

Brighton Planning Board 9/18/19

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

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

PRESENT:

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

DAVID DOLLINGER, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

NOT PRESENT:  
PAMELA DELANEY

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

Brighton Planning Board 9/18/19

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

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

MR. BOEHNER: Pam Delaney is not present tonight.

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

MS. CIVILETTI: Moved.

MR. FADER: Second.

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

ALL COUNCIL MEMBERS: Aye.

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

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

MR. BOEHNER: Yes. They were properly advertised in the Brighton Pittsford Post of September 12, 2019.

CHAIRPERSON PRICE: Thank you. We will hear

Brighton Planning Board 9/18/19

those applications now.

APPLICATION 6P-07-19

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

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

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

Brighton Planning Board 9/18/19

community will result from this proposed work.

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

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

CHAIRPERSON PRICE: Have you applied for that permit?

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

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

1 Brighton Planning Board 9/18/19

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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

Brighton Planning Board 9/18/19

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

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

CHAIRPERSON PRICE: Yes.

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

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

Brighton Planning Board 9/18/19

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

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.

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.

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.

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.

Brighton Planning Board 9/18/19

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

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

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

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

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



Brighton Planning Board 9/18/19

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

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

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

CHAIRPERSON PRICE: Okay.

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

DANIEL LAMBERT: We will be contracting out the civil and some of the station work. So we will -- our design is going to be completed very soon here and will be 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.

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

APPLICATION 9P-01-19

9P-01-19 Application of Nicholas Leonardo,

Brighton Planning Board 9/18/19

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

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

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

CHAIRPERSON PRICE: Okay.

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

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

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

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

MR. BOEHNER: Yes.

1 Brighton Planning Board 9/18/19

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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

Brighton Planning Board 9/18/19

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

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

GREG MCMAHON: Yes.

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

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

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

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

GREG MCMAHON: Yes, yes, we can --

Brighton Planning Board 9/18/19

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

GREG MCMAHON: Yes.

CHAIRPERSON PRICE: In a lot of cases.

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

CHAIRPERSON PRICE: All right.

MR. BOEHNER: Is there a generator purposed?

GREG MCMAHON: No. Nick, come up.

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

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

Brighton Planning Board 9/18/19

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

MR. BOEHNER: So, no?

GREG MCMAHON: No, yes.

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

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

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

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



Brighton Planning Board 9/18/19

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

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

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

Brighton Planning Board 9/18/19

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

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

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

Rawlingswood tract that want to see Cardiff extended onto that property. It's very narrow. Cardiff is the most narrow of the streets in the tract, and it has been closed off for all these years. There are people that drive back there and try to go up the back lane. All of the homes have lanes behind them in that tract. And we would see more traffic in the tract, it's right now a no-outlet tract. And that would tend to make people think that there was an opening to continue to drive back that way. We would just as soon not see Cardiff Park extended into the property. Thank you.

CHAIRPERSON PRICE: Thank you for coming out, appreciate it. Anyone else care to address this?

DONNA RICHARDSON: Donna Richardson, 45 Dover Park and I just wanted to second emphatically what he said. There's no room for anything to be going in and out of Cardiff.

CHAIRPERSON PRICE: Thank you, Donna. Anyone else? Thank you, we will move on.

I apologize, Greg, just let me ask one question.

GREG MCMAHON: Sure.

CHAIRPERSON PRICE: On the, I guess this is going to be the east side of the right of way, I've been out

Brighton Planning Board 9/18/19

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

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

CHAIRPERSON PRICE: Okay.

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

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

MR. BOEHNER: It was an interesting comment.

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

Brighton Planning Board 9/18/19

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

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

CHAIRPERSON PRICE: Okay.

GREG MCMAHON: Thank you.

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

APPLICATION 9P-02-19

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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



Brighton Planning Board 9/18/19

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

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

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

EVAN GEFELL: Correct.

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

EVAN GEFELL: Correct.

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

Brighton Planning Board 9/18/19

today.

EVAN GEFELL: Correct.

CHAIRPERSON PRICE: Could you give us your name?

EVAN GEFELL: Yes, Evan Gefell of Costich, G-e-f-e-l-l.

MARK BAYER: So that -- and we can talk more about that -- that is what that radar disfunction to pick up the existing or new impervious and downspouts and all of the impervious stuff.

The vast majority of the site, it is about a 3.8-acre site, the vast majority remains intact. We are thinking of maintaining about 84 or 85 percent, roughly green space. There's really no grading or disturbance below the rain garden, so you're not even seeing the full site. There is obviously considerably more site going down to the creek. That's that forever woodland area, none of that is being touched. Our grading limits are right in here, that's the rain garden up into here, so the lower reaches are untouched.

We are doing lots of plantings associated with the project, new trees. We are removing a few trees. There's a considerable ash population because of the wet ground over here. A number of those are coming out,

Brighton Planning Board 9/18/19

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

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

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

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

Brighton Planning Board 9/18/19

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

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

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

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

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



Brighton Planning Board 9/18/19

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

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

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

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

MR. BOEHNER: During the excavation to check?

EVAN GEFELL: Yes, just to double check.

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

CHAIRPERSON PRICE: Do you have a generator?

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

Brighton Planning Board 9/18/19

they approved that variance.

CHAIRPERSON PRICE: Okay. Any questions?

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

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

MR. DOLLINGER: No, I am just curious.

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

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

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

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

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

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

Brighton Planning Board 9/18/19

storm water inlets?

EVAN GEFELL: So there's one that's existing so we are using that as our angle point, and then the new one proposed next to it.

MR. OSOWSKI: What point is it to have an inlet next to your inlet?

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

MARK BAYER: It's a manhole essentially.

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

CHAIRPERSON PRICE: Is that under easement?

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

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

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

Brighton Planning Board 9/18/19

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

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

CHAIRPERSON PRICE: Good? Thank you, Mark.

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

APPLICATION 6P-07-19

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

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

Brighton Planning Board 9/18/19

**CONDITIONS:**

1. The project shall comply with the most current Building & Fire Codes of New York State.

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

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

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

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

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

7. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing

## Brighton Planning Board 9/18/19

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

8. A lighting plan which shows the type, location and lighting contours shall be submitted. Verification shall be submitted that the lighting meets Dark Sky standards.

Details and cut sheets for the proposed luminaires must be provided.

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

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

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

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

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

Brighton Planning Board 9/18/19

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

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

MR. FADER: I will second that.

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

MR. FADER: Second.

CHAIRPERSON PRICE: Any other discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: That brings us to application one.

APPLICATION 9P-01-19

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

Brighton Planning Board 9/18/19

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

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

**CONDITIONS:**

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

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

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

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



## Brighton Planning Board 9/18/19

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

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

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

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

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

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

Brighton Planning Board 9/18/19

approval.

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

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

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

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

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

## Brighton Planning Board 9/18/19

structure in relationship to proposed grade shall be submitted.

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

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

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

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

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

## Brighton Planning Board 9/18/19

right of way.

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

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

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

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

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

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: Moved and seconded. Any discussion?

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

CHAIRPERSON PRICE: Okay. We have a modification.

MS. CIVILETTI: Moved.

Brighton Planning Board 9/18/19

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: As amended, all in favor?

ALL COUNCIL MEMBERS: Aye.

Brings us to where we combined the two.

APPLICATION 9P-02-19

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

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

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

Brighton Planning Board 9/18/19

the 29 conditions outlined in the Planning Board report, and the Planning Board adopts the 10 demolition findings off of the Planning Board reports based on the applications submitted, testimony presented and the determinations, comments, and recommendations of the Historic Preservation Commission, Architectural Review Board, and Conservation Board. And the Planning Board finds the proposed action will not have a significant impact on the environment and the Planning Board adopts the negative declaration prepared by town staff.

**DEMOLITION FINDINGS:**

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

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

3. The project is consistent with the Brighton Comprehensive Plan

## Brighton Planning Board 9/18/19

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

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

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

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

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

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

Brighton Planning Board 9/18/19

welfare or injurious to property or improvements in the neighborhood.

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

**CONDITIONS:**

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

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

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

– Consider tying roof leaders into drainage system.

– Consider alternate plantings replacing Eastern Hemlock and its potential for disease.

4. As recommended in the report prepared by Foundation Design P.C., dated September 9, 2019, Foundation Design P.C. shall make a site visit during grading or footing excavation work to confirm the bearing soil conditions.

5. Staging and soil stockpile areas shall be shown on plans, with required erosion control.

6. Corner ground elevations for the proposed house shall be provided on the site/grading plan and on the architectural elevations.



## Brighton Planning Board 9/18/19

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

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

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

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

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

## Brighton Planning Board 9/18/19

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

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

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

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

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

## Brighton Planning Board 9/18/19

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

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

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

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

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

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

## Brighton Planning Board 9/18/19

Chapter 175 of the Comprehensive Development Regulations.

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

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

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

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

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

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

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

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

Brighton Planning Board 9/18/19

Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

CHAIRPERSON PRICE: Any further discussion?

All in favor?

ALL COUNCIL MEMBERS: Aye.

## Brighton Planning Board 9/18/19

**SIGNS:**

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

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

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

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

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

MR. BOEHNER: 1552, to be tabled.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: 1563, approved with conditions:

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

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: 1564, approved as recommended.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

Brighton Planning Board 9/18/19

MR. BOEHNER: 1565, approved as recommended.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

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

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

\* \* \*

## REPORTER CERTIFICATE

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

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 11th day of October, 2019.

At Rochester, New York

  
Rhoda Collins