

CHAIRPERSON PRICE: Good evening. I'd like to call to order the January 15, 2020, session of the Town of Brighton Planning Board. In the unlikely 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: Absent is Babcock-Steiner.

CHAIRPERSON PRICE: Thank you. We had meeting minutes for our November 20th, and December 18th, meetings. Can I get a motion on the November 20th, meeting? Please confirm if you were here or not here for that one.

MS. CIVILETTI: Move for approval.

MR. OSOWSKI: Second.

CHAIRPERSON PRICE: Everyone was there. All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Also the December 18th meeting.

MS. DELANEY: I was absent.

CHAIRPERSON PRICE: Do we have a motion?

MS. CIVILETTI: I will move.

CHAIRPERSON PRICE: I will second. Pam, you

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3 are the only one not voting. All in favor?

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ALL COUNCIL MEMBERS: Aye.

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6 CHAIRPERSON PRICE: Mr. Secretary, were the

Public Hearings properly advertised?

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8 MR. BOEHNER: Yes, they were properly

advertised in the Brighton Pittsford Post of January 9, 2020.

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10 CHAIRPERSON PRICE: We will hear those

11 applications now.

12 APPLICATION 1P-01-20

13 1P-01-20 Application of Daniele SPC, LLC,
14 owner, for Demolition Review and Approval to raze a
15 restaurant building on property located at 2800 Monroe
16 Avenue. All as described on application and plans on file.

17 JERRY GOLDMAN: Good evening, Mr. Chairman,
18 members of the Board. My name is Jerry Goldman, I am the
19 attorney and agent for Daniele SPC, LLC. With me tonight on
20 the application are Danny Daniele and Anthony Daniele, as
21 well as Dave Cox of Passero Engineering who's the project
engineer.

22 We are here tonight for a demolition permit
23 approval for the former Mamasan's Restaurant located at
24 2800 Monroe Avenue. As you know the Town has an extensive
25 process in dealing with demolition and we are at the last

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3 stage relative to that. I will walk through the findings
4 that are set forth in the code that basically set forth the
5 process we have to follow.

6 The first is confirmation the Historic
7 Preservation Commission has not deemed this to be a landmark
8 building. That was accomplished and completed quite some
9 time ago. Also, review by the Architectural Review Board of
10 the ultimate project which would be built on the site had
11 been done as part of the Whole Foods Plaza review and
12 approval. In addition, since this site was essentially fully
13 developed there was no need for any further Conservation
14 Board review.

15 That having been done, we then moved on to
16 coming back to this Board and findings dealing with the
17 project itself. One in particular has caught some attention
18 because there was a letter from a neighboring group talking
19 about whether the project meets all Town zoning requirements.
20 The term project is not defined in the code, but the project
21 we are talking about is the Whole Foods Plaza project which
22 has received approvals from the Town Board and the Town
23 Planning Board.

24 The allegation is that since there is an
25 ongoing situation to resolve the situation dealing with the

3 demolition permit on an adjacent property that that taints
4 the approval process. However, one, we don't think that
5 there's a nexus between that approval and this approval. And
6 second, remedial work to comply with a condition of that
7 former approval has been completed at this time.

8 There's been top soil added to that site,
9 there's been seeding, and the site has been fully stabilized.
10 The Brighton Department of Public Works I believe has taken a
11 look at the proposed grading for the site and we have
12 received no comments contrary to what is being proposed.

13 We comply with all requirements with regard to
14 trees on the site. There are not all that many to start
15 with. The restoration landscaping plan is certainly before
16 the Board this evening to be taken a look at. What we're
17 proposing is to provide in the disturbed areas in the
18 footprint, actually the building, to flat grade and to gravel
19 that area so it is stabilized.

20 And the next finding deals with asbestos and
21 asbestos abatement. An asbestos abatement report has been
22 provided to the Town and we are prepared to do what is
23 necessary to comply with the law in that regard. The project
24 itself will not be detrimental to the health, safety, and
25 welfare of the persons to the extent we are going to be

3 stabilizing the site immediately upon demolition. And the
4 project will not have a significant negative impact on
5 affordable housing, that's a standard act we have to take a
6 look at. So I don't think we will have the impact on
7 affordable housing.

8 To that extent, demolition plan is before you,
9 it's pretty straight forward. That demolition plan provides
10 that the building will be taken down and that the area will
11 be stabilized until the time that further construction occurs
12 on the site.

16 CHAIRPERSON PRICE: Thank you. Jerry, I do
17 have just a couple questions on the drainage and utilities.
18 The storm water, once you cut some of these utilities, do you
19 use rotary control measures or do you disconnect the storm
20 sewer all together?

21 DAVE COX: So the one -- Dave Cox with Passero
22 Associates. There's really just this one storm sewer back
23 here that is getting abandoned. The rest is completely --
24 there still tends to be things to control that, and there is
25 existing storm water drainage in the back. So . . .

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3 CHAIRPERSON PRICE: So you have erosion
4 control measures to take care of any of the immediately
5 adjacent structures and --

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DAVE COX: Correct.

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8 CHAIRPERSON PRICE: And the utilities where we
9 see clean outs, those are just cut out or those will remain?

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DAVE COX: Those will remain.

11

12 CHAIRPERSON PRICE: Same thing with the
13 concrete materials are ground and stored on site?

14

15 DAVE COX: Correct. And they have the erosion
16 control around those as well.

17

18 CHAIRPERSON PRICE: And the asphalt pavement
19 is just left alone?

20

DAVE COX: Correct.

21

22 MR. BOEHNER: How long will the stock pile be
23 there?

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25 DAVE COX: The stock pile is going to remain
26 there until we start site work on the Whole Foods project.
27 It will be used as part of that.

28

MR. BOEHNER: Okay.

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30 MR. WENTWORTH: When do you plan on
31 demolishing the building?

32

33 DAVE COX: As soon as we can. We're ready to

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3 go as soon as we have all our permits and approvals.

4 JERRY GOLDMAN: Obviously there's some
5 seasonal considerations as well. So I don't want to get into
6 a position where we have conditions which are incapable for
7 us to comply with, but our intention is to go forward in due
8 course.

9 MR. BOEHNER: What are the cautions that will
10 be taken to minimize dust during the demolition of the
11 building?

12 DAVE COX: We can have a water truck on site
13 that it's able to spray down the dust and things like that if
14 need be.

15 MR. BOEHNER: Will you or won't you?

16 DAVE COX: It depends on the conditions. If
17 it's very windy and there's a lot of dust then, yes. Most of
18 the demolition work it doesn't produce a lot of dust so we
19 don't see that that will be needed. But if there was a
20 condition that arose we could have that.

21 MR. BOEHNER: Does the building have asbestos?

22 DAVE COX: No, the report is clean.

23 MR. BOEHNER: Okay.

24 CHAIRPERSON PRICE: Other questions?

25 MR. OSOWSKI: There's a detail in sheet three,

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3 it shows ultimate site restoration, building backfilled, soil
4 restoration section. It's per note 26 on demo plans and
5 there is not a note 26 on demo plans.

6 MR. BOEHNER: It's inconsistent with what you
7 are showing on the --

8 MR. OSOWSKI: So should the reference be taken
9 off, or should note 26 be added?

10 JERRY GOLDMAN: Probably easier to remove the
11 reference.

12 MR. BOEHNER: I think it's incorrect.

13 DAVE COX: Yes.

14 JERRY GOLDMAN: Let's remove it.

15 MR. OSOWSKI: Thank you.

16 MR. BOEHNER: The trucks for the demolition
17 process will be accessed on the site from what road?

18 JERRY GOLDMAN: Monroe Avenue.

19 MR. BOEHNER: They will not be accessing
20 Clover or Allens Creek, correct?

21 DAVE COX: Correct.

22 CHAIRPERSON PRICE: What was your question,
23 Ramsey?

24 MR. BOEHNER: The demolition vehicles, how
25 will they be accessing the site and his response was Monroe

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3 Avenue. And I asked then they would not be accessing from
4 Allens Creek or Clover.

5 JERRY GOLDMAN: This site has no accessibility
6 to Clover or Allens Creek.

7 CHAIRPERSON PRICE: On the site is some
8 interesting art fencing, is that coming down or is it being
9 salvaged? Nice outdoor seating area and there is railings.

10 DAVE COX: I'll let Danny come up.

11 MR. BOEHNER: Danny, could you identify
12 yourself for the record?

13 DANNY DANIELE: I'm Danny Daniele, the
14 developer. In speaking with Mamasan's she intends to take
15 most of the stuff, it belongs to her tenant.

16 CHAIRPERSON PRICE: So she will take that
17 prior to the demo?

18 DANNY DANIELE: That's correct.

19 CHAIRPERSON PRICE: Thank you. Other
20 questions? All right, thank you.

21 JERRY GOLDMAN: Thank you.

22 CHAIRPERSON PRICE: This is a Public Hearing,
23 is there anyone who cares to address this application? Come
24 up.

25 MINDY ZOGHLIN: I'm Mindy Zoghlin, I represent

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3 Brighton Grassroots. Mr. Chairman, members of the Board,
4 thank you for giving me an opportunity to speak tonight.
5 Brighton Grassroots asks this Board to deny the application
6 to demolish and raze the building at 2800 Monroe Avenue. I
7 was kind of surprised to hear the applicant say that this
8 project has no nexus with the Whole Foods project because
9 both the demo plan that they submitted in support of this
10 application references Whole Foods, the construction details
11 references Whole Foods, the DEC notice of intent for a speedy
12 permit references Whole Foods, the SWIFT plan references
13 Whole Foods, everything about this project is related to
14 Whole Foods so I think that's really not a fair
15 representation of the relationship of 2800 Monroe Avenue to
16 the Whole Foods Plaza project.

17 As the Board is well aware it must make a
18 finding that the project is in compliance with the Brighton
19 Town Code in order to grant the relief that this applicant is
20 seeking. And this project is in violation of the code for
21 two reasons: First, it is a violation of 667-C which
22 requires an applicant who demos a structure to replace the
23 top soil with at least 6 inches of top soil within 30 days of
24 the original disturbance. It is also in violation of this
25 Board's September 15, 2018 approval for the demo of the

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3 structures at Mario's and Clover Lanes right next door.

4 That condition required the applicant to
5 restore all of the disturbed areas including the buildings
6 and pavements areas with vegetation and stabilize it no later
7 than September 15th -- I'm sorry, September 19th -- 15th,
8 2019, and that was four months ago. As this Board may recall
9 last August the applicant asked you for a one-year extension
10 of this deadline.

11 We opposed that request, the applicant
12 withdrew the application and then just did not comply with
13 your Condition Number 5 of the demo permit for Mario's and
14 Clover Lanes. At that point Brighton Grassroots demanded
15 that the Town enforce the zoning code and it did. The Town
16 commenced a code enforcement action against the applicant in
17 Brighton Justice Court. Mr. Jacobson and I both personally
18 attended the Justice Court hearing on November 20th.
19 Mr. Gordon and Mr. Boehner were there for the Town,
20 Mr. Daniele appeared for the applicant.

21 On November 20th, Mr. Gordon stated in open
22 court in front of me, I was there, that all of this should
23 had been done months ago, that the Danieles had promised to
24 return with a plan for getting the property in compliance and
25 it failed to do so. That the Town reserved the right to seek

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3 fines retroactive to the notice of violation if everything
4 was not completed by December 3rd.

5 They set a new court date for December 4th,
6 and guess what? It was not done by December 3rd. Mr. Gordon
7 also stated that the Town was not going to wait for spring to
8 have the work done. And Mr. Boehner reiterated in open court
9 that the property had to be restored with the six inches of
10 top soil, hydroseeded and secured before the winter came. So
11 all of that was supposed to be done by December 4th, and it
12 wasn't. On December 4th, the Court again adjourned the
13 matter for December 18th, on December 18th, the Court
14 adjourned this code enforcement matter for earlier today.
15 And today, nobody appeared in court except for Mr. Jacobson
16 because apparently the matter has been adjourned again to
17 May 20th.

18 So the matter is not concluded, the case is
19 not closed, the violations remain open. And it appears from
20 the street, because obviously we are not going onto the
21 property, that the applicant may have put down some straw but
22 it does not appear the property has been top soiled or
23 reseeded in the areas of the building pads and parking lot.

24 And this is really important because under
25 Brighton Town Code 73-72-A-4 this Board cannot grant a demo

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3 permit unless you find the project meets all code
4 requirements. And the project doesn't meet all code
5 requirements, if it did the Court would have dismissed the
6 case in November, in December, or sometime today, but it is
7 still open, it hasn't been done.

8 Really, Board, enough is enough already. The
9 laws in this town should apply to everybody in the town and
10 it's not fair to give special treatment to some people and
11 require others to comply with all of the legal requirements.
12 So for that reason we ask you to please deny the demo permit.
13 Thank you.

14 CHAIRPERSON PRICE: Thank you. Anyone else
15 care to speak? Please come up.

16 HOWARD JACOBSON: Hi, Chairman, Board Members,
17 I'm Howard Jacobson, a resident of the Town of Brighton, and
18 I'm one of the founding members of the Brighton Grassroots.
19 I also ask on behalf of Brighton Grassroots, but more
20 importantly on behalf of the 1,500 Brighton residents that we
21 represent and probably twice the number, not to let this
22 happen tonight. There's no sense of urgency. I'm glad
23 Mr. Boehner brought up the fact of dust, wait until May 21st
24 to approve this. Let them finish what they are supposed to
25 do just like most people would allow, let's get the first

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3 project done and then you can go on to the second.

4 There's no sense of urgency here, only because
5 they haven't finished the first project. I have not violated
6 or trespassed on this property, I've heard Mr. Boehner say
7 earlier or pre-meeting that everything is in compliance.

8 There's been no paperwork or anything filed with the Town
9 that we are aware of that says they've put 6 inches of top
10 soil.

11 I was there watching from the Auburn Trail on
12 December 16th, on that Monday. I would love for the Town to
13 validate that they put 6 inches of top soil on the disturbed
14 areas. If you have proof of this, Mr. Boehner, please show
15 us. Maybe everybody on the Board has seen it, it would be
16 nice if the residents could see it. I be would blown away,
17 but I want to be blown way by they put 6 inches of top soil.
18 Maybe you were there and saw it, maybe you have the receipts
19 and they provided that. Okay, great, love to see that. They
20 owe that to this Board.

21 You made it a point of this, 6 inches of top
22 soil on the disturbed areas, you have the conditions. It's
23 not unreasonable and it doesn't matter whether it's Brighton
24 Grassroots or the residents of Brighton, we are all the same.
25 Let's have the right validation.

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3 The violations that are owed right now are
4 \$30,250. Those are the fines. From the 15th, although in
5 fairness, the 15th is a Sunday, my numbers are from Monday,
6 because Sunday is a Sunday. So they owe \$30,250.

7 On May 20th, they're going to owe \$56,000 to
8 the Town of Brighton. We should get the check. We could use
9 it to pay for the Council Rock School and other things that
10 are going on in this town. So let's get our money because
11 when somebody doesn't deliver on what you've asked, they
12 should pay, part of the concept. And that's not being
13 annoying, that is just being true.

14 The fact that these dates have been moved with
15 the court is a little obnoxious, but it is what it is. I
16 think that respecting your oversight is what we all value.
17 Do the right thing, give them approval tonight for May 21st.
18 After May 20th, when they can prove they have done what
19 they're going to do, they write their check for \$56,000 for
20 settling up what you asked them to do first. Let them take
21 down Mamasan's.

22 So we ask you not to do anything rushed and to
23 wait until they finish what you asked them to begin with.
24 Thank you very much.

25 CHAIRPERSON PRICE: Thank you. Would anyone

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3 else care to address this?

4 JERRY GOLDMAN: I just need to clarify a
5 couple of points. Maybe I wasn't as clear as an applicant
6 could have been and to say I did not intent to say this was
7 not part of the Whole Foods project. What I'm saying is that
8 conditions dealing with the demolition permit on the other
9 property are not zoning violations on the overall Whole Foods
10 project. They're trying to conflate things over here and
11 trying to mesh things --

12 MR. DOLLINGER: Is this a separate tax account
13 number from the --

14 JERRY GOLDMAN: It is.

15 MR. DOLLINGER: Mamasan's is a separate tax
16 account number from the --

17 JERRY GOLDMAN: Mamasan's was a separate tax
18 account number. It has been since resubdivided so that it is
19 two lots in the development. So to that extent, it is
20 separate but your demolition doesn't really address tax
21 accounts it addresses buildings. This clearly is a separate
22 building and clearly a separate application in dealing with
23 that. So to the extent that we have full approval for the
24 Whole Foods project anything with regard to a demolition
25 permit that was issued related to the Mario's building or the

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3 Clover Lanes building doesn't relate to this particular
4 application.

5 And we are not in violation as Counsel said,
6 all codes. It says all Town zoning requirements, our zoning
7 requirements are set. The reason why the language is in this
8 section the way it is is to deal with the normal demolition
9 situation where you are going to be replacing it with a
10 project and we did not want to have demolition approval
11 granted until the project had all of its approvals. In this
12 case we do have all of the approvals, so that's fine.

13 As to Mr. Jacobson's point on May 20th, he can
14 talk about rush, rush, rush, I could talk about delay, delay,
15 delay. The fact of the matter is, is that all of the work to
16 be done by the applicant has been done. The May 20th date is
17 to verify that, in fact, grass is going to take over there,
18 which is not the condition. The condition was to do the top
19 soil and the seeding, which was completed.

20 So to that extent, we would request an
21 approval this evening. Again, if there are any questions we
22 will be glad to address them.

23 CHAIRPERSON PRICE: Thank you.

24 MS. CIVILETTI: What was the seed mix you used
25 for the stabilization?

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3 DANNY DANIELE: Danny Daniele again. I cannot
4 speak to exactly what the seed mix is, I think they did a
5 general grass seeding. Since I'm up here, I'd like to clear
6 up some of the disparaging comments. For the record, we were
7 supposed to do the seeding by I believe it was
8 September 15th. When we were finished with the demo we had
9 all of the disturbed areas soiled and seeded prior to
10 September 15th. I think we did it towards the end of August.

11 For anyone that drove by early December you
12 saw grass growing there. The site looked very nice and
13 clean. The only spot that there was some confusion I think
14 on our part was the basement of Mario's and the basement of
15 the bowling alley that we filled with stone rather than dirt
16 to maintain the stability. We did not put soil on that stone
17 because we felt it would be better for the erosion control to
18 keep it clean stone.

19 So it was in those two little portions that it
20 did not have soil and grass. And it was pointed to our
21 attention that we needed to do that as well, we did that as
22 soon as the weather permitted. The reason why we didn't do
23 it earlier in December, I think we all remember we had
24 four/five inches of snow and ice. Obviously, the guys who
25 put down the grass seed said you can't put the seed on top of

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3 snow and ice. So we waited for the snow and ice to melt and
4 put the soil up there, we did put top soil on there, and
5 seeded it and also put straw on top.

6 CHAIRPERSON PRICE: Thank you.

7 MINDY ZOGHLIN: Can I quickly just make one or
8 two or three very short comments?

9 CHAIRPERSON PRICE: Yes.

10 MINDY ZOGHLIN: Thank you. Just like to point
11 out that Section 73-62-A says the project. It doesn't say
12 the property, it doesn't say the tax account number, it
13 doesn't say the building, it says the project. The project
14 here is the Whole Foods Plaza project and that project is not
15 meeting all zoning requirements. I'd also like to just
16 comment that I don't think this is your normal project, but
17 that's okay.

18 We have tried to verify that the work had been
19 done. We foiled the Town, we haven't gotten a response. We
20 asked the applicant and didn't get a response. You know, I
21 would ask this Board before it makes a decision to verify
22 that the work has been done.

23 And then regarding this possible
24 misunderstanding about what exactly was supposed to be done,
25 when I was in justice court in November, I very clearly heard

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3 that four things had to be done. That the applicant either

4 had to provide an engineer's report to the Town, that the

5 Clover Lanes pad already had 6 inches of top soil and had

6 been reseeded, or apply that 6 inches of top soil to the

7 Clover Lanes pad and reseed, that was the first thing. The

8 second thing that was stated in open court was that the seed

9 on the parking lot in front of the Clover Lanes pad had to be

10 seeded. The third thing that was stated in open court was

11 that the Mario's building pad had to be covered with 6 inches

12 of top soil and reseeded. After all of that was done then

13 all of the areas needed to be stabilized with straw. Thank

14 you.

15 CHAIRPERSON PRICE: Anyone else, going once?

16 Okay, thank you folks. Appreciate it.

17 We will move on to the next application.

18 APPLICATION 1P-02-20

19 1P-02-20 Application of Nicholas Leonardo,

20 owner, for Site Plan Modification (9P-01-19) to revise the

21 location where a new house with attached garage will be

22 constructed on property located west of the intersection of

23 Clover Street and Greenaway Road, known as Tax ID #s

24 122.16-1-5, 122.16-1-4 and 122.16-1-3. All as described on

25 application and plans on file.

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NICHOLAS LEONARDO: Nicholas Leonardo, thank you for inviting us. So we were already approved back in September, our plans were submitted to the Architectural Review Board, that was approved and then you approved our site plan. Upon reviewing the site plan with numerous excavators and reviewing the location of the house we discovered it was pretty far back on the property due to the angle of the garage.

If you look at the site plan the garage is about 30 to 40 feet, so once you set that back after the 40-foot setback and you put the house, we're probably about, the house itself is about 80 feet away from the setback property line. So we are requesting modification to move our house and then we're looking for support so we can go to the Zoning Board and get a variance so we can move our house forward.

I wanted to also note that the adjacent house to where our house will be is only eight feet from its setback so it's in the right of way that doesn't look to be getting development any time soon and may be at all ever. That's what we're proposing.

CHAIRPERSON PRICE: Help me out again, why did you -- this is just a cost saving?

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NICHOLAS LEONARDO: No. The house, when you look at the house on the site with the original site plan it doesn't seem to be too far back on the property when you go out there and stake out the house you realize then the house is way further back on the property. So after looking at everything we thought it would make sense to move the house forward provided we had variance approval.

Also we're not disturbing any additional trees in the right of way, so that's basically the same. Nothing is really changing on the site plan other than the location of the house moving forward 20 feet -- or 30 feet, sorry.

CHAIRPERSON PRICE: Are there additional trees on your property that are coming down as a result of this?

NICHOLAS LEONARDO: We do have to take down at least two more trees. Before the next Board meeting I plan to get a report from the arborist on the state of the trees. Some of the trees have fallen down on the property since the last meeting due to the winds, most of them are dead and kind of in disrepair. They're dieing and falling everywhere, essentially. So I'd like to get a report to show the Board a little bit more on the state of the trees once we get to this point.

MR. BOEHNER: So plans, if I read the plans

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3 right, showed like ten additional trees were going to be

4 removed?

5 NICHOLAS LEONARDO: I didn't think that many.

6 MR. BOEHNER: It showed 22 and now it's 32?

7 NICHOLAS LEONARDO: It could be, I would have

8 to talk to the engineer. Again, I was prepared to get a more

9 thorough report on the trees before the final approval.

10 MR. BOEHNER: That might be helpful. Has the

11 architectural design of the house been approved?

12 NICHOLAS LEONARDO: Yes. The only condition

13 was we added two windows to the back of the garage. I met

14 with our architect today to add that to the plan so when we

15 submit it for our building permit that that was on there.

16 That was the only condition they gave us.

17 MR. BOEHNER: Are you proposing to have a

18 generator?

19 NICHOLAS LEONARDO: No.

20 MR. BOEHNER: I don't have any more questions.

21 CHAIRPERSON PRICE: I guess the question here

22 is it's going to be going to the Zoning Board. Is everybody

23 comfortable with it at this point? So going to the ZBA, gets

24 the variances, you have to come back for a modified site

25 plan.

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MR. BOEHNER: Yes.

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CHAIRPERSON PRICE: Okay. I guess we're not hearing any opposition to the change in the location of the house, but I would ask that we clarify how many trees are coming down, the condition of those that are being removed, and that we may talk to you if we feel it is substantially more trees coming down and we ask you to replant.

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NICHOLAS LEONARDO: Yes. I think we plan to replant anyhow. We will get a little bit more detail and the engineer will come back. But at this point just tabling it and getting some support from the Board to move to the next portion, or ZBA, yes.

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CHAIRPERSON PRICE: Can we authorize you to transmit that information, or is it just our meeting?

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MR. BOEHNER: Yes. I can talk to the planners. David Dollinger will be at the meeting too, a common link.

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CHAIRPERSON PRICE: Okay.

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NICHOLAS LEONARDO: I have do have one question. Four months ago when we had approval we had to get an arborist to come look at a Town right of way and there's no Town arborist as of right now. I don't know if anybody on the Board can shed any light on when there will be?

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3 MR. BOEHNER: I believe they have identified
4 someone and are working on getting them under contract, is
5 what I understand.

6 NICHOLAS LEONARDO: Okay. I would hope before
7 the February meeting it would be possible to get that
8 information from the arborist. I'm just hoping, I don't
9 know, just asking, but thank you.

10

MR. BOEHNER: Okay.

11

CHAIRPERSON PRICE: Thank you. Is there
12 anyone that cares to address this application?

13

Okay. That is it for the Public Hearings. We
14 do have one sign application. If we could hold off on that
15 if everybody is okay we will keep going here working on the
16 hearings.

17

Is there anybody do want make a motion anybody
18 feel comfortable with this?

19

MR. BOEHNER: You may want to say that this
application, I would suggest that if you are wanting to that
21 the application for demolition approval is consistent with
22 the findings adopted by the Planning Board on August 15,
23 2018.

24

APPLICATION 1P-01-20

25

1P-01-20 Application of Daniele SPC, LLC,

1 Brighton Planning Board 01/15/2020

2

3 owner, for Demolition Review and Approval to raze a

4 restaurant building on property located at 2800 Monroe

5 Avenue. All as described on application and plans on file.

6 CHAIRPERSON PRICE: The application for a

7 demolition approval is consistent with the findings adopted

8 by the Planning Board on August 15, 2018, with the 10

9 findings and I also further move to approve the application

10 based on testimony given and plans submitted and the

11 following 21 conditions.

12 MS. CIVILETTI: Second.

13 **FINDINGS AND FACTS:**

14 1. The existing building is not currently designated as a

15 landmark and has been found by the Historic Preservation

16 Commission not to be a candidate for designation by the

17 Historic Preservation Commission as a landmark.

18 2. The Architectural Review Board and Conservation Board

19 have reviewed the project per the requirements of this

20 article and their determinations and recommendations have

21 been considered.

22 3. The project is consistent with the Brighton Comprehensive

23 Plan.

24 4. The project meets all Town zoning requirements, or a

25 variance has been granted by the Brighton Zoning Board of

1 Brighton Planning Board 01/15/2020

2

3 Appeals.

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

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

8 7. A restoration plan has been reviewed by the Planning
9 Board.

10 8. The project will comply with the requirements of NYSDOL
11 Code Rule 56 regarding asbestos control and Chapter 91 of the
12 Code of the Town of Brighton, Lead-Based Paint Removal. In
13 addition to any other requirements of Code Rule 56, the
14 project will comply with Section 56-3.4(a)(2) regarding
15 on-site maintenance of a project record, Section 56-3.6(a)
16 regarding 10 Day Notice requirements for residential and
17 business occupants, the licensing requirements of Section
18 56-3, and the asbestos survey and removal requirements of
19 Section 56-5. 9. The project will not, under the
20 circumstances of the particular case, be detrimental to the
21 health, safety or general welfare of persons residing or
22 working in the neighborhood and will not be detrimental to
23 the public welfare or injurious to property or improvements
24 in the neighborhood.

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

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2

3 on affordable housing within the Town.

4

5 CHAIRPERSON PRICE: I move the Planning Board
6 adopts the demolition findings for Application 1P-01-20 as
7 outlined in the Planning Board report based on the
8 application submitted, testimony presented, and
9 determinations, comments, recommendations of the Historic
10 Preservation Commission, Architectural Review Board,
11 Conservation Board and the 21 conditions.

12

MS. CIVILETTI: Second.

13

CONDITIONS:

- 14 1. Access to the trail easement must be maintained
15 throughout demolition.
- 16 2. All existing trees shall be shown on the
17 demolition/restoration plan. Trees to be removed shall be
18 indicated. All trees in proximity to the work area that are
19 proposed to be saved shall be shown to be protected with
orange construction fencing.
- 20 3. All areas of vegetation to be removed, including adjacent
21 to buildings, shall be indicated on the plan, with proposed
22 restoration shown.
- 23 4. Debris stockpile and equipment staging areas and a
24 stabilized entrance shall be shown on the
25 demolition/restoration plan with any required erosion

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2

3 control.

4 5. The areas of asphalt removal shall be stabilized until
5 development takes place. The method of stabilization shall
6 be shown on the plan.

7 6. A letter of credit shall be provided to cover certain
8 aspects of the project, including, but not limited to:
9 demolition, restoration and erosion control. The letter of
10 credit should be submitted to the Town for review and
11 approval. An original Letter of Credit must be received by
12 the Town prior to the issuance and any permits.

13 7. All comments and conditions of Monroe County shall be
14 addressed.

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

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

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

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

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2

3 throughout construction.

4

5 12. All trees to be saved shall be protected with orange
6 construction fencing placed at the drip line or a distance
7 greater than the drip line. Trees shall be pruned, watered,
8 and fertilized prior to, during and after construction.

9

Materials and equipment storage shall not be allowed in
fenced areas.

10

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

12

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

18

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

21

22 16. The project shall comply with the requirements of NYSDOL
Code Rule 56 regarding asbestos control and Chapter 91 of
23 the Code of the Town of Brighton, Lead-Based Paint Removal.
24 In addition to any other requirements of Code Rule 56, the
25 applicant shall verify that the project will comply with

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2

3 Section 56-3.4(a)(2) regarding on-site maintenance of a
4 project record, and Section 56-3.6(a) regarding 10 Day Notice
5 requirements for residential and business occupants. The
6 property owner shall ensure that the licensing requirements
7 of Section 56-3 and asbestos survey and removal requirements
8 of Section 56-5 are met.

9 17. Truck traffic during the demolition process shall only
10 egress and ingress the site from Monroe Avenue. Truck
11 traffic to or from Clover Street and Allens Creek Road shall
12 be prohibited.

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

15 19. The asphalt should be used on site, and necessary
16 precautions shall be taken to minimize dust and other
17 particles leaving the site during demolition.

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

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

22 22. The stock pile shall be removed once the demolition of
23 the building is completed.

24 CHAIRPERSON PRICE: Moved and seconded as
25 amended. All in favor?

1 Brighton Planning Board 01/15/2020

2

3 ALL COUNCIL MEMBERS: Aye.

4 CHAIRPERSON PRICE: Move to close the Public
5 Hearing of 1P-01-20.

6 MR. FADER: Seconded.

7 CHAIRPERSON PRICE: Moved and seconded, all in
8 favor?

9 ALL COUNCIL MEMBERS: Aye.

10 APPLICATION 1P-02-20

11 1P-02-20 Application of Nicholas Leonardo,
12 owner, for Site Plan Modification (9P-01-19) to revise the
13 location where a new house with attached garage will be
14 constructed on property located west of the intersection of
15 Clover Street and Greenaway Road, known as Tax ID #'s
16 122.16-1-5, 122.16-1-4 and 122.16-1-3. All as described on
17 application and plans on file.

18 MR. WENTWORTH: I move that Application
19 1P-02-20 be tabled based on testimony given and plans
20 submitted. Additional information is requested in order to
21 make a determination of significance and have a complete
22 application. The 24 items outlined in the Planning Board
23 report are required to be submitted no later than two weeks
24 prior to the next Planning Board meeting.

25 MR. FADER: Second.

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2

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

5

ALL COUNCIL MEMBERS: Aye.

6

CHAIRPERSON PRICE: Opposed?

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SIGNS:

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1574 Speedy's Cleaners, for a building face sign at 1829
Monroe Avenue.

6

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9

MR. BOEHNER: I recommend that it be approved
with the condition that it receive a certificate of
appropriateness for the sign, obtained from the Historical
Preservation Commission.

10

11

CHAIRPERSON PRICE: Motion to approve with the
condition?

12

13

MR. WENTWORTH: I move.

MS. DELANEY: Second.

14

CHAIRPERSON PRICE: All in favor?

15

ALL COUNCIL MEMBERS: Aye.

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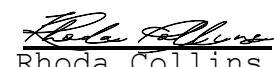
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2
3 REPORTER CERTIFICATE
45 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 3rd day of March, 2020.13 At Rochester, New York
14
1516 
17 Rhoda Collins
18
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