7

8

MR. OSOWSKI: Is the waterline sized adequately?

9

10

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

11

12

13

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

14

JAMES FAHY: It wasn't designed.

15

MR. WENTWORTH: Is a generator proposed?

16

MARK BAYER: Yes, I can speak to that.

17

18

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25

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.

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2

3 MARK BAYER: Yes, we will do that.

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

6 CHAIRPERSON PRICE: Any questions? Thank you.

7 Is there anyone in the audience that would
8 care to speak regarding this application?

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

18 CHAIRPERSON PRICE: Thank you.

19 MR. BOEHNER: Thank you.

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

22 (There is a short pause in the proceedings.)

23

*

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3 Application 6P-01-19

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5 6P-01-19 Application of Rhineeliff Monroe
6 Corp, owner, and T.Y. Lin International, agent, for
7 Conditional Use Permit Approval to allow for the expansion of
8 an existing restaurant use with hours of operation until 2:00
9 AM on property located at 1780 Monroe Avenue. All as
described on application and plans on file.

10

11

CHAIRPERSON PRICE: Motion to close the Public
Hearing.

12

13

MR. WENTWORTH: I move to close the Public

Hearing.

14

MS. CIVILETTI: Second.

15

16

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

17

ALL COUNCIL MEMBERS: Aye.

18

CHAIRPERSON PRICE: Opposed?

19

20

21

22

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.

23

MS. DELANEY: I'll second.

24

CHAIRPERSON PRICE: Moved and seconded.

25

DETERMINATION OF SIGNIFICANCE:

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

13

APPROVAL WITH CONDITIONS:

14

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

16

2. The restaurant shall comply with the most current
17 Building & Fire Codes of New York State.

18

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

20

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

22

5. All parking lot lighting shall be low in height and
23 intensity.

24

6. The dumpster shall be enclosed with building materials
25 that are compatible with the existing building and located in

1 Brighton Planning Board 6/19/19

2

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

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

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

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

12 10. All new accessible parking space signage to be installed
13 or replaced shall have the logo depicting a dynamic character
14 leaning forward with a sense of movement as required by
15 Secretary of State pursuant to section one hundred one of the
16 Executive Law.

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

19 12. Live entertainment is prohibited.

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

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

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3 proposed dumpster enclosure.

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

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

8 17. All applicable requirements of Sections 203-74.B(3) and
9 207-14.2 of the Comprehensive Development Regulations shall
10 be met.

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

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

14 20. All exterior facade defects shall be repaired.

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

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

21 ALL COUNCIL MEMBERS: Aye.

22 CHAIRPERSON PRICE: Opposed?

23

24

25

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3 APPLICATION 6P-02-19

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5 6P-02-19 Application of 1950 Brighton
6 Henrietta Town Line LP (DiMarco), owner, for modification of
7 a condition set forth in the approval of Application 2P-04-18
8 (site plan modification) to allow for chain link fencing with
9 opaque mesh in lieu of a solid wood fence as approved. All
as described on application and plans on file.

10

11

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

12

MS. CIVILETTI: Second.

13

14

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

15

ALL COUNCIL MEMBERS: Aye.

16

17

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

18

APPROVAL WITH CONDITIONS:

19

20

21

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.

22

23

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

24

25

CHAIRPERSON PRICE: So moved, is there a
second?

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3 MS. CIVILETTI: Second.

4 CHAIRPERSON PRICE: All in favor?

5 ALL COUNCIL MEMBERS: Aye.

6 CHAIRPERSON PRICE: Opposed?

7

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3 APPLICATION 6P-NB1-19

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5 6P-NB1-19 Application of Loren Flaum, owner,
6 for Preliminary Site Plan Approval, Preliminary EPOD
7 (steepslope) Permit Approval and Demolition Review and
8 Approval to raze a single family house and construct a new
9 10,393 +/- sf single family house with a 1,171 +/- sf
10 attached garage and a 574 +/- sf detached garage on property
11 located at 141 Old Mill Road. All as described on
application and plans on file.

12

13 MR. FADER: I move the application be tabled

14

15 MR. BABCOCK-STINER: Second.

16

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

19

20 ALL COUNCIL MEMBERS: Aye.

21

22 CHAIRPERSON PRICE: Opposed?

23

24

25

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3 APPLICATION 6P-03-19

4

5 6P-03-19 Application of Mamasan's Monroe LLC,
6 owner, for Conditional Use Permit Approval and extension of
7 site plan approval (3P-01-18) to allow for the construction
8 of a 2,858 +/- sf restaurant with a drive-thru pick up window
9 on property located at 2735 Monroe Avenue. All as described
on application and plans on file.

10

11

CHAIRPERSON PRICE: Motion to close the Public
Hearing?

12

13

MR. WENTWORTH: Move to close the Public
Hearing.

14

MR. FADER: Second.

15

16

CHAIRPERSON PRICE: Moved and seconded, all in
favor?

17

ALL COUNCIL MEMBERS: Aye.

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MR. WENTWORTH: I move we approve the

application based on the testimony given, plans submitted,
the following eight conditions and the negative declaration.

21

DETERMINATION OF SIGNIFICANCE:

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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

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

9

APPROVAL WITH CONDITIONS:

10 1. Site Plan Approval shall expire on March 21, 2020. No
11 further extensions can be granted.

12 2. Conditional Use Permit Approval is granted for a
13 restaurant with outdoor dining and a drive-thru pickup
14 window, as previously approved in 2018, and shall expire in
15 one year unless the use is established as proposed.

16 3. All conditions of approved Planning Board application
17 3P-01-18 remain in effect and must be satisfied.

18 4. All buildings shall comply with the most current Building
19 & Fire Codes of New York State.

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

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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?

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3 APPLICATION 6P-04-19

4 6P-04-19 Application of Kaupp Family LLC,
5 owner, and Joni Lucas, JK Findings, agent, for Site Plan
6 Modification to expand a parking area by 12 spaces on
7 property located at 1500 Brighton Henrietta Town Line Road.
8 All as described on application and plans on file.

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

11 MS. CIVILETTI: Move to close.

12 MR. FADER: Second.

13 CHAIRPERSON PRICE: All in favor?

14 ALL COUNCIL MEMBERS: Aye.

15 MS. CIVILETTI: I move approval of Application
16 6P-04-19 based on the plans submitted and testimony given,
17 14 conditions, and a determine of nonsignificance.

18 **APPROVAL WITH CONDITIONS:**

19 1. Meet all requirements of the Town of Brighton's
20 Department of Public Works.

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

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

1 Brighton Planning Board 6/19/19

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

7 5. All trees to be saved shall be protected with orange
8 construction fencing placed at the drip line or a distance
9 greater than the drip line. Trees shall be pruned, watered,
10 and fertilized prior to, during and after construction.
11 Materials and equipment storage shall not be allowed in
12 fenced areas.

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

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

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

24 9. All County Development Review Comments shall be
25 addressed.

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

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

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

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

15 14. All new accessible parking space signage to be installed
16 or replaced shall have the logo depicting a dynamic character
17 leaning forward with a sense of movement as required by
18 Secretary of State pursuant to section one hundred one of the
19 Executive Law.

20 MR. FADER: Second.

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

23 ALL COUNCIL MEMBERS: Aye.

24 CHAIRPERSON PRICE: Opposed?

25

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3 APPLICATION 6P-05-19

4 6P-05-19 Application of Excelsior Communities,
5 owner, and Brighton Village Luxury Apartments, for Site Plan
6 Modification to improve common areas and parking areas
7 throughout the apartment complex on property located at 1625
8 Crittenden Road. All as described on application and plans
9 on file.

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

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

14 MR. FADER: Second.

15 MS. CIVILETTI: Any discussion? All in favor?

16 ALL COUNCIL MEMBERS: Aye.

17 MR. FADER: I will move for approval based on
18 the testimony given, plans submitted, the 9 conditions, and a
19 negative declaration.

20 **DETERMINATION OF SIGNIFICANCE:**

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

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

8 **APPROVAL WITH CONDITIONS:**

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

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

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

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

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

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

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

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

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

7 9. All new accessible parking space signage to be installed
8 or replaced shall have the logo depicting a dynamic character
9 leaning forward with a sense of movement as required by
10 Secretary of State pursuant to section one hundred one of the
11 Executive Law.

12 MS. DELANEY: Second.

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

15 ALL COUNCIL MEMBERS: Aye.

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3 | APPLICATION 6P-06-19

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5 and Insite Development, agent, for Preliminary/Final Site
6 Plan Approval to construct a 2,812 +/- sf single family house
7 with a 576 +/- sf attached garage on property located on
8 Penfield Road, known as Tax ID #123.17-2-25 (between 525 and
9 555 Penfield Road). All as described on application and
0 plans on file.

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MR. WENTWORTH: I move the Public Hearing be

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MR. FADER: Second.

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CHAIRPERSON PRICE: Moved and seconded, all in favor?

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ATT. COUNCIL MEMBERS: Ave.

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

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DETERMINATION OF SIGNIFICANCE:

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

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

8

APPROVAL WITH CONDITIONS:

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

12 2. Architectural Review Board approval shall be obtained.

13 3. Prior to the issuance of a building permit, the applicant
14 shall review the site plan, architectural elevations, and
15 floor plans to ensure that the areas and dimensions provided
16 on those plans agree with one another. Architectural
17 elevations showing the height of the structure in
18 relationship to proposed grade as shown on the site plan, and
19 including ground elevations at the house corners, shall be
20 submitted to and approved by the Building and Planning
21 Department.

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

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3 5. The project and its construction entrance shall meet the
4 New York State Standards and Specifications for Erosion and
5 Sediment Control. Erosion control measures shall be in
6 Place prior to site disturbance.

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

11 7. All trees to be saved shall be protected with orange
12 construction fencing placed at the drip line or a distance
13 greater than the drip line. Trees shall be pruned, watered,
14 and fertilized prior to, during and after construction.
15 Materials and equipment storage shall not be allowed in
16 fenced areas.

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

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

25 10. The entire new building shall comply with the most

1 Brighton Planning Board 6/19/19

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3 current Building & Fire Codes of New York State.

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

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

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

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

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

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

20 17. A letter of credit shall be provided to cover certain
21 aspects of the project, including, but not limited to:

22 Driveway apron, sanitary sewer, water main, storm water
23 management facilities, and sediment and erosion control. The
24 letter of credit should be submitted to the Town for review
25 and approval. An original Letter of Credit must be received

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3 by the Town prior to the start of construction.

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

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

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

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

13 MS. DELANEY: Second.

14 CHAIRPERSON PRICE: Any discussion? All in
15 favor?

16 ALL COUNCIL MEMBERS: Aye.

17 CHAIRPERSON PRICE: Opposed?

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3 APPLICATION 6P-07-19

4 6P-07-19 Application of Niagara Mohawk Power
5 Corporation (National Grid), owner of property known as Tax
6 ID #148.18-2-2, and Rochester Gas and Electric, owner of
7 property known as Tax ID #148.14-4-42, for Conditional Use
8 Permit Approval and Site Plan Modification to expand and
9 improve an electrical substation on properties located at
10 1430 and 1436 Brighton Henrietta Town Line Road. All as
11 described on application and plans on file.

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

14 MR. FADER: I move that it be tabled.

15 MS. DELANEY: Second.

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

18 ALL COUNCIL MEMBERS: Aye.

19 CHAIRPERSON PRICE: Opposed?

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SIGNS:

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5 1553 Roc Pet Rehab for a building face sign at 580 White
Spruce Boulevard.

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7 1554 Brighton Garden Apartments for a free standing sign at
2125-2157 Monroe Avenue.

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9 1555 Modular Comfort Systems for a building face sign at
660 West Metro Park, with the condition the top of the sign
10 shall not exceed 20 feet from grade.

11

12 1556 CVS Pharmacy for two building face signs and one
monument sign at 2100 Monroe Avenue.

13

14 1552 Hotel on Monroe for a building face sign at 2323 Monroe
Avenue is tabled as recommended.

15

CHAIRPERSON PRICE: All in favor?

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ALL COUNCIL MEMBERS: Aye.

17

CHAIRPERSON PRICE: Opposed?

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REPORTER CERTIFICATE

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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.

11

12

Dated this 20th day of July, 2019.

13

At Rochester, New York

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Rhoda Collins

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