

Brighton Planning Board 9/18/19

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PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON SEPTEMBER 18TH,
2019 AT APPROXIMATELY 7:30 **P.M.**

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September 18th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

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

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DAVID DOLLINGER, ESQ.
Town Attorney

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RAMSEY A. BOEHNER

Town Planner

NOT PRESENT:

PAMELA DELANEY

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

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MR. BOEHNER: Pam Delaney is not present tonight.

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CHAIRPERSON PRICE: Can I have a motion to approve the July meeting minutes?

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

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ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: We will approve the August meeting minutes at our next meeting in October.

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Mr. Secretary, were the Public Hearings for tonight's meeting properly advertised?

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MR. BOEHNER: Yes. They were properly advertised in the Brighton Pittsford Post of September 12,

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CHAIRPERSON PRICE: Thank you. We will hear

3 those applications now.

4 APPLICATION 6P-07-19

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

13 BEN WEISEL: Good evening, my name is Ben
14 Weisel, I'm an attorney for Niagara Mohawk Power Corporation
15 doing business as National Grid. As you may recall our team
16 was back here -- was first here, excuse me, on June 19, 2019,
17 regarding our proposed work at our existing station located
18 on Brighton Henrietta Town Line Road. During that meeting I
19 made a detailed presentation regarding the necessary
20 maintenance work they were proposing to complete at the
21 station.

22 The reasons why this work is necessary is to
23 ensure that we continue to provided safe and reliable
24 electricity to our customers, and the reasons why no negative
25 impact on the health, safety or general welfare of the

1 Brighton Planning Board 9/18/19

3 community will result from this proposed work.

4 I had a chance to review the Planning Board
5 memo attached to the agenda and unless the Board disagrees,
6 I'll now answer the five questions that were set forth in the
7 memo. So the first question was: Did we obtain the
8 necessary variance for the proposed fence? The answer is,
9 yes. On August 7th, we presented our application to the ZBA
10 and they unanimously approved our application.

11 Number two: Does the project impact any
12 wetlands or floodplains? The answer is, yes. Federal
13 wetlands were delineated within the proposed work area, the
14 wetland area delineated within the project area will be
15 impacted as 1174 square feet or .026 acres. The proposed
16 work is eligible for coverage under the nationwide permit
17 Number 12, utility line activities, and will be permitted as
18 such.

19 CHAIRPERSON PRICE: Have you applied for that
20 permit?

21 BEN WEISEL: We don't need to apply for a
22 permit, we have a permit.

23 Mary Dick just stepped in from National Grid.
24 They just asked the question did we apply for the nationwide
25 permit and --

1 Brighton Planning Board 9/18/19

2

3 MARY BITKA: No, we don't need to.

4 MR. BOEHNER: If you could come up and give
5 your name for the record.

6 MARY BITKA: Sure. Mary Bitka with National
7 Grid, B-I-T-K-A.

8 CHAIRPERSON PRICE: Mary, we just wondered if
9 the nationwide permit, even though it is a nationwide permit,
10 you don't have to apply?

11 MARY BITKA: No, you don't. When you are
12 below the thresholds you're self-authorized as a nonreporting
13 use of the permit so you don't have to apply for a permit.
14 So that's what we do.

15 MR. BOEHNER: You just have to meet the
16 guidelines of --

17 MARY BITKA: You have to meet the threshold,
18 right. We are below the tenth of an acre so then we don't
19 have to apply for a permit.

20 CHAIRPERSON PRICE: Thank you.

21 BEN WEISEL: Thank you.

22 CHAIRPERSON PRICE: That was number two.

23 BEN WEISEL: Yes. So the third question is:
24 Will any additional site lighting be installed? The answer
25 is, yes. We are installing two white fixtures to the

1 Brighton Planning Board 9/18/19

2

3 existing steel structures at the station. And Ramsey and I
4 had spoken about this concern about this potentially, the
5 selected fixtures feature a zero up-light skirt and allow
6 zero light at or above 90 degrees. In addition, they will be
7 dark sky compliant and we will put that all in writing.

8 Fourth: Can you please explain how the site
9 will be expanded? I explained this last time, but I'm more
10 than happy to explain it again. So on our drawings, if you
11 look at sheet five, we actually break the station out into
12 four separate work areas. I can briefly explain what's going
13 on in each of the areas, if you have detailed questions, Tim
14 Valzoe is here, he's involved with construction. I'm going
15 to start with work area two. So work area two is the little
16 triangle -- is everyone at Page 5?

17 CHAIRPERSON PRICE: Yes.

18 BEN WEISEL: Great. In work area two National
19 Grid will be completing minimal grading due to an existing
20 slope and placing a new transformer on a new foundation once
21 grading is completed.

22 In work area one, which is the northwest
23 corner which is where we're planning on bumping out the
24 station, and we're going to be grading and using film
25 material to raise the grade to match the existing station

1 Brighton Planning Board 9/18/19

2

3 grade so we can maintain a driveway and fire access around
4 the station. In other words, in order for us to maintain the
5 equipment, we have to be able to maintain it from a safe
6 distance, obviously the equipment is electrified.

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In work area three, we will be completing minimal grading for underground cable installation and installing new breakers, risers, and switch structures on new foundations.

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In work area four, we will also be installing new breakers, risers, and switch structures on new foundations as well as completing structural retro fits for new mounted equipment.

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I mentioned this during the last meeting, but I think it's important to mention it again, that the top height of the existing structures on the property are approximately 67'2." None of our proposed structures will be taller than the existing structures. In fact, all of the replacement and new structures tonight will have a top height of approximately 35 feet, well below the existing height.

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In addition, the closest home to National Grid's existing station equipment is approximately .21 miles or 1,126 feet to the west, Lawn Park Circle. The new equipment will be located just as far from the same homes.

3 In between these substations and these homes are stands of
4 very tall existing trees. And Dan and I actually visited the
5 site last winter and we couldn't see the station from Park
6 Circle.

7 Question four is -- I'm sorry, question five
8 is: Will any trees be removed as part of the project? The
9 answer is, yes. One small oak tree and several brush trees
10 will be removed. And those are the five questions that were
11 included. Does the Board have any additional questions?

12 CHAIRPERSON PRICE: Based on your approvals
13 what is your general schedule? Is this something that's
14 going to be --

15 BEN WEISEL: Sure. We are proposing to start
16 work next April and the work will take approximately
17 18 months. It's going to be phased. Dan, if you want to
18 come up and talk about the phasing.

19 DANIEL LAMBERT: Yes. My name is Daniel
20 Lambert, I'm the project manager. We anticipate starting
21 construction April 2020. And approximately the first nine to
22 ten months will be the transformer installation, our new
23 underground cable installation and the expansion of the
24 substation. And then about the last eight months will
25 involve the installation of the new 115 KB bus tie, as well

1 Brighton Planning Board 9/18/19

2

3 as all of the associated relay work inside of the control
4 building that's needed to be done as a result of that.

5

6 CHAIRPERSON PRICE: Your access roads are
7 adequate? You don't have to have work done to the access
roads to get equipment in?

8

9 DANIEL LAMBERT: No. We have access from
10 Brighton Henrietta Town Line Road. That is, our construction
has reviewed it and that has sufficient access for them.

11

12 CHAIRPERSON PRICE: Okay.

13

14 MR. OSOWSKI: Is the construction done with
15 your own crews or do you contract it out?

16

17 DANIEL LAMBERT: We will be contracting out
18 the civil and some of the station work. So we will -- our
19 design is going to be completed very soon here and will be
20 going out to bid for that. So all of the civil work will be
contracted out and we're working with our internal stations
crews. But National Grid employees will be on site at all
times for supervision.

21

22 CHAIRPERSON PRICE: Thank you. This is a
23 Public Hearing is there anyone in the audience who cares to
address this application? Thank you.

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APPLICATION 9P-01-19

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9P-01-19 Application of Nicholas Leonardo,

1 Brighton Planning Board 9/18/19
2

3 owner, for Preliminary/Final Site Plan Approval,
4 Preliminary/Final Subdivision Approval and Preliminary/Final
5 EPOD (woodlot) Permit Approval to combine three (3) lots into
6 one (1) and construct a 3,142 +/- sf single family house with
7 an 880 sf attached garage on property located west of the
8 intersection of Clover Street and Greenaway Road, known as
9 Tax ID #5 122.16-1-5, 122.16-1-4 and 122.16-1-3. All as
10 described on application and plans on file.

11 GREG MCMAHON: Good evening, my name is Greg
12 McMahon, I'm with McMahon LaRue Associates. We are the
13 engineers for the project representing the property owner,
14 Nick Leonardo, who is also here tonight. The property as you
15 noted is at the north end of Clover Street and at the
16 intersection of Clover and Greenaway Road. It is three
17 existing lots, vacant lots, they are on the Clover Street
18 right of way. It's a dead end right of way for Clover
19 Street.

20 The owner proposes to combine these three
21 lots. Each of them is slightly over a third of an acre for a
22 total lot size of just a tad over one acre. He is going to
23 be building a new single-family home. There will be a
24 driveway coming off of the pavement at Clover Street
25 accessing their garage. Their existing utilities are

1 Brighton Planning Board 9/18/19
2

3 sanitary sewer, there's water, gas, electric, all of the
4 utilities are available at the road frontage.

5 And as far as the project goes from a
6 construction standpoint, grading, there's very little
7 grading, it's fairly straight forward. The lot is wooded and
8 we have right now, we're proposing to remove three trees
9 within the Clover Street right of way to accommodate a
10 driveway. And then we have 19 trees on the property itself
11 there are slated to be removed. They are a mix of ash and
12 maple, I think there's one poplar tree. But I would say it's
13 approximately 40 percent ash and 60 percent maple on the
14 property.

15 The remaining, the lot is wooded. It is going
16 to remain woods along the north boundary. This is the
17 railroad, woods remaining along the west boundary. All of
18 the other trees remain in the Clover Street right of way.
19 We're proposing to plant five evergreens and four sequoias
20 trees to enhance the buffer along the property to the south
21 of this.

22 We have met with the Public Works Committee to
23 discuss the trees within the right of way. The removal of
24 those trees requires Town Board approval that process has
25 begun. I think the next step is in the hands of the Town to

1 Brighton Planning Board 9/18/19
2

3 retain an arborist at the property owner's cost to go out and
4 review the three trees and we will proceed with that as it
5 moves along. The property owners have already gone to the
6 Architectural Review Board and received approval from the
7 Review Board.

8 And I appeared before the Conservation Board
9 last week and they appear to be satisfied with the plans.
10 There was a request to revise one of the evergreen types
11 which I've done. We originally called for a Norway maple and
12 they wanted us to go to a Norway spruce. Asked that we go to
13 a variety such as a white spruce, which we made that change.
14 That was the only comment we received from the Conservation
15 Board.

16 CHAIRPERSON PRICE: Okay.

17 GREG MCMAHON: With that, I would happy to
18 answer any questions.

19 CHAIRPERSON PRICE: Ramsey, these are
20 currently three individual tax lots?

21 MR. BOEHNER: They're tax lots but they're
22 subdivided lots.

23 CHAIRPERSON PRICE: Okay. So we're resubbing
24 into one?

25 MR. BOEHNER: Yes.

1 Brighton Planning Board 9/18/19
2

3 CHAIRPERSON PRICE: What is the mechanism for
4 placing a driveway on a dedicated right of way?

5 MR. BOEHNER: You will need to get a highway
6 permit. So the highway department, but before that permit
7 can be issued, they do have to have the tree removal approved
8 by the Town Board -- by the Town Code.

9 CHAIRPERSON PRICE: Okay. Greg, I assume you
10 have looked at this close enough to see if there's any way to
11 avoid removal of the three trees.

12 GREG MCMAHON: We have. We looked at several
13 different options. One of the trees is right here at the
14 entrance off of the end of Clover Street. And the one tree
15 we are proposing to remove is scarred and appears it was
16 probably hit by car at some point in its life. So that is at
17 the end of the street, and two smaller trees that we looked
18 at. The better, healthier and larger trees we avoided and
19 took what we felt was the best path. It also allows us to
20 keep the driveway off the root system of the adjoining trees.

21 MR. BOEHNER: How wide is the driveway,
22 15 feet?

23 GREG MCMAHON: 12 feet.

24 MR. BOEHNER: Okay.

25 CHAIRPERSON PRICE: Is there a way that the

1 Brighton Planning Board 9/18/19
2

3 utilities being brought in, again, are they fairly close to
4 the neighbors?

5 MR. BOEHNER: The waterline and the gas line
6 is one of the concerns that we had. That it looks like they
7 could be impacting the existing hedgerow that's there, Greg?

8 GREG MCMAHON: Yes.

9 MR. BOEHNER: I know we talked about trying to
10 make sure that doesn't get disturbed.

11 GREG MCMAHON: As far as the gas and the --
12 well, just the gas, the water -- and we can adjust the water.
13 The waterline comes up along just west of the west line of
14 Clover Street and under that bush row right there it makes a
15 90 degree, somewhat of a 90-degree turn and goes down
16 Greenaway. And we can modify the connection to the water to
17 possibly get over here into the Clover Street right of way,
18 tying over there with the Water Authority on that.

19 The gas will be -- that really goes to RG&E
20 and they make the final decision on where they make the gas
21 tie in and how they get to the site. We just depicted it
22 adjacent to the water.

23 MR. BOEHNER: Maybe get it away from there, if
24 you can revise it before you submit it to RG&E?

25 GREG MCMAHON: Yes, yes, we can --

1 Brighton Planning Board 9/18/19
2

3 CHAIRPERSON PRICE: Don't they typically drop
4 in to make the connection and they missle it anyway?

5 GREG MCMAHON: Yes.

6 CHAIRPERSON PRICE: In a lot of cases.

7 GREG MCMAHON: Well, in this case both the
8 water and the gas are outside of the paved area. So I don't
9 know that -- I think open cutting is probably the most cost
10 efficient way, you know, to install it. I submitted plans to
11 the Water Authority and they haven't responded yet. They
12 will be reviewing those and I will work with the people in
13 the Water Authority to find a spot. Because they are the
14 ones who make the tap they are going to have to cut in, and
15 they will actually install the service to where the tie in is
16 made to the property line, and then we will pick it up at the
17 property line. I can take care of that and I will work with
18 both RG&E and the Water Authority on that.

19 CHAIRPERSON PRICE: All right.

20 MR. BOEHNER: Is there a generator purposed?

21 GREG MCMAHON: No. Nick, come up.

22 NICK LEONARDO: Nick Leonardo, I am the
23 property owner. What was the question?

24 GREG MCMAHON: Ramsey was wondering, are you
25 going to put a generator in?

1 Brighton Planning Board 9/18/19
2

3 NICK LEONARDO: We haven't had any plans to,
4 no, not at this time.

5 MR. BOEHNER: So, no?

6 GREG MCMAHON: No, yes.

7 CHAIRPERSON PRICE: Okay. Anybody have any
8 other questions? Thank you.

9 This is a Public Hearing, is there anyone who
10 cares to address this application? Tom, do you want to come
11 up first?

12 TOM HACK: Good evening, gentlemen. Tom Hack,
13 71 Greenaway Road, welcome to our neighborhood. Talking to
14 our neighbors we only have, like, three issues. You just
15 actually talked about one them, but one of them, our first
16 one, is the 12-foot driveway width. And our feeling, it
17 should be reduced to 10 feet. Greenaway Road measures
18 18'9" across, it's an oil stone surface, it's 25 miles an
19 hour, 5-ton weight load, single lane on Greenaway is 9'4"
20 which is consistent with ash. So in ITE guidelines having a
21 driveway wider than the adjacent road kind of goes against
22 the grain of highway manuals and creates an unsafe
23 environment.

24 Especially at the curve. I don't know if
25 you've been down there before, it's quite the curve when

1 Brighton Planning Board 9/18/19
2

3 you're coming around that corner. That's why the tree was
4 hit. There's a lot of people that fly down Clover. They
5 think back in the 1940s that used to go across, it was
6 basically cut off in the 1940s, and people still think they
7 can cross the railroad tracks there so they tend to speed
8 down through there.

9 So having a 12-foot driveway right there at
10 the corner doesn't really kind of blend with the whole
11 atmosphere and the character of the neighbor. The majority,
12 if you go out and measure all of the driveways in the
13 neighborhood -- which I have, being an engineer -- they all
14 measure about nine or ten feet. So having a 12-foot width
15 really kind of throws off the character of it. I do
16 understand why you would want a 12-foot, but it's just not
17 right, especially at this curve. So there's one of the big
18 things, is just narrowing it down.

19 The other thing is if it can't be narrowed
20 down, then coming off the unencumbered entrance off Cardiff
21 Park directly on this side, right here is Cardiff Park and it
22 dead ends right at that the property line there. So that's
23 something to think about, though I understand why you want to
24 come off Clover, but like I said, I would look at the
25 driveway entrance there.

1 Brighton Planning Board 9/18/19
2

3 The other thing we're more interested in too
4 is the Town's right of way there, and the use of the right of
5 way. Right now about thirty to forty people walk through
6 there all of the time. It's heavily used even though you've
7 got CSX Railroad tracks there, you're not supposed to do it,
8 people do it all of the time. It's a major, major route for
9 everyone going over to Mercy High, Ellison Park, the wetlands
10 trail, Blossom Road, you're not going to stop it. Believe
11 me, you can fence it and do what you want, we're a heavily
12 walkable area, we have a couple large apartment complexes
13 adjacent to us. People walk through there all of the time.

14 So the combination between the driveway, the
15 walk through, and everything, I think needs to be kind of be
16 looked at again. And our understanding or our thought would
17 be it would be nice to have like a four-foot stone pave or
18 stone path kind of adjacent to the driveway, because people
19 are going to use your drive and they're going to walk it. So
20 maybe trying to tie in some kind of trail, gateway entrance
21 perhaps, or some big boulders, some timber bollards to
22 driveway, all to kind of get people to make that turn and
23 understanding that there is a turn. Otherwise, you know, if
24 you have a 12-foot driveway, they're going to come down and
25 go right into your property and the headlights are going to

1 Brighton Planning Board 9/18/19
2

3 be in your living room. And they won't be able to turn
4 around, so they're going to have to back out, which creates a
5 problem.

6 So doing something with the trail connection
7 there, you know, it's an ad hoc trail, I think is a really
8 big plus that someone ought to absorb that cost and make a
9 connection and try to make that corner just more than it is.
10 Right now it is a mess and our fear is once the trees are
11 gotten, that's going to make it worse.

12 Then the third issue, once again, you talked
13 about it before, is the water and gas line. There is large
14 hedgerows right there, there's a tree there that's just, it's
15 targeted to stay too. The problem is once you -- it's about
16 five feet between the tree and the bushes, and you're looking
17 at going down four feet, so I don't know how you go down
18 four feet and maintain a tree in the bush line. Something
19 has to give there.

20 Our general thought is why not just take the
21 water and gas and go up where the driveway is. Follow the
22 driveway line and come in at 90-degrees to the house and do
23 that and avoid that. Because one of the big things with the
24 bushes, they're well maintained and well established, they're
25 quite old. They act as kind of a deterrent to people when

1 Brighton Planning Board 9/18/19
2

3 they come down. The bushes kind of push them to the right,
4 so when they come down Clover they make that turn. If the
5 bushes are ripped out during construction, even though
6 they're designated to be protected, if they get destroyed or
7 something, the throat of that whole right of way is going to
8 be wide open. People are going to see that whole right of
9 way open and they're going to think the driveway is a road.

10 So maintaining the bushes is really important
11 and the general thought is if you can just maybe alter the
12 gas and waterline to make it go directly more north, like,
13 and come in that way, I think that would be a big, big plus.
14 And try to keep the vegetation at the opening to kind of hide
15 the driveway entrance. Anyway, thanks for your time, that's
16 all I have. Thank you.

17 CHAIRPERSON PRICE: Thank you for coming in.
18 Yes, sir.

19 EARL WENSEL: My name is Earl Wensel, I live
20 at 7 Dover Park, which is off of Cardiff Park and the corner
21 of Cardiff and Dover Park about a hundred feet from the west
22 edge of the property. My wife and I have lived over there
23 for over 50 years and everything was fine until Mr. Hack
24 spoke and he mentioned the possibility of coming in off
25 Cardiff Park. And I don't know if any neighbors in the

1 Brighton Planning Board 9/18/19

2

3 Rawlingswood tract that want to see Cardiff extended onto

4 that property. It's very narrow. Cardiff is the most narrow

5 of the streets in the tract, and it has been closed off for

6 all these years. There are people that drive back there and

7 try to go up the back lane. All of the homes have lanes

8 behind them in that tract. And we would see more traffic in

9 the tract, it's right now a no-outlet tract. And that would

10 tend to make people think that there was an opening to

11 continue to drive back that way. We would just as soon not

12 see Cardiff Park extended into the property. Thank you.

13 CHAIRPERSON PRICE: Thank you for coming out,

14 appreciate it. Anyone else care to address this?

15 DONNA RICHARDSON: Donna Richardson, 45 Dover

16 Park and I just wanted to second emphatically what he said.

17 There's no room for anything to be going in and out of

18 Cardiff.

19 CHAIRPERSON PRICE: Thank you, Donna. Anyone

20 else? Thank you, we will move on.

21 I apologize, Greg, just let me ask one

22 question.

23 GREG MCMAHON: Sure.

24 CHAIRPERSON PRICE: On the, I guess this is

25 going to be the east side of the right of way, I've been out

1 Brighton Planning Board 9/18/19

2

3 here walking but I don't recall what this is on the driveway
4 to the east? Is that a retaining wall that goes into the
5 public right of way?

6 GREG MCMAHON: Yes, it is. There's a
7 retaining wall that parallels the property line right down to
8 the corner of the property line and then it jogs into a
9 90-degree with a couple more jogs, and over onto -- under a
10 tree just to the east of the proposed driveway. I'm trying
11 to recall, I don't know if it's a -- my memory fails me -- if
12 it's like a piled rock retaining wall. It's, like, a low
13 landscaped-type wall that's there. But that's what is in
14 that location.

15 CHAIRPERSON PRICE: Okay.

16 MR. BOEHNER: Greg, do you see any benefits or
17 see any issues with the driveway being reduced to ten feet?
18 Do you think that would possibly help mitigate --

19 GREG MCMAHON: No, I think it's a legitimate
20 comment. A 10-foot driveway is, entrance off of there, they
21 have got a lot of room. They have turn around room at the
22 garage to accommodate it. I don't think --

23 MR. BOEHNER: It was an interesting comment.

24 GREG MCMAHON: No, I never thought of that.
25 And I don't -- we kind of used 12 feet as an idea.

1 Brighton Planning Board 9/18/19

2

3 MR. BOEHNER: Yes. You didn't have a problem
4 that he brought it up.

5 GREG MCMAHON: I think 10 feet is a legitimate
6 driveway width.

7 CHAIRPERSON PRICE: Okay.

8 GREG MCMAHON: Thank you.

9 CHAIRPERSON PRICE: Thank you. We will move
10 on to the third Public Hearing.

11 APPLICATION 9P-02-19

12 9P-02-19 Application of Loren Flaum, owner,
13 for Final Site Plan Approval, Final EPOD (steep slope) Permit
14 Approval and Demolition Review and Approval to raze a single
15 family house and construct a new 8,630 +/- sf single family
16 house with a 688 +/- sf attached garage and a 574 +/- sf
17 detached garage on property located at 141 Old Mill Road.
18 All as described on application and plans on file.

19 CHAIRPERSON PRICE: We will combine this with
20 6P-NB1-19 which was an original application to the
21 preliminary site plans, preliminary EPOD approval and
22 demolition.

23 6P-NB1-19 Application of Loren Flaum, owner,
24 for Preliminary Site Plan Approval, Preliminary EPOD (steep
25 slope) Permit Approval and Demolition Review and Approval to

1 Brighton Planning Board 9/18/19

2

3 raze a single family house and construct a new 10,393 +/- sf
4 single family house with a 1,171 +/- sf attached garage and a
5 574 +/- sf detached garage on property located at 141 Old
6 Mill Road. All as described on application and plans on
7 file.

8 JIM FAHY: Good evening, Board, ladies and
9 gentlemen, didn't want to leave you out on that one. We were
10 here before this Board on June 19th, and spoke at length
11 about our plans at 141 Old Mill Road to raise an existing
12 home and build a new single-family home for the Flaum family
13 and the associated site improvements.

14 I don't know if I introduced myself, I'm Jim
15 Fahy from Fahy Design Associates, here with me is Mark Bayer
16 from Bayer Landscape Architecture who is our landscape
17 architect, and Evan Gefell of Costich Engineering, in charge
18 of all of the civil engineering development of the site.
19 Also here is Loren Flaum the property owner and our client.

20 I won't go through the full description or
21 design unless any questions you have I will make sure I
22 answer those. Basically, after we presented our design to
23 you on June 19th, we also presented the design to your Zoning
24 Board of Appeals for a number of issues that needed
25 variances. They approved all of the variances for the design

1 Brighton Planning Board 9/18/19

2

3 we presented to this Board on June 19th. Subsequent to that
4 we were asked by our clients to do a value engineering steps
5 in order to cut significant numbers out of the construction
6 budget.

7 So we went back to the table, so to speak, and
8 looked at our design, not only the house but also the site
9 development and site improvements, in order to cut a
10 substantial number out of the construction budget. I think
11 we were successful in doing that. I think in our redesign we
12 not only maintain the original design intent that we were in
13 effect trying to reach from the site development and the
14 house itself. But I think we also reduced the construction
15 budget to a number that's palpable for our clients.

16 Following that value engineering process we
17 presented back to your Zoning Board of Appeals on
18 September 4th, receiving their approval for the variances for
19 the modified design. In a nutshell, I'll speak to you about
20 the house side of this and let Mark and Evan talk to you
21 about the site development side. But the variances we were
22 asking for before we lessened all of them and we removed one.
23 Basically what I did is I took this house and I shrinkwrapped
24 it. We didn't lose a room in the house, we didn't lose an
25 exterior element or feel. The handouts I gave you, the

1 Brighton Planning Board 9/18/19

2

3 reason I gave those to you is so you can look at the top of
4 each of those sheets is the new exterior elevation for all of
5 the views of the house. At the bottom of each page is the
6 elevation that we came before the Board with on June 19th.
7 And honestly, I would challenge you to look at those and tell
8 me where there is differences in these. They're strikingly
9 the same.

10 So our exterior aesthetics, materials,
11 treatments, windows, everything is essentially the same. We
12 just kind of brought this thing in from all angles cutting
13 square footage out of it. We reduced the house on the three
14 living levels by about just over 1700 square feet. The other
15 item that we removed, which eliminated one of our variances,
16 we took the third bay of the attached garage off of the plan,
17 out of the house.

18 We originally had an attached garage just over
19 almost 1200 square feet, I think it was 1171, and we reduced
20 it down to somewhere around 680 feet, well below what the
21 Town maximum is of 900 square feet.

22 So our efforts with this house is by reducing
23 the square footage, pulling that third bay off of the garage,
24 it cut a considerable amount of square footage and
25 construction costs. So although we kept everything basically

1 Brighton Planning Board 9/18/19
2

3 the same we cut our numbers significantly. And that's really
4 it, other than I presented all of our design rationale and
5 what the house was all about in the previous meeting. I'd be
6 more than happy to answer any questions if you have them.

7 CHAIRPERSON PRICE: Thank you. Could we hear
8 from Mark and Evan? We had a question about some of the
9 drainage, but we'd like to hear what some of the other
10 changes are. Thank you.

11 MARK BAYER: Good evening, I'm Mark Bayer, a
12 principal at Bayer Landscape Architecture. And as Jim kind
13 of eloquently described, basically the project is very much
14 the same project but just basically with a reduced house
15 footprint. What we've done from a site perspective is
16 essentially just responded to a reduced footprint. The
17 basic elements that we have are almost identical to what you
18 saw previously. The area, the total house footprint and
19 house, garage, porte cochere, that came down by 12,000 square
20 feet and kind of aligned our site to meet that new footprint.

21 And essentially, the components of the project
22 are almost exactly what you saw before. We have the arrival
23 court, with the curb cuts basically where they are today. We
24 have a garage court that's modified, but responding to the
25 reduced garage the attached garage was reduced significantly.

1 Brighton Planning Board 9/18/19

2

3 The porte cochere, the other garage, the detached garage, I
4 think are more or less the same as they previously were. So
5 the garage court is just reconfigured to meet that new
6 footprint.

7 And the lane way we had previously going down
8 the side of the lot, that's principally like a gravel lane
9 way to allow maintenance and access to the rear of the
10 property. There is something very similar there today,
11 basically we're almost following that alignment. The pool
12 area is very similar, we added one feature that was not there
13 previously, a little fire feature that the Flaums requested.

14 We modified the wall heights a little bit in
15 the back to actually reduce the overall a bit, do it without
16 supplemental railing. We made a few refinements essentially
17 with the concepts and the look of the place, and the overall
18 designs are very, very similar.

19 And essentially the other element in the back
20 of the property is the existing tennis court. That's
21 staying, the only thing we're doing there is adding a
22 pavilion which would be under the allowed 250 square feet.
23 And as far as site disturbance in the lower reaches of the
24 property, are very much preserved. There's a rain garden
25 that's in this location that we are going to be piping all of

1 Brighton Planning Board 9/18/19
2

3 the impervious paved surfaces, we're taking it to the rain
4 garden which Evan has worked on with us, to size and
5 accommodate that.

6 And I know there was a question about the
7 multiple drains in the courtyard which I can speak briefly
8 to. One of the things that's happening with that, there is
9 pipe coming over from CCR that Evan can explain. But
10 essentially that exists in their chart onto the lower reaches
11 of the property right now, correct, Evan?

12 EVAN GEFELL: Correct.

13 MARK BAYER: And rather than overcharge the
14 rain garden and have the encroachment to the forever
15 woodland, in talking with the town engineer we were proposing
16 to keep that pipe and discharge more or less where it is
17 today. The other inlet is going to take the new storm
18 drainage from the pavement and the courtyards and elsewhere,
19 to the rain garden. So the reason there is two, it is the
20 existing inlet we are keeping, correct?

21 EVAN GEFELL: Correct.

22 MARK BAYER: And the new inlet is actually
23 going to be drain inlet for the courtyard. We're taking and
24 treating that pavement, but what's there today we are
25 retaining and it's discharging where essentially it does

1 Brighton Planning Board 9/18/19

2

3 today.

4 EVAN GEFELL: Correct.

5 CHAIRPERSON PRICE: Could you give us your

6 name?

7 EVAN GEFELL: Yes, Evan Gefell of Costich,

8 G-e-f-e-l-l.

9 MARK BAYER: So that -- and we can talk more

10 about that -- that is what that radar dysfunction to pick up

11 the existing or new impervious and downspouts and all of the

12 impervious stuff.

13 The vast majority of the site, it is about a

14 3.8-acre site, the vast majority remains intact. We are

15 thinking of maintaining about 84 or 85 percent, roughly green

16 space. There's really no grading or disturbance below the

17 rain garden, so you're not even seeing the full site. There

18 is obviously considerably more site going down to the creek.

19 That's that forever woodland area, none of that is being

20 touched. Our grading limits are right in here, that's the

21 rain garden up into here, so the lower reaches are untouched.

22 We are doing lots of plantings associated with

23 the project, new trees. We are removing a few trees.

24 There's a considerable ash population because of the wet

25 ground over here. A number of those are coming out,

1 Brighton Planning Board 9/18/19

2

3 particularly on this side, this side where they exist. The
4 really significant trees are the oaks which are up in through
5 here, this beautiful red oak there we are hanging onto.
6 There's some other deteriorated trees we are taking down, but
7 we're planting considerably on the property.

8

9 And so I think overall in terms of the
10 character and the area by the creek and the forever
11 woodlands, those sensitive areas are basically untouched in
12 the project as it stands. That is essentially where we are
13 at with it. That's the view of the backyard pool area, all
14 of that is really up right by the lower level of the
building.

15

16 So the only other thing that I did note, I'm
17 going to bring it up because it's -- we are suggesting, we
18 have a natural stone wall down here which is going to carry
19 about a foot and a half to two feet of grade along the lane.
20 We're going to have a touch of that right off the corner of
21 this wall. It shows up in the rendering, basically right
22 here, just to pick up a little grade so we can maintain our
23 required heights on the walls in the front that we agreed to
for the Zoning Board.

24

25 The Zoning Board reviewed all of the plans
including the site. It was kind of an amended application to

1 Brighton Planning Board 9/18/19

2

3 the Zoning Board, it wasn't a full process because we'd
4 already fit in for the same things and they approved
5 everything that we had previously brought to them.

6 So I think that's a pretty good overview. We
7 can answer any specific questions you have.

8 MR. BOEHNER: Mark, while we have you up
9 there, I'm looking at the wall around the pool and making
10 sure that it's going to meet the fence requirements for
11 around the pool. One of the things we have a problem or two,
12 the materials that are used for the wall, if you don't use
13 the right materials they can climb the wall. I wasn't
14 looking at that and it looks like you might be able to climb
15 that wall.

16 MARK BAYER: Well, what we'll do and what
17 we've done hundreds of times is we basically hold the mortar
18 joints so you cannot get a foothold and the joints will be
19 laid tight and the mortar joints on the stone face will not
20 allow a foothold. And I had this question asked a number of
21 times and essentially if we do that and we keep the stone
22 tight and can't get a half an inch kind of grabbing point,
23 you can't climb it.

24 MR. BOEHNER: Okay. So you know what I'm
25 talking about.

1 Brighton Planning Board 9/18/19

2

3 MARK BAYER: I know exactly what you are
4 talking about.

5 MR. BOEHNER: Okay. You had geo technical
6 look the site?

7 MARK BAYER: We did and, Evan, anything in
8 there?

9 EVAN GEFELL: No. I think they said it's --
10 what's the term that they used? The normal vegetation and
11 planting we are doing is sufficient for that type of area.
12 They suggest that they just come out there and --

13 MR. BOEHNER: During the excavation to check?

14 EVAN GEFELL: Yes, just to double check.

15 MARK BAYER: The foundation design, Jim Baker
16 reviewed it.

17 CHAIRPERSON PRICE: Do you have a generator?

18 MARK BAYER: We do. That was something that
19 actually was a change. So the generator because we took away
20 the extended garage, it used to come over here behind the
21 building with it, once that garage went away, we didn't have
22 a good location for the generator physically behind the
23 structure, so we requested a variance to put it here. Which
24 is approximately nine feet below the elevation of the garage
court, and so it's completely concealed from the street and

1 Brighton Planning Board 9/18/19
2

3 they approved that variance.

4 CHAIRPERSON PRICE: Okay. Any questions?

5 MR. DOLLINGER: I have a question. I was
6 curious, Mike, what happened with the -- did a neighbor have
7 improvements on the bottom part of that thing where you had
8 to do the subdivision to attach it to the other property?

9 MARK BAYER: I don't know if it's been
10 excluded --

11 MR. DOLLINGER: No, I am just curious.

12 LOREN FLAUM: I'm Loren Flaum, the property
13 owner. You mean the parcel of land that's down by the creek?

14 MR. DOLLINGER: No, the one way over here.

15 LOREN FLAUM: That was deeded by the previous
16 owner to me and it's the people from across the creek bought
17 it, Allens Creek, because I think they wanted to be Brighton
18 School District, to my knowledge, but that was done before we
19 purchased the property.

20 MR. DOLLINGER: That's why I was curious, it
21 seemed random.

22 LOREN FLAUM: Yes, it was. The people from
23 Allens Creek bought from the other side so they --

24 MR. OSOWSKI: I have a question about those
25 two storm lines, one from CCR. So it appears there's two

1

Brighton Planning Board 9/18/19

2

3 | storm water inlets?

4

5 so we are using that as our angle point, and then the new one
6 proposed next to it.

7

8 inlet next to your inlet?

9

9 EVAN GEFELL: The existing inlet we need to
10 know that is going to be a solid cover. Then we will force
11 the waters to the new one, because that needs to be treated
12 in the rain garden.

13

MARK BAYER: It's a manhole essentially.

14

14 EVAN GEFELL: We're taking the water that is
15 existing now coming from the golf course and bypassing our
16 system.

17

CHAIRPERSON PRICE: Is that under easement?

18

18 EVAN GEFELL: I talked today, it is not under
19 easement at this point, but potentially.

20

20 MR. DOLLINGER: That comes from the golf
21 course? It seem like this property is higher than the golf
22 course.

23

23 EVAN GEFELL: The pipe is -- the inlet is on
24 the northwest side of Old Mill, and it's basically, I don't
25 know how much is coming off the golf course.

1 Brighton Planning Board 9/18/19

2

3 MR. DOLLINGER: It doesn't really go, it's
4 higher then it drops down to the golf course.

5 EVAN GEFELL: Yes. There's definitely a swale
6 coming across. I would say more of the water is the swale on
7 the road because I think there's a green here with some
8 bunkers.

9 CHAIRPERSON PRICE: Good? Thank you, Mark.

10 Is there anyone in the audience that would
11 like to speak? There being none, we will proceed.

12 APPLICATION 6P-07-19

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

21 MR. WENTWORTH: I move that the Public Hearing
22 be closed and that the Planning Board approves the
23 application based on the testimony given, plans submitted,
24 and with the 15 conditions outlined in the Planning Board
25 report, plus the negative declaration.

3 **CONDITIONS:**4 1. The project shall comply with the most current Building &
5 Fire Codes of New York State.6 2. Meet all requirements of the Town of Brighton's
7 Department of Public Works.8 3. All Town codes shall be met that relate directly or
9 indirectly to the applicant's request.10 4. The project and its construction entrance shall meet the
11 New York State Standards and Specifications for Erosion and
12 Sediment Control.13 5. The contractor shall designate a member of his or her
14 firm to be responsible to monitor erosion control, erosion
15 control structures, tree protection and preservation
16 throughout construction.17 6. All trees to be saved shall be protected with orange
18 construction fencing placed at the drip line or a distance
19 greater than the drip line. Trees shall be pruned, watered,
20 and fertilized prior to, during and after construction.
Materials and equipment storage shall not be allowed in
fenced areas.23 7. Any contractor or individual involved in the planting,
24 maintenance or removal of trees shall comply with the
25 requirements of the town's Excavation and Clearing

1 Brighton Planning Board 9/18/19

2

3 (Chapter 66), Trees (Chapter 175) and other pertinent
4 regulations and shall be registered and shall carry insurance
5 as required by Chapter 175 of the Comprehensive Development
6 Regulations.

7

8 8. A lighting plan which shows the type, location and
9 lighting contours shall be submitted. Verification shall be
10 submitted that the lighting meets Dark Sky standards.
11 Details and cut sheets for the proposed luminaires must be
12 provided.

13

14 9. All outstanding Site Plan comments and concerns of the
15 Town Engineer regarding soil erosion, storm water control,
16 shall be addressed.

17

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

21

22 11. Prior to disturbance of the federal wetlands located
23 within the project area, all requirements under the United
24 States Army Corps of Engineers Nationwide Permit # 12 "Utility
25 Line Activities" must be satisfied.

26

27 12. Erosion control measures shall be in place prior to site
28 disturbance.

29

30 13. The project shall comply with all requirements of
31 Chapter 102. Noise Law of the Brighton Town Code.

1 Brighton Planning Board 9/18/19

2

3 14. All comments and concerns of Evert Garcia as contained
4 in the attached memo dated September 17, 2019 to Ramsey
5 Boehner, shall be addressed.

6 15. A letter or memo in response to all Flaming Board and
7 Town Engineer comments and conditions shall be submitted.

8 MR. FADER: I will second that.

9 MR. WENTWORTH: I have to do the SEQRA script,
10 instead of negative declaration, and I move that the Planning
11 Board find the proposed action will not a significant impact
12 on the environment. The Planning Board adopts the negative
13 declaration prepared by the town staff.

14 MR. FADER: Second.

15 CHAIRPERSON PRICE: Any other discussion? All
16 in favor?

17 ALL COUNCIL MEMBERS: Aye.

18 CHAIRPERSON PRICE: That brings us to
19 application one.

20 APPLICATION 9P-01-19

21 9P-01-19 Application of Nicholas Leonardo,
22 owner, for Preliminary/Final Site Plan Approval,
23 Preliminary/Final Subdivision Approval and Preliminary/Final
24 EPOD (woodlot) Permit Approval to combine three (3) lots into
25 one (1) and construct a 3,142 +/- sf single family house with

1 Brighton Planning Board 9/18/19

2

3 an 880 sf attached garage on property located west of the
4 intersection of Clover Street and Greenaway Road, known as
5 Tax ID #5 122.16-1-5, 122.16-1-4 and 122.16-1-3. All as
6 described on application and plans on file.

7

8 MS. CIVILETTI: I move the application based
9 on the testimony given, plans submitted, and with the 24
10 conditions outlined in the Planning Board report. I move the
11 Planning Board finds that the proposed action will not have a
12 significant impact on the environment and the Planning Board
adopts the negative declaration prepared by town staff.

13 **CONDITIONS:**

14 1. The entire house shall comply with the most current
15 Building & Fire Codes of New York State.

16 2. 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 3. Meet all requirements of the Town of Brighton's
23 Department of Public Works.

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

1 Brighton Planning Board 9/18/19

2

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

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

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

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

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

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

1 Brighton Planning Board 9/18/19

2

3 approval.

4 11. A letter of credit shall be provided to cover certain
5 aspects of the project, including, but not limited to
6 demolition, landscaping, storm water mitigation,
7 infrastructure and erosion control. The applicant's engineer
8 shall prepare an itemized estimate of the scope of the
9 Project as a basis for the letter of credit.

10 12. The zoning notes on the site plan shall include both
11 required and proposed information for each zoning category.
12 The information contained on the submitted Single Family
13 Zoning Information form shall be shown on all plans.

14 13. The applicant shall review the site plan, elevations,
15 and floor plans to ensure that the areas and dimensions
16 provided on those plans agree with one another. Elevation
17 drawings showing the height of the structure in relationship
18 to proposed grade as shown on the approved site plan shall be
19 submitted. Any changes to plans shall be reviewed by the
20 Building and Planning Department and may require Planning
21 Board approval.

22 14. Erosion control measures shall be in place prior to site
23 disturbance.

24 15. The height of the proposed house shall be shown on
25 plans. Elevation drawings showing the height of the

1 Brighton Planning Board 9/18/19

2

3 structure in relationship to proposed grade shall be
4 submitted.

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

9 17. Prior to the issuance of any permits, the Single-Family
10 Zoning Information form shall be submitted to and approved by
11 the Building and Planning Department. The form shall be
12 completed by the applicant's architect. All information
13 shall be shown on both the site plan and architectural
14 drawings.

15 18. The location of any proposed generators shall be shown
16 on the site plan. All requirements of the Comprehensive
17 Development Regulations shall be met per section 207-14.4 of
18 the town code or a variance shall be obtained from the Zoning
19 Board of Appeals.

20 19. Prior to the issuance of any permits the architectural
21 design and building materials of the proposed house shall be
22 reviewed and approved by the Town of Brighton Architectural
23 Review Board.

24 20. A permit from the Brighton Highway Department will be
25 required to be obtained for the proposed driveway within the

1 Brighton Planning Board 9/18/19

2

3 right of way.

4 21. The removal of trees in the right of way shall require
5 approvals from the Town Board as outlined in Chapter 175 of
6 the Brighton Town Code.

7 22. The site plan shall be revised to address the
8 Conservation Board comment requesting that consideration be
9 given to substituting Norway spruce with a similar native
10 species.

11 23. All comments and concerns of Evert Garcia as contained
12 in the attached memo dated September 18, 2019 shall be
13 addressed.

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

16 25. The width of the driveway shall be reduced ten feet.

17 MR. BABCOCK-STINER: Second.

18 CHAIRPERSON PRICE: Moved and seconded. Any
19 discussion?

20 MR. BOEHNER: Yes, I have one. There will be
21 a 25th condition that the width of the driveway shall be
22 reduced ten feet.

23 CHAIRPERSON PRICE: Okay. We have a
24 modification.

25 MS. CIVILETTI: Moved.

1 Brighton Planning Board 9/18/19

2

3 MR. BABCOCK-STINER: Second.

4 CHAIRPERSON PRICE: As amended, all in favor?

5 ALL COUNCIL MEMBERS: Aye.

6 Brings us to where we combined the two.

7 APPLICATION 9P-02-19

8 9P-02-19 Application of Loren Flaum, owner,
9 for Final Site Plan Approval, Final EPOD (steep slope) Permit
10 Approval and Demolition Review and Approval to raze a single
11 family house and construct a new 8,630 +/- sf single family
12 house with a 688 +/- sf attached garage and a 574 +/- sf
13 detached garage on property located at 141 Old Mill Road.

14 All as described on application and plans on file.

15 6P-NB1-19 Application of Loren Flaum, owner,
16 for Preliminary Site Plan Approval, Preliminary EPOD (steep
17 slope) Permit Approval and Demolition Review and Approval to
18 raze a single family house and construct a new 10,393 +/- sf
19 single family house with a 1,171 +/- sf attached garage and a
20 574 +/- sf detached garage on property located at 141 Old
21 Mill Road. All as described on application and plans on
22 file.

23 MR. FADER: I move the Public Hearing to be
24 closed and the Planning Board approves Applications 9-P-02-19
25 and 6P-NB1-19 based on testimony given, plans submitted, with

1 Brighton Planning Board 9/18/19

2

3 the 29 conditions outlined in the Planning Board report, and

4 the Planning Board adopts the 10 demolition findings off of

5 the Planning Board reports based on the applications

6 submitted, testimony presented and the determinations,

7 comments, and recommendations of the Historic Preservation

8 Commission, Architectural Review Board, and Conservation

9 Board. And the Planning Board finds the proposed action will

10 not have a significant impact on the environment and the

11 Planning Board adopts the negative declaration prepared by

12 town staff.

13 **DEMOLITION FINDINGS:**

14 1. The existing building, if currently designated as a

15 landmark, has received required approvals from the Historic

16 Preservation Commission, and if not currently designated, has

17 been found by the Commission not to be a candidate for

18 designation by the Historic Preservation Commission as a

19 landmark.

20 2. The Architectural Review Board and Conservation Board

21 have reviewed the project per the requirements of this

22 article and their determinations and recommendations have

23 been considered.

24 3. The project is consistent with the Brighton Comprehensive

25 Plan

1 Brighton Planning Board 9/18/19

2

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

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

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

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

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

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

1 Brighton Planning Board 9/18/19

2

3 welfare or injurious to property or improvements in the

4 neighborhood.

5 10. The project does not have a significant negative impact

6 on affordable housing within the Town.

7 **CONDITIONS:**

8 1. All conditions of the Zoning Board of Appeals shall be

9 met.

10 2. The propose house shall comply with the most current

11 Building & Fire Codes of New York State.

12 3. The following comments of the Conservation Board shall be

13 addressed:

14 – Consider tying roof leaders into drainage system.

15 – Consider alternate plantings replacing Eastern Hemlock and

16 its potential for disease.

17 4. As recommended in the report prepared by Foundation

18 Design P.C., dated September 9, 2019, Foundation Design P.C.

19 shall make a site visit during grading or footing excavation

20 work to confirm the bearing soil conditions.

21 5. Staging and soil stockpile areas shall be shown on plans,

22 with required erosion control.

23 6. Corner ground elevations for the proposed house shall be

24 provided on the site/grading plan and on the architectural

25 elevations.

1 Brighton Planning Board 9/18/19

2

3 7. All regulations of the Brighton Town Code and the NYS
4 Building Code shall be met for the construction of the pool
5 and spa.

6 8. All Monroe County Development Review Comments shall be
7 addressed.

8 9. Prior to issuance of a demolition permit or building
9 permit, asbestos shall be removed according to NYS and Town
10 of Brighton requirements and verification shall be provided
11 from a qualified company that asbestos has been removed.

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

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

1 Brighton Planning Board 9/18/19

2

3 have been completed to a degree satisfactory to the
4 appropriate authorities.

5 12. The height of the proposed house shall be shown on
6 plans. Elevation drawings showing the height of the
7 structure in relationship to proposed grade shall be
8 submitted.

9 13. The applicant shall review the site plan, architectural
10 elevations, and floor plans to ensure that the areas and
11 dimensions provided on those plans agree with one another.
12 Architectural elevations showing the height of the structure
13 in relationship to proposed grade as shown on the approved
14 site plan, and including ground elevations at the house
15 comers, shall be submitted. Any changes to plans shall be
16 reviewed by the Building and Planning Department and may
17 require Planning Board approval.

18 14. Prior to the issuance of any permits, the Single Family
19 Zoning Information form shall be submitted to and approved by
20 the Building and Planning Department. The form shall be
21 completed by the applicant's architect. All information
22 shall be shown on both the site plan and architectural
23 drawings.

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

1 Brighton Planning Board 9/18/19

2

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

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

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

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

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

21 21. Any contractor or individual involved in the planting,
22 maintenance or removal of trees shall comply with the
23 requirements of the Town's Excavation and Clearing (Chapter
24 66), Trees (Chapter 175) and other pertinent regulations and
25 shall be registered and shall carry insurance as required by

1 Brighton Planning Board 9/18/19

2

3 Chapter 175 of the Comprehensive Development Regulations.

4 22. Fire hydrants shall be fully operational prior to and
5 during construction.

6 23. The location of any proposed generators shall be shown
7 on the site plan. All requirements of the Comprehensive
8 Development Regulations shall be met or a variance shall be
9 obtained from the Zoning Board of Appeals.

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

13 25. A letter of credit shall be provided to cover certain
14 aspects of the project, including, but not limited to
15 demolition, landscaping, storm water mitigation,
16 infrastructure and erosion control.

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

21 27. The proposed tennis pavilion shall meet all regulations
22 of the Brighton Town Code and the NYS Building Code.

23 28. All comments and concerns of Evert Garcia as contained
24 in the attached memo shall be addressed.

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

1 Brighton Planning Board 9/18/19

2

3 Town Engineer comments and conditions shall be submitted.

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MS. CIVILETTI: Second.

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CHAIRPERSON PRICE: Any further discussion?

6

All in favor?

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ALL COUNCIL MEMBERS: Aye.

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1 Brighton Planning Board 9/18/19

2

3 **SIGNS:**

4 1552 Hotel On Monroe, for a building face sign at 2323 Monroe
5 Avenue.

6 1563 Overstock Must Go, for a building face sign at 2854 West
7 Henrietta Road.

8 1564 Whole Foods Leasing Sign, for a temporary free standing
9 leasing sign at 2740 Monroe Avenue.

10 1565 Brighton Hots, for a building face sign at 2602 Elmwood
11 Avenue.

12 1566 Five Guys, for a building face sign at 1881 Monroe
13 Avenue.

14 MR. BOEHNER: 1552, to be tabled.

15 CHAIRPERSON PRICE: All in favor?

16 ALL COUNCIL MEMBERS: Aye.

17 MR. BOEHNER: 1563, approved with conditions:

18 1. Black line at the bottom to be made thinner from the
19 bottom to top to create white space equal to what is above
20 the text at the top of sign. Approve as recommended.

21 CHAIRPERSON PRICE: All in favor?

22 ALL COUNCIL MEMBERS: Aye.

23 MR. BOEHNER: 1564, approved as recommended.

24 CHAIRPERSON PRICE: All in favor?

25 ALL COUNCIL MEMBERS: Aye.

1 Brighton Planning Board 9/18/19

2

3 MR. BOEHNER: 1565, approved as recommended.

4 CHAIRPERSON PRICE: All in favor?

5 ALL COUNCIL MEMBERS: Aye.

6 MR. BOEHNER: 1566, recommend it be tabled,
7 that all required variances shall be obtained from the Zoning
8 Board of Appeals and details of the materials of the sign and
9 the attachment to the building and method of installation and
10 illumination shall be submitted.

11 CHAIRPERSON PRICE: All in favor?

12 ALL COUNCIL MEMBERS: Aye.

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3 REPORTER CERTIFICATE
45 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 11th day of October, 2019.13 At Rochester, New York
14
1516 
17 Rhoda Collins
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