

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 DELAN

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.

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MR. BOEHNER: He will not be here tonight.

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

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MR. BOEHNER: She is not here tonight either.

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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.

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

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

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

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

19 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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MR. BOEHNER: Mr. Babcock-Stiner.

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MR. BABCOCK-STINER: Yes.

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MR. BOEHNER: Mr. Osowski?

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MR. OSOWSKI: Here.

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MR. BOEHNER: Absent is Fader and Delaney.

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

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

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MS. CIVILETTI: So moved.

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

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MR. OSOWSKI: I'll second.

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

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ALL COUNCIL MEMBERS: Aye.

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

23

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

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MR. BOEHNER: Yes, the Public Hearings for

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

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

7 MR. BOEHNER: That is correct.

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

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

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

16 APPLICATION 8P-01-20

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

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

25 MR. BOEHNER: There is. Trying to unmute

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3 them.

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

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CHAIRPERSON PRICE: We can hear you.

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MR. BOEHNER: Is there anyone you would like

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us to unmute?

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CADE KRUGER: I think John is going to be

9 online. I haven't seen him come on yet, but.

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MR. BOEHNER: Will you let us know when you

see him, we can ask him to join us?

12

CADE KRUGER: Certainly.

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MR. BOEHNER: If you could identify yourself

for the Stenographer?

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CADE KRUGER: Yes. Good evening,

Mr. Chairman, members of the Planning Board. My name Cade

Kruger with PBS Engineers. Also with me tonight is going to

be John Geer, the owner and developer, and the landscape

architect for the project, Enrich Fischer should be online as

well.

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CHAIRPERSON PRICE: Thank you, Cade. Would

you kindly give us some real background on this one? I'm not

really familiar with how we got here. Looking at the project

I noticed there's new sealant on the pavement, the building

has a lot of renovations. Does this have Architect -- so go

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

6

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

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

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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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23 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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3 myself.

4 CADE KRUGER: Yeah. You know, obviously, John
5 needs to get all of the permits from the Town of Brighton to
6 do the improvements that we have on this land. So as to
7 what's been done out there, I guess I can't necessarily speak
8 to that. But going forward, you know, I think he understands
9 that he's got to hold off on anything until we get the proper
10 permits.11 MR. BOEHNER: Now, you are wanting to have an
12 ice cream window as part of this application? Where is the
13 ice cream window and how is that going to work?14 CADE KRUGER: Yeah. So if you look at the
15 plan of the building, it's on the north side. It's kind of
16 the, labelled as the existing one-story building in the back
17 there. On the north face of that building there's a slider
18 window that is going to be utilized to serve ice cream. So
19 people will drive up to the four spots up at the top there
20 and the four spots across from that, and the parking lot to
21 the north and they will able to walk up to get ice cream.
22 And there might be outdoor seating, you know, picnic tables
23 or something out there to serve that as well.24 MR. BOEHNER: Is that part of the application
25 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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23 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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3 I have concerns about the parallel parking.

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

6 JOHN GEER: Yes.

7 CHAIRPERSON PRICE: -- before you speak, John,
8 will you please tell us how you got to this point and how are
9 things so advanced without the Planning Board having seen any
10 of these ideas before?11 JOHN GEER: Well, the only thing that, so for
12 starters, that one area isn't closed off at all. There's
13 just some concrete buckets with some posts and caution tape.
14 That spot is extremely dangerous, so I just, you know, for
15 our own safety and for other people's safety, we just
16 temporarily closed that off.17 CADE KRUGER: John, for the record, could you
18 identify yourself?19 JOHN GEER: My name is John Geer, 2171 West
20 Henrietta Road, it's Sunny's Family Diner. So we didn't
21 close anything off. We did seal the parking lot and my
22 sealer guy kind of got excited and did stripe it and it was
23 already done, so there's nothing I could do. I still had to
24 pay for it and everything like that.

25 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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23 MR. BOEHNER: Did you have a traffic engineer
4 prepare a report for DOT? I would like to see that, or
5 whatever they made the decisions on closing the curb cuts.6 CADE KRUGER: No, we did not. We have not
7 done a traffic study.8 CHAIRPERSON PRICE: Did you write the letter
9 to the DOT?

10 CADE KRUGER: Yes.

11 CHAIRPERSON PRICE: You did. Okay.

12 CADE KRUGER: Yes.

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

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

16 MR. BOEHNER: -- curb cut maybe, did you do a
17 study to determine what the best location of a curb cut may
18 be on West Henrietta Road? Is it site distance and all of
19 the other issues?20 CADE KRUGER: No. We typically wouldn't do
21 that. No, typically we would not do that when it's directed
22 by the Town, when it's an existing condition. Actually, you
23 know, John has approved to use the restaurant as is. He
24 could leave both those open and not go ahead with the
25 extension. It's preexisting conditions that we're trying to

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

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

7 CADE KRUGER: Yeah.

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

12 MR. BOEHNER: No. It was not provided.

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

15 MR. BOEHNER: We have not been provided that.

16 CHAIRPERSON PRICE: Okay.

17 JOHN GEER: Can I comment on that?

18 CHAIRPERSON PRICE: Please.

19 JOHN GREER: Yeah. So we are -- we can have
20 66 inside of the building and 24 at the south patio. We
21 currently for the existing spots, it was off of the existing
22 lines that were there and it was in the thirties, so that's
23 how the 66 number came out. And then there was -- something
24 was left off in a Town error regarding the south patio.

25 That's not listed at all on the current, you know, use of the

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3 existing restaurant.

4 I think, Ramsey, you were there when we had
5 that discussion with Rick that day.6 MR. BOEHNER: It was 64 inside and 24 seats
7 outside, 30 parking spots is what I show.

8 JOHN GEER: Yes, thank you.

9 CHAIRPERSON PRICE: So by code would --

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

12 CHAIRPERSON PRICE: Okay.

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

15 CHAIRPERSON PRICE: Okay.

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

19 CHAIRPERSON PRICE: Okay.

20 MR. BOEHNER: So what we need to know, because
21 they also need to apply to the Zoning Board of Appeals to
22 request modification of the conditional use permits to
23 increase the occupancy, and to have an ice cream window.
24 They also need a variance because they are asking not to
25 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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3 CADE KRUGER: I mean, now post-COVID it's
4 going to be a little bit different. But, you know, passing
5 that then 100 would be -- because that's the same as with the
6 sprinkler system with New York State and Town Code. If that
7 variance is granted, that would be the limit, the max anyway.

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

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

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

23

24

25 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.

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

designed?

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

15

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

22

23 The increase run off from the new impervious
24 according to our analysis is very small. But, you know,
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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3 planted.

4 CHAIRPERSON PRICE: And this is for Ramsey, if
5 you can speak to storm water. They're not obligated to
6 either treat for water quality or any type of retention of
7 the existing paved area? There's just accommodating the new
8 paving?9 MR. BOEHNER: The parcel fill, just going
10 through the town engineer's notes. It must meet our storm
11 water management code for the town regarding increase in the
12 peak flow rates, velocity, duration of storm water
13 concentration. They have to address how they mitigate it.
14 Technical calculations demonstrating compliance with our code
15 needs to be provided. We need percolation testing, it goes
16 on. There's quite a bit of work they still need to do.17 CHAIRPERSON PRICE: Okay. Cade, in your
18 experience, the existing pavement and impervious you don't
19 have to accommodate or is the design proposed to accommodate
20 some or a portion of the existing pavement and building?21 CADE KRUGER: Yes. So we need to treat
22 25 percent of any disturbed existing pavement for water
23 quality. It's figured into our calculations and like I said
24 there is some technical things that we'll work out with the
25 town staff as far as this goes. But overall the peak flows

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

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

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

12 HEINRICH FISCHER: Good evening, Bill.

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

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

23 CHAIRPERSON PRICE: Okay.

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

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23 They're simply long, very messy trees. They do pose a danger
4 in terms of breakage and dropping limbs.5 CHAIRPERSON PRICE: Okay. I did notice that
6 the area between the shoulder of the road and the pavement
7 does -- and I'm not talking about the area where the buckets
8 and the curb cut is closed off -- I think that needs to just
9 be neatened up. Same with the area closer to the southern
10 curb cut, just seems to be a lot of volunteer growth in there
11 that might be a site distance issue if that curb cut stays
12 open.13 HEINRICH FISCHER: Primarily, Bill, in there
14 it does need to have some maintenance done to it. Clean it
15 up, trim things back. We purposely didn't show additional
16 plant materials either to the south or the north for the
17 simple reason we are so close to West Henrietta Road, very
18 much concerned, you know, about salt damage from the winter
19 times. But also all of that is within the right of way and
20 is actually loaded with different underground utilities.21 So we primarily tried to stay away from it.
22 The owner has, I believe, added some perennials, grasses
23 which those could be added. And I guess we just need to be
24 very careful in terms of plant material salt tolerance.

25 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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23 was in too close proximity to 15 and the neighbor to the
4 south there.5 If we could move it there, we would like to.
6 Otherwise, yes, it's going to be behind a couple of parking
7 spots that are going to have to be blocked during pick up
8 time.9 HEINRICH FISCHER: That again, is going to be
10 a situation of management of when refuse pick up does happen.
11 And it could be done on the off hours so it should not be any
12 conflict with the parking.13 MR. BOEHNER: Where is it located now, the
14 Dumpster?15 CADE KRUGER: Do you see the landscape plan,
16 Ramsey? It's on the additional parking to the north there.
17 It's on the western edge of that and it's got a bunch of
18 small evergreens around it.

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

20 CADE KRUGER: Oh, it's pretty close to the
21 building, I think. Isn't that right, John?22 JOHN GEER: Yeah, currently we just have a
23 small ten yard Dumpster we're using for the construction
24 debris.

25 MR. BOEHNER: Isn't there an existing place

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

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

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

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

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

25 JOHN GEER: Yes.

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

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

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

11 MR. WENTWORTH: Correct.

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

21 HEINRICH FISCHER: The other thing we
22 considered in there is how that area is going to be graded
23 properly.

24 CADE KRUGER: Right.

25 CHAIRPERSON PRICE: Thank you, James. Anyone

3 else? John?

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

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

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

JOHN GEER: We have an anvil system.

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

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23 JOHN GEER: Yeah. We used, you know, we had
4 fire retardant worn in the basement, we have the double 58-X
5 in the building, we have the -- and a very elaborate anvil
6 system in the kitchen.7 CADE KRUGER: Right. So forgive me John, I
8 don't know the ins and outs of the interior modifications
9 that Scott's proposing to take care of that, but to answer
10 your question in short, no, the existing water service would
11 not be adequate.12 MR. OSOWSKI: Thank you very much, I
13 appreciate it.14 MR. BOEHNER: Okay. What is the status of the
15 other Zoning Board variances you guys need to file?16 CADE KRUGER: Yeah. So for the sprinkler
17 variance, got tabled that meeting, it was supposed to be --
18 this meeting. Sounds like he is still working on things with
19 Mr. Roth as far as that goes, so he is going to be holding
20 that meeting in September.21 We're not really sure if we can apply for the
22 other Zoning Board meeting for the expansion until we get
23 that part figured out. And we wanted to get the ball rolling
24 with the Planning Board too even if it's conditioned on, you
25 know, Zoning Board approval first. We're just trying to get

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3 things started here.

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

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

7 CHAIRPERSON PRICE: Laura? I don't see Laura,
8 guys.9 MS. CIVILETTI: Sorry, I'm trying to unmute
10 myself. Just curious, I think there was a comment from the
11 fire marshal about the increase of occupancy and concerns
12 about omitting the sprinkler system. What is the code
13 requirement in terms of occupancy and sprinkler? Is there a
14 threshold in the past with the proposed changes? Do we have
15 any information on that?16 MR. BOEHNER: What are you asking, Laura? I'm
17 sorry, what is the threshold of when you need a sprinkler or
18 not?19 MS. CIVILETTI: Yeah. So the comments I've
20 read from the fire marshal has it is specifically with his
21 concerns about the increased occupancy and whether to grant
22 the variance. So I'm curious as to whether there's a
23 threshold for occupancy.24 MR. BOEHNER: There is a threshold in the
25 State code. Town Code if you put in 50 percent, make updates

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

6 MS. CIVILETTI: Okay. Thank you.

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

9 MS. CIVILETTI: Thank you.

10 CHAIRPERSON PRICE: Other Board questions?
11 Ramsey, are you, have you asked yours?12 MR. BOEHNER: I think I did a lot of asking of
13 questions, so I'm good.

14 CHAIRPERSON PRICE: All right.

15 This is a Public Hearing and if you are out
16 there and you would like to ask a question please raise your
17 hand. Ramsey and Jeff will be looking to see if there's
18 anyone who wishes to speak in favor of this application or
19 have questions about it.20 You do know we did receive several letters for
21 support, e-mails of support for the project. Not sure there
22 was anything opposing the project. Okay, does --23 MR. BOEHNER: I don't see anyone raising their
24 hand, but I'm not seeing anyone wave their hands. Saw a
25 couple of them -- I'm not seeing anyone raise their hand at

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3 this point.

4 CHAIRPERSON PRICE: Okay. So Cade, do you
5 mind just recapping, you know, so this application will
6 likely be tabled tonight pending your Zoning Board of Appeals
7 variances. You will get some comments from us about some
8 site plan issues, but also some storm water management
9 issues. But other than that, can you just briefly tell us
10 when you think variances might be heard and when we might see
11 you again?12 CADE KRUGER: Yeah. So, you know, Bill, I was
13 hoping to get preliminary approval if we could tonight to tea
14 us up for the next meeting, but I don't know if that's
15 possible since we're getting tabled. Sounds like both Zoning
16 Board meetings are going to be next month.

17 CHAIRPERSON PRICE: Okay.

18 CADE KRUGER: Yeah. We're kind of horse
19 before the cart kind of thing, which one do we get first.
20 So, you know, I don't mind getting some sort of approval
21 based on a condition of Zoning Board approval if that's
22 something you guys can do. But.23 CHAIRPERSON PRICE: What we do is we, you
24 know, we would typically have the preliminary application and
25 then the final application. But we are -- we typically do

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23 not give preliminary or final, certainly not final, but when
4 there's a pending variance application that could effect the
5 site plan. But it does not preclude us from -- it's not like
6 you're going to need two more meetings, once you secured the
7 variances from the Zoning Board of Appeals.8 So you're going to have to come back here once
9 again any way, as long as you are able to --

10 CADE KRUGER: Right.

11 CHAIRPERSON PRICE: -- take a look at the
12 conditions of the letter that comes from us and address those
13 in the time before you come back. Then we typically do
14 provide or do approve preliminary and final at the same time.15 CADE KRUGER: Certainly. That will be our
16 goal. I don't have the meeting in front of me so I can't
17 remember if the Zoning Board is before the Planning Board
18 meeting next month or not.19 CHAIRPERSON PRICE: I'm not going to tell you
20 that there may not be some gymnastics that you have to go
21 through --

22 CADE KRUGER: Yeah.

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

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3 representing the applicant?

4 DAVID COX: Yes. Dave Cox of Passero
5 Associates.

6 CHAIRPERSON PRICE: Hello, David, how are you?

7 DAVID COX: Good. I can take it away?

8 CHAIRPERSON PRICE: Yes, please.

9 DAVID COX: So as Bill mentioned we are
10 looking to get 11 more parking spaces on the property and the
11 reason for that is there's really kind of been a shift and a
12 change in the animal hospital and the veterinary services.
13 There's been an increase in demand for medical, advanced
14 medical services. So there's a lot more surgical procedures,
15 x-rays, diagnostic imaging, pharmacy, dental care, nutrition
16 counseling. You know, this is all stuff that was pretty rare
17 10 or 15 years ago. Now it's much more common.18 I mean, animal hospitals, they're really like
19 a full-blown hospital, they're like a human hospital except
20 for pets. So they have all of the same technology, but what
21 comes with that is, you know, a vet can't -- doesn't know how
22 to operate all of these pieces of diagnostic imaging and
23 x-rays, so you need specialists. So you need specialists for
24 the different types of equipment the different types of
25 counseling and pharmacy, and dental. So there's just an

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23 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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3 going to remain as it is today, so no changes there. We are
4 at about .15 eagers of the service so well under the eager
5 threshold so we don't need to do any swept. And we also need
6 some variances due to this parking and drive out being close
7 to the lot line.

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

12 CHAIRPERSON PRICE: David?

13 DAVID COX: Yeah.

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

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

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

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

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23 can tell me whether or not there was pre-conclusions in the
4 Whole Foods discussion that precluded interconnection between
5 the animal hospital and that project.6 MR. BOEHNER: Yes, there could be no
7 connection between that project and Clover.

8 CHAIRPERSON PRICE: Okay, and Clover.

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

11 CHAIRPERSON PRICE: Okay.

12 MR. BOEHNER: So the Whole Foods project could
13 not connect.14 CHAIRPERSON PRICE: Okay. And that's so the
15 traffic doesn't end up on Clover.

16 MR. BOEHNER: That's right.

17 CHAIRPERSON PRICE: Okay. So there's
18 currently a gate up there, is that -- David, is that proposed
19 to be closed and you're putting a parking space in there?20 DAVID COX: Yes. So there is a current gate
21 there now. We are, you know, blocking that off and putting
22 parking in front of it.

23 CHAIRPERSON PRICE: Okay.

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

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3 that not be blocked off.

4 DAVID COX: The trail gets routed around, so,
5 yeah, it wouldn't get blocked off until after the new trail
6 gets put in.7 MR. BOEHNER: Okay. Once the new trail is put
8 in?

9 DAVID COX: Right.

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

12 DAVID COX: Correct.

13 MR. BOEHNER: Gotcha.

14 CHAIRPERSON PRICE: So let's say that's not an
15 option. I'm wondering if there is an option for the front to
16 interconnect because I know at one point we did show those
17 aligning, although the parking spaces were flipped and the
18 drive aisles were flipped. So either looking at an outer
19 connection -- I am trying to think of ideas here because we
20 have too many curb cuts out here onto Monroe. Try to reduce
21 the number of curb cuts.22 We actually have a bank next door that has
23 very low utilization of the parking in the back and you guys
24 need parking. So you're super jamming, you know, this site
25 when the site next door, was there ever discussion or could

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3 there be a consideration of discussion for shared parking?

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

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

13 CHAIRPERSON PRICE: Okay, you did try.

14 TERRY WYLAND: Yes.

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

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

19 TERRY WYLAND: Timbuktu.

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

22 TERRY WYLAND: Yes.

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

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

6

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

13

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

17

18 DAVID COX: We specifically designed the
19 retaining wall that it's just -- it goes kind of under, it
20 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.

21

CHAIRPERSON PRICE: So --

22

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

23

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

25

DAVID COX: Correct.

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

7

8

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

9

10

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

11

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

21

22

23

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25

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

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

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

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

6 CHAIRPERSON PRICE: Okay, I see.

7 DAVID COX: Yes.

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

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

17 CHAIRPERSON PRICE: Oh, it's your son?

18 TERRY WYLAND: Yes.

19 CHAIRPERSON PRICE: He is our vet.

20 TERRY WYLAND: Yes.

21 CHAIRPERSON PRICE: Anyway.

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

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CHAIRPERSON PRICE: Yeah. I noticed that.

4

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

11

12

13

14

15

16

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.

17

18

19

20

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.

21

22

23

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

24

25

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

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CHAIRPERSON PRICE: They can't be there.

4

5

6

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.

7

MR. BOEHNER: That may helped.

8

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.

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

14

CHAIRPERSON PRICE: We would ask you to do

15 that please.

16

DAVID COX: Sure.

17

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 --

22

DAVID COX: Get some new heads on there.

23

CHAIRPERSON PRICE: New heads, get those.

24

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.

5

6

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

7

8

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

9

TERRY WYLAND: Not at all.

10

11

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

12

MR. BOEHNER: Okay.

13

14

CHAIRPERSON PRICE: Other questions from the
Board?

15

16

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

17

18

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.

20

MR. OSOWSKI: Thank you.

21

22

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

23

DAVID COX: Yes.

24

25

CHAIRPERSON PRICE: Laura, Jason, any
questions?

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

4

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

8

MR. BOEHNER: Nope, I don't see anyone. I'm not seeing any, the process of elimination. I think we're 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 little bit later.

17

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

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8P-03-20 Application of Passero Associates,

1 BRIGHTON PLANNING BOARD 08/19/2020

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3 agent, and RFM Morgan Properties, owner, for Site Plan

4 Modification to demolish two 20 stall carports and replace

5 with surface parking on property located at 2125 Monroe

6 Avenue, Brighton Garden Apartments. All as described on

7 application and plans on file.

8 DAVID COX: Good evening, David Cox of Passero

9 Associates. So Brighton Gardens has a 40-unit apartment

10 project and part of the Town Code is requiring one space to

11 cover per unit. So they do have two covered parking

12 structures for 40 car spaces, but they are pretty old. They

13 are in rough shape. They're structurally compromised and

14 they really become just a place where people are kind of

15 dumping things.

16 Am I able to share my screen at all? There's

17 some pictures I could kind of show. I don't know if that's

18 possible.

19 CHAIRPERSON PRICE: Jeff, can you do that?

20 JEFF FRISCH: I'm not sure, I can try. Should

21 give an option now.

22 DAVID COX: Yes, all right. Can everyone see

23 that picture?

24 CHAIRPERSON PRICE: Yes.

25 DAVID COX: There's people kind of leaving

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23 is the slab currently concrete and you are going to tear that
4 up?5 DAVID COX: Yes. They would tear that up and
6 just make it all asphalt.7 CHAIRPERSON PRICE: How about any new
8 lighting, is there any new lighting proposed?9 DAVID COX: So there wasn't going to be any
10 new lighting proposed.11 CHAIRPERSON PRICE: And what do you have in
12 the way of drainage back there? Do you have a drainage
13 structures or --14 DAVID COX: So on the south side, what the
15 current parking structure just has a sloped roof, it just
16 dumps water off the back and then it goes into the grass area
17 and infiltrates. So we would maintain that existing drainage
18 pattern.19 On the north side we are putting in two catch
20 basins, two new catch basins at the parking, will drain to
21 that drain space area, drain to the catch basin, and will tie
22 that into the existing storm sewer network.23 CHAIRPERSON PRICE: I see, okay. I see what
24 your two structures are, okay. So the concrete sidewalk and
25 the asphalt will be flush?

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DAVID COX: Right, correct.

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

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

13

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

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

23

24

25

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

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23 now there. But to your point, there would be some additional
4 cars.5 MR. BOEHNER: There are going to be, yeah,
6 you're almost doubling it. There's going to be quite a few
7 more cars shining their headlights. It is a residential
8 area, you know, you're in a residential B zone now, but
9 you're not proposing any mitigation?

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

11 CHAIRPERSON PRICE: Okay. Other Board
12 members?13 MR. OSOWSKI: Are there any new accessible ADA
14 accessible mobility impaired parking spots planned for this?15 DAVID COX: Yes. And I realize they are not
16 showing up on this plan but, yes, there is.

17 MR. OSOWSKI: Okay.

18 MR. BABCOCK-STINER: I'm good.

19 CHAIRPERSON PRICE: Laura, were you asking any
20 questions?

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

22 CHAIRPERSON PRICE: Okay.

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

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

4 DAVID COX: I don't have an answer for that,
5 but as part of this project we can have the fence -- I think,
6 do you know what type of -- I think it might need some, you
7 know, painting, but --8 MR. BOEHNER: I don't know. A tree had fallen
9 on the fence and they hadn't fixed it.

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

11 MR. BOEHNER: -- communication. So she
12 definitely has some concerns about your proposed plans.13 DAVID COX: Okay, yes. We can definitely call
14 for that to be repaired.15 MR. BOEHNER: Yeah. You may want to go out
16 there and check the condition and make sure -- either way,
17 you need to get that fixed, Planning Board does.

18 DAVID COX: For sure.

19 CHAIRPERSON PRICE: James, do you have any
20 questions?

21 MR. WENTWORTH: Nope, I'm good.

22 CHAIRPERSON PRICE: All right, thank you. Any
23 other Board members, Ramsey?24 MR. BOEHNER: I have said everything I had to
25 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.

7

8

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

9

CHAIRPERSON PRICE: All right.

10

MR. BOEHNER: Jeff, would you agree?

11

JEFF FRISCH: I agree.

12

MR. BOEHNER: Thank you, Jeff.

13

CHAIRPERSON PRICE: All right, okay.

14

David, thank you.

15

DAVID COX: Thank you very much.

16

17

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.

18

MR. BOEHNER: That's correct.

21

22

23

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.

24

MR. BOEHNER: Sounds like a game plan.

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3 APPLICATION 8P-01-20

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5 8P-01-20 Application of John Geer, owner, for
6 Preliminary/Final Site Plan Approval to expand the existing
7 restaurant parking lot on property located at 2171 West
8 Henrietta Road. All as described on application and plans on
file.

9

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

11

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

17

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

19

MR. BABCOCK-STINER: Second.

20

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

22

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

3 Henrietta Road driveway access points shall be removed.

4 **CONDITIONS:**5 1. An Operational Permit shall be obtained from the Town of
6 Brighton Fire Marshal (Chris Roth, 585-784-5220).7 2. Prior to issuance of any building permits, all plans for
8 utility and storm water control systems must be reviewed and
9 have been given approval by appropriate authorities. Prior
10 to any occupancy, work proposed on the approved plans shall
11 have been completed to a degree satisfactory to the
12 appropriate authorities.13 3. The project and its construction entrance shall meet the
14 New York State Standards and Specifications for Erosion and
15 Sediment Control.16 4. The contractor shall designate a member of his or her
17 firm to be responsible to monitor erosion control, erosion
18 control structures, tree protection and preservation
19 throughout construction.20 5. All trees to be saved shall be protected with orange
21 construction fencing placed at the drip line or a distance
22 greater than the drip line. Trees shall be pruned, watered,
23 and fertilized prior to, during and after construction.
24 Materials and equipment storage shall not be allowed in
25 fenced areas.

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

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

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

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

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

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

25 12. All outstanding Site Plan comments and concerns of the

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3 Town Engineer and Fire Marshal shall be addressed.

4 13. All outstanding Site Plan comments and concerns of the
5 Town Engineer regarding soil erosion, storm water control,
6 water system and sanitary sewer design shall be addressed,
7 prior to final approval.8 14. All County Development Review Comments must be
9 submitted.10 15. All other reviewing agencies must issue their approval
11 prior to the Department of Public Works issuing its final
12 approval.13 16. A letter of credit shall be provided to cover certain
14 aspects of the project, including, but not limited to
15 landscaping, storm water mitigation, infrastructure and
16 erosion control. The applicant's engineer shall prepare an
17 itemized estimate of the scope of the project as a basis for
18 the letter of credit.

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

20 18. Erosion control measures shall be in place prior to site
21 disturbance.22 19. All comments and concerns of the Town Engineer as
23 contained in the attached memo dated August 17, 2020 from
24 Evert Garcia, Town Engineer, to Ramsey Boehner, shall be
25 addressed.

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

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

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

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

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

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

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

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

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23 driveway. Both West Henrietta Road driveway access points
4 shall be removed.5 28. The proposed building and site plan must comply with the
6 New York State Fire Code and the Town of Brighton Fire
7 Prevention and Building Construction code. The Town of
8 Brighton Fire Marshal must review the fire apparatus access
9 and fire hydrant locations. The Fire Apparatus Access and
10 Fire Hydrant Worksheet must be completed and submitted to the
11 Town of Brighton for review.12 29. The plans shall be revised to address the following
13 comments of the Conservation Board:14 A. The use of native plantings is encouraged. Consider
15 substituting the Norway spruce with White spruce.16 B. What is the front yard (W Henrietta Road) pavement
17 coverage?18 C. Verify with NYS Department of Transportation on plantings
19 within the R.O.W.20 30. The project engineer shall confirm if additional
21 accessible parking spaces are required to be installed as
22 part of this project. All new accessible parking space
23 signage to be installed or replaced shall have the logo
24 depicting a dynamic character leaning forward with a sense of
25 movement as required by Secretary of State pursuant to

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3 section one hundred one of the Executive Law.

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

6 MR. BOEHNER: Yes.

7 Mr. Wentworth?

8 MR. WENTWORTH: Aye.

9 MR. BOEHNER: Mr. Price?

10 CHAIRPERSON PRICE: Aye.

11 MR. BOEHNER: Ms. Civiletti?

12 MS. CIVILETTI: Aye.

13 MR. BOEHNER: Mr. Babcock-Stiner.

14 MR. BABCOCK-STINER: Aye.

15 MR. BOEHNER: Mr. Osowski?

16 MR. OSOWSKI: Aye.

17 MR. BOEHNER: Matter is tabled.

18

19 APPLICATION 8P-02-20

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

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

6

CHAIRPERSON PRICE: Do we have a motion?

7

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

14

CONDITIONS:

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1. All required variances shall be obtained.

16

2. The shed located on the pedestrian easement should be
17 relocated out of the easement area.

18

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

20

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

23

5. 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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3 throughout construction.

4 6. All trees to be saved shall be protected with orange
5 construction fencing placed at the drip line or a distance
6 greater than the drip line. Trees shall be pruned, watered,
7 and fertilized prior to, during and after construction.8 Materials and equipment storage shall not be allowed in
9 fenced areas.10 7. Maintenance of landscape plantings shall be guaranteed
11 for three (3) years.12 8. Any contractor or individual involved in the planting,
13 maintenance or removal of trees shall comply with the
14 requirements of the Town'S Excavation and Clearing (Chapter
15 66), Trees (Chapter 175) and other pertinent regulations and
16 shall be registered and shall carry insurance as required by
17 Chapter 175 of the Comprehensive Development Regulations.18 9. If any site lighting is proposed as part of this project,
19 a lighting plan which shows the type, location and lighting
20 contours shall be submitted. The proposed lights shall be
21 designed to reduce impacts to the surrounding properties.22 10. The parking lot shall be striped as per the requirements
23 of the Brighton Comprehensive Development Regulations.24 11. All outstanding Site Plan comments and concerns of the
25 Town Engineer and Fire Marshal shall be addressed.

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3 12. All County Development Review Comments shall be
4 addressed.

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

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

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

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

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

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3 MR. WENTWORTH: Second.

4 MR. BOEHNER: Mr. Wentworth?

5 MR. WENTWORTH: Aye.

6 MR. BOEHNER: Mr. Price?

7 CHAIRPERSON PRICE: Aye.

8 MR. BOEHNER: Ms. Civiletti?

9 MS. CIVILETTI: Aye.

10 MR. BOEHNER: Mr. Babcock-Stiner.

11 MR. BABCOCK-STINER: Aye.

12 MR. BOEHNER: Mr. Osowski?

13 MR. OSOWSKI: Aye.

14 MR. BOEHNER: Matter is tabled.

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3 APPLICATION 8P-03-20

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5 8P-03-20 Application of Passero Associates,
6 agent, and RFM Morgan Properties, owner, for Site Plan
7 Modification to demolish two 20 stall carports and replace
8 with surface parking on property located at 2125 Monroe
9 Avenue, Brighton Garden Apartments. All as described on
application and plans on file.

10

11 MR. BOEHNER: Condition 22, the existing fence

shall be properly maintained and fixed where needed.

12

13 MR. BABCOCK-STINER: I move that Application
14 8P-03-20 be tabled based on the testimony given and plans
15 submitted. Additional information is requested in order to
16 make a determination of significance and to have a complete
17 application. The 22 items outlined in the Planning Board
18 report are required to be submitted no later than two weeks
prior to the next Planning Board meeting.

19

CONDITIONS:

20

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

22

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

24

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

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

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

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

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

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

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

25 10. Outside storage and display shall be prohibited.

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

7 12. All County Development Review Comments shall be
8 addressed.

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

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

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

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3 qualified company that asbestos has been removed.

4 16. Erosion control measures shall be in place prior to site
5 disturbance.6 17. All comments and concerns of the Town Engineer as
7 contained in the attached memo dated August 18, 2020 from
8 Evert Garcia, Town Engineer, to Ramsey Boehner, shall be
9 addressed.10 18. A letter or memo in response to all Planning Board and
11 Town Engineer comments and conditions shall be submitted.12 19. All new accessible parking space signage to be installed
13 or replaced shall have the logo depicting a dynamic character
14 leaning forward with a sense of movement as required by
15 Secretary of State pursuant to section one hundred one of the
16 Executive Law.17 20. The proposed buffer between the proposed parking and
18 neighboring properties shall be increased. A landscape plan
19 shall be submitted showing how the impacts of the car
20 headlights will be mitigated.21 21. The project engineer shall confirm if additional
22 accessible parking spaces are required to be installed as
23 part of this project. All new accessible parking space
24 signage to be installed or replaced shall have the logo
25 depicting a dynamic character leaning forward with a sense of

1 BRIGHTON PLANNING BOARD 08/19/2020
23 movement as required by Secretary of State pursuant to
4 section one hundred one of the Executive Law.5 22. The existing fence shall be properly maintained and
6 fixed where needed.

7 CHAIRPERSON PRICE: Second.

8 Ramsey, please call a roll.

9 MR. BOEHNER: Mr. Wentworth?

10 MR. WENTWORTH: Aye.

11 MR. BOEHNER: Mr. Price?

12 CHAIRPERSON PRICE: Aye.

13 MR. BOEHNER: Ms. Civiletti?

14 MS. CIVILETTI: Aye.

15 MR. BOEHNER: Mr. Babcock-Stiner?

16 MR. BABCOCK-STINER: Aye.

17 MR. BOEHNER: Mr. Osowski?

18 MR. OSOWSKI: Aye.

19 MR. BOEHNER: Matter is tabled.

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3 **SIGNS:**

4 1586 Catapult Solution Group, Inc., for a building face sign
5 at 1534 Monroe Avenue.

6 1587 Medical Building at 2561 Lac de Ville Boulevard, for a
7 freestanding sign.

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

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

12 MR. BABCOCK-STINER: Second.

13 CHAIRPERSON PRICE: All in favor?

14 ALL COUNCIL MEMBERS: Aye.

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

18 MS. CIVILETTI: Move to deny.

19 CHAIRPERSON PRICE: Second.

20 MR. BOEHNER: Mr. Wentworth?

21 MR. WENTWORTH: Aye.

22 MR. BOEHNER: Mr. Price?

23 CHAIRPERSON PRICE: Aye.

24 MR. BOEHNER: Ms. Civiletti?

25 MS. CIVILETTI: Aye.

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3 MR. BOEHNER: Mr. Babcock-Stiner?

4 MR. BABCOCK-STINER: Aye.

5 MR. BOEHNER: Mr. Osowski?

6 MR. OSOWSKI: Aye.

7 MR. BOEHNER: Application is denied.

8 Everyone, thank you.

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