

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

September 16th, 2020

At approximately 7:00 p.m.

Brighton Town Hall Zoom meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON

PAMELA DELANEY)
JOHN J. OSOWSKI)
LAURA CIVILETTI) BOARD MEMBERS
DAVID FADER)
JASON BABCOCK-STINER)

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:
JAMES WENTWORTH

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.

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Welcome to the September 16th, meeting of the Town of Brighton Planning Board. This is a live virtual meeting and as such, we will be inviting folks to participate via either Zoom or whatever platform you are on.

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We will be hearing several hearings tonight, several have been postponed to our October meeting, and we will let you know which of those they are.

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I would like to start, many of you may be able to see the names of our Board members, but I would like to introduce the Board. We have Laura Civiletti, Jason Babcock-Stiner, John Osowski, Pam Delaney, David Fader and tonight we are missing James Wentworth. He is absent tonight. We will be doing a roll call, but I did want to just introduce the Board members to everybody.

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It's a little bit of a shortened agenda from what was published tonight due to some postponements. Again, we will ask the individual applicants to make a brief statement about their application, go through the mechanics of the site plan, and any approvals they are seeking. The Board will then have the ability to ask the applicant and their representatives any questions. And then as we open up the Public Hearing we will ask individuals interested in talking

3 about a project to raise their hand. My understanding, the
4 raise hand function is either in the participant's window at
5 the bottom of your screen or the reactions window.

6 If for some reason neither of those work for
7 you, just waive your hand frantically and Jeff Frisch or
8 Ramsey Boehner will look to help you.

9 And I apologize, I did not mention, Jeff and
10 Ramsey both with the Town, and our Planning Board attorney is
11 David Dollinger, David is on as well, and we are being
12 recorded by Rhoda Collins.

13 So let's begin with a roll call,
14 Mr. Secretary, will you please call the roll for tonight.

15 MR. BOEHNER: Mr. Osowski?

16 MR. OSOWSKI: Here.

17 MR. BOEHNER: Mr. Babcock-Stiner?

18 MR. BABCOCK-STINER: Here.

19 MR. BOEHNER: Ms. Delaney?

20 MS. DELANEY: Here.

21 MR. BOEHNER: Ms. Civiletti?

22 MS. CIVILETTI: Here.

23 MR. BOEHNER: Mr. Fader?

24 MR. FADER: Here.

25 MR. BOEHNER: Mr. Price?

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CHAIRPERSON PRICE: Here.

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MR. BOEHNER: Absent is Wentworth.

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CHAIRPERSON PRICE: Thank you. Was everybody able to receive and open the August 19th, meeting minutes?

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ALL MEMBERS: Yes.

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CHAIRPERSON PRICE: Okay. I will accept a motion to approve those, unless somebody has edits or revisions.

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MR. OSOWSKI: Basically, I noticed that it said the start time was 7:30, I believe we started at 7:05 a right on the front cover page. That is the only correction I have.

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CHAIRPERSON PRICE: Okay. We have a motion with that edit. Was there a second?

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MR. BABCOCK-STINER: Second.

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CHAIRPERSON PRICE: Ramsey, will you call the roll.

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MR. BOEHNER: Mr. Price?

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CHAIRPERSON PRICE: Yes.

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MR. BOEHNER: Mr. Fader?

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MR. FADER: Yes.

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MR. BOEHNER: Ms. Civiletti?

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MS. CIVILETTI: Yes.

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MR. BOEHNER: Ms. Delaney?

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MS. DELANEY: I was absent last month.

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MR. BOEHNER: You abstain?

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MS. DELANEY: Yes.

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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: Yes.

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MR. BOEHNER: Motion passes.

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CHAIRPERSON PRICE: Thank you. Mr. Secretary, can you confirm that tonight's Public Hearings were properly advertised.

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MR. BOEHNER: Yes. The Public Hearings were properly advertised in the Brighton-Pittsford Post of September 10, 2020.

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CHAIRPERSON PRICE: Thank you. We will hear those. Let me just for the audience tell you the applications that were postponed until our October 21st, meeting. That includes 8P-01-20, application of John Greer, for preliminary and final site plan approval at 2171 West Henrietta Road; Application 8P-02-20, application of Passero Associates agent for New Monroe Real Estate, LLC for site plan modification at 2816 Monroe Avenue; Application

3 8P-03-20, application of Passero Associates, agent for RFM
4 Morgan Properties for a site plan modification at 2125 Monroe
5 Avenue.

6 Those three are postponed until October, as
7 is, under new business 9P-NB1-20 the application of the
8 Baptist Bible Temple and Clover Park Properties, for the
9 application at 1075 Clover Street.

10 That's said now, the first application up
11 tonight is 9P-01-20.

12 APPLICATION 9P-01-20

13 9P-01-20 Application of Nicholas Leonardo,
14 owner, for Site Plan Modification and woodlot EPOD permit
15 modification (9P-01-19 & 1P-01-20) to remove additional trees
16 for the purpose of constructing a new house on property
17 located west of the intersection of Clover Street and
18 Greenaway Road, known as Tax ID #'s 122.16-1-5, 122.16-1-4 and
19 122.16-1-3. All as described on application and plans on
20 file.

21 CHAIRPERSON PRICE: Is there anybody here to
22 represent Nick Leonardo?

23 MR. BOEHNER: I see Nicholas's phone, I will
24 unmute him.

25 NICHOLAS LEONARDO: Hi.

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MR. BOEHNER: Are you on? And maybe Greg McMahon or G. McMahon.

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NICHOLAS LEONARDO: Yes, I am on the call, I'm Nick Leonardo, and also Greg McMahon and also Josh Daley, our arborist who prepared the documents for tonight's meeting.

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CHAIRPERSON PRICE: Okay. Nick, would you just give us a brief background? Maybe Greg can help you out with what the original approval was and why the modifications at this point.

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NICHOLAS LEONARDO: So we were already approved back originally last year for our site plan, and then we had a DBA, and then we moved the house, and then we had a modification, it was then we approved at the time.

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Upon which, we in the meantime have changed builders, we're going with Sortino Properties. And upon examining the property with the excavating team, as well as the engineer, as well as the builder, we felt there was going to be a larger impact to some of the surrounding trees. And if you look at the report that Josh prepared, those would be the Category 1 trees that would have a larger impact that are immediately surrounding the house.

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Then, in addition to some of the other trees, I know there are some additional trees that are kind of

3 decaying on the property. You can see that and Josh can talk
4 about that a little bit. And within that, there are some
5 trees in the lot that are just very, very large and we just
6 felt that, you know, looking at the rest of the neighborhood,
7 the average trees in the yards and the houses are about two
8 or three trees per house.

9 And in the original site plan we would about
10 90 tree on our property, so it really doesn't fit the rest of
11 the neighborhood. As well as some other concerns like hazard
12 and decaying trees, things of that nature, we thought it
13 would be better for us to remove these trees and plant new
14 trees and to just have a more landscaped property that is
15 going to be more fitting for the neighborhood, and safer for
16 us and for the environment. And Josh can probably talk a
17 little bit better on the trees themselves.

18 JOSH DALEY: Yes, I apologize.

19 CHAIRPERSON PRICE: No, please go ahead, Josh.

20 JOSH DALEY: All right. Thanks for having us.
21 And, yeah, I examined and assessed Mr. Leonardo's property.
22 I believe there's about 120 trees overall and we're looking
23 to remove about 91. My report show about 49 trees are pretty
24 objectively ready for removal, either in a place where the
25 building will be, or showing decay, or structural issues, or

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23 will be disturbed as they are closer in ten feet to the
4 house.5 So the remaining trees, so there's definitely
6 a more subjective opinion on that, but without a constructive
7 treatment technician plan in place, the construction can
8 definitely disturb those trees. There's two large black
9 walnuts that are good examples. They are not known to
10 survive construction well, they're large and after the
11 construction they will be more exposed then they were
12 currently and, you know, more subjective to wind.13 So some trees tolerate construction well, even
14 though it looks like they may not, but, you know, speculation
15 that they will show stress and decline is not unusual. And
16 replanting, I think, is a more sure way to have healthy,
17 sound trees and, you know, again, match the neighborhood with
18 more attractive landscape trees, rather than, you know, what
19 are also a lot of secondary growth trees, invasive trees,
20 like Norway maple and mulberry.21 So again, there's definitely arguments for
22 some of these trees and, you know, ultimately I think
23 applying the appropriate town codes will be the best
24 guidance.

25 CHAIRPERSON PRICE: Josh, could you give us a

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3 little background on yourself?

4 JOSH DALEY: Yeah. So I'm a Board certified
5 master arborist, been practicing agriculture for over
6 20 years, moved to the area about a year ago with my family,
7 my wife is from the area. Previously of working here and
8 starting my business as a consult, I supervised tree work for
9 Central Park, for the Central Park Conservancy. And so, you
10 know, it's a park with 40 million visitors a year and, you
11 know, roughly 20,000 trees. Risk was our number one concern
12 and number two was tree preservation and the culture and
13 history of the park.14 So that's still how I apply my practice, you
15 know, I definitely don't look to remove trees, but my
16 experience is also that with infrastructure and conflicts,
17 you know, it's -- unless you have a really special tree or a
18 unique habitat or environment, a lot of the times -- and I
19 believe this applies at Mr. Leonardo's place -- you know, a
20 handful of nice oak trees, beyond that a lot of those trees,
21 you know, they're just urban volunteer trees.22 And again, that has a place as far as habitat,
23 ecology, and storm runoff and all that benefits trees. But I
24 think when building a house and trying to preserve these
25 trees, which, you know, and individuals are not showing any

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23 really unique qualities and can be replaced, I think it's
4 worth the discussion.5 So, you know, right now I practice consulting
6 arbor culture, I have my own business. I was living in
7 Brighton for the first year, we recently moved to Penfield.
8 But we intend to stay and my goal is definitely advocating
9 for trees and their successful cohabitation with people, and
10 in these areas.11 CHAIRPERSON PRICE: Okay, thank you,
12 appreciate that. I just wanted to understand your
13 professional background. So would you say that -- you say
14 there's 49 trees that you or reasons as -- which could be
15 structurally related, but if my math is anywhere near
16 correct, it's telling us there are 41 trees that are more
17 subjective as far as which you're proposing to remove.18 Now, of those, can you tell me what the
19 majority of those trees are? Are they majority, all
20 volunteer Norway maples? What, let's call it, mature
21 hardwood forest trees are in there?22 JOSH DALEY: Sure, okay. So just to get the
23 numbers right, there's about 120, what we would call, you
24 know, large trees above a shrub or a sapling on the property.

25 Mr. Leonardo would like to remove 91, so 49,

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3 you know, again, trying to be objective, primary removals
4 again, next to the building, in place of the building, that
5 remains, 42 remain. And 26 are non-native and invasive,
6 primarily Norway maple and white mulberry, so 26 of the 42.
7 That leaves 16, and 11 of those trees are under eight inches
8 in diameter, so not major trees.

9 Most of the remaining trees, there's a grove
10 of sassafras trees, but, you know, those are typically
11 sharing a root system. A number of those have failed, you
12 know, sassafras are not long lived trees. And, you know,
13 there's going to be work around them, and there's a few that
14 are dead and, you know, should be removed anyway. So, you
15 know, when you're talking about a grove like that,
16 selectively removing a number of individuals is not always a
17 great practice.

18 There's I think, where is it, you know, the
19 probably the, what you might call the best trees, to the
20 northeast I think it's like removal number 10 and 11, those
21 are pretty nice red oaks. In here I reference them and talk
22 about how according to International Society of Arboriculture
23 best management practices, the topsoil stockpile will impact
24 their critical root zone.

25 So, you know, and that's the kind of thing

3 where, you know, if the stockpile is strictly adhered to and
4 nothing accesses it north of it those trees will probably be
5 okay. But in the construction zone and without a really
6 strict tree protection plan, you know, construction zones,
7 you know, they're trying to get work done and, you know,
8 that's kind of one of those things where it raises concerns.
9 And, you know, that's a challenge, it's pure speculation.

10 And when Mr. Leonardo asked me to justify
11 these, you know, this is one where I told him I'm kind of on
12 the fence. It's hard to know exactly how the construction
13 will go. The trees are nice, you know, but in addition,
14 further landscape, sometimes people put berms up along
15 railroads, you know, so that also comes into play, you know,
16 not just strict construction of the building, you know, but
17 how the site will look after.

18 So, you know, I fully agree that some of these
19 trees are, you know, it's -- the guidelines I would have
20 given are a little bit gray. And I am not trying to
21 straddled Mr. Leonardo's interest and then my own, you know,
22 professional opinion. And these I can clearly say, you know,
23 I get, they could be stressed but, you know, they might also
24 be fine. So besides those though, most of the others, you
25 know, there's a handful of Norway maples that are mature.

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23 And, you know, but seeing the site and walking through it,
4 trying to picture it, it's -- a lot of these trees just
5 weren't trees I was going to chain myself to, if that makes
6 sense.7 So, you know, this is -- your process is new
8 to me, I'm not so familiar with the forestry management plan
9 and all of the codes. So definitely I yield to you guys on
10 that, but that's kind of where I'm at. I hope that makes
11 sense.12 CHAIRPERSON PRICE: Okay, thank you. I think,
13 I guess, let me, I'm going to pass on to others and see if
14 they have any other questions. Laura, do you have any
15 questions about this?16 MS. CIVILETTI: No. I think, specifically,
17 are there any trees worth trying to preserve within that work
18 area that's defined on the plan?19 JOSH DALEY: In my opinion, just, the nicest
20 tree fortunately was outside of the work zone. It's a
21 gorgeous red oak on the northwest corner. The oaks are what
22 would be, you know, what I would call the most worthy of
23 preserving. But again, they're going to be impacted and I
24 don't know how exactly, you know, I can't tell you where the
25 backhoe is going to go. I can't tell you.

So, those are along the north side, those are what, you know, the nicest looking trees, the most ecologically, you know, most contributions, native trees, not invasive. And most of the rest of the trees, you know, at least the ones that I didn't think were the primary reasons for removal, objectively ought to go.

9 There's actually it's one big black cherry
10 that is in the right of way, it's kind of a neat black
11 cherry, for what it's worth. But there's not a lot of trees
12 in there that I really saw that didn't have really objective
13 reasons for removal that I thought, boy, that's a real shame
14 to see that tree go.

15 You know, I think they can be replaced, I
16 think a better selection, you know, for landscaping value, or
17 ecological value. And again, these trees, you know, without
18 a real protection plan, looking at the critical zone, you
19 know, if they do die in a few years, it would be a challenge
20 to get them out. You know, these are on the backside of the
21 property and, you know, and they -- so now does it make sense
22 as far as a practical standpoint?

23 MS. CIVILETTI: But we do have the opportunity
24 here to implement a protection plan if there are trees that
25 should be protected.

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3 JOSH DALEY: So I guess I'm caught in the
4 middle here. You know, I know Mr. Leonardo's preference and,
5 you know, I probably would need just better objective
6 guidelines, if that makes sense, looking to a town code,
7 again. I'm kind of at the end of the arguments I can make.

8 At this point, it's my opinion versus
9 Mr. Leonardo's opinion, and I'm representing him, you know,
10 there's that. So I guess -- does that make sense, I don't
11 have a great answer for that.

12 MS. CIVILETTI: Yes.

13 JOSH DALEY: There's nothing that I look at
14 and say, oh my God, how can they cut that down? And I'm
15 trying to keep a level head of an arborist advocating for the
16 trees, but also understanding that development is going to
17 take place. And short of cordoning this area off and saying
18 it is a park or, lack of a better word, that, you know,
19 removing and replanting when these trees probably will be
20 disturbed. And even if the root system is protected, you're
21 moving the trees around, you're changing drainage patterns,
22 you're changing the soil. That stuff can still cause issues,
23 and so, that's -- I'm treading a line. I'm trying to find
24 more objective reasons, and I don't have a good one where
25 it's done.

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3 MS. CIVILETTI: So, not trying to put you on
4 the hook between yourself and the client, but I think we need
5 to understand what's, you know, realistically practical to
6 preserve here.

7 MR. BOEHNER: Josh, did you review the
8 approved plan by the Planning Board? Because what's
9 happening here is the area disturbance, we did have a tree
10 protection plan. All trees that were supposed to remain were
11 supposed to be protected and fenced off, with no construction
12 activity, no stockpile allowed in those areas.

13 It seems as if the area of disturbance or the
14 area of construction is expanding. Is that correct? I'm
15 trying to understand why when we first did this, we were not
16 told when the construction of the house was going to be done,
17 that it was going to kill all these trees.

18 NICHOLAS LEONARDO: Well, Ramsey, just to
19 point out, there's a lot of trees that were in the original
20 site plan that were not marked for removal that are inside
21 the area of disturbance. I think to Josh's point, he could
22 correct me if I'm wrong, but even if you put plastic around a
23 tree, I can't imagine that when there's a tree ten feet from
24 the house, that the roots are not going to be underneath that
25 area.

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3 These are -- some of these trees on the site,
4 original site plan, are very close to the house still, that
5 were inside of the construction zone originally, but not
6 necessarily marked for removal. So I think that's kind of
7 what Josh is saying and he can correct me if I'm wrong.

8 Now, when you get outside of the impacted
9 zone, you know, that's where I think, some of speculation and
10 some of the trees that are, you know, we're trying to remove
11 come into play. One of my questions was, because I couldn't
12 find it anywhere in the Town Code, what are the specific Town
13 Codes in relation to removing trees on not a town property,
14 but an individual's property? I've got to imagine there are
15 some guidelines set aside for residential properties and tree
16 removal.

17 MR. BOEHNER: Yes. You would want to, and I
18 was going to ask Josh, have you reviewed the Town's
19 environmental protection overlay district woodlot
20 regulations, which cover this property?

21 JOSH DALEY: I have not.

22 NICHOLAS LEONARDO: I have read them, but they
23 do not, unless I can't find it, specify specifically what
24 you're allowed or not allowed to remove. All it says in the
25 Town's code is that it would have to be reviewed by the

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3 Planning Board and the Conservation Board.

4 MR. BOEHNER: That's correct. And one of the
5 things they look at is the condition, species, type of the
6 trees, they would also weigh into it what are the mitigation
7 plans for replacing the trees or restoring the woodlot.8 That is how regulations work, it's not black
9 and white regulations, it's at the discretion of the Planning
10 Board.11 NICHOLAS LEONARDO: Okay. That's what I was
12 kind of wondering. Because I know one of the other factors
13 is obviously hazard and things of that nature. And I think,
14 you know, it is up to you guys ultimately. I know this lot
15 has been empty for a lot of years and it has actually been
16 kind of an area where people have thrown garbage. I've
17 walked this lot many times, there's garbage, there's cinder
18 blocks, there's kids' bikes. It's actually kind of a trash
19 pit currently of stuff. And it's not been maintained by the
20 town or anybody, let alone the right of way, there's falling
21 trees.22 So I think our goal is to try to make the area
23 look better. And if we have to plant trees to improve upon
24 the overall landscape of the property then we are open to
25 doing that. Because ideally we're moving to this

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3 neighborhood too, because we love the trees. Actually, it's
4 one of the many reasons. But at the same time, I think we
5 have to live in these conditions and, you know, having a
6 hundred trees on a property just seems, you know -- this is
7 not a forested neighborhood, it's the regular subdivision.
8 And many of the houses aren't forested.

9 So I think if we can improve the current
10 landscape, it would be a much better benefit not only to us,
11 but also to the town and the neighborhood and the neighbors.

12 MR. BOEHNER: How are the trees going to be
13 removed?

14 JOSH DALEY: I didn't hear the first part of
15 that question.

16 MR. BOEHNER: How are the trees going to be
17 removed? Are each stump going to be grinded, stumps going to
18 be left, or are they going to be pulled out?

19 NICHOLAS LEONARDO: I think it was the
20 intention to -- well, I guess right now we haven't actually
21 finalized what the plan is. I mean, if there's a
22 recommendation from the Town, I think we definitely would be
23 open to that. I know inside the construction area they're
24 going to pull all the stumps out. If we're able to pull them
25 out, I'd prefer to do that. If not, and we had to grind them

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23 down then, if that's a best practice we would have to do
4 that. I mean, I guess that's going to be what you guys
5 recommended.6 MR. BOEHNER: Well, we've got to know what you
7 are doing. You need to talk to the arborist, because what's
8 starting to happen, and the concern from the engineering
9 department is that the area of disturbance is now greater
10 than 20,000 square feet. And you're going to need a SWIP.

11 NICHOLAS LEONARDO: Sure, right.

12 MR. BOEHNER: The other thing is, when you did
13 that, we're going to want to see a revised grading plan. So
14 the grading plan was very limited showing the change of
15 grade.16 NICHOLAS LEONARDO: So I do have another
17 question and maybe this would be best left for the Planning
18 Board, but because this is a woodlot EPOD district
19 technically, if we did proceed with the current trees that
20 are inside of the current site plan, once the house and all
21 construction is completed, and the house has been final
22 grade, what would be the process to then remove the trees
23 later? Would we still have to go back through this process
24 or would we have to get a separate excavation plan with a
25 revised site plan for an excavator to come out and remove the

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3 trees that are currently on this plan?

4 MR. BOEHNER: Because it's an EPOD and within
5 an EPOD district you would have to come back. You could not
6 use the excavation clearing ordinance.

7 NICHOLAS LEONARDO: Okay.

8 MR. BOEHNER: It's in an EPOD. It's because
9 it's an EPOD.10 NICHOLAS LEONARDO: I understand. So, yeah, I
11 think preferably we would want to get the trees removed now.
12 I mean, we're going through this process right now, logically
13 it makes the most sense then not to keep coming back to the
14 Town with changes and revisions.15 I mean, if it would keep us from having to do
16 more excavation and not impact any more environmental, I
17 think grinding down the stumps would be probably a better,
18 you know, obviously a much better option. But again, I have
19 to talk to the arborist and to the engineer and see if
20 that's, you know, that's going to be the best option.21 CHAIRPERSON PRICE: Could we hear from Greg
22 McMahon on the grade on this?23 GREG MCMAHON: Sure, Bill. I wouldn't
24 anticipate outside of the current rating plan, again, I
25 wouldn't anticipate any grading changes. It's my

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23 understanding that they're just trying to open up, expand the
4 area around the house. We certainly would take a look, but I
5 wouldn't anticipate any grading outside of the area that were
6 currently shown as grading.7 Now there would be disturbance certainly with
8 the trees that are removed outside of the grading limits, but
9 that area would, you know, whether they grind the stumps or
10 pull the stumps would be, you know, the topsoil would be
11 there, it would be restored as lawn.12 CHAIRPERSON PRICE: Just back to the existing
13 grade?14 GREG MCMAHON: Yeah, there's no -- it's a
15 relatively flat site, as I'm sure you see on the grading
16 plan. So I wouldn't anticipate, you know, any changes in
17 grade would be a matter of inches not feet.18 CHAIRPERSON PRICE: Okay. Greg, is there any
19 reason in your mind that the approved tree protection plan
20 for Phase 1 couldn't apply to any new configuration of the
21 limit of disturbance? That would apply to anything you --22 GREG MCMAHON: Sure, yes. Certainly there
23 would be protection on any trees that would be jeopardized by
24 the work. And I rely on -- I have not seen the arborist
25 plan, but if certain trees were pointed out we can certainly

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3 modify our protection plan to incorporate, you know,
4 protection. As certainly there's some trees that are so far
5 away or are distance enough that aren't going to be an issue.
6 Yeah, I would not see a problem.

7 CHAIRPERSON PRICE: And as far as stockpiling,
8 stockpiles can move to wherever it's most appropriate and
9 they're not going to, you know, the movement of trucks over
10 and compacting root zones, where you're stockpiling can be
11 relocated so they're out of the way of those trees.

12 GREG MCMAHON: Yes. We can, again, I was
13 not -- when we located the stockpile up in that northeast
14 corner, you know, I am not anywhere near a tree person here.
15 I, you know, I didn't consider that, but we can certainly
16 relocate the stockpiles. As far as the -- I think a lot of
17 this was precipitated by the builder when he went out there
18 and saw it and what was to remain, I think he raised the
19 first red flag saying, you know, if I'm go to build this
20 house some of these trees that you're proposing to save are
21 not going to survive, I just can't build the house and run my
22 equipment here and have the proper equipment to do the job.
23 So that kind of started this whole thing.

24 CHAIRPERSON PRICE: Okay. Other Board members
25 have questions for the team?

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3 MR. FADER: I have a couple. Greg, with the
4 new house builder that's coming in, is there a significant
5 change in the disturbed area from the original approved plan?

6 GREG MCMAHON: Well, I don't think that wasn't
7 precipitated. We never -- in preparing the plan there was
8 never a house builder giving us any input. So the change in
9 builders had really nothing to do, a builder didn't get
10 involved with going in the field and looking at this until
11 after all the plans had been approved. So I don't think the
12 change in the builder had any impact at all on what we're now
13 showing.

14 MR. FADER: Well, let me ask it a different
15 way. Has the disturbed area changed significantly from the
16 original plan?

17 GREG MCMAHON: Well, yes. If you consider
18 that removing trees is considered disturbance --

19 MR. FADER: No. I'm not considering the
20 removal of trees, I mean the construction of the house, the
21 area that's going to be disturbed by the construction of the
22 house, has that changed significantly?

23 GREG MCMAHON: Not significantly. Pushed it
24 out a little bit in some areas, but not significantly.

25 MR. FADER: The other question is, how many

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3 trees are going to be removed in the original plan?

4

5 GREG MCMAHON: I believe 31. I will check
6 here. I believe it was, there were three trees in the town
7 right of way, and a total of 32 trees. So three in the town
right of way and nine on the property.

8

9 MR. FADER: Well, here's the problem I have
10 with this. You've tripled the amount of trees you're going
11 to remove, even though the amount of disturbance is basically
unchanged, so you don't need to triple it.

12

13 And you knew going in on this project that you
14 were in a woodlot. And so, you say that the neighborhood
15 isn't forested, and that it is not a park, and that's true,
16 but it was a woodlot, you knew it was a woodlot and you know
17 the Town's thoughts on the woodlot. So I think the number of
trees being removed is excessiveness and that's my opinion.

18

19 GREG MCMAHON: My question was, and, you know,
20 going through the EPOD, the woodlot EPOD, the one thing I
21 couldn't find, again, I'm a little out of my area here, was
22 the definition of a woodlot. In a lot of towns where, you
23 know, they have woodlot EPODs, but there's a definition of,
24 you know, of what best to be a woodlot to make it a woodlot.

25

I didn't know, is there something the Town, is
there some definition that the Town uses to define trees or?

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3 MR. BOEHNER: Yes. It's in the code, an area
4 of one or more acres of vegetation, the majority of woods is
5 classified as replants, whose trunks are greater than three
6 inches in diameter and height, three feet above ground, and
7 whose full height reaches a maximum of six feet.

8

9 NICHOLAS LEONARDO: I think, sorry to

interrupt --

10

11

MR. BOEHNER: This isn't by parcel, it is by
area.

12

13

14

15

16

17

NICHOLAS LEONARDO: Yes, by area, we found
that out. I think that early on in the process that Greg and
myself, even before I even purchased this lot, had no idea
that this would be considered a woodlot because, you know,
Brighton is one of the few towns that has this in place, to
my understanding.

18

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25

So when we originally went in, we didn't
realize we wouldn't be able to remove some of these trees.
And I think -- and I understand what you are saying, it is a
lot of trees, but, again, it's still residential property. I
think subjectively, I understand your job is to protect the
trees, but also, I think you want to keep the look of the
neighborhood in line with the rest of the neighborhood. If
it's a park, then it's a park, or if it's actual woodlot, you

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23 know, somewhere that's in the woods. But it's not, it's in
4 an old subdivision.5 So I just want you to keep in consideration
6 that we're still keeping 30 percent of the trees which is way
7 more than anybody else in our entire neighborhood.8 And, if you've gone out there and looked at
9 the quality of some of these trees, they just don't look
10 good. They don't look like some of the parks and some of the
11 other wooded lots around it. Again, it has not been well
12 maintained or landscaped, or anything. Even the town right
13 of way has trees that are falling down.14 So I just would like you to try to consider
15 what we're looking at for long term and what we're trying to
16 accomplish and try to, you know, improve the tree quality not
17 take away from the lot itself.18 CHAIRPERSON PRICE: Other Board members have
19 questions or comments?20 MR. BOEHNER: Are trees going to be removed
21 from the right of way?

22 NICHOLAS LEONARDO: Pardon?

23 MR. BOEHNER: Are you proposing to remove any
24 additional trees from the town right of way as part of this?

25 NICHOLAS LEONARDO: We are not, no. Just the

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3 ones we have approval for. Basically, just to put it in
4 perspective, most of these trees are within about a 30-foot
5 radius of the house. Our goal was to preserve as many trees
6 within that radius as possible that would not long term
7 impact the house and also overcast the house as well.

8 Some of the dead and dying trees that are on
9 the current list were not on the original list earlier, which
10 is a chat you and I had, Ramsey, about, you know, a house in
11 the neighborhood had a tree, a dead tree fall on top of it.

12 I think that was something we probably should
13 have examined, any dead or dying trees earlier on just to
14 make sure there was nothing that could, you know, fall in the
15 future. But in addition, we want to preserve as many trees
16 as possible especially the ones you're going to be able to
17 see from the street, which is what we pretty much did with
18 this plan.

19 In addition, we are already planting trees but
20 we would like to plant more trees around the property to add
21 better landscaping and to kind of keep the overall look,
22 again, of the neighborhood. I don't think it's our goal to
23 just kill trees, I think we want to improve upon the look of
24 the lot as well as the safety and the environmental.

25 CHAIRPERSON PRICE: Other Board members?

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3 Jason, John?

4 MR. OSOWSKI: Yes. I have some comments. So
5 is it reasonable for us to expect perhaps, a comprehensive
6 tree survey that identifies the species of each of these
7 trees? An objective condition assessment of whether it's
8 diseased or dying, an old ash tree that needs to come out and
9 the sizes of these trees. That gives us an objective
10 recommendation from the certified arborist saying which one
11 should come out and which ones shouldn't.12 Because, if you look at this plan and you just
13 see remove, remove, remove, remove all over the place, you
14 know, and let's say to the south side of the house, if
15 there's a bunch of trees there, that old Norway maple should
16 come out. And you've got those decedent oak trees at the
17 northeast corner. Well, you move the topsoil stockpile to
18 the south side so you can save those oak trees and not
19 disturb them. And it just looks like there hasn't been a lot
20 of thought to --21 NICHOLAS LEONARDO: Has everyone on the Board
22 reviewed the arborist's plans, the photos of the lot? We
23 provided this to the Town about two weeks ago. There's a
24 full report already that's been done that the Town should
25 have had a chance to review.

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3 CHAIRPERSON PRICE: I have not read that.

4

5 NICHOLAS LEONARDO: I sent it to Ramsey, as
6 well as Rick, and so the Conservation Board could see this
7 report. And, you know, my frustration is, before I even got
8 a response, no one even reviewed the plan and here we are at
9 the meeting and it still hasn't been reviewed by anyone. So
10 I'm a little surprised that that information wasn't shared
with the rest of the Board.

11

12 Because I think that was our intent, was to do
13 a survey, take photos, show you guys, without actually coming
14 to the property to see, hey, here's what we're seeing.
15 Here's the look, this is what's going on with the
16 neighborhood. You know, we've gotten zero pushback from any
17 neighbors whatsoever. They're actually very happy that
18 someone is going to be landscaping and making it kind of look
19 better. Because it just, it's not in good condition at all.

20

21 So I think if you had that report, you'd kind
of see a little bit more detail of what we're trying to
accomplish here.

22

23 MR. BOEHNER: There is a report that I
24 e-mailed to -- back in August. The purpose of the report was
25 that he's trying to make the case that they were exempt from
the EPOD regulations.

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3 NICHOLAS LEONARDO: No, I didn't --

4 MR. BOEHNER: -- I reviewed it, was to say you
5 needed to go and submit an application for an EPOD permit
6 because he was not considered exempt because the trees were
7 not dead and dying.

8 NICHOLAS LEONARDO: Well, some of them are
9 dead and dying, but the reason for the report is I just
10 wanted to know what the next steps were. But part of this
11 review was that we had this arborist report done prior to the
12 Board meeting, which we did do, and just now no one's even
13 looked at it.

14 JOSH DALEY: The report included a list of all
15 the trees, the sizes, it made note of what I call primary
16 justification. Again, dead within the footprint or within
17 ten feet of construction activity and then some other factors
18 as well.

19 And the map, that goes into greater detail and
20 uses, it bases it on the construction plan, but it X's out
21 the trees that I thought were objectively worth removing and
22 discusses them and there's pictures to give examples.

23 MR. BOEHNER: The number of the trees, it did
24 not -- it gives the type of the tree and the size of the
25 tree, but it did not give a condition of the tree. It talks

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23 about a little bit of that most of the trees are going to be
4 removed due to post-construction stress and decline.

5 CHAIRPERSON PRICE: That's --

6 MR. BOEHNER: I'll be glad to get this out to
7 the members if you'd like to look at it.8 MS. CIVILETTI: I would like to see that
9 please.10 CHAIRPERSON PRICE: Yeah, all right. John,
11 you asked. Jason, do you have other questions?12 MR. BABCOCK-STINER: Just a second with John
13 [inaudible].14 CHAIRPERSON PRICE: Okay, all right. This one
15 is a challenge. Ramsey, let's send that out, that report.16 MR. BOEHNER: We a have neighbor that wants to
17 speak.18 CHAIRPERSON PRICE: Yeah, let's open this up
19 to the public. Is there anyone in the audience that cares to
20 address this application, kindly raise your hand.21 MR. BOEHNER: I know Tom Hack wants to speak.
22 He did contact us early. Want me to unmute him?

23 CHAIRPERSON PRICE: Please do.

24 MR. BOEHNER: Tom, are you there?

25 TOM HACK: Can you guys see me and hear me?

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3 MR. BOEHNER: I hear you. There you are.

4 TOM HACK: Okay, I see you guys and I hear you
5 guys, hopefully you hear me too.

6 CHAIRPERSON PRICE: Go ahead.

7 TOM HACK: Okay. First, I want to say thanks
8 to Nicholas for taking on this project. This is a
9 complicated project for everyone, it's not an easy site. We
10 all know that. So congratulations, Nicholas for being on
11 board and taking that.

12 As far as the number of trees in the
13 neighborhood, you know, I'm actually in my house right now
14 counting trees in my neighborhood and looking out my window.
15 And the average tree is probably about 15 trees per lot.
16 Myself, I have 25 trees on my lot. And our lots are nowhere
17 near as large.

18 There's actually three lots combined so, you
19 know, looking at that, you shouldn't really be judging the
20 neighborhood from lot to lot to lot throughout the
21 neighborhood. It actually would be about only 54 trees is
22 probably what you're looking at down on your end over there.

23 One of the things too I think you need to keep
24 in mind as far as, you know, neighborhood, you're within
25 200 feet of a Federal wetlands which is directly across the

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23 railroad from you. I know Mark Ford did a big, extensive
4 thing of preserving that, so you're talking about being
5 closer to the woodlands area. That's pretty important to
6 keep in mind.7 While the neighborhood is a 1920s subdivision,
8 there's a lot of wood areas around us. There's 490, there's
9 Federal wetlands directly across from you, I took a walk
10 through there today.11 I do take exception about the condition of the
12 property. That's actually in pretty good shape, really, I
13 mean, regardless of the trees, as far as like, there's very
14 little garbage out there, very little. I walked through
15 today with my dog. Granted, you've got a lot of weeds and
16 vegetation, branches, old trees, stuff like that, natural
17 destruction more or less. But as far as, like, garbage and
18 dog piles and, you know, just junk everywhere, there isn't a
19 whole lot of that.20 One thing we are concerned with in the
21 neighborhood is really the fact that it is a woodlot EPOD.
22 And originally everyone is all excited because you had the
23 house coming in, a great look to the house, everything looked
24 good. So I thought we were in good shape with that, with the
25 Phase 1 there, if that's what you want to call it.

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3 Now, because you got a contractor on board,
4 and it seems your contractor drives the thought, that the
5 contractor is really having a hard time working around this
6 site. So, and like all contractors, their general thought is
7 to level the whole playing field, just take everything down,
8 tear it all down. Start from scratch, makes it easier for
9 them. Cheaper then, when nothing gets in their way so they
10 can run their dozers and their backhoes all over the site.

11

12 Now, the question I got for you really boils
13 down to a couple things. One is, it's a level of
14 disturbance. When you look at the site plan I'm looking at
15 right now, you know, you're taking down quite a few trees
16 that are way beyond the 20 or 30 feet from the house. You
17 know, if you actually put your scale on the drawing itself
18 and look at it, you know, from each corner of the house to
19 your level of disturbance, you're taking a substantial amount
20 of trees that are 50/80 feet away. That, I don't quite
understand why.

21

22 Now I do get, you know, Josh was talking about
23 earlier about a lot of trees being diseased, distressed, you
24 know, half dead, whatever. Yeah, granted, those need to go.
One thing we haven't seen from a neighborhood perspective is
a landscaping plan. So it's one thing, you know, like was

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3 mentioned earlier, I don't know who said it, all I see on the
4 plan and all our neighbors see on the plan is remove, remove,
5 remove. The whole entire, clearcut this site.

6 I was out there three hours ago looking
7 around, and every single thing's coming out. So we don't
8 know what's going in, in fact from what we've seen nothing is
9 going in. Now, there may be big plans for, you know, to
10 reestablish some plantings and that would be great.

11 But as far, you know, from our point of view,
12 you got a woodland EPOD overlay district in place, and it was
13 a pre-approved, everything was approved, why not just stay
14 with that. We haven't seen any reason really to go beyond,
15 except that the contractor just wants to make it easier for
16 them.

17 NICHOLAS LEONARDO: Well, well, I can just
18 jump in there. So actually, all --

19 MR. BOEHNER: Hold on.

20 CHAIRPERSON PRICE: No, no, you don't jump in.
21 Tom speaks and we'll ask you questions.

22 NICHOLAS LEONARDO: Okay.

23 TOM HACK: Thank you. And two other things
24 we're thinking about is the soil, the stockpile soil. Not
25 quite sure what the long term aspect that that is. Like I

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3 say, I haven't -- we don't have all the plans. I don't have
4 all the whatever, 30/40/50 pages whatever it is on these
5 plans. So we're not quite sure, you know, is the stockpile
6 staying there? The Town of Brighton has a drainage ditch
7 right there, so I'm not sure, you know, as long term, is that
8 stockpile going to leach into the drainage ditch, or what is
9 the long term plan for that?

10 And the other thing too, the last piece of our
11 concern is the concrete truck washout station. We're not
12 sure why that's even showing on the plan, showing on the town
13 right of way. I would think that that would be the last
14 thing the Town would want in the right of way is a concrete
15 washout pit, you know, destroying your right of way, or, you
16 know, kind of messing up your right of way a little bit.

17 But I think one of the biggest things is, I
18 think it's just the number of trees, I think there's some
19 probably intermediate pieces. If you're planning new ones,
20 that would great. We haven't seen a lot of that, haven't
21 seen any of that. All we see is removal of 91 trees when,
22 you know, that's way beyond the level of disturbance. It
23 really doesn't reflect, you know, a lot of what's going on in
24 the neighborhood. We have been a big fan of protecting our
25 neighborhood, preserving the trees, the lots, everything we

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23 can. We're working real hard at it. So that would be what
4 our general thought is here. So with that, I've said my
5 piece.6 But, welcome to the neighborhood, Nick,
7 looking forward to this going in, hopefully you can get some
8 more trees put in around the house. That's all I have.
9 Thanks.

10 CHAIRPERSON PRICE: Thank you, Tom.

11 Is there anyone else who cares to address this
12 application?

13 MR. BOEHNER: Please raise your hand.

14 Tom, do you know if anyone else wants to speak
15 by any chance?16 TOM HACK: No. I think one person was, but
17 they couldn't arrange the call tonight. One thing, just for
18 the town's point of view too, a lot of people don't see these
19 flyers. You had put it out there, but it was taken down
20 about two weeks ago. I took a picture and sent it to you
21 guys, it was just laying in the woods.22 So a lot of my neighbors weren't quite sure
23 what was going on with the whole process. So they kind of
24 are very interested in it, but didn't get word of this. So,
25 but not that I know of, Ramsey, I don't think anyone called

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3 in.

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MR. BOEHNER: Okay.

5

6 CHAIRPERSON PRICE: I'd like to give Nick
about a minute to respond to Mr. Hack's comments.

7

8 NICHOLAS LEONARDO: Yes. So the overall
excavation is actually because of there's larger tree
9 removals, actually it's much, much, costing us way more
10 money. This is something that we actually, it is a cost we
11 are taking on in addition because, again, you know, he is
12 right, there is some garbage, in my opinion, but a lot of it
13 is just destruction from the wind and branches and things of
14 that nature. There's a lot of fallen trees on the property.
15 You'll see pictures of that in the arborist report.

16

17 But also, in the plan, in the comments there
18 are some in the early plans it does show that we are planting
more trees. Now, obviously, we already expected that if we
19 are going to remove this many trees we would be planting
20 trees to replace them.

21

22 And from a neighborhood standpoint, I do
23 understand, but your house does have, you know, you said 20
trees, I have a lot of friends in the neighborhood and some
24 of them have maybe two, some of them maybe do have 20.
25 They're all different houses. I don't want to speculate who

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3 has how many trees. I do think though that once the house is
4 actually there, if we are planting additional trees in the
5 perimeter of the property all around the property lines,
6 that's really going to kind of fill in where the trees were.

7 So as far as the look, I mean, it's still
8 going to have a lot of trees. You're talking still about 30
9 plus trees on the property or more, plus the additional trees
10 that we plan to plant.

11 So I believe that as far as the neighbors, if
12 you walk down the right of way or you're walking by the
13 house, really, it's going to look very similar with some new
14 trees over time, they're going to have to grow.

15 But a lot of the major trees, big, big, major
16 trees around the perimeter of the house are staying, which,
17 you know, a lot of these trees marked for removal are six,
18 five, eight-inch trees that, I mean, they're basically, they
19 don't even have branches most of them. They just kind of
20 look like sticks sticking out.

21 So a lot of those are the ones that are on the
22 plan for removal. So hopefully that will alleviate some of
23 the concern. Or at least your concern, maybe a couple of the
24 neighbors that, it is our intention to plant some more trees
25 and keep it in line with the rest of the neighborhood, and

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23 preserve as much as we can. But also, maintain a yard and a
4 safe environment for our house.5 CHAIRPERSON PRICE: Okay, thank you, Nick. I
6 appreciate your thoughts, but the entire purpose of a woodlot
7 EPOD has nothing to do with neighborhood aesthetics. So I
8 personally am going to discount any of your comments
9 regarding trying to make this more aesthetically compatible
10 with the rest of the neighborhood. That is simply not the
11 function or the reason for an EPOD.12 Secondly, the reason for leaving trees, even
13 if they're dead and lying on the ground, may offer
14 environmental benefit. So I understand your desire to have a
15 manicured yard, but again, that is not the reason we have
16 environmental protection overlay districts or woodlots, steep
17 slopes, and wetlands.18 They have entirely different functions than to
19 serve just your purpose of having a lot to build a
20 single-family home on. So you're aesthetic arguments and
21 compatibility of the neighborhood is discounted completely on
22 my part. But as far as a compromise on this, I would think
23 that there is some rationale for dead or diseased trees to be
24 removed at the time of when it's easier for the machinery to
25 get in there and do it.

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3 I don't buy any argument for the convenience
4 of your contractor. I don't buy any argument for the
5 protection of removing a tree because it will potentially be
6 damaged and die in five years. That's why we have tree
7 protection plans. That's why we will make sure you follow
8 it. And if your contractor needs to use a different piece of
9 equipment to move around, then he's going to have to use a
10 different piece of equipment.

11

12 And if you need to relocate your stockpile
13 topsoil pile once or twice and reestablish your erosion
control measures, you're going to have to do that.

14

15 Like I say, I think I would like to see this
tree report. And I do agree that there are probably some of
16 these trees that can come down if they are, in fact, as you
17 and Josh, say diseased and dead. If they are not diseased
18 and dead, or they are in substantially good condition, I
19 don't see a need to remove an additional 41 trees or 42 trees
20 because it's, you know, an aesthetic reason.

21

22 I would be willing to participate in a site
visit to actually review the plan, look at these trees and
23 make a determination on what might go and what might not.
24 Now, Ramsey and David Dollinger will tell me if that's an
25 appropriate approach or not.

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3 To Mr. Hack, the concrete washout area will
4 not remain. That is a standard requirement of the erosion
5 control plan, erosion and sediment control plan. And
6 certainly a condition of a SWIP.

7 I don't know what anybody else has to say, but
8 that's my points. I don't know what anyone else thinks.

9

Laura?

10 MS. CIVILETTI: I don't have any additional
11 comments.

12 CHAIRPERSON PRICE: David?

13 MR. FADER: I pretty much agree with
14 everything you said.

15 CHAIRPERSON PRICE: John?

16 MR. OSOWSKI: I agree that we need more
17 information and some more information and I'd like to see
18 that tree report to have a better idea.

19 CHAIRPERSON PRICE: Thank you. Pam?

20 MS. DELANEY: I agree with what everyone has
21 said that we need more information on this.

22 CHAIRPERSON PRICE: Jason?

23 MR. BABCOCK-STINER: Yeah, I agree with what
24 you said, Bill.

25 CHAIRPERSON PRICE: All right. Ramsey, David

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3 Dollinger any final comments?

4 MR. BOEHNER: No. There's definitely, we can
5 talk about it during the discussion, specifically what
6 information that we'll want from them. There's the SWIP,
7 there's the grading, there's a landscape mitigation plan.
8 And then you guys didn't discuss if you want any
9 modifications for this plan or anything else that you may
10 want to have revised. We can do that during the discussions.
11 I guess, Bill, the only other thing I would say is we just
12 want to check one more time to see if there's anyone else who
13 would like to speak.

14 CHAIRPERSON PRICE: That said, is there anyone
15 else that cares to address this application?

16 MR. BOEHNER: Raise your hand.

17 CHAIRPERSON PRICE: Okay. We're going to move
18 on to the next application.

19 APPLICATION 9P-02-20

20 9P-02-20 Application of Teamsters Local #118,
21 owner, and DiPasquale Construction, Inc., agent, for Final
22 Site Plan Approval to construct a 2,617 +/- sf building
23 addition and expand the parking lot on property located at
24 130 Metro Park. All as described on application and plans on
25 file.

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3 APPLICATION 7P-NB1-20

4 7P-NB1-20 Application of Teamsters Local #118,
5 owner, and DiPasquale Construction, Inc., agent, for
6 Preliminary Site Plan Approval to construct a 2,617 +/- sf
7 building addition and expand the parking lot on property
8 located at 130 Metro Park. All as described on application
9 and plans on file.

10 CHAIRPERSON PRICE: Very good, Joe, welcome.

11 JOE JACOBS: Good evening.

12 MR. BOEHNER: Joe, do you have anyone else
13 that would like to join you?

14 JOE JACOBS: We do not.

15 MR. BOEHNER: Okay.

16 JOE JACOBS: Joe Jacobs, I'm representing EDR
17 in Rochester, at 274 North Goodman Street, Rochester, New
18 York, 14607. We are representing DiPasquale Construction on
19 this project. And the owner is obviously, Teamsters Local
20 118. About two or three months ago we came to the Board for
21 preliminary site plan approval which we -- the application
22 was tabled. And the reason was simple, we had two easements,
23 we had two variances that we needed to seek to get.

24 And we had consequently, last two weeks ago we
25 received the two variances. They were for site -- or for

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3 coverage, for impervious coverage. The lot previously -- or
4 the lot, when this Planning Board had originally reviewed, it
5 was approximately 73 percent impervious area, about
6 73 percent coverage.

7

8 And for the Zoning Board we attempted to
9 reduce the coverage and increase the green space as much as
10 possible. We were able to get it down 69 percent, the
allowable in the district is 65 percent.

11

12 The second variance was for parking and
13 driveway setback to connect to the existing asphalt area we
14 have, is obviously an existing nonconformance. However, you
15 may notice on, it's actually the west side of the site, but
it's planned up toward the top of the plan.

16

17 We carved out a chunk of space, impervious
18 area for green space and for subsequently for snow storage
19 too as well. So we kind of three birds with one stone,
20 increased our green space and snow storage, and also reduce
21 our -- were able to reduce as much as our impervious coverage
as possible.

22

23 Since then, the last time you've seen this
24 submission as well, we have some, one of the big questions
was, what we were going to do, what we were going to need to
25 do for water in terms of, there's a building code, Section 73

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3 that requires projects of a certain cost in relation to the
4 actual worth of the building and there needs to be upgrades
5 in terms of building sprinklers. The applicant, the cost for
6 the applicant did exceed that threshold, so consequently fire
7 service is going to be provided or installed in addition to
8 the domestic water service to essentially sprinkle the
9 building.

10 We have also added a Dumpster enclosure per
11 Conservation Board and per I believe the Planning Board's
12 comment as well. We are looking for some sort of Dumpster
13 enclosure that would house an existing Dumpster on site, so
14 we put that next to the shed. You can see that in the plan
15 on the bottom right, but it's actually the northeast corner
16 of the proposed parking expansion. That's tucked in next to
17 the shed and also behind the existing wooded area that is on
18 the adjacent property, so you will have screening there.

19 In terms of plantings, we kept the same three
20 river birches in the back along with the, I believe it is the
21 tupelo. We have added at the request of the Conservation
22 Board an additional tree out front. In the front as you
23 approach the building from the east side along Metro Park,
24 there's a flagpole and signage on the building and that's on
25 the east side of the building. We didn't want to disturbed

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3 that side of the building. So the only place really that we
4 were able to find that made sense in terms of symmetry and
5 for visibility, was to provide another Linden tree to match
6 the six-inch Linden that is just to the west of a main
7 12-inch large Linden. Yes, that's the main one. So now it
8 will be symmetrical and, you know, what's the rule of thumb,
9 Bill, it's never an even number. So we have three Lindens in
10 a row.

11 And consequently, we actually have another
12 proposed, because of the installation water service and fire
13 service we needed to remove two existing shrubs. In lieu of
14 those two shrubs we are showing in a link here, just to
15 provide some more color than just a shrub, evergreen shrub.
16 And it also provides some buffering, some additional
17 buffering to the existing parking that's there.

18 And that is a majority of it. We're working
19 to, we have addressed a majority of the Town of Brighton Town
20 Engineer's comments, been working with Evert. We have some
21 more updates for him with regard to additional approvals. We
22 need to seek specific paper for the Monroe County Pure Waters
23 master plan review and also for Water Authority because of
24 that fire service.

25 But we have reached out, we have, you know, a

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3 fire protection consultant on staff, or that has been signed
4 up for doing the hydraulics. So it's really more to make
5 sure we get the applications in to those agencies and
6 authorities. I think that's about it.

7 CHAIRPERSON PRICE: Okay, thank you. I
8 listened in to the variance application, I don't have any
9 further questions. Does the Board have any questions?

10 MS. CIVILETTI: I'm all set thank you.

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

12 MS. DELANEY: I'm set.

13 MR. OSOWSKI: This is John, I'm good.

14 CHAIRPERSON PRICE: David?

15 MR. DOLLINGER: I'm okay, I'm fine.

16 CHAIRPERSON PRICE: All right. Ramsey, do you
17 have any questions? I can't believe we lost Ramsey. Did we
18 lose Ramsey?

19 MR. BOEHNER: No, I'm sorry. Joe, can you
20 just explain the exterior lighting that's being proposed,
21 real quick? Joe is muted.

22 JOE JACOBS: Yes. The Photometrics exterior
23 lighting, there are two wall packs. They are, per our last
24 meeting, I believe it was Bill, 3,000k so we could keep it at
25 that level. And consequently the Photometrics are

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3 five-tenths of a foot candle, one-tenth of a foot candle
4 about ten feet away. So very low level light and they will
5 be above the two doors to the proposed addition.

6 MR. BOEHNER: That's all I have, Bill. Thank
7 you.

8 CHAIRPERSON PRICE: All right. We will open
9 it up to the audience. Is there anybody in the public that
10 wishes to address this application, please raise your hand.
11 Ramsey or Jeff, seeing anybody?

12 JEFF FISCHER: I don't see anybody.

13 CHAIRPERSON PRICE: Ask one more time, anybody
14 wish to address this application, for Teamsters Local 118 at
15 Metro Park? All right, Joe, thank you.

16 JOE JACOBS: Thank you all. Hope you have a
17 wonderful rest of your evening.

18 CHAIRPERSON PRICE: Thank you.

19 I believe that is it for our Public Hearings.

20 MR. BOEHNER: That is correct.

21 CHAIRPERSON PRICE: Ramsey, do you want to go
22 back and resolve these or move on?

23 MR. BOEHNER: Put the signs last, but, Bill,
24 I'm going to the applications having been adjourned, in case
25 there are people on and waiting for those, if I could do

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23 that. Applications 8P-01-20, the application of 2171 West
4 Henrietta Road has been adjourned to the October 21st
5 meeting.6 Application 8P-02-20, application of Passero
7 Associates for 2816 Monroe Avenue has been adjourned until
8 the October 21st meeting.9 Application 8P-03-20, application of Passero
10 Associates for 2125 Monroe Avenue has been adjourned to the
11 October 21st meeting.12 And last, application 9P-NB1-20, application
13 of Baptist Bible Temple, located at 1075 Clover Street has
14 been adjourned to the October 21st meeting.

15 CHAIRPERSON PRICE: Okay, thank you.

16 Let's go back to our reviewing of the
17 applications.

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3 APPLICATION 9P-01-20

4 9P-01-20 Application of Nicholas Leonardo,
5 owner, for Site Plan Modification and woodlot EPOD permit
6 modification (9P-01-19 & 1P-01-20) to remove additional trees
7 for the purpose of constructing a new house on property
8 located west of the intersection of Clover Street and
9 Greenaway Road, known as Tax ID #'s 122.16-1-5, 122.16-1-4 and
10 122.16-1-3. All as described on application and plans on
11 file.

12

13 MR. FADER: I move the Board tables
14 Application 9P-01-20 based on the testimony given and plans
15 submitted. The 13 items and additional information outlined
16 in the Planning Board report are requested to make the
17 determination of significance and to have a complete
application.

18

19 MR. BOEHNER: The hearing is kept open, motion
by Mr. Fader.

20

CONDITIONS:

21

22 1. A Stormwater Pollution Prevention Plan (SWPPP) by the
applicant in accordance with the specifications outlined by
23 the Town, reviewed by the appropriate board and approved
24 By the Town Engineer.

25

2. A revised grading plan will be submitted to the Town that

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23 takes into consideration the increases disturbance caused by
4 additional removal of trees.5 3. Provide a survey of all the trees to be removed on the
6 site over 5 inches in diameter identified by species,
7 condition, and worthiness for preservation. The survey shall
8 be prepared by a qualified consulting forester, arborist, or
9 horticulturist.10 4. The applicant shall submit a robust landscaping plan to
11 mitigate the considerable loss in vegetation now being
12 proposed.13 5. The project and its construction entrance shall meet the
14 New York State Standards and Specifications for Erosion and
15 Sediment Control.16 6. 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 7. 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.

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3 8. Maintenance of landscape plantings shall be guaranteed

4 for three (3) years.

5 9. 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 10. Prior to the issuance of any building permits, a letter

12 of credit shall be provided to the Town to cover the cost of

13 materials and installation for all landscaping to ensure that

14 all landscaping conforms to the approved plans and that the

15 landscape survives in a healthy condition.

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

17 disturbance.

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

19 Town Engineer comments and conditions shall be submitted.

20 13. The applicant shall submit an alternative tree removal

21 plan showing only dead or dying trees to be removed in

22 addition to the trees that were previously approved by the

23 Planning Board.

24 MS. CIVILETTI: Second.

25 MR. BOEHNER: Civiletti seconds.

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3 MR. BOEHNER: Mr. Price?

4 CHAIRPERSON PRICE: Aye.

5 MR. BOEHNER: Mr. Fader?

6 MR. FADER: Aye.

7 MR. BOEHNER: Ms. Civiletti?

8 MS. CIVILETTI: Aye.

9 MR. BOEHNER: Ms. Delaney?

10 MS. DELANEY: Aye.

11 MR. BOEHNER: Mr. Osowski?

12 MR. OSOWSKI: Aye.

13 MR. BOEHNER: Application is tabled.

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3 APPLICATION 9P-02-20

4 9P-02-20 Application of Teamsters Local #118,
5 owner, and DiPasquale Construction, Inc., agent, for Final
6 Site Plan Approval to construct a 2,617 +/- sf building
7 addition and expand the parking lot on property located at
8 130 Metro Park. All as described on application and plans on
9 file.

10 APPLICATION 7P-NB1-20

11 7P-NB1-20 Application of Teamsters Local #118,
12 owner, and DiPasquale Construction, Inc., agent, for
13 Preliminary Site Plan Approval to construct a 2,617 +/- sf
14 building addition and expand the parking lot on property
15 located at 130 Metro Park. All as described on application
16 and plans on file.

17 MR. FADER: I move we close the Public
18 Hearing.

19 CHAIRPERSON LUDWIG: I will second. All in
20 favor?

21 ALL COUNCIL MEMBERS: Aye.

22 MR. FADER: I move the Board approves
23 7P-NB1-20 and 9P-02-20 and based on the testimony given and
24 the plans submitted and the 25 conditions, and the Board
25 adopts the negative declaration prepared by the Town staff.

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CONDITIONS:

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

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

3. 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.

4. All necessary variances shall be obtained from the Zoning Board of Appeals.

5. The architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.

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

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

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

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

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

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

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

21 13. Outside storage and display shall be prohibited.

22 14. Maintenance and repair of equipment shall be prohibited.

23 15. Prior to the issuance of any building permits a
24 landscape and parking plan shall be submitted, reviewed and
25 approved by the Building and Planning Department.

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

5 17. All outstanding Site Plan comments and concerns of the
6 Town Engineer regarding soil erosion, storm water control,
7 water system and sanitary sewer design shall be addressed.

8 18. All County Development Review Comments shall be
9 addressed.

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

13 20. A letter of credit shall be provided to cover certain
14 aspects of the project, including, but not limited to
15 landscaping, stormwater 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 21. Erosion control measures shall be in place prior to site
20 disturbance.

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

25 23. All comments and concerns of the Town Engineer as

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23 contained in the attached memo dated September 15, 2020, from
4 Evert Garcia to Ramsey Boehner, shall be addressed.5 24. A letter or memo in response to all Planning Board and
6 Town Engineer comments and conditions shall be submitted.7 25. All new accessible parking space signage to be installed
8 or replaced shall have the logo depicting a dynamic character
9 leaning forward with a sense of movement as required by
10 Secretary of State pursuant to section one hundred one of the
11 Executive Law.12 CHAIRPERSON PRICE: I will second. Any
13 discussion? Call the roll, please, Ramsey.

14 MR. BOEHNER: Mr. Osowski?

15 MR. OSOWSKI: Aye.

16 MR. BOEHNER: Mr. Babcock-Stiner?

17 MR. BABCOCK-STINER: Aye.

18 MR. BOEHNER: Ms. Delaney?

19 MS. DELANEY: Aye.

20 MR. BOEHNER: Ms. Civiletti?

21 MS. CIVILETTI: Aye.

22 MR. BOEHNER: Mr. Fader?

23 MR. FADER: Aye.

24 MR. BOEHNER: Mr. Price?

25 CHAIRPERSON PRICE: Aye.

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3 MR. BOEHNER: Motion passes.

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3 **SIGNS:**

4 1588 Lazzara Smiles Orthodontics, for a building face sign at
5 925 East Henrietta Road.

6 1589 USA Vein Clinics, for a building face sign at 1882
7 Winton Road #2.

8

9 MR. BOEHNER: 1588, the application be tabled
10 so they can get required sign variance from the Zoning Board

of Appeals.

11

CHAIRPERSON PRICE: So moved.

12

MR. FADER: Second.

13

CHAIRPERSON PRICE: All in favor?

14

MR. BOEHNER: Mr. Price?

15

CHAIRPERSON PRICE: Yes.

16

MR. BOEHNER: Mr. Fader?

17

MR. FADER: Yes.

18

MR. BOEHNER: Ms. Civiletti?

19

MS. CIVILETTI: Yes.

20

MR. BOEHNER: Ms. Delaney?

21

MS. DELANEY: Yes.

22

MR. BOEHNER: Mr. Osowski?

23

MR. OSOWSKI: Yes.

24

MR. BOEHNER: Motion passes.

25

1589 for 1882 Winton road I recommend we

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3 approve as recommended.

4 CHAIRPERSON PRICE: I will move on approval as
5 recommended by the Architectural Review Board.

6 MR. FADER: I will second that.

7 MR. BOEHNER: Mr. Osowski?

8 MR. OSOWSKI: Aye.

9 MR. BOEHNER: Mr. Babcock-Stiner?

10 MR. BABCOCK-STINER: Aye.

11 MR. BOEHNER: Ms. Delaney?

12 MS. DELANEY: Aye.

13 MR. BOEHNER: Ms. Civiletti?

14 MS. CIVILETTI: Aye.

15 MR. BOEHNER: Mr. Fader?

16 MR. FADER: Aye.

17 MR. BOEHNER: That's it.

18 * * *

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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 10th day of October, 2020.13 At Rochester, New York
14
1516 Rhoda Collins
17 Rhoda Collins
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