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B R I G H T O N
P L A N N I N G
B O A R D

August 19th, 2020
At approximately 7:30 **p.m.**
Brighton Town Hall Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON

JOHN J. OSOWSKI)	
LAURA CIVILETTI)	BOARD MEMBERS
JASON BABCOCK-STINER)		
JAMES WENTWORTH)	

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:
DAVID FADER
PAMELA DELANEY

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

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CHAIRPERSON PRICE: Good evening, everyone. I would like to welcome everybody to the August session of the Town of Brighton Planning Board. My name is Bill Price I am Chairman of the Planning Board. I would like to introduce all of the Board members to you. With us tonight are Laura Civiletti, John Osowski, Jason Babcock-Steiner, James Wentworth, not sure if David Fader is here.

MR. BOEHNER: He will not be here tonight.

CHAIRPERSON PRICE: Not be here. And Pam Delaney is also a member.

MR. BOEHNER: She is not here tonight either.

CHAIRPERSON PRICE: All right. David Dollinger is Assistant Town Attorney, he represents the Planning Board and Jeff Frisch is here helping with technical assistance from the Town, and Ramsey Boehner -- I apologize for the phone -- and Ramsey Boehner is the Town Planning Board Secretary.

Tonight's meeting is our third Planning Board meeting since we've gone virtual. We will have Public Hearings tonight and we will also have deliberations by the Planning Board. When you wish to speak to an application, we will first listen to the applicant and his consultants or her consultants, the Board will then ask questions, and then we

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will open it up to members of the public to speak on behalf or in favor of an application or ask any questions or clarifications that you desire.

Please remember that you are asking the questions to the Planning Board and we will in turn ask the applicant for a response.

With this format you may be on either Zoom or YouTube or some other format. If you want to be heard, there is a function to raise your hand so that you can be asked to -- or you can let us know to let you in and unmute you so that you can ask your questions.

If you, for someone reason, you can't figure out how to raise your hand, wave frantically at the camera and Jeff or Ramsey will hopefully see you and we can figure out how to get you unmuted so you can ask a question.

I have already done some introductions, but, Ramsey, would you please call the roll for tonight?

MR. BOEHNER: Member Wentworth?

MR. WENTWORTH: Here.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Here.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Here.

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3 MR. BOEHNER: Mr. Babcock-Stiner.

4 MR. BABCOCK-STINER: Yes.

5 MR. BOEHNER: Mr. Osowski?

6 MR. OSOWSKI: Here.

7 MR. BOEHNER: Absent is Fader and Delaney.

8 CHAIRPERSON PRICE: Thank you. We do have
9 meeting minutes from our July meeting, July 15th. Has
10 everybody had a chance to review the meeting minutes? Thumbs
11 up will do. Okay.

12 Do we have a motion to accept the meeting
13 minutes of July as written?

14 MS. CIVILETTI: So moved.

15 CHAIRPERSON PRICE: We have a motion, is there
16 a second?

17 MR. OSOWSKI: I'll second.

18 CHAIRPERSON PRICE: John Osowski seconds, any
19 comments, any further discussion? All in favor?

20 ALL COUNCIL MEMBERS: Aye.

21 CHAIRPERSON PRICE: Is that everybody? Any
22 nay? Okay. Minutes are approved.

23 Mr. Secretary would you kindly inform us if
24 tonight's Public Hearings have been properly advertised?

25 MR. BOEHNER: Yes, the Public Hearings for

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this evening was advertised in the Brighton-Pittsford Post of August 13, 2020.

CHAIRPERSON PRICE: And these have also been posted on the Town's website for review; is that correct?

MR. BOEHNER: That is correct.

CHAIRPERSON PRICE: So there's also, the public has access to the links to actually see the drawings and all of the application materials.

MR. BOEHNER: That is correct. And we will also, Jeff will be sharing the plans as the meeting progresses.

CHAIRPERSON PRICE: Okay. Our first application tonight is applicant 8P-01-20.

APPLICATION 8P-01-20

Application of John Geer, owner, for Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot on property located at 2171 West Henrietta Road. All as described on application and plans on file.

CHAIRPERSON PRICE: Is Mr. Geer or anybody representing this application out there ready to raise their hand?

MR. BOEHNER: There is. Trying to unmute

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3 them.

4 CADE KRUGER: Can you guys hear me or see me?

5 CHAIRPERSON PRICE: We can hear you.

6 MR. BOEHNER: Is there anyone you would like
7 us to unmute?

8 CADE KRUGER: I think John is going to be
9 online. I haven't seen him come on yet, but.

10 MR. BOEHNER: Will you let us know when you
11 see him, we can ask him to join us?

12 CADE KRUGER: Certainly.

13 MR. BOEHNER: If you could identify yourself
14 for the Stenographer?

15 CADE KRUGER: Yes. Good evening,
16 Mr. Chairman, members of the Planning Board. My name Cade
17 Kruger with PBS Engineers. Also with me tonight is going to
18 be John Geer, the owner and developer, and the landscape
19 architect for the project, Enrich Fischer should be online as
20 well.

21 CHAIRPERSON PRICE: Thank you, Cade. Would
22 you kindly give us some real background on this one? I'm not
23 really familiar with how we got here. Looking at the project
24 I noticed there's new sealant on the pavement, the building
25 has a lot of renovations. Does this have Architect -- so go

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through the history of it and tell us who the architect is and how did we get so much improvements and what you are asking for tonight.

CADE KRUGER: Sure. So John has been working with Scott Fisk of Party Partners Architects to renovate the building. They went through a Zoning Board process with a land use attorney to get the restaurant to operate under a special use permit --

MR. BOEHNER: Excuse me, to make the record clear, it is a use variance.

CADE KRUGER: Use variance, yes, thank you. And so, that's how the restaurant is able to operate -- continue to operate as a restaurant in a residential zoned district which is RLB, which is low density B residential.

Other than that, John is still working with the architect to solve a couple zoning issues that he's dealing with. And also he desires to increase, ultimately increase the occupancy for the building to make his restaurant work.

And that's why we are here tonight, in conjunction with that is to get approval, you know, to expand the site parking lot so that it can handle that future expansion.

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CHAIRPERSON PRICE: Okay. So tell us what the expansion, the eight spaces along the road frontage, West Henrietta Road frontage, they appear to be already there and striped.

CADE KRUGER: I believe they are, yes. So previously the spaces were in the same location perpendicular. Our plan is changing those to parallel to change the circulation of the site and the traffic flow along 15 there, and get a more efficient use of the property.

CHAIRPERSON PRICE: The -- it appears the one curb cut is closed, yet there's a curb cut onto West Henrietta and the curb cut onto the road to the south. And I apologize I don't --

MR. BOEHNER: That's Furlong.

CADE KRUGER: Yes.

CHAIRPERSON PRICE: Making a left out of there is damn near impossible. Why do you still want to have those two curb cuts?

CADE KRUGER: Well, I think by those two you mean the one on Furlong and the one on 15?

CHAIRPERSON PRICE: Yes. Why wouldn't you consolidate it to one?

CADE KRUGER: Right. Well, I think John wants

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3 to keep as many accesses as possible if he can. Obviously,
4 there used to be four and we're going to reduce it down to
5 three. It's a busy road, I agree. And turning left out of
6 there will be hard. Maybe it would be better if it was a
7 right only or something of that nature.

8 But I think it's still, John still wants to
9 provide access off of 15, you know, a turn lane there if he
10 can. That being said, you know, I think we would be open to
11 taking a second look at that. Ultimately, we got two
12 accesses, one on Doncaster and one on Furlong that will serve
13 the property.

14 MR. BOEHNER: Did they get the necessary DOT
15 permits to do the work on the right of way?

16 CADE KRUGER: No. There's no DOT permits.

17 MR. BOEHNER: Was the curb cut closed off
18 already?

19 CADE KRUGER: No. I think there might be some
20 temporary barriers across there, but it is not permanently
21 closed. It's not obstructed.

22 CHAIRPERSON PRICE: That's what I saw.

23 MR. BOEHNER: I'm just trying to understand
24 them changing the parking without coming into the Planning
25 Board. Just trying to understand what's going on out there

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myself.

CADE KRUGER: Yeah. You know, obviously, John needs to get all of the permits from the Town of Brighton to do the improvements that we have on this land. So as to what's been done out there, I guess I can't necessarily speak to that. But going forward, you know, I think he understands that he's got to hold off on anything until we get the proper permits.

MR. BOEHNER: Now, you are wanting to have an ice cream window as part of this application? Where is the ice cream window and how is that going to work?

CADE KRUGER: Yeah. So if you look at the plan of the building, it's on the north side. It's kind of the, labelled as the existing one-story building in the back there. On the north face of that building there's a slider window that is going to be utilized to serve ice cream. So people will drive up to the four spots up at the top there and the four spots across from that, and the parking lot to the north and they will be able to walk up to get ice cream. And there might be outdoor seating, you know, picnic tables or something out there to serve that as well.

MR. BOEHNER: Is that part of the application to the Zoning Board of Appeals?

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3 CADE KRUGER: Yes.

4 MR. BOEHNER: And have additional outdoor
5 seating?

6 CADE KRUGER: I don't know if John has applied
7 specifically for outdoor seating. I would have to defer to
8 Scott on that. If not, you know, he might want to look at
9 that, otherwise he won't have seating out there.

10 MR. BOEHNER: I think that would be very
11 helpful for the Planning Board to know how many seats are
12 being proposed, how much parking is needed, and a little
13 bit -- I'm trying to understand why you closed off the one
14 curb cut and maybe you want to close off both on West
15 Henrietta Road? There's a conflict point with Furlong and
16 West Henrietta Road. Do you concur that same concern?

17 CADE KRUGER: Yes. I think that is a
18 congested area. It's busy. Like I said, it's an existing
19 site, we're trying to do the best with it that we can. If
20 the Board is going to make that a condition, obviously we
21 have to take a look at that and incorporate that into our
22 design.

23 MR. BOEHNER: Have you guys considered
24 relocating the parallel parking out of where they are to
25 somewhere else?

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3 CADE KRUGER: No. I don't think we have any
4 space to put those anywhere else.

5 CHAIRPERSON PRICE: What's the entire site
6 here, is it how many acres is this whole site?

7 CADE KRUGER: Two and a half acres.

8 CHAIRPERSON PRICE: Two and a half acres, and
9 you don't have anywhere else to put eight spaces?

10 CADE KRUGER: Well, we're trying to utilize
11 existing pavement to the greatest extent possible. Otherwise
12 we get into, you know, more storm water issues, more paving
13 that John doesn't want to do.

14 MR. BOEHNER: Yeah, but that area could be
15 raised -- from the outer area.

16 CADE KRUGER: -- same that we'd have there at
17 the existing site.

18 MR. BOEHNER: You may want to look at closing
19 off additional curb cuts to try to pick up some area that you
20 can maybe use for additional parking or something.

21 CADE KRUGER: Yes. I think, you know, if we
22 closed off that additional curb cut there then we'd still be
23 allowed to have parallel parking there. We could get a spot
24 or two I think.

25 MR. BOEHNER: No, well, it's up to the Board.

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I have concerns about the parallel parking.

CHAIRPERSON PRICE: I did see, and the owner is apparently on the line some place.

JOHN GEER: Yes.

CHAIRPERSON PRICE: -- before you speak, John, will you please tell us how you got to this point and how are things so advanced without the Planning Board having seen any of these ideas before?

JOHN GEER: Well, the only thing that, so for starters, that one area isn't closed off at all. There's just some concrete buckets with some posts and caution tape. That spot is extremely dangerous, so I just, you know, for our own safety and for other people's safety, we just temporarily closed that off.

CADE KRUGER: John, for the record, could you identify yourself?

JOHN GEER: My name is John Geer, 2171 West Henrietta Road, it's Sunny's Family Diner. So we didn't close anything off. We did seal the parking lot and my sealer guy kind of got excited and did stripe it and it was already done, so there's nothing I could do. I still had to pay for it and everything like that.

I heard you guys talking about the other side,

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3 so it would be the south side on 15, not the one going onto
4 Furlong, that would be ideal for a right turn only. Just to
5 not congest the north side of the parking lot because it is,
6 you know, kind of tight. So, but as far as any other
7 advancement --

8 MR. BOEHNER: -- we look at the plan for the
9 access control and traffic circulation through this site.

10 CADE KRUGER: Say that again, Ramsey, I didn't
11 hear the first part.

12 MR. BOEHNER: If a traffic engineer looked at
13 this site as far as the curb cut to be closed, not be closed,
14 left open with the increased occupancy that's being proposed?

15 CADE KRUGER: Yeah. So we sent the plan to
16 the New York State DOT and they gave us comments initially.
17 They're obviously fully on board with closing that northern
18 entrance off of 15. And the only other stipulation they gave
19 us were the southern access onto 15 they want reduced in size
20 to 30 feet and currently it's like 42 feet wide or something
21 like that, and that we keep any permanent proposed features,
22 site features out of the right of way.

23 In addition they want all of the pavement
24 that's currently in the right of way restored to grass when
25 we close out that entrance.

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MR. BOEHNER: Did you have a traffic engineer prepare a report for DOT? I would like to see that, or whatever they made the decisions on closing the curb cuts.

CADE KRUGER: No, we did not. We have not done a traffic study.

CHAIRPERSON PRICE: Did you write the letter to the DOT?

CADE KRUGER: Yes.

CHAIRPERSON PRICE: You did. Okay.

CADE KRUGER: Yes.

MR. BOEHNER: In the letter, you just asked to close the one curb cut. Did you do a study?

CADE KRUGER: No, we didn't do a study, no --

MR. BOEHNER: -- curb cut maybe, did you do a study to determine what the best location of a curb cut may be on West Henrietta Road? Is it site distance and all of the other issues?

CADE KRUGER: No. We typically wouldn't do that. No, typically we would not do that when it's directed by the Town, when it's an existing condition. Actually, you know, John has approved to use the restaurant as is. He could leave both those open and not go ahead with the extension. It's preexisting conditions that we're trying to

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deal with and make the best out of it, so.

MR. BOEHNER: I understand that, but it's the increased occupancy that's being proposed that's taking so long. You're right on that, that's very true.

CADE KRUGER: Yeah.

CHAIRPERSON PRICE: Okay. How about an explanation of the parking lot. What -- Ramsey, does this have a site dated table? I'm sorry, do we know what the occupancy is that is proposed and --

MR. BOEHNER: No. It was not provided.

CHAIRPERSON PRICE: -- what the required parking would be?

MR. BOEHNER: We have not been provided that.

CHAIRPERSON PRICE: Okay.

JOHN GEER: Can I comment on that?

CHAIRPERSON PRICE: Please.

JOHN GREER: Yeah. So we are -- we can have 66 inside of the building and 24 at the south patio. We currently for the existing spots, it was off of the existing lines that were there and it was in the thirties, so that's how the 66 number came out. And then there was -- something was left off in a Town error regarding the south patio. That's not listed at all on the current, you know, use of the

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existing restaurant.

I think, Ramsey, you were there when we had that discussion with Rick that day.

MR. BOEHNER: It was 64 inside and 24 seats outside, 30 parking spots is what I show.

JOHN GEER: Yes, thank you.

CHAIRPERSON PRICE: So by code would --

MR. BOEHNER: And they did come in to the Architectural Review Board approval.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: That's how the improvements were made to the building itself --

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: -- because they were permitted to do that. Now he's wanting to expand the occupancy and add in an ice cream window.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: So what we need to know, because they also need to apply to the Zoning Board of Appeals to request modification of the conditional use permits to increase the occupancy, and to have an ice cream window. They also need a variance because they are asking not to install the automatic sprinkler system.

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3 CHAIRPERSON PRICE: Yeah.

4 MR. BOEHNER: And -- they also need a setback,
5 maintenance setback variance from Doncaster Road. The plans
6 that also were submitted also needed a coverage variance, a
7 front yard coverage variance, but a revised plan was
8 submitted yesterday. I believe, Jeff, you could probably
9 show that. That corrected the issue of the coverage.

10 We are left with the other variances, the
11 other three variances that need to be obtained. Once the
12 variances are obtained you may have a better idea what -- how
13 many seats they can have and what the numbers we are dealing
14 with.

15 CHAIRPERSON PRICE: Yeah.

16 MR. BOEHNER: As far as seats go.

17 CADE KRUGER: So we're currently looking for
18 100, which was according to Scott, which was, you know, the
19 limit.

20 CHAIRPERSON PRICE: The limit of number of
21 seats, indoor and outdoor?

22 CADE KRUGER: That was for indoor.

23 CHAIRPERSON PRICE: That's regular.

24 CADE KRIEGER: Yeah.

25 CHAIRPERSON PRICE: I see.

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CADE KRUGER: I mean, now post-COVID it's going to be a little bit different. But, you know, passing that then 100 would be -- because that's the same as with the sprinkler system with New York State and Town Code. If that variance is granted, that would be the limit, the max anyway.

CHAIRPERSON PRICE: Okay. I guess Cade, I was looking for a little discussion on the additional parking that is proposed, how you came up with the configuration and why there's no sidewalks anywhere? Cade, you're muted.

CADE KRUGER: Thank you. Yeah, so with the parking and circulation like I mentioned before, we're kind of taking what's there as far as existing pavement and entrances and exits and make the circulation more efficient. So that's how we came up with the striping plan. That goes to Doncaster. There's already a drive there. We're just putting parking on both sides of it.

And, you know, as far as sidewalks, there's sidewalks and paved areas in front of the building for pedestrians that park there to access the building. We currently don't any proposed at the out lot there.

CHAIRPERSON PRICE: Right.

MR. BOEHNER: The Town is going to be looking for a sidewalk easement along West Henrietta Road frontage at

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3 this time they are not -- I don't think we talked with them
4 about the construction of sidewalks in that area. Looking
5 for some safety improvements that are going to be hopefully
6 made along West Henrietta Road as part of a New York State
7 DOT traffic study.

8 So he doesn't want the sidewalks put in and
9 ripped out as part of the DOT project, but would certainly
10 want the necessary sidewalk easement at least along the
11 front.

12 CHAIRPERSON PRICE: Okay. And it appears the
13 entire neighborhood adjacent to it has no sidewalks.

14 MR. BOEHNER: Yes, that's correct.

15 CHAIRPERSON PRICE: Okay, all right. Yeah.
16 Okay. How about, can you tell us a little bit about site
17 lighting?

18 CADE KRUGER: Yes. So we are not proposing a
19 whole lot for additional light. The main lighting on the
20 site is going to come from what's on the building, you know,
21 it's got wall packs, and that kind of thing to light up the
22 entrances.

23 John's already got a couple lights out in the
24 front parking lot along 15 there that shine towards the
25 building. One of those is probably going to stay, the one

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3 directly to the east of the building. There's another one
4 that would be in the DOT right of way that we need to move.
5 You can see on the plan that's proposed off to the north
6 there, off the parking jut out, somewhere in there is where
7 we're thinking would be a good spot. It's kind of light up
8 there in that area. And John's able to run his electric from
9 that pole that's in front of the building to those spots
10 currently. So that's all that we're proposing for new
11 lighting.

12 CHAIRPERSON PRICE: Okay. Is the pavement
13 that's already there that has a handicapped, a total of three
14 spaces and I believe the back up distance between the parking
15 spaces is 30 some feet? Sorry, I can't see that.

16 CADE KRUGER: Yes, 35 feet.

17 CHAIRPERSON PRICE: 35?

18 CADE KRUGER: Yes. That area is going to have
19 an overhead door, I believe, for the garage and deliveries
20 and that kind of thing; is that correct, John? So that's
21 where trucks and that kind of thing are going to be backing
22 up to utilize that.

23 JOHN GEER: Yes.

24 CADE KRUGER: So a space wider than the
25 24-foot, just to make that turn a little easier.

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3 JOHN GEER: Yes.

4 CHAIRPERSON PRICE: Okay. Can you tell us a
5 little bit about your storm water management that you have
6 designed?

7 CADE KRUGER: Yes. So drainage on the site
8 generally flows in all directions away from the building.
9 Most, if not all of it eventually makes its way to 15 and
10 then loops around to Doncaster. Some of it along 15,
11 currently just sets in some low areas and once it fills up it
12 just keeps going around the corner and eventually gets to --
13 there's two drainage inlets in grass along Doncaster that
14 everything gets to.

15 So, you know, we're going to keep that
16 drainage pattern the way it is, the best we can. We do have
17 a bio-retention area with plantings proposed. After talking
18 with town staff it sounds like we have a little work to do to
19 get on the same page as far as how to take care of the storm
20 water, but it's nothing we haven't done before. So I'm not
21 too worried about figuring that out.

22 The increase run off from the new impervious
23 according to our analysis is very small. But, you know,
24 whatever it ends up, the final number we agree upon, we are
25 going to be treating it in that bio area. It's going to be

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planted.

CHAIRPERSON PRICE: And this is for Ramsey, if you can speak to storm water. They're not obligated to either treat for water quality or any type of retention of the existing paved area? There's just accommodating the new paving?

MR. BOEHNER: The parcel fill, just going through the town engineer's notes. It must meet our storm water management code for the town regarding increase in the peak flow rates, velocity, duration of storm water concentration. They have to address how they mitigate it. Technical calculations demonstrating compliance with our code needs to be provided. We need percolation testing, it goes on. There's quite a bit of work they still need to do.

CHAIRPERSON PRICE: Okay. Cade, in your experience, the existing pavement and impervious you don't have to accommodate or is the design proposed to accommodate some or a portion of the existing pavement and building?

CADE KRUGER: Yes. So we need to treat 25 percent of any disturbed existing pavement for water quality. It's figured into our calculations and like I said there is some technical things that we'll work out with the town staff as far as this goes. But overall the peak flows

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are very small, the change. It's not like we're dealing with something from a huge development. So it's going to be very -- to capture and treat in a facility size similar to what we have shown.

CHAIRPERSON PRICE: Okay, all right. You did mention Heinrich is your landscape architect. Is Heinrich with you tonight?

CADE KRUGER: I believe he is. He is on as Alex Fischer.

HEINRICH FISCHER: Good evening, Bill.

CHAIRPERSON PRICE: How are you? Just a couple of things. I think what's proposed that I saw is fine. I'm just curious if it appears there's a large dead tree toward the back of the parcel?

HEINRICH FISCHER: There's one ash along Doncaster which is deader than a door nail. And then almost directly in behind the building to the north of what is shown as existing evergreens are two fairly large poplars. They're multi-stem and at least one stem on each one is completely dead.

CHAIRPERSON PRICE: Okay.

HEINRICH FISCHER: They're probably in the 50 or 60 or more height range and proposing to take those out.

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They're simply long, very messy trees. They do pose a danger in terms of breakage and dropping limbs.

CHAIRPERSON PRICE: Okay. I did notice that the area between the shoulder of the road and the pavement does -- and I'm not talking about the area where the buckets and the curb cut is closed off -- I think that needs to just be neatened up. Same with the area closer to the southern curb cut, just seems to be a lot of volunteer growth in there that might be a site distance issue if that curb cut stays open.

HEINRICH FISCHER: Primarily, Bill, in there it does need to have some maintenance done to it. Clean it up, trim things back. We purposely didn't show additional plant materials either to the south or the north for the simple reason we are so close to West Henrietta Road, very much concerned, you know, about salt damage from the winter times. But also all of that is within the right of way and is actually loaded with different underground utilities.

So we primarily tried to stay away from it. The owner has, I believe, added some perennials, grasses which those could be added. And I guess we just need to be very careful in terms of plant material salt tolerance.

CHAIRPERSON PRICE: Sure. I think, you know,

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3 that what struck me was really just kind of cleaning up the
4 edge of, you know, between the edge of your pavement and the
5 shoulder of the road. You know, if it's just well-kept lawn,
6 that's better than what's there today.

7 And I noticed you put plant material is
8 proposed around the Dumpster, but is the Dumpster enclosed
9 with a fence?

10 HEINRICH FISCHER: Yes, it is enclosed. The
11 Dumpster will have an enclosure per town standards. So it
12 has to be, you know, chain link with screening or masonry
13 that will be fully enclosed.

14 We'll have to add a columnar evergreen to
15 surround the entire Dumpster area simply so the neighboring
16 properties and also the people coming ingress and egress from
17 the site are not looking at a Dumpster, but fencing per se.
18 Trying to soften the whole thing.

19 MR. BOEHNER: How is your work with that? Is
20 it behind two parking spots? Is that going to cause you guys
21 a problem?

22 CADE KRUGER: Well, I'll say ideally we wanted
23 it to be over on the south end of the site near Furlong, kind
24 of where those proposed tree are in a half circle there.
25 We'd like to move it there if we could, but we thought that

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was in too close proximity to 15 and the neighbor to the south there.

If we could move it there, we would like to. Otherwise, yes, it's going to be behind a couple of parking spots that are going to have to be blocked during pick up time.

HEINRICH FISCHER: That again, is going to be a situation of management of when refuse pick up does happen. And it could be done on the off hours so it should not be any conflict with the parking.

MR. BOEHNER: Where is it located now, the Dumpster?

CADE KRUGER: Do you see the landscape plan, Ramsey? It's on the additional parking to the north there. It's on the western edge of that and it's got a bunch of small evergreens around it.

MR. BOEHNER: No, where is it now, currently?

CADE KRUGER: Oh, it's pretty close to the building, I think. Isn't that right, John?

JOHN GEER: Yeah, currently we just have a small ten yard Dumpster we're using for the construction debris.

MR. BOEHNER: Isn't there an existing place

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where the Dumpster's been located with an encloser? It might be good to know where that was and why you are moving it or trying to understand that a little bit.

JOHN GEER: So according to some old pictures that I have, it was in that vicinity. And it was, you know, it was in real poor condition. It was always exposed, the surrounding fence around it was pretty weak, and it was always an eyesore. Always.

MR. BOEHNER: Wait, it was in the condition you're proposing?

HEINRICH FISCHER: Ramsey, the other thing to consider or be considered there is if the town does allow the ice cream pick up there. We, with prevailing westerly winds the other motivation was to move the Dumpster away from any area where people might be eating things just because you do in the summertime, can't totally avoid any odors.

MR. BOEHNER: So the Dumpster was moved away. I got ya. You're saying you moved it to the northern part, it wasn't there. It used to be over by the building over where by the ice cream is going to go. And you're telling us you want to move it because you don't want it near ice cream. Gotcha.

JOHN GEER: Yes.

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CHAIRPERSON PRICE: Okay. Let's ask if the Board members have any questions.

MR. WENTWORTH: I do. I'm wondering why the separation of the northern parking addition from the existing. You could gain at least three, maybe four spots if you didn't keep the drive between the two parking areas.

CADE KRUGER: Yeah, James, I think I know you're talking about the little bottle neck there?

MR. WENTWORTH: Correct.

CADE KRUGER: Yeah. So, I guess the reason for that is we're trying to utilize that existing drive as best as possible. I think you're right. I think we have some room to shift that to the south if we need to, especially to get away from that property line on Doncaster a little more. We just need to make sure that we can make those, you know, turning movements coming around the corner there. But I think you're right, I think there's some room to play with.

HEINRICH FISCHER: The other thing we considered in there is how that area is going to be grated properly.

CADE KRUGER: Right.

CHAIRPERSON PRICE: Thank you, James. Anyone

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else? John?

MR. OSOWSKI: Yeah, I have a question. So I realize they're applying for a variance for the fire protection sprinklers. But I just want to know, is the water service to the building adequate if sprinklers end up being required for the building?

CADE KRUGER: So that's part of the reason that John's applying for a variance for the sprinkler, because it is not adequate, so it is a huge financial burden to install that system. Again, that's Scott Fisk's domain web part, but I can say from doing the water calculations and the initial look at the fire service there, pressure is very low out on 15 and John would probably need a booster pump and a very large service, frankly. Probably a six inch to make that work.

So currently, John, correct me if I am wrong, but you do have a design for a cooking hood sprinkler system that feeds off the domestic that will work on line; is that correct?

JOHN GEER: We have an anvil system.

CADE KRUGER: There's some sort of fire suppression system figured in there, that is just for the kitchen area, correct?

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JOHN GEER: Yeah. We used, you know, we had fire retardant worn in the basement, we have the double 58-X in the building, we have the -- and a very elaborate anvil system in the kitchen.

CADE KRUGER: Right. So forgive me John, I don't know the ins and outs of the interior modifications that Scott's proposing to take care of that, but to answer your question in short, no, the existing water service would not be adequate.

MR. OSOWSKI: Thank you very much, I appreciate it.

MR. BOEHNER: Okay. What is the status of the other Zoning Board variances you guys need to file?

CADE KRUGER: Yeah. So for the sprinkler variance, got tabled that meeting, it was supposed to be -- this meeting. Sounds like he is still working on things with Mr. Roth as far as that goes, so he is going to be holding that meeting in September.

We're not really sure if we can apply for the other Zoning Board meeting for the expansion until we get that part figured out. And we wanted to get the ball rolling with the Planning Board too even if it's conditioned on, you know, Zoning Board approval first. We're just trying to get

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things started here.

CHAIRPERSON PRICE: Jason, do you have any questions? Or Laura?

MR. BABCOCK-STINER: I'm all set.

CHAIRPERSON PRICE: Laura? I don't see Laura, guys.

MS. CIVILETTI: Sorry, I'm trying to unmute myself. Just curious, I think there was a comment from the fire marshal about the increase of occupancy and concerns about omitting the sprinkler system. What is the code requirement in terms of occupancy and sprinkler? Is there a threshold in the past with the proposed changes? Do we have any information on that?

MR. BOEHNER: What are you asking, Laura? I'm sorry, what is the threshold of when you need a sprinkler or not?

MS. CIVILETTI: Yeah. So the comments I've read from the fire marshal has it is specifically with his concerns about the increased occupancy and whether to grant the variance. So I'm curious as to whether there's a threshold for occupancy.

MR. BOEHNER: There is a threshold in the State code. Town Code if you put in 50 percent, make updates

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and improvements to the building 50 percent of the building's assessed value the Town Code requires you to put in sprinklers. So those are the two questions.

MS. CIVILETTI: Okay. Thank you.

MR. BOEHNER: What you're asking about is for the State and I don't know, Laura. I'm sorry.

MS. CIVILETTI: Thank you.

CHAIRPERSON PRICE: Other Board questions? Ramsey, are you, have you asked yours?

MR. BOEHNER: I think I did a lot of asking of questions, so I'm good.

CHAIRPERSON PRICE: All right.

This is a Public Hearing and if you are out there and you would like to ask a question please raise your hand. Ramsey and Jeff will be looking to see if there's anyone who wishes to speak in favor of this application or have questions about it.

You do know we did receive several letters for support, e-mails of support for the project. Not sure there was anything opposing the project. Okay, does --

MR. BOEHNER: I don't see anyone raising their hand, but I'm not seeing anyone wave their hands. Saw a couple of them -- I'm not seeing anyone raise their hand at

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this point.

CHAIRPERSON PRICE: Okay. So Cade, do you mind just recapping, you know, so this application will likely be tabled tonight pending your Zoning Board of Appeals variances. You will get some comments from us about some site plan issues, but also some storm water management issues. But other than that, can you just briefly tell us when you think variances might be heard and when we might see you again?

CADE KRUGER: Yeah. So, you know, Bill, I was hoping to get preliminary approval if we could tonight to tea us up for the next meeting, but I don't know if that's possible since we're getting tabled. Sounds like both Zoning Board meetings are going to be next month.

CHAIRPERSON PRICE: Okay.

CADE KRUGER: Yeah. We're kind of horse before the cart kind of thing, which one do we get first. So, you know, I don't mind getting some sort of approval based on a condition of Zoning Board approval if that's something you guys can do. But.

CHAIRPERSON PRICE: What we do is we, you know, we would typically have the preliminary application and then the final application. But we are -- we typically do

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not give preliminary or final, certainly not final, but when there's a pending variance application that could effect the site plan. But it does not preclude us from -- it's not like you're going to need two more meetings, once you secured the variances from the Zoning Board of Appeals.

So you're going to have to come back here once again any way, as long as you are able to --

CADE KRUGER: Right.

CHAIRPERSON PRICE: -- take a look at the conditions of the letter that comes from us and address those in the time before you come back. Then we typically do provide or do approve preliminary and final at the same time.

CADE KRUGER: Certainly. That will be our goal. I don't have the meeting in front of me so I can't remember if the Zoning Board is before the Planning Board meeting next month or not.

CHAIRPERSON PRICE: I'm not going to tell you that there may not be some gymnastics that you have to go through --

CADE KRUGER: Yeah.

CHAIRPERSON PRICE: -- to get your comments resolved from the Planning Board and then get back in to get on the next agenda. But I would ask you to work with Ramsey

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and Rick and Evert to get through the comments and kind of be ready for us as soon as the variances are approved.

CADE KRUGER: Certainly, will do.

CHAIRPERSON PRICE: All right. Want to thank you, we wish you luck with the variances. And Heinrich, good to see you,

HEINRICH FISCHER: Likewise, thank you.

CHAIRPERSON PRICE: Okay. We are going to move on. We didn't have any comments on that so we will move on to the next application which is --

By the way, you guys are welcome to hang around, but I think you might have heard most of our deliberations right now, so please give Ramsey a call in the morning.

APPLICATION 8P-02-20

8P-02-20 Application of Passero Associates, agent, and New Monroe Real Estate, LLC, owner, Site Plan Modification to expand and reconfigure the parking area increasing the number of parking spaces from 36 to 47 on property located at 2816 Monroe Avenue. All as described on application and plans on file.

CHAIRPERSON PRICE: 2816 Monroe Avenue, better known as Pittsford Animal Hospital. Is there anyone

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representing the applicant?

DAVID COX: Yes. Dave Cox of Passero Associates.

CHAIRPERSON PRICE: Hello, David, how are you?

DAVID COX: Good. I can take it away?

CHAIRPERSON PRICE: Yes, please.

DAVID COX: So as Bill mentioned we are looking to get 11 more parking spaces on the property and the reason for that is there's really kind of been a shift and a change in the animal hospital and the veterinary services. There's been an increase in demand for medical, advanced medical services. So there's a lot more surgical procedures, x-rays, diagnostic imaging, pharmacy, dental care, nutrition counseling. You know, this is all stuff that was pretty rare 10 or 15 years ago. Now it's much more common.

I mean, animal hospitals, they're really like a full-blown hospital, they're like a human hospital except for pets. So they have all of the same technology, but what comes with that is, you know, a vet can't -- doesn't know how to operate all of these pieces of diagnostic imaging and x-rays, so you need specialists. So you need specialists for the different types of equipment the different types of counseling and pharmacy, and dental. So there's just an

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3 increase of staff. So we need to generate some additional
4 parking spaces for that increase of staff.

5 So where we are picking up those spaces is
6 there's an existing drive on the east side of the building
7 which currently is one-way. If you pull in off of Monroe
8 Avenue you can either park right in the front there or if you
9 go around to parking in the back it is one-way, you park in
10 the back and then you would exit via Clover.

11 So we are putting parallel parking along that
12 existing one-way drive and that would be for staff only. The
13 way that works is the first staff member in kind of parks at
14 the space all the way at the top, all the way to the north;
15 the second person pulls in behind, and then so on. So that,
16 you know, no people visiting or customers will be parking
17 there, they will be parking in the front parking lot or the
18 rear parking lot.

19 So we are -- we did look the site and see, you
20 know, where can we add some additional landscaping to offset
21 the, you know, the additional impervious area that we are
22 putting. So we found a location to add 5 more trees, 10 more
23 shrubs and 41 perennials, so we're really kind of beefing up
24 the landscaping there.

25 All of the traffic pattern, if you will, is

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going to remain as it is today, so no changes there. We are at about .15 eagers of the service so well under the eager threshold so we don't need to do any swept. And we also need some variances due to this parking and drive out being close to the lot line.

So we were on the Zoning Board agenda for September 2nd, so after we go there we will be looking for to come back to the Board here. I think that covers most of it. I can take any questions you have.

CHAIRPERSON PRICE: David?

DAVID COX: Yeah.

CHAIRPERSON PRICE: Let's go back a little bit. Were there any other alternatives to putting this driveway in considered? And let me tell you my thoughts on this. And I don't know if you have anybody representing the animal hospital on with you here.

DAVID COX: Terry Wyland with the animal hospital is also on.

CHAIRPERSON PRICE: Okay. For the record my animals are treated here. And Dr. Wyland is our vet.

But the question comes back, I'm not sure whether the animal hospital ever was with the conversation with the project next door and interconnecting -- Ramsey, you

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can tell me whether or not there was pre-conclusions in the Whole Foods discussion that precluded interconnection between the animal hospital and that project.

MR. BOEHNER: Yes, there could be no connection between that project and Clover.

CHAIRPERSON PRICE: Okay, and Clover.

MR. BOEHNER: Yes, there's a restrictive covenant to that effect that has been filed.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: So the Whole Foods project could not connect.

CHAIRPERSON PRICE: Okay. And that's so the traffic doesn't end up on Clover.

MR. BOEHNER: That's right.

CHAIRPERSON PRICE: Okay. So there's currently a gate up there, is that -- David, is that proposed to be closed and you're putting a parking space in there?

DAVID COX: Yes. So there is a current gate there now. We are, you know, blocking that off and putting parking in front of it.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: Is that the gate where people use to access the trail? Because if it is, I request that

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that not be blocked off.

DAVID COX: The trail gets routed around, so, yeah, it wouldn't get blocked off until after the new trail gets put in.

MR. BOEHNER: Okay. Once the new trail is put in?

DAVID COX: Right.

MR. BOEHNER: You're saying then you want to block off that gate?

DAVID COX: Correct.

MR. BOEHNER: Gotcha.

CHAIRPERSON PRICE: So let's say that's not an option. I'm wondering if there is an option for the front to interconnect because I know at one point we did show those aligning, although the parking spaces were flipped and the drive aisles were flipped. So either looking at an outer connection -- I am trying to think of ideas here because we have too many curb cuts out here onto Monroe. Try to reduce the number of curb cuts.

We actually have a bank next door that has very low utilization of the parking in the back and you guys need parking. So you're super jamming, you know, this site when the site next door, was there ever discussion or could

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there be a consideration of discussion for shared parking?

DAVID COX: Terry, you are on the line, do you want to discuss the bank?

TERRY WYLAND: Yes. Only reason we're asking for all this other parking is because we went to both -- when the Whole Foods are going to be built, because we use spots in the back there now and we have been told we cannot park there anymore once Mamasan's is torn down. We did go to the bank and the bank said, absolutely not, you cannot use our parking lot.

CHAIRPERSON PRICE: Okay, you did try.

TERRY WYLAND: Yes.

CHAIRPERSON PRICE: Okay. Well, thank you. That's, we appreciate that effort very much.

And was it somebody local at the banking or was it somebody that manages it from Timbuktu?

TERRY WYLAND: Timbuktu.

CHAIRPERSON PRICE: Okay. Okay, all right, so you tried.

TERRY WYLAND: Yes.

CHAIRPERSON PRICE: All right. Now, from a technical standpoint, David, will you tell me, it looks to me like on that drive lane on the east side, that from the edge

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of pavement or the curb, excuse me, it actually drops down to the fence line of the bank next door. How do you propose to actually build that?

DAVID COX: Yes. So there's -- it varies between 12 inches and 24 inches along that side. So what we're doing is the curb that we're putting in is actually going to be a form of a retaining wall curb. So it's a little bit beefier, a little bit thicker, and that's how we're going to treat that 12 to 24 inches difference rate.

MR. BOEHNER: Do you have any -- with the bank? Do you have an easement, a temporary construction easement with the bank to construct that wall?

DAVID COX: We specifically designed the retaining wall that it's just -- it goes kind of under, it wings underneath the parking. So it actually does not go into the bank property at all. So we are able to completely construct the retaining wall curb without going onto the bank property.

CHAIRPERSON PRICE: So --

MR. BOEHNER: Go ahead, Bill, I'm sorry.

CHAIRPERSON PRICE: Okay. So you're probably doing that because they are not easy to deal with.

DAVID COX: Correct.

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3 CHAIRPERSON PRICE: But we end up with, we,
4 the residents of Brighton end up with a curb that has a fence
5 on top of it and a wall that's going to have some kind of a
6 barrier on top it; is that correct?

7 DAVID COX: Yes. There will be two fences
8 potentially.

9 CHAIRPERSON PRICE: Yeah, okay. Ramsey, why
10 don't you and I talk about that offline.

11 MR. BOEHNER: Well, one of the concerns I have
12 about that whole structure is that we're down to 12 feet.
13 That's not a lot for the fire trucks. I'm concerned about
14 comments from the fire marshal if that meets the fire access
15 codes. With going down to 12 feet those couple of feet
16 matter and you now have pretty much 15 feet there, now we're
17 going down to 12? So I am a little concerned about the
18 access through there with this built. And that goes along
19 that side, the same issue that we are having it butt up a
20 retaining wall next to that fence.

21 MR. WENTWORTH: Could the applicant speak to
22 that because I look at the drawing and it looks like the
23 12 and a half feet is existing but it's getting increased?

24 TERRY WYLAND: Yes. We are increasing the
25 pavement area.

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DAVID COX: Yeah, let me. I'm just looking at it right now. Yeah, right now it is a little more than 12 and a half, it's closer to 14 or 15, and we are expanding it to be able to put the parking in. It will be 12 and a half after we finish out the improvements.

MR. BOEHNER: With 8-foot wide parking spaces?

DAVID COX: Yes.

MR. WENTWORTH: Oh, are we talking the drive on the east side?

DAVID COX: Yes. There will be parallel parking on the east side.

MR. WENTWORTH: Forgive me, I missed that.

MR. BOEHNER: That starts necessitating the need for the retaining wall.

CHAIRPERSON PRICE: Is there a section of wall?

DAVID COX: On the detail sheet there is.

CHAIRPERSON PRICE: Is there?

DAVID COX: Yes, so that kind of top middle.

CHAIRPERSON PRICE: So your kenlever is back.

DAVID COX: No, to the right. That's the regular curb. There you go.

CHAIRPERSON PRICE: Okay, I see. Okay. And

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you're just putting a fence, is that just a, like, a 42-inch barrier or is it a railing?

DAVID COX: It's going to be 42-inch fence.

CHAIRPERSON PRICE: Okay, I see.

DAVID COX: Yes.

CHAIRPERSON PRICE: Okay. Okay. Dr. Wyland, one of the things I noticed because we go there quite a bit, you know, the staff taking animals out for a walk on the lawn area and under those three trees, that will be lost. Where are you going to take the animals to walk now?

TERRY WYLAND: First of all, I wish I was a doctor, but I'm not. I take care of all of the facilities. My son is a doctor and the hospital director for Pittsford Animal Hospital.

CHAIRPERSON PRICE: Oh, it's your son?

TERRY WYLAND: Yes.

CHAIRPERSON PRICE: He is our vet.

TERRY WYLAND: Yes.

CHAIRPERSON PRICE: Anyway.

TERRY WYLAND: When I talked to Dave, the fence line we have on the west side we would take and move that right over to the property line. That will be a green area to walk them down in front of the cars.

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CHAIRPERSON PRICE: Yeah. I noticed that. The fence line is chain link part. I think what's part of Mamasan's property is probably that woodshed that's out back, or maybe it's a part of the fence, I couldn't tell. But if you kind of cleaned that area out, there's some dead trees and brush in there, and reset a new fence in there you probably could get some lawn between the pavement and the property line, but that needs a little cleaning up.

TERRY WYLAND: Yes. That fence is pretty old and bent out and everything else. We want to get rid of it.

MR. BOEHNER: Yeah. You also need to get that shed that's on the pedestrian easement it looks like, you need to relocate that somewhere, so if you can take that into your consideration.

TERRY WYLAND: Okay, got it. We can do that. It used to be where we used to keep our old X-rays and everything else. Now everything has gone digital, we could remove it.

MR. WENTWORTH: So, Ramsey, that pedestrian easement conflicts with the shed, won't the two proposed new trees conflict with that easement as well?

MR. BOEHNER: Yes. They should not be there either.

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CHAIRPERSON PRICE: They can't be there.

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DAVID COX: I can add the proposed trail to these plans so you can get a -- so you can see exactly where it's going.

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MR. BOEHNER: That may helped.

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CHAIRPERSON PRICE: That would help, yeah.

9

Did you address the lighting at all, David? I know there's some lights out there, it looked like floods that are tipped at a certain angle, not the best cutoff.

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DAVID COX: We did not look at lighting, we can certainly look at lighting.

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CHAIRPERSON PRICE: We would ask you to do that please.

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DAVID COX: Sure.

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CHAIRPERSON PRICE: There are lights there, but they're tilted up at, like, a 45-degree angle, and they are older, metal halide or something. But like you to take a look at them, both the placement and you probably reuse the poles, but the --

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DAVID COX: Get some new heads on there.

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CHAIRPERSON PRICE: New heads, get those.

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MR. BOEHNER: And do you have a concern of the two parking spots east off of Clover, right at that entrance?

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DAVID COX: There is parking spaces there now, so we are leaving those as is.

MR. BOEHNER: Have you had any problems with those?

DAVID COX: Terry, has there been any issues with those?

TERRY WYLAND: Not at all.

CHAIRPERSON PRICE: There's actually six there now, the two is part of six that exist there.

MR. BOEHNER: Okay.

CHAIRPERSON PRICE: Other questions from the Board?

MR. OSOWSKI: I have a question. How do you handle snow removal and snow storage on this site?

TERRY WYLAND: A lot of our places, we haul it offsite. We have a contractor come in with a dump truck if it's that amount and load it up and take it offsite.

MR. OSOWSKI: Thank you.

MR. BOEHNER: David, have you checked to make sure you have all the compliant accessible parking spots?

DAVID COX: Yes.

CHAIRPERSON PRICE: Laura, Jason, any questions?

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3 MS. CIVILETTI: No, I'm all set. Thank you.

4 CHAIRPERSON PRICE: Okay. Not hearing any
5 more from the Board. So let's open this up to the public and
6 see if anybody has any questions or comments. Jeff or
7 Ramsey, do you see anybody?

8 MR. BOEHNER: Nope, I don't see anyone. I'm
9 not seeing any, the process of elimination. I think we're
10 all set there, Bill.

11 CHAIRPERSON PRICE: All right, okay. Terry
12 and David, thank you.

13 DAVID COX: Thank you very much.

14 TERRY WYLAND: Thank you very much.

15 CHAIRPERSON PRICE: We'll be discussing this a
16 little bit later.

17 Oh, David, I am sorry. Remind me, you said
18 September --

19 DAVID COX: Second.

20 CHAIRPERSON PRICE: For the variances?

21 DAVID COX: Right.

22 CHAIRPERSON PRICE: Okay, thank you.

23 That brings us to the next application.

24 APPLICATION 8P-03-20

25 8P-03-20 Application of Passero Associates,

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agent, and RFM Morgan Properties, owner, for Site Plan Modification to demolish two 20 stall carports and replace with surface parking on property located at 2125 Monroe Avenue, Brighton Garden Apartments. All as described on application and plans on file.

DAVID COX: Good evening, David Cox of Passero Associates. So Brighton Gardens has a 40-unit apartment project and part of the Town Code is requiring one space to cover per unit. So they do have two covered parking structures for 40 car spaces, but they are pretty old. They are in rough shape. They're structurally compromised and they really become just a place where people are kind of dumping things.

Am I able to share my screen at all? There's some pictures I could kind of show. I don't know if that's possible.

CHAIRPERSON PRICE: Jeff, can you do that?

JEFF FRISCH: I'm not sure, I can try. Should give an option now.

DAVID COX: Yes, all right. Can everyone see that picture?

CHAIRPERSON PRICE: Yes.

DAVID COX: There's people kind of leaving

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3 their stuff there. Here's another one, so it's just not what
4 a garage should be used for. So Morgan has -- each unit has
5 storage inside of the building. They would much rather have
6 people store their things in the enclosed storage unit inside
7 of the building and not just kind of pile things up in the
8 garage structure.

9 So they would like to remove the garage
10 structure that is in really rough shape and just put in
11 service parking. So that's kind of what they're going for
12 there.

13 CHAIRPERSON PRICE: Okay. Can we go back to
14 the site plan, Jeff, please? So there's actually, the one
15 you were just showing us pictures of is along the south side?

16 DAVID COX: And north side, both of them.

17 CHAIRPERSON PRICE: They're both the same
18 structurally?

19 DAVID COX: Yes.

20 CHAIRPERSON PRICE: Okay. How much distance
21 is there from the back of the garage to the property line? I
22 can't read that.

23 DAVID COX: 42 feet, I believe, 41.9.

24 CHAIRPERSON PRICE: Okay, all right. And when
25 you talk about replacing with asphalt, are you looking at --

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is the slab currently concrete and you are going to tear that up?

DAVID COX: Yes. They would tear that up and just make it all asphalt.

CHAIRPERSON PRICE: How about any new lighting, is there any new lighting proposed?

DAVID COX: So there wasn't going to be any new lighting proposed.

CHAIRPERSON PRICE: And what do you have in the way of drainage back there? Do you have a drainage structures or --

DAVID COX: So on the south side, what the current parking structure just has a sloped roof, it just dumps water off the back and then it goes into the grass area and infiltrates. So we would maintain that existing drainage pattern.

On the north side we are putting in two catch basins, two new catch basins at the parking, will drain to that drain space area, drain to the catch basin, and will tie that into the existing storm sewer network.

CHAIRPERSON PRICE: I see, okay. I see what your two structures are, okay. So the concrete sidewalk and the asphalt will be flush?

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3 DAVID COX: Right, correct.

4 CHAIRPERSON PRICE: Okay, I see. Okay, very
5 good. Does anyone, Ramsey, do you have questions?

6 MR. BOEHNER: David, how do you see the
7 headlights from the cars that are parking there at night
8 being screened, especially during the night. I know there's
9 some vegetation back there, but I'm a little worried about
10 all of a sudden now we have a row of parking behind those
11 houses on New Crest, and how do you propose screening those
12 headlights?

13 DAVID COX: So right now there is a wood board
14 on board fence and some landscaping there. I do have a
15 picture of this, if you want to see.

16 MR. BOEHNER: The aerial, I think but my
17 concern is that that fence is still going to light up the
18 backyards. Because the fence is so far off the parking
19 spots, they're not necessarily cutting off the headlights. I
20 don't know the elevation change either back there, but I'm a
21 little concerned about the houses now, seems a lot more
22 headlights going into their yards.

23 DAVID COX: It's relatively the same
24 elevation. And on either side of where the existing garage
25 is there's parking on both sides, the headlights would shine

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now there. But to your point, there would be some additional cars.

MR. BOEHNER: There are going to be, yeah, you're almost doubling it. There's going to be quite a few more cars shining their headlights. It is a residential area, you know, you're in a residential B zone now, but you're not proposing any mitigation?

DAVID COX: We weren't at this time, no.

CHAIRPERSON PRICE: Okay. Other Board members?

MR. OSOWSKI: Are there any new accessible ADA accessible mobility impaired parking spots planned for this?

DAVID COX: Yes. And I realize they are not showing up on this plan but, yes, there is.

MR. OSOWSKI: Okay.

MR. BABCOCK-STINER: I'm good.

CHAIRPERSON PRICE: Laura, were you asking any questions?

MS. CIVILETTI: No. I'm all set, thank you.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: We have one thing, we got a communication from one of the neighboring properties, a Mary Goldenburg regarding maintenance the of the fence. Can you

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shed any light on why the fence hasn't been maintained?

DAVID COX: I don't have an answer for that, but as part of this project we can have the fence -- I think, do you know what type of -- I think it might need some, you know, painting, but --

MR. BOEHNER: I don't know. A tree had fallen on the fence and they hadn't fixed it.

DAVID COX: Oh, okay. I did not see that --

MR. BOEHNER: -- communication. So she definitely has some concerns about your proposed plans.

DAVID COX: Okay, yes. We can definitely call for that to be repaired.

MR. BOEHNER: Yeah. You may want to go out there and check the condition and make sure -- either way, you need to get that fixed, Planning Board does.

DAVID COX: For sure.

CHAIRPERSON PRICE: James, do you have any questions?

MR. WENTWORTH: Nope, I'm good.

CHAIRPERSON PRICE: All right, thank you. Any other Board members, Ramsey?

MR. BOEHNER: I have said everything I had to ask.

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CHAIRPERSON PRICE: All right, thank you.

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This is a Public Hearing if there's anyone in
the audience who wishes to address this application please
raise your hand.

6

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MR. BOEHNER: I don't think there's anyone
else in the audience at this point.

8

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CHAIRPERSON PRICE: All right.

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MR. BOEHNER: Jeff, would you agree?

11

JEFF FRISCH: I agree.

12

MR. BOEHNER: Thank you, Jeff.

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CHAIRPERSON PRICE: All right, okay.

14

David, thank you.

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DAVID COX: Thank you very much.

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CHAIRPERSON PRICE: So my understanding is
application under new business, 7P-NB1-20, the application of
Teamsters Local 118, DiPasquale Construction has been
adjourned to our September 16th meeting.

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MR. BOEHNER: That's correct.

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CHAIRPERSON PRICE: Okay, all right. Well,
that's all of our Public Hearings for this evening. Shall we
circle right back and make some decisions and then we will
look at the signs.

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MR. BOEHNER: Sounds like a game plan.

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APPLICATION 8P-01-20

8P-01-20 Application of John Geer, owner, for Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot on property located at 2171 West Henrietta Road. All as described on application and plans on file.

CHAIRPERSON PRICE: I would move that Application 8P-01-20 be tabled.

MR. WENTWORTH: By the testimony given and the plans submitted additional information is requested in order to make a determination of significance and to have a complete application. The 30 items in the Planning Board report are required to be submitted no later than two weeks prior to the next Planning Board meeting.

MR. BOEHNER: I also have a modification to it.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: Moved and seconded, you have a modification?

MR. BOEHNER: A modification to proposed condition number 27. It should read: Vehicles using the driveway access from Furlong Road might conflict with vehicles use in the West Henrietta Road driveway. Both West

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Henrietta Road driveway access points shall be removed.

CONDITIONS:

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

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

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

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

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

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

8. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

9. A detail for the proposed planters should be provided.

10. The location of the proposed dumpster enclosure might conflict with the proposed parking stalls. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet. The plans shall be revised to include details of the dumpster enclosure.

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

12. All outstanding Site Plan comments and concerns of the

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Town Engineer and Fire Marshal shall be addressed.

13. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed, prior to final approval.

14. All County Development Review Comments must be submitted.

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

16. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to 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.

17. The parking lot lights shall be placed on a timer.

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

19. All comments and concerns of the Town Engineer as contained in the attached memo dated August 17, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

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

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

22. The Town is requesting a sidewalk easement along the West Henrietta Road frontage to facilitate future sidewalk connections on West Henrietta Road.

23. The plans shall be revised to show the location of ice cream window.

24. The applicant will need to obtain approval from Zoning Board of Appeals to modify the use variance to allow the ice cream window and the additional seating.

25. The applicant will need to obtain approval from Zoning Board of Appeals for the pavement setback variance from the Doncaster Road right-of-way.

26. The applicant will need to obtain approval from Zoning Board of Appeals not to install an automatic sprinkler system?

27. Vehicles using the driveway access from Furlong Road might conflict with vehicles use in the West Henrietta Road

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driveway. Both West Henrietta Road driveway access points shall be removed.

28. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review.

29. The plans shall be revised to address the following comments of the Conservation Board:

A. The use of native plantings is encouraged. Consider substituting the Norway spruce with White spruce.

B. What is the front yard (W Henrietta Road) pavement coverage?

C. Verify with NYS Department of Transportation on plantings within the R.O.W.

30. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to

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section one hundred one of the Executive Law.

CHAIRPERSON PRICE: Okay. Moved and seconded,
all in favor -- or, actually, Ramsey, we need a roll.

MR. BOEHNER: Yes.

Mr. Wentworth?

MR. WENTWORTH: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner.

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Matter is tabled.

APPLICATION 8P-02-20

Application of Passero Associates, agent, and
New Monroe Real Estate, LLC, owner, Site Plan Modification to
expand and reconfigure the parking area increasing the number
of parking spaces from 36 to 47 on property located at 2816
Monroe Avenue. All as described on application and plans on
file.

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MR. BOEHNER: The gates shall not be closed and parking spot spaces do not block the gait until the trail improvements are completed.

CHAIRPERSON PRICE: Do we have a motion?

MR. BABCOCK-STINER: Move Application 8P-02-20 be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a determination of significance and to have a complete application. The 17 items outlined in the Planning Board report are required to be submitted no later than two weeks prior to the next Planning Board meeting.

CONDITIONS:

1. All required variances shall be obtained.
2. The shed located on the pedestrian easement should be relocated out of the easement area.
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 or a zoning variance shall be obtained.
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. Maintenance of landscape plantings shall be guaranteed for three (3) years.

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

9. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

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

11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

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12. All County Development Review Comments shall be addressed.

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

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

15. The proposed building and siteplan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review.

16. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

17. The gates shall not be closed and parking spot spaces do not block the gait until the trail improvements are completed.

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MR. WENTWORTH: Second.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner.

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Matter is tabled.

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APPLICATION 8P-03-20

8P-03-20 Application of Passero Associates, agent, and RFM Morgan Properties, owner, for Site Plan Modification to demolish two 20 stall carports and replace with surface parking on property located at 2125 Monroe Avenue, Brighton Garden Apartments. All as described on application and plans on file.

MR. BOEHNER: Condition 22, the existing fence shall be properly maintained and fixed where needed.

MR. BABCOCK-STINER: I move that Application 8P-03-20 be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a determination of significance and to have a complete application. The 22 items outlined in the Planning Board report are required to be submitted no later than two weeks prior to the next Planning Board meeting.

CONDITIONS:

1. All required Zoning Board of Appeals approvals must be conditions must be obtained.
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.

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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. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

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

9. All business vehicles/equipment shall be parked or stored to the rear of the building behind a six (6) foot solid fence.

10. Outside storage and display shall be prohibited.

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11. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.

12. All County Development Review Comments shall be addressed.

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

14. 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 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.

15. Prior to the issuance of a demolition permit. Asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a

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qualified company that asbestos has been removed.

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

17. All comments and concerns of the Town Engineer as contained in the attached memo dated August 18, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

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

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

20. The proposed buffer between the proposed parking and neighboring properties shall be increased. A landscape plan shall be submitted showing how the impacts of the car headlights will be mitigated.

21. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of

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movement as required by Secretary of State pursuant to
section one hundred one of the Executive Law.

22. The existing fence shall be properly maintained and
fixed where needed.

CHAIRPERSON PRICE: Second.

Ramsey, please call a roll.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Matter is tabled.

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SIGNS:

1586 Catapult Solution Group, Inc., for a building face sign at 1534 Monroe Avenue.

1587 Medical Building at 2561 Lac de Ville Boulevard, for a freestanding sign.

MR. BOEHNER: 1586, I recommend approve as recommended.

CHAIRPERSON PRICE: I'll move, approve as recommended.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: 1587, the next application was denied by the Zoning Board of Appeals so we should also deny it. Can I have a motion and a second?

MS. CIVILETTI: Move to deny.

CHAIRPERSON PRICE: Second.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

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MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Application is denied.

Everyone, thank you.

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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 7th day of September, 2020.

At Rochester, New York

Rhoda Collins
Rhoda Collins