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**February 15, 2023**  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON

JOHN J. OSOWSKI	)	
PETER GRISEWOOD	)	BOARD MEMBERS
JASON BABCOCK-STINER	)	

KENNETH GORDON, ESQ.  
Town Attorney

JASON HAREMZA  
Executive Secretary

NOT PRESENT:

KAREN ALTMAN  
DAVID FADER  
JULIE FORD

REPORTED BY: SUSAN M. RYCKMAN, CP,  
Court Reporter,  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive,  
Batavia, NY 14020,  
(585) 343-8612

1 CHAIRMAN PRICE: Good evening, and welcome  
2 to the February 15th meeting of the Town of Brighton  
3 Planning Board.

4 I would like you to know that all of our  
5 applications that are being heard tonight are posted  
6 to the Town's web site no later than 24 hours before  
7 the meeting. Typically if it's not 24 hours, it's  
8 less than 24 hours, it's because we haven't had an  
9 opportunity to receive and post some of the  
10 application materials. But all of the materials  
11 presented tonight have been on the web site for at  
12 least 24 hours.

13 If you do have comments, you're welcome to  
14 submit any comments, if you think of things after  
15 tonight that you didn't ask. You may submit comments  
16 in writing to Jason Haremza, who is the Executive  
17 Secretary for the Planning Board. His email is  
18 Jason.Haremza -- H-A-R-E-M-Z-A -- @townofbrighton.org.

19 All right. In the unlikely event of an  
20 emergency here tonight, I just want to point out that  
21 there are doors behind you all, and then there is a  
22 door to my right and your left. I just ask we exit in  
23 an orderly manner.

24 I would like the executive secretary to  
25 please call tonight's roll.

1 MR. HAREMZA: Altman is absent.

2 Babcock-Stiner?

3 MEMBER BABCOCK-STINER: Here.

4 MR. HAREMZA: Fader is absent. Ford is  
5 absent. Grisewood?

6 MEMBER GRISEWOOD: Here.

7 MR. HAREMZA: Osowski?

8 MEMBER OSOWSKI: Here.

9 MR. HAREMZA: Price?

10 CHAIRMAN PRICE: Here. All right. Thank  
11 you. We technically have a quorum?

12 MR. GORDON: We do.

13 CHAIRMAN PRICE: Thank you. We are going to  
14 do an agenda review with our staff and attorney before  
15 considering other actions.

16 Do you want to, Jason, just kind of go  
17 through what's on tonight and confirm that we do have  
18 materials?

19 MR. HAREMZA: Sure. First of all, you will  
20 find in your packets, there is a two-page Staff Report  
21 correction, what was printed on Facebook, was posted  
22 yesterday, and there are copies available for the  
23 public here tonight to review that as well.

24 The first item is 11P-01-22, 1760 Monroe  
25 Avenue. We, as of the deadline for this meeting, we

1 had not received a completed -- the complete materials  
2 that were requested by Rick DiStefano, so we will see  
3 if there is someone here tonight to present on this  
4 project, and see what they have, if anything, to  
5 present.

6 Next case is 2P-01-23. That is 57 Eldridge  
7 Avenue. What we're reviewing tonight is just the  
8 demolition and approval of a Woodlot EPOD permit. So  
9 questions about -- or issues related to what is  
10 proposed to be constructed, they have not submitted  
11 that application yet for site plan approval.

12 CHAIRMAN PRICE: Okay.

13 MR. HAREMZA: Next case is 2P-02-23,  
14 1220 Brighton-Henrietta Town Line Road. That is a  
15 pretty straight forward conditional use permit. No  
16 physical changes to the building or site. To be used  
17 as a construction warehouse facility with outdoor  
18 storage.

19 The next case is 2P-03-23, also on  
20 Brighton-Henrietta Town Line Road, 1850. Helio  
21 Health. This recently went through site plan  
22 approval. They're proposing a small building addition  
23 which requires further review by the Planning Board.  
24 Also installation of a perimeter fence, which has some  
25 issues related to it in terms of the proposed

1 vegetation, proposed to be cleared on adjoining  
2 properties. So something to note on that one.

3 CHAIRMAN PRICE: Okay.

4 MR. HAREMZA: Quickly under new business,  
5 5P-NB2-22, 3108 East Avenue, the applicant requested  
6 to be postponed until the March 15th meeting of the  
7 Planning Board. We did receive a written  
8 communication on that, which, Ken, should I distribute  
9 at this meeting or save until March 15th?

10 MR. GORDON: They are not even considering  
11 it tonight, so they don't need to see that tonight.  
12 Let's hold that.

13 One of the reasons they asked to postpone it  
14 is because they are still in front of the Historic  
15 Preservation Commission, looking to get approval on  
16 their Certificate of Appropriateness for the  
17 renovations, and there were some requests made of them  
18 relative to materials and some other elements of the  
19 project that they still needed to bring back for the  
20 next HPC meeting at the end of this month. So,  
21 hopefully, by the March 15th meeting, they will know  
22 where they stand with HPC.

23 CHAIRMAN PRICE: Where do they stand with  
24 zoning?

25 MR. GORDON: Zoning's done. ZBA variances

1 have been granted.

2 CHAIRMAN PRICE: Very good. Thank you.

3 MR. HAREMZA: And just a further note on  
4 that, in the event that you have been by the site, HPC  
5 granted a partial approval and tabled it last month,  
6 so they were able to remove some of the T1-11 siding  
7 to do exploratory research on the facade.

8 Okay. Next under new business is 9P-NB1-22,  
9 12 Elmwood Hill Lane. This is before the Board for  
10 Preliminary Site Plan Approval and Demolition Review  
11 and Approval to demolish the existing single-family  
12 home, and construct a new one on the site. I don't  
13 believe there is any -- that the applicant note any.

14 CHAIRMAN PRICE: This had some sanitary  
15 sewer issues.

16 MR. GORDON: Yep. To my knowledge not yet  
17 resolved.

18 CHAIRMAN PRICE: All right.

19 MR. HAREMZA: I will note that it is  
20 Preliminary Site Plan Approval only. They have not  
21 applied for final, so that would be a coming step for  
22 this project.

23 CHAIRMAN PRICE: Okay. ARB yet?

24 MR. GORDON: To our knowledge, they have not  
25 even applied to ARB.

1 MR. HAREMZA: They have not applied for ARB.

2 CHAIRMAN PRICE: All right. Then we would  
3 have a couple of communications about Historic  
4 Preservation.

5 MR. HAREMZA: Yes. So those were included  
6 in the posted information, both from me, which is a  
7 little odd to refer to. But the Historic Preservation  
8 Commission declined to schedule a public hearing to  
9 consider 57 Eldridge for landmark status. Which means  
10 th Historic Preservation Commission has no issue with  
11 the demolition.

12 And the same goes for 2723 Monroe Avenue,  
13 which if you recall, was approved last month. That is  
14 the demolition of the former Pizza Hut to become a  
15 Chipotle. You approved that on condition that they  
16 receive --

17 MR. GORDON: Except that it's 2735.

18 MR. HAREMZA: 2735, yes.

19 CHAIRMAN PRICE: Okay.

20 MR. HAREMZA: And then a communication that  
21 came -- I'm sorry. So then a third communication that  
22 was included in your packet that came in on Monday  
23 regarding concerns about 57 Eldridge.

24 And then finally, I have a communication  
25 that arrived today that I can distribute copies of

1 that also have concerns with 57 Eldridge.

2 And then, finally, one sign approval,  
3 1740 Monroe Avenue, for Riwaayat, which I understand  
4 is a clothing store.

5 CHAIRMAN PRICE: You understand that that  
6 sign is already up?

7 MR. HAREMZA: I do not understand that. No.  
8 Well, thank you. There was some communication about a  
9 temporary banner --

10 CHAIRMAN PRICE: I think it might be.

11 MR. HAREMZA: -- in the same location, but.

12 CHAIRMAN PRICE: Looks like it.

13 MR. HAREMZA: Yeah.

14 CHAIRMAN PRICE: All right. Thank you.  
15 This is the communication here?

16 MR. HAREMZA: Yes. There are some full-size  
17 drawings for a couple of the cases on the table, if  
18 anybody wants to look at full-size drawings. But you  
19 all should have paper copies of all of the relevant  
20 cases for this evening.

21 CHAIRMAN PRICE: Thank you. Any questions?  
22 Gentlemen, anything?

23 MEMBER OSOWSKI: No, thank you.

24 CHAIRMAN PRICE: Let's begin with the  
25 approval of meeting minutes. Let's see if we can get



1 through it. We're down a few members.

2 Is there a motion to approve the  
3 November 16th meeting minutes?

4 MR. HAREMZA: Actually, Bill, let me ask  
5 this question first, because I am not sure what order  
6 this goes in. There were corrections submitted by  
7 Mr. Fader for the November meeting minutes.

8 CHAIRMAN PRICE: Okay. So we would -- we  
9 would make a motion, and then we would submit the  
10 corrections, moved and seconded and first.

11 MR. GORDON: You know, you do not need to be  
12 present for the meeting to move and approve the  
13 minutes or even vote on it.

14 CHAIRMAN PRICE: That's interesting.

15 MR. GORDON: A commonly misunderstood.

16 CHAIRMAN PRICE: That's interesting. You  
17 don't have to abstain if you were --

18 MR. GORDON: You do not.

19 CHAIRMAN PRICE: Interesting. Okay. I went  
20 30 years not knowing that. Okay. Now we know.

21 MEMBER OSOWSKI: On that note, I will move  
22 that we approve the November 16th, 2022, meeting.

23 MEMBER BABCOCK-STINER: I will second.

24 CHAIRMAN PRICE: November 16th meeting  
25 minutes moved and approved. Jason, you have

1 corrections submitted by Member Fader.

2 MR. HAREMZA: Excuse me, moved and seconded?

3 CHAIRMAN PRICE: Yes.

4 MR. HAREMZA: Mr. Fader kindly put the  
5 incorrect version in red and the corrected version in  
6 green.

7 CHAIRMAN PRICE: Under modifications.

8 MEMBER BABCOCK-STINER: I'm good.

9 CHAIRMAN PRICE: Okay. We're ready to vote.

10 MR. HAREMZA: Babcock-Stiner.

11 MEMBER BABCOCK-STINER: Aye.

12 MR. GORDON: I'm sorry, this is a motion to  
13 approve the November meeting minutes with the  
14 corrections by Member Fader?

15 CHAIRMAN PRICE: Correct.

16 (Babcock-Stiner, aye; Grisewood, aye;  
17 Osowski, aye; Price, aye.)

18 MR. HAREMZA: November 16th minutes  
19 approved.

20 CHAIRMAN PRICE: Okay. Do we have a motion  
21 to approve the December 21st, 2022, meeting minutes?

22 MEMBER BABCOCK-STINER: So moved.

23 CHAIRMAN PRICE: Moved by Babcock-Stiner.  
24 Do we have a second?

25 MEMBER OSOWSKI: Second.

1 CHAIRMAN PRICE: John Osowski second. Are  
2 there any corrections to those meeting minutes?

3 MR. HAREMZA: No. None that were supplied  
4 through this office.

5 CHAIRMAN PRICE: Okay. Moved and seconded.  
6 Could you take the roll.

7 (Babcock-Stiner, aye; Grisewood, aye;  
8 Osowski, aye; Price, aye.)

9 CHAIRMAN PRICE: Lastly, January 18th, 2023,  
10 meeting minutes. Is there a motion to approve? I  
11 will move to approve.

12 MEMBER BABCOCK-STINER: Second.

13 CHAIRMAN PRICE: Moved and second. Any  
14 discussion or comments?

15 MR. GORDON: Member Osowski had submitted  
16 one revision, this is for Page 17, beginning at  
17 Line 24, the word stone should be the word storm,  
18 S-T-O-R-M. The word weather should be the word water,  
19 W-A-T-E-R, and on Line 25, the words construction  
20 corp. should be replaced by the word project. So that  
21 the sentence would read, the Town of Brighton did this  
22 nice storm water management project. That's the only  
23 correction.

24 CHAIRMAN PRICE: I moved, you second. Okay.  
25 So let's vote on the January 18th minutes as corrected

1 by Member Osowski. Let's call the roll.

2 (Babcock-Stiner, aye; Grisewood, aye;

3 Osowski, aye; Price, aye.)

4 MR. HAREMZA: Thank you.

5 CHAIRMAN PRICE: Mr. Secretary, were  
6 tonight's public hearings properly advertised?

7 MR. HAREMZA: Public hearings were  
8 advertised for the Planning Board in the Daily Record  
9 of February 9th, 2023.

10 CHAIRMAN PRICE: Thank you. I have a  
11 question just on advertising public hearings. We post  
12 those also on our web site, but for them to be legally  
13 advertised, it has to go into a circulation?

14 MR. GORDON: So meetings are regulated by  
15 the Open Meetings Law, which require posting on our  
16 web site and circulating a list of those minutes to  
17 the media.

18 However, public hearings are regulated by a  
19 separate law, which require the actual publication of  
20 the printed notice in the official newspaper of the  
21 town, which in this case is the Daily Record.

22 CHAIRMAN PRICE: I am just wondering if  
23 this, you know, if we should be saying that we've also  
24 posted them? This is the only --

25 MR. GORDON: Yeah.

1 CHAIRMAN PRICE: -- legally necessary  
2 mechanism for --

3 MR. GORDON: All of our meetings are posted.  
4 We've already complied with the Open Meetings Law. We  
5 comply with that in the beginning of the year,  
6 actually, by posting our meeting schedule on the web  
7 site.

8 CHAIRMAN PRICE: The meeting itself.

9 MR. GORDON: Right. The actual agenda and  
10 the public hearings, notice of those do not need to be  
11 posted on the web site. What needs to be put on the  
12 web site are all materials that you are going to  
13 consider at those public hearings, and that is part of  
14 the Open Meetings Law, and that's what we make sure we  
15 do.

16 So we are in full compliance of both the  
17 Open Meeting Laws and the Public Hearing Notice Laws.

18 CHAIRMAN PRICE: Just good for everybody to  
19 know where to find it.

20 MR. GORDON: Sure.

21 CHAIRMAN PRICE: Okay. We will hear the  
22 applications now.

23 **Application 11P-01-22**

24 CHAIRMAN PRICE: Application of Tasty Hut,  
25 LLC, owner, and James Smith, architect, for the

1 property at 1760 Monroe Avenue.

2 Is there anybody representing the applicant?

3 (No response from the audience.)

4 CHAIRMAN PRICE: A lot of blank stares.

5 Okay. We will come back to --

6 MR. GORDON: So for -- yeah, Staff has  
7 received nothing new on this matter; is that correct,  
8 Jason?

9 MR. HAREMZA: We received a single drawing  
10 without any accompanying information, that updated  
11 some elements of the site plan, and actually, included  
12 the addition of a labeled drive-thru lane. But no  
13 other materials or application forms were submitted.

14 MR. GORDON: And those drawings do not  
15 include, really, any kind of zoning information or  
16 information relative to allowing this Board or the  
17 Staff to make any kind of determinations with respect  
18 to the project; is that right?

19 MR. HAREMZA: That's correct.

20 MR. GORDON: So.

21 CHAIRMAN PRICE: Yeah.

22 MR. GORDON: And I will just say, you know,  
23 since we're having a public hearing, on the Staff  
24 having a discussion as to whether it would be the  
25 Board's prerogative when -- whether the Board would

1 wish to either table the matter one more time, or  
2 simply deny it without prejudice. So that's what you  
3 are going to be considering when you get to your  
4 action items.

5 CHAIRMAN PRICE: I agree. The information  
6 was nothing more than regurgitation of the Code, so.  
7 All right.

8 Let me ask you this: If there are members of  
9 the audience that came out for this application, if we  
10 want to allow that?

11 MR. GORDON: Absolutely.

12 CHAIRMAN PRICE: Okay. Since this is the  
13 first application, and it is a public hearing, if  
14 there is anyone in the audience that cares to address  
15 the application of Tasty Hut at 1760 Monroe Avenue,  
16 you're welcome to -- you're welcome to come up. But  
17 as you know, there is no information to go on.

18 Please. Thank you for coming out. Just  
19 introduce yourself, and give use your name.

20 MR. ANDERSEN: You're welcome my name is  
21 Jim Andersen, and I can't be understood with this on,  
22 so. My wife and I live directly behind 1760, is it?

23 CHAIRMAN PRICE: Yes.

24 A SPEAKER: And we've been there 26 years.  
25 We've had a lot of relationship making with the

1 owners. We have one, two, three -- I think four  
2 owners bordering our property, but three of those are  
3 commercial, and it is quite a job keeping track of  
4 little issues all the time.

5 We've gotten help from Mike Guy,  
6 Kim Andersen, and the Board in the next office of all  
7 kinds, so we really appreciate being in a town that  
8 wants to have business and residential areas.

9 We have a breezeway in our home where we eat  
10 supper three months a year, and we've had to deal with  
11 fumes, honking, stuff blowing over from the dumpsters.

12 The dumpsters are always open. The staff  
13 just can't be kept long enough to be trained to close  
14 the doors or breakdown the boxes. So there's --  
15 they're always piled over. That brings the rodents,  
16 of course, we've had rat problems.

17 But we want to eat in peace and comfort on  
18 our breezeway, and so we have questions about the  
19 additional exhaust from a line of idling cars and  
20 their booming bases and radios that occur from time to  
21 time late at night or graduation when the limousines  
22 come around.

23 But most things we can handle. We've not  
24 been able to be successful on some things.

25 We've looked at the -- the regs, the



1 requirements for restaurant with a drive-thru, and so  
2 forth and so on. We think there are four or five that  
3 are dubious, and the presentation so far of the  
4 information of Tasty Hut.

5 So we just urge the Board to look real  
6 closely at it, and -- and hopefully, they can get in  
7 there without the drive-thru. Like every other  
8 restaurant in the whole area from downtown Rochester  
9 out to Pittsford Plaza, there's no room for  
10 drive-thrus in this community on this stretch of  
11 Monroe, in my opinion.

12 So I think I will go home and eat my pizza.  
13 Thank you.

14 CHAIRMAN PRICE: All right. Thank you for  
15 coming out. Appreciate it. Anyone else that cares to  
16 address the application?

17 (No response from the audience.)

18 CHAIRMAN PRICE: All right. Thank you.

19 **APPLICATION 2P-01-23**

20 CHAIRMAN PRICE: Our next application is  
21 2P-01-23. This is Westmarsh Properties, LLC, for a  
22 Demolition Review and Approval and a Woodlot EPOD for  
23 property at 57 Eldridge Avenue.

24 MS. MARCHIONI: Good evening. My name is  
25 Monique Marchioni. I am appearing as counsel for

1 Westmarsh Properties. Also with me tonight is  
2 Greg McMahon with McMahon LaRue Engineering. And he  
3 is the engineer for the project.

4 And before you is Westmarsh Properties'  
5 application to approve the demolition of a  
6 single-family dwelling, and remove nine, plus or  
7 minus, cottonwood trees located on the property.

8 Westmarsh purchased the property in  
9 December, and has intentions to construct a new,  
10 single-family dwelling on the property for resale.

11 The home that is sought to be demolished has  
12 been an abandoned for some time, and is not habitable.  
13 It is beneficial for this town, for all parties  
14 involved, to have this hazardous structure removed  
15 from the property.

16 Westmarsh has been in touch with Town Staff  
17 regarding future plans for construction and  
18 discussions of a site plan for the property. And we  
19 are currently processing all of the comments we  
20 received during that meeting with Town Staff, and will  
21 sometime in the future be submitting a site plan for  
22 review by this board and other boards that might need  
23 to review that.

24 But in the meantime, the demolition in the  
25 -- of the home and the removal of these trees need to

1 be taken care of, especially given the state of the  
2 home. So Westmarsh, in addition to the demo of the  
3 home, is also proposing the removal of nine, plus or  
4 minus, cottonwood trees that sit directly -- well, in  
5 front of the abandoned structure that's to be  
6 demolished in the middle of the property.

7 This lot is very small, and it's a  
8 pre-existing nonconforming lot. So regardless of  
9 where the location of the new home is to be  
10 constructed, these trees will need to be removed to  
11 accommodate the new home.

12 These trees are cottonwood trees. They're  
13 an undesirable type of tree to have on a residential  
14 lot due to the cotton that it releases, which is a  
15 nuisance when it gets stuck in your window screens and  
16 air-conditioning units.

17 Just now we received the letter you had  
18 received from, looks like, a neighbor behind the  
19 house, 28 Midland Avenue. And I just had an  
20 opportunity to review it. And their concern appears  
21 to be that the removal of some trees on -- from the  
22 property, the cottonwood trees, would exacerbate a  
23 problem with swamp water runoff coming into this  
24 neighbor's yard. And there was also an issue about  
25 over the years some cars had gotten stuck in the mud

1 when trying to turn around in the prior owner's  
2 driveway.

3 I don't believe there was a driveway on the  
4 property. I mean, this property was very overgrown,  
5 and not maintained for many, many years. So I don't  
6 recall even seeing an asphalt driveway, just mud/dirt.

7 So removing these trees would actually open  
8 up this overgrown area, and allow for sun to -- to hit  
9 the property, and hopefully absorb and this -- if  
10 there is this groundwater problem.

11 We also, Westmarsh, cannot develop this lot  
12 because of its size without the removal of these  
13 trees. And we're talking about trees that are  
14 situated, again, in front of the abandoned home and in  
15 the middle of the property. We're not -- before the  
16 Board is not trees to be removed that border this  
17 neighbor's property.

18 So those would be my comments to the letter  
19 I just received. Does the Board have any questions  
20 for myself, for Greg?

21 CHAIRMAN PRICE: Sure. Thank you. I guess  
22 in general, when -- when this is -- is cut down --  
23 well, let's step back a little bit.

24 This is on a dead-end street. Is this a  
25 legal -- this is a legal street, this is a legal

1 right-of-way? Okay. It does not have any formal  
2 hammerheads or turnarounds out there, at least that  
3 we're aware of. Okay.

4 And are there utilities here that will have  
5 to be abandoned, as a result? I see there is no  
6 sanitary, right?

7 MR. McMAHON: There is no sanitary. There  
8 is water that was --

9 CHAIRMAN PRICE: Your name?

10 MR. McMAHON: OH, I'm sorry. Greg McMahon,  
11 McMahon, LaRue, 822 Holt Road, Webster, New York.

12 There is no sanitary. There probably -- we  
13 don't know where the septic system is, but there's  
14 probably what was commonly referred to as a cesspool  
15 out there.

16 The electric has been cut off and abandoned,  
17 and the water has been previously shut off to the  
18 site.

19 There is a Monroe County Water Authority  
20 water main on Eldridge that extends to a hydrant,  
21 which is almost in front of this home. But the  
22 utilities have all been cut dead.

23 CHAIRMAN PRICE: It's curious that the  
24 frontline or front property line doesn't go right to  
25 the right-of-way.

1 MR. McMAHON: It's a -- it's a strange  
2 parcel. We did a lot of boundary research when we  
3 prepared this map, and deed research, and that's what  
4 it is.

5 CHAIRMAN PRICE: Probably not an issue for  
6 this application, but you know, is that -- is that  
7 Town land, or what is that little triangle out there,  
8 you know?

9 MR. GORDON: The Town believes that it is in  
10 the Town right-of-way, so that any growth of two  
11 inches or greater, that would be Town trees.

12 MS. MARCHIONI: And our application is not  
13 proposing to have the trees that -- the cottonwood  
14 trees are not in that area.

15 MR. McMAHON: We understand as part of our  
16 Site Plan Application that there is anything proposed  
17 in town lands with regard to anything over that --  
18 that size limit, that we would have to -- that's a  
19 Town Board action.

20 CHAIRMAN PRICE: And from an overall, kind  
21 of a regional neighborhood perspective, what is  
22 general flow of stormwater here? Is water coming from  
23 the north and west onto this property, or is it  
24 flowing off of this property onto --

25 MR. McMAHON: I guess it's, generally,

1 flowing onto -- onto the what is now Town Park land.  
2 Actually, this area, there is no wetland on our site,  
3 but there is Federal wetland on the Town Park  
4 property, and that's generally the water is, in this  
5 area, is flowing to that low area.

6 CHAIRMAN PRICE: Okay. So your drawing  
7 doesn't necessarily show any proposed contours, but we  
8 would assume, when the building comes down, that's not  
9 changing that direction of flow?

10 MR. McMAHON: No. That's one of the  
11 comments of engineering. And what we will do is,  
12 there are -- there are no contours that end at the  
13 house, but basically, that -- once the foundation and  
14 the house has been removed, that area gets top soiled,  
15 seeded, and mulched to match in with the existing  
16 topography there. So it would ultimately, once grass  
17 grows there, it will look like just part of the yard.

18 CHAIRMAN PRICE: Okay. And the part of the  
19 building that's over the fence or over the property  
20 line, they just come down with a --

21 MR. McMAHON: There was a comment about a  
22 license agreement with the Town. We will follow-up  
23 with the Town's Attorney on what's necessary. But  
24 yes, everything -- the portion of the building and the  
25 fence that occur on Town property would be removed as

1 part of the demolition.

2 MR. GORDON: And by that comment, the Town's  
3 not suggesting it would object to it. I think we just  
4 need to have something in place to protect both  
5 parties.

6 MR. McMAHON: Right.

7 MS. MARCHIONI: Understood.

8 CHAIRMAN PRICE: I am going to let you ask  
9 questions about the trees.

10 MEMBER GRISEWOOD: How do we know they are  
11 cottonwood? Did you have a certified arborist look at  
12 these trees?

13 MR. McMAHON: We have not had a certified  
14 arborist. We've had a tree removal company. The  
15 owner's have contracted -- they have a Town-approved  
16 contractor available to remove these trees, and  
17 they've looked at them and quoted based on -- and I  
18 honestly couldn't -- I know a cottonwood in the spring  
19 when all the white stuff's coming off of it, but I  
20 couldn't tell by what's there. But I assume these  
21 professionals know what a cottonwood tree is.

22 MEMBER GRISEWOOD: Okay. Do you need  
23 special permission to take those nine trees down, or  
24 are you able to take those down without some type of  
25 special permit from the Town? Do you know?



1 CHAIRMAN PRICE: What stops them from going  
2 out and taking them down right now?

3 MR. GORDON: Well, any demolition, any work  
4 done on the property, because of the size of the  
5 property, is approval from the Board.

6 In terms of actual tree removal, it has to  
7 be done by a tree removal company that is licensed by  
8 the town. And yeah, beyond that, Jason, I don't know  
9 of any other regulations.

10 We do -- I don't think, you can tell me  
11 because you mapped this. I don't think that these  
12 trees are in the side of the Woodlot EPOD, or are  
13 they?

14 MR. HAREMZA: So out of an abundance of  
15 caution, Town Staff wanted the Planning Board to  
16 review this for a Woodlot permit. I will distribute a  
17 map momentarily.

18 The map Woodlot extends approximately  
19 one-third into the property from the north, and the  
20 trees in question are right about on the line. The  
21 Woodlot mapping was not done with that degree of  
22 precision, and so the trees in question also meet the  
23 narrative definition of what a Woodlot is in the  
24 zoning code. So that is part of your review tonight,  
25 is the Woodlot and the lot permit.

1 MR. GORDON: So there is a really long  
2 answer to your question. Taking down the trees  
3 themselves, they need to use a licensed tree removal  
4 company because of the size of the trees as part of  
5 the demolition budget. It may well be in a Woodlot  
6 EPOD, and it certainly appears to be the definition.  
7 So you are looking at whether you would grant an EPOD  
8 Woodlot permit.

9 CHAIRMAN PRICE: So every one of us who  
10 knows cottonwood, can be messy and can get into  
11 utilities and air-conditioning units and windows,  
12 still trees, and still provide some benefit. So you  
13 could argue that all night.

14 But would it give you heartburn to hold off  
15 on tree removal until you knew what you were going to  
16 do with regard to a new home? Does it seem entirely  
17 like these need to come down until you have a  
18 footprint and a driveway, utility corridors, or what  
19 you need?

20 MS. MARCHIONI: These trees, it certainly  
21 won't make it easy for the demolition contractor.

22 MR. McMAHON: And I think, again, in  
23 speaking with -- with John Marchioni, John, it was  
24 also -- he had gotten a quote for a very reasonable  
25 cost to take these down, and as we all know,

1 construction costs are only headed in one direction,  
2 and he was just hoping to take advantage of a very  
3 reasonable cost if they're done at the same time that  
4 he's taking -- taking the house and shed and doing the  
5 work.

6 I mean, we know regardless, you know, we're  
7 looking at several options with house location, and in  
8 all of the options, they're gone.

9 MS. MARCHIONI: Yeah. Like I said earlier,  
10 they're located right in the middle of the lot. I  
11 mean, they would have to come down in order for us to  
12 develop this lot.

13 And in looking at this EPOD map, certainly a  
14 good argument could be made by Westmarsh that these  
15 trees aren't even in the EPOD.

16 CHAIRMAN PRICE: Four or five of us could  
17 make the opposition.

18 MEMBER BABCOCK-STINER: I am not good with  
19 that one.

20 MR. GORDON: I have a question for you,  
21 Chairman Price. When you grant -- if and when you  
22 grant tree removals that might be in a Woodlot, do you  
23 condition that upon finding replacement trees that are  
24 on the Town Tree List, typically?

25 CHAIRMAN PRICE: Yeah, you know, recently

1 we've had one other Woodlot EPOD application for a new  
2 home, exact same situation, where the replacement, say  
3 the nine trees, was -- was a condition, and they were  
4 put in locations that were more appropriate and  
5 aligned better with the house location, driveway  
6 location, utility corridors.

7 MR. GORDON: Is that something that the  
8 Board is going to want to know from the applicant in  
9 conjunction with this application, is, A, whether  
10 they're willing to replace, and B, where they, what  
11 kind of trees and where they will put them, or is the  
12 latter detail not needed right now?

13 CHAIRMAN PRICE: Well, I think if -- I  
14 should be talking to you.

15 MR. GORDON: Yeah, I am trying to --

16 CHAIRMAN PRICE: Yeah. This is -- this  
17 is --

18 MR. McMAHON: Yeah, we would be submitting a  
19 landscape plan as part of our site plan. You would be  
20 requiring that landscape plan, and I think if you  
21 condition this on that, when we submit our -- we will  
22 know when we submit our site plans that we have to  
23 meet those conditions. And I think that's acceptable.

24 MS. MARCHIONI: That would be acceptable.

25 CHAIRMAN PRICE: Okay. Now, when you say

1 nine plus or minus, is it because, you know, some of  
2 them are just little saplings that they are there, or  
3 they are all nine, something that are measurable?

4 MR. McMAHON: We've counted them. There are  
5 nine. There's several, or at least one large one,  
6 that's basically fallen over, and that's really not  
7 even included. You know, that dead wood will be  
8 cleared out as part of this also, but we're talking  
9 about --

10 CHAIRMAN PRICE: Initially do you know if  
11 your cost includes grinding the stumps or pulling the  
12 stumps out altogether?

13 MR. McMAHON: I believe from what I had  
14 understood, is that the stumps will remain, and then  
15 when at the time the excavator comes in to dig up a  
16 cellar, when the heavy equipment is there, they would  
17 pull the stumps and dispose of those at the, you know,  
18 at that time.

19 CHAIRMAN PRICE: Okay. All right. Is there  
20 -- we will be deliberating on this. Any other  
21 questions?

22 MEMBER OSOWSKI: One of the neighbors  
23 mentioned a big maple tree somewhere to the south of  
24 the corner lots. Do you know where that is?

25 MR. McMAHON: John, there is a -- I

1 apologize, I don't know what type of tree. There is a  
2 28-inch caliper tree right here. There is a 20-inch  
3 caliper tree. These are back towards what would be  
4 the westerly property line, and those trees are --  
5 there is nothing happening with any of that. And  
6 nothing happening with any vegetation that might be on  
7 property lines.

8 MEMBER OSOWSKI: Okay. Thank you. And I  
9 assume you would just put in a new septic system when  
10 it was --

11 MR. McMAHON: We are working with the Town.  
12 We have easements for what's called an Environment One  
13 System that gets us around over to Midland to tie into  
14 an existing system. But we're working with the Town  
15 engineer. We've already met and detailed that, but  
16 we're hoping not to do a septic system.

17 MEMBER OSOWSKI: Okay. Thank you.

18 MR. GORDON: I have another question. So in  
19 this area where these nine trees are, are you just  
20 taking those nine individual trees, or are you also  
21 sort of clearing the whole brush area in between those  
22 nine trees? I mean, what would we expect to see when  
23 you're done with this portion of the work?

24 MR. McMAHON: I think just the nine trees,  
25 and any deadfall that's around them.

1           MR. GORDON: In the picture, one of the  
2 pictures that you submitted, you know, depicts some  
3 large trees with a whole lot of brush growing and  
4 vines and whatnot growing in between those trees. I  
5 can't tell -- hard to tell what is what.

6           MR. McMAHON: I mean, I would think that if  
7 there is, you know, if that's in the way of the tree  
8 people, then they would, you know, be pulling that  
9 out, running it through the chipper while it's sitting  
10 there, and you know, certainly, any of that. But I  
11 don't think there's any -- the intent is to come in  
12 and take the trees down, not to clear the site.

13          MR. GORDON: I understand not clearing the  
14 whole site, but clearing this --

15          MR. McMAHON: Around the trees.

16          MR. GORDON: -- portion of the site?

17          MR. McMAHON: Yeah, the area around the  
18 trees.

19          MR. GORDON: And the reason I point that out  
20 is because, again, presuming for the sake of  
21 discussion this is in a Woodlot EPOD, it's not only  
22 the removal of the trees, but also the clearing of the  
23 brush around the trees that both would be regulated  
24 activities. I just don't want the Board or Staff to  
25 be surprised.

1 MS. MARCHIONI: I mean, there could be brush  
2 that is going to be removed as part of this  
3 demolition. I mean, you are having trucks that will  
4 be going in and out of this property. Again, it is  
5 not a well maintained property, and it has been for  
6 some time. It's overgrown. So these -- they will be  
7 damaged. There is going to be damage to this brush,  
8 and it will be removed if it is damaged. Certainly, I  
9 don't -- I don't see any reason why the brush would  
10 have to remain there, that you know, with the goal  
11 being to clean up this lot.

12 MR. GORDON: Right. So I just want to make  
13 sure, again, that there is no surprise on Staff's part  
14 or the Board's part, and maybe for the benefit of the  
15 applicant here, you know, the application, and if it  
16 was granted, should be for the removal of these nine  
17 trees and any -- and the clearing of the brush  
18 surrounding the trees, just so everybody knows what's  
19 going to happen, nobody's surprised when they come out  
20 there.

21 MS. MARCHIONI: Yes, I would like to add  
22 that to the application.

23 MR. GORDON: That's all I was going for  
24 here.

25 CHAIRMAN PRICE: Okay. And we're not trying



1 to bust on you, we have to be consistent.

2 MS. MARCHIONI: I understand, and I  
3 appreciate that.

4 CHAIRMAN PRICE: We've had many applications  
5 for woodlots, and we have to apply consistently.

6 MR. McMAHON: Okay.

7 CHAIRMAN PRICE: All right. Any other  
8 questions.

9 (No response from the Board.)

10 CHAIRMAN PRICE: All right. Thank you.

11 MS. MARCHIONI: Thank you.

12 CHAIRMAN PRICE: This is a public hearing.  
13 Is there anyone in the audience that cares to address  
14 this application?

15 Please come up. If you would kindly give us  
16 your name and where you're from.

17 MR. COFFEY: My name is Jim Coffey; I am  
18 here on behalf of my wife Karen and I. We live at  
19 36 Midland Avenue, which is adjacent to the property.

20 Okay. So if you can picture it as a square,  
21 the Town Park covers three sides of it. The fourth  
22 side is our property, and we have a neighbor, too.

23 So I was the guy that wrote in -- we were  
24 the ones that wrote in on the tree thing. And I think  
25 if I'm understanding right, the maple tree would not

1 be taken out?

2 CHAIRMAN PRICE: If you don't mind, address  
3 us, we'll -- address us and we --

4 MR. COFFEY: So our house is 100-years-old,  
5 and it sits right in the corner of the lot, six feet  
6 from the property line. About six feet on the other  
7 side of the property line, is this big beautiful  
8 healthy maple. It would -- it would make it -- it  
9 would mitigate it for us if they are going to build a  
10 home there, of course, we would love not to have a  
11 home built there right behind us, where we've had  
12 woods for -- we've been there since 1984.

13 So we knew the guy, and I just want to let  
14 you know there is no septic system there. In fact, in  
15 1984, the old man that owned the place couldn't live  
16 there because all he had was an outhouse, and they  
17 made him move off.

18 So the new guy that came in, he never did  
19 put a septic in. And what he did, was he just assured  
20 his neighbors he was using a chemical toilet, and he  
21 was just a very eccentric hermit, nice guy. Everybody  
22 just kind of let him go.

23 However, a couple years ago -- and again  
24 just as a heads up -- he moved out of that structure  
25 because of the rats. It was just overwhelmed with

1 rats. And he moved into his car for a year, and last  
2 year he died in his car, you know. And the Town was  
3 wonderful, we'd send support people, police stopped  
4 by. He had the right to sit in his car, and he just  
5 died in his car last year.

6 So anyways, just a couple things that came  
7 up. There is a turnaround on that street. Halfway  
8 down, on the left-hand side, you can stop, pull into a  
9 lot, and turn around.

10 Could you just tell me a little bit about a  
11 Woodlot EPOD, and what the implications are for this  
12 property?

13 CHAIRMAN PRICE: So the Town, I am not  
14 entirely sure how far back, but into the '90s  
15 established Environmental Protection Overlay  
16 Districts. And we developed those for woodlots, for  
17 steep embankments or steep -- areas with steep  
18 topography, water course EPODS, and I believe that's  
19 the three, but there could be one I am missing.

20 The idea being that, typically, steeper  
21 slopes and woodlots are associated with each other, so  
22 to prevent erosion.

23 MR. COFFEY: Okay.

24 CHAIRMAN PRICE: And to establish, you know,  
25 to keep larger patches of forest land, we put these

1       protections in so that we don't get clear-cutting of  
2       acres of land or developing of some kind.

3               MR. COFFEY: So in this development, these  
4       folks would have to address any issues you have with  
5       that?

6               CHAIRMAN PRICE: Yes.

7               MR. COFFEY: Okay. Also, the gentleman  
8       tonight said that there was an easement to  
9       Midland Avenue, and that means it would have had to go  
10      through our property.

11              And Rick DiStefano had sent us, on request,  
12      a copy of the application. And on the application,  
13      and I may have read it wrong, but I thought it clearly  
14      said no tree removal on the application itself.

15              CHAIRMAN PRICE: Well, you might be reading  
16      what I read, which was the applicant's cover letter  
17      that said no trees to be removed.

18              MR. COFFEY: Okay.

19              CHAIRMAN PRICE: But then other documents in  
20      the same application did indicate the removal of  
21      trees.

22              MR. COFFEY: Okay.

23              CHAIRMAN PRICE: So we have been aware, this  
24      is not new information for us.

25              MR. COFFEY: One afternoon a couple weeks

1     ago there was a guy in the yard, and I just introduced  
2     myself and said, what can you tell me what's going on.  
3     And he was an engineer. I don't know if it was this  
4     gentleman or not. But anyways, he said that -- he  
5     also said that there was an easement through our  
6     property on Midland Avenue.

7             So I asked Rick DiStefano, and he said the  
8     Town has no record of any easement connecting that  
9     property. I asked him if other people could create  
10    easements, and he said, yes, it can be done privately.  
11    He encouraged me to check with the county. But I  
12    would love to know if there is an easement through our  
13    property that for 40 years we had no idea of.

14            CHAIRMAN PRICE: Yeah. So when it comes to  
15    easements, you know, this particular application is  
16    really just to remove the structure --

17            MR. COFFEY: Yeah, okay.

18            CHAIRMAN PRICE: -- remove the trees, grade,  
19    you know, once everything is gone, and stabilize it.  
20    We want to make sure there is lawn, and you know,  
21    there's not any increase in runoff or erosion.

22            The next application coming in will address  
23    the position of the house, the size of the house, all  
24    of the ways that the house complies with the zoning  
25    with regard to setbacks and sanitary. All the utility

1 infrastructure will be a part of that application.

2 So I think what Greg mentioned, is that  
3 there's been some initial discussions on how to handle  
4 sanitary, other than a septic system. That's as far  
5 as we've heard at this point. And that's probably as  
6 far as they've gone --

7 MR. COFFEY: Okay.

8 CHAIRMAN PRICE: -- at this point.

9 MR. COFFEY: Just final advice, where can I  
10 find out if there is an easement on my property?

11 CHAIRMAN PRICE: Well, I would -- I would,  
12 you know, you can go to your -- Monroe County does  
13 have a web site where you can look up your parcel.  
14 You could also go, if you've got your deed and if by  
15 any chance you or your attorney have the Abstract of  
16 Title, the Abstract of Title would -- would tell you  
17 that.

18 MR. COFFEY: Okay. I have that.

19 CHAIRMAN PRICE: Okay. Look in there. Now  
20 if any easements were filed since you originally  
21 bought the house, or the last time you ever thought  
22 about this, that could be, you would need your title  
23 updated. So there are title companies that will do  
24 additional research. If it's just looking for one  
25 thing, that may not be very expensive. So you could

1 get your title abstract updated. Which would find  
2 anything that's been filed.

3 MR. COFFEY: Okay. Thank you.

4 CHAIRMAN PRICE: Thank you for coming out.  
5 Anyone else care to address this? Please, come on up.

6 MRS. COFFEY: Just to add to what my husband  
7 said. Karen Coffey, 36 Midland Avenue.

8 We brought about three issues, and I think  
9 only two have been addressed. So I just wanted to  
10 back up to the rat problem. So I'm not sure if you  
11 can answer what would be done to ensure that a  
12 structure that had rats last year, when they cleaned  
13 out part of it, they cleaned out the trash heap, they  
14 went in, there were rats. And we had asked that if  
15 they were exterminated before they did anything. But  
16 they threw, you know, stuff in, and then the next day  
17 they were cleaning. And the neighborhood had a rat  
18 problem. I mean, there was a dead rat in front of our  
19 house, you know.

20 I mean, so I just want to make sure that  
21 doesn't happen again. I don't know what's in there,  
22 but they've been there for years.

23 CHAIRMAN PRICE: I will tell you, this is  
24 the first time I've been asked how to address rats,  
25 so.

1 MRS. COFFEY: We don't talk about that here,  
2 but they're there. And if they're still there, I  
3 would want to know that when the structure goes down,  
4 we don't have the same problem that we had.

5 CHAIRMAN PRICE: Thank you.

6 MRS. COFFEY: And the last thing is  
7 asbestos. We haven't talked about that. It is an old  
8 structure, so I am just wondering where we are with  
9 that?

10 CHAIRMAN PRICE: We have detailed  
11 regulations over asphalt -- or asbestos, and the  
12 demolition and disposal of asbestos in our materials.

13 MRS. COFFEY: So we're all set?

14 CHAIRMAN PRICE: There be --

15 MR. GORDON: As part of the Staff Planning  
16 Board Report, take a look at it, there are some  
17 detailed requirements relative to asbestos removal and  
18 regulations that they have to comply with for that.

19 MRS. COFFEY: I thought you probably did,  
20 but thank you.

21 MEMBER OSOWSKI: Ken, I have a question.  
22 Does the Brighton Animal Control Officer ever get  
23 involved in rat problems?

24 MR. GORDON: Not that I know of.

25 MEMBER OSOWSKI: Okay.



1 MR. GORDON: They're not an extermination  
2 service. People have infestations, they need to hire  
3 private extermination companies to handle it.

4 CHAIRMAN PRICE: All right. Thank you. Is  
5 there anyone else who cares to address this  
6 application?

7 (No response from the audience.)

8 CHAIRMAN PRICE: All right. Thank you for  
9 coming out today.

10 **APPLICATION 2P-02-23**

11 CHAIRMAN PRICE: All right. I would like to  
12 hear the next application, which is 2P-02-23,  
13 D&T Rents, 1220 Brighton-Henrietta Town Line Road,  
14 LLC. This is for a conditional use permit at  
15 1220 Brighton-Henrietta Town Line Road. Good evening.

16 MR. CROWE: Good evening. I'm Dave Crowe,  
17 Architect, DJCA Architecture. We have been engaged by  
18 D&T Rents. We did the building evaluation and helped  
19 them prepare the application for the Special Use  
20 Permit.

21 This is Dave Terry. Dave is the president  
22 of D&T Rents. So here to help if there are any  
23 questions tonight. So I will just run through the  
24 details of our application so that it's at least for  
25 the public record.

1           So, at the 1220 property, we're looking for  
2           a conditional use permit, which is required by the  
3           Brighton Code. It's a light industrial zoned  
4           location. It is an existing 6,000 square foot  
5           single-story building. There are going to be -- and  
6           on the site, there is associated storage, loading,  
7           unloading, areas for materials, construction  
8           equipment, roll-offs, and trucks, which is similar to  
9           what the prior use was. I think it was a pipe supply  
10          company prior, before it sat vacant.

11          There is a six-foot privacy fence that wraps  
12          the entire property. There's a small parking area to  
13          the south of that. There is a driveway that most of  
14          the area in the back is a stone yard, which they can  
15          use as is.

16          And the plan primarily, actually  
17          specifically, just to put the building back into good  
18          shape. The fact that is, it is falling down, the  
19          building needs some paint. It just needs to be put  
20          back into good condition.

21          So there will be -- the occupant of the  
22          property will be attendant to the Duke Company. So  
23          they already have a tenant for the property. Duke  
24          will be using it with one to five employees, depending  
25          on the need and the time of day. They operate from

1 7 a.m. to 5 p.m. weekdays, Saturdays 8 till noon.  
2 They'll generally have between 1 and 10 customers at  
3 that site during a day. It is a secondary support  
4 location for Duke. It is not the primary Duke.

5 MR. TERRY: There is -- it's really just an  
6 overflow for my material storage. So there's not  
7 going to be customers coming in and out of there. It  
8 will be more or less my employees dropping off  
9 materials, bringing them back to our yard on  
10 Jefferson Road.

11 I am just out of room on Jefferson Road, so  
12 it is sort of an overflow yard. I am using it just  
13 for a storage place.

14 MR. HAREMZA: I just to want clarify, two to  
15 ten customers, no customers more or less. Could you  
16 finalize whether, yes or no, there will be customers.

17 MR. CROWE: Probably used that word  
18 inappropriately. So there is going to be just  
19 employees of Duke Rentals going back between the  
20 buildings. It is not a customer location. I think in  
21 the application it asks for customers, and so we used  
22 that word. And I apologize for that.

23 Everything, in terms of deliveries, there is  
24 a gate. There is a large gated area. Everything is  
25 going to happen behind that gate.

1 Same with, there will be a dumpster. They  
2 don't deal with any organic materials. It's just  
3 cardboard and paper, packing material, and that's all  
4 going to be within the fenced yard as well. No  
5 unusual solid or liquid waste at the site whatsoever.  
6 And it's construction equipment and materials.

7 And there's no plan for any kind of special  
8 events or promotions or other displays that would have  
9 any kind of visibility beyond the building.

10 MR. TERRY: The dumpsters will all be empty  
11 also. If they go in there, they will be empty  
12 dumpsters. It is not for garbage, it's for  
13 construction debris. So it's not smelly or anything  
14 like that. It is just, literally, I am out of space.

15 CHAIRMAN PRICE: So Duke is a -- they're not  
16 contractors, but they rent the equipment to  
17 contractors?

18 MR. TERRY: Yes, similar to, like, Admar,  
19 which you are aware of. And part of our business is  
20 materials. Admar really doesn't do a lot of  
21 materials. We're sort of the one-stop shop for a  
22 contractor if you need materials for, you know, cones,  
23 concrete mesh, sonotube, and stuff like that. When  
24 you are building a building, and, you know, just we've  
25 grown. We've grown out of that -- grown too big. I

1       didn't plan on getting this big, but business is  
2       pretty good in Rochester.

3               CHAIRMAN PRICE:   Such problems.   Great.   But  
4       as far as the site goes, you're not looking to take  
5       down any trees or move fences, relocate fences?

6               MR. TERRY:   Keep everything exactly the way  
7       it is, and just literally, clean -- I want to clean  
8       the property up a little bit, and definitely get a  
9       paint job on there.

10              MR. CROWE:   If you've seen the property,  
11       some of the fence is falling down.   They're going to  
12       put all that back up.   There are two gates, they're  
13       going to get them both working.   It has not been well  
14       attended to, so it's time to put a little bit of TLC  
15       back into it.

16              CHAIRMAN PRICE:   Okay.

17              MR. TERRY:   I will make it look good.

18              CHAIRMAN PRICE:   You did say your hours of  
19       operation, remind me again?

20              MR. CROWE:   Yes, so I have it exactly as  
21       submitted.   So Monday through Friday 7 a.m. to 5 p.m.,  
22       Saturdays 8 a.m. to noon, and closed on Sundays.

23              CHAIRMAN PRICE:   Okay.

24              MR. TERRY:   Saturdays it's really -- there  
25       won't be anybody at the -- very rarely will you see

1 anybody there on a Saturday, but it's a possibility.

2 CHAIRMAN PRICE: Do your customers, being  
3 contractors, have agreements with you, or they have  
4 contracts with you, and so somebody like me, I can't  
5 walk in and --

6 MR. TERRY: Yeah, you can come in and come  
7 through my store and purchase anything you want. We  
8 have a lot of concrete stamps a lot of customers look  
9 at.

10 CHAIRMAN PRICE: Do I have to bring an  
11 insurance certificate?

12 MR. TERRY: Yes.

13 CHAIRMAN PRICE: Okay.

14 MR. TERRY: If you are buying materials, no.  
15 If you are renting equipment, yes.

16 CHAIRMAN PRICE: Okay. I just wanted to get  
17 a sense, that's why the customer service is over at  
18 the other location.

19 MR. TERRY: Yes. I don't want any customers  
20 going over there.

21 CHAIRMAN PRICE: All right. Any questions?

22 MEMBER OSOWSKI: I have one question. On  
23 Page 2 of your Short Environmental Assessment form,  
24 EAF, under Item 5 on Page 2, right at the top, where  
25 it asks, a permitted use under the zoning regulations,

1       you checked off no.

2               MR. CROWE: Well, only because we need to  
3       get a special permit. That's all.

4               MEMBER OSOWSKI: This Special Use Permit?

5               MR. CROWE: Exactly.

6               MEMBER OSOWSKI: Thank you.

7               MR. GORDON: That's an accurate answer,  
8       actually.

9               MR. CROWE: Okay, good. That's how we read  
10      it so.

11              MEMBER OSOWSKI: You read it correctly then.

12              MR. HAREMZA: I believe we included as a  
13      condition, a proposed condition --

14              MR. GORDON: Will you be storing any road  
15      salt on this site?

16              MR. TERRY: Bag salt, not loose salt.

17              MR. GORDON: Bagged salt?

18              MR. TERRY: Bagged. It's all contained. If  
19      I do store salt there.

20              MR. CROWE: And that's weather protected,  
21      right, Terry?

22              MR. TERRY: No, and it comes in pallets, and  
23      it's usually wrapped. The bags are wrapped, but then  
24      there's usually another wrap around the outside.

25              MR. HAREMZA: When the Board considers this,

1 we may have to amend that proposed condition. Because  
2 the way it's written/drafted, is just road salt does  
3 not distinguish between loose or bagged.

4 MR. TERRY: Yeah, this is jut bagged salt.

5 MR. HAREMZA: There was some concern that  
6 the building of a floor drain, that the salt would  
7 infiltrate the floor drains.

8 MR. TERRY: That will not be an issue.

9 MR. GORDON: Right. But if you looked at  
10 the Planning Board Report, that Staff recommended a  
11 condition that said, you cannot store salt on this  
12 site, period. And I'm hearing that you're saying,  
13 well, we might want to store bagged salt. And that  
14 might be acceptable to the Board, to say bagged salt  
15 is okay, but loose salt is not. And that would be how  
16 we would change the condition, if that would work for  
17 you?

18 MR. TERRY: Yes, that would work for me.  
19 Thank you very much. I am the owner, so I don't get  
20 into those details. I have guys like him.

21 CHAIRMAN PRICE: Thank you. We're good.

22 MR. TERRY: Thank you very much.

23 MR. CROWE: Thank you.

24 MR. TERRY: Thank you very much. I  
25 appreciate your time. Have a good night.



1 CHAIRMAN PRICE: Is there anyone in the  
2 audience that cares to address this application?

3 (No response from the audience.)

4 CHAIRMAN PRICE: All right. Thank you.

5 **APPLICATION 2P-03-23**

6 CHAIRMAN PRICE: Our next application is  
7 2P-03-23. Application of Kathleen Gaffney-Babb for  
8 Helio Health. Preliminary Final Site Plan approval  
9 for a 460-square-foot building addition to your  
10 property at 1850 Brighton-Henrietta Town Line Road.

11 MS. PORILLO: Good evening. Larissa Porillo  
12 with Marathon Engineering. I am here tonight with  
13 Matt Tomlinson from Marathon Engineering, and  
14 Nancy Jendryaszek from Pathfinder's.

15 Helio Health is an inpatient detoxification  
16 facility. It was approved for this use in December of  
17 2018. They have been operating at this location for  
18 about a year now. The current facility is roughly  
19 22,500 square feet, and is located on 5.43 acres.

20 Proposed is a building addition, one story,  
21 roughly 460 square feet. We would like to add that we  
22 have received Architectural Review Board approval in  
23 January of 2023 for this.

24 With the new addition, there will be no  
25 change to use, drainage, or parking of the site.

1 With the new addition, there will also be no  
2 change to the appearance of the building from the  
3 street, and it will blend seamlessly with the existing  
4 building.

5 The addition is tended for elevator  
6 equipment room and storage. The elevator and the  
7 equipment is 40-years-old, and it's definitely in need  
8 for an upgrade, which this addition will help  
9 facilitate.

10 In terms of storage, every square foot of  
11 the building is currently in use, and then some.  
12 Helio Health has had to rent out a storage facility  
13 across the way for their needed storage.

14 We are proposing a fence as well along the  
15 walking path to help deter trespassing. The fence is  
16 not intended to enclose the site, and it will be three  
17 feet, six inches.

18 Thank you for your time, and I would like to  
19 answer any questions that you may have.

20 CHAIRMAN PRICE: Okay. Thank you. Help us  
21 understand -- well, I guess on the addition, the  
22 addition is elevator equipment, you said, and storage?

23 MS. PORILLO: Yes.

24 CHAIRMAN PRICE: So this isn't increasing  
25 the capacity of the building to add staff, add

1 patients, add --

2 MS. PORILLO: No.

3 CHAIRMAN PRICE: This is just to bring  
4 everything under the same roof that's --

5 MR. CROWE: Yes.

6 MR. HAREMZA: If it helps, at the ARB, they  
7 described the storage as, basically, suitcase storage,  
8 since folks arrive at this place with luggage.

9 CHAIRMAN PRICE: Got you. Got you, okay.  
10 Makes it easy to understand.

11 All right. It's one story, but it is a  
12 two-story building. Does this just have a flat roof  
13 on the top?

14 MR. CROWE: Yes.

15 CHAIRMAN PRICE: And appearance from the  
16 outside, it doesn't really look any different.  
17 Sidewalk remains where it is. Does the sidewalk have  
18 to get torn up to build this, and then just get  
19 replaced?

20 MS. PORILLO: Currently where the proposed  
21 building addition is, there is currently sidewalk and  
22 stone phantom beds, so we will be encroaching on that  
23 a bit.

24 CHAIRMAN PRICE: Okay. So that all comes  
25 down, and then they will just restore the sidewalk in

1 front.

2 So help me out a little bit with the need  
3 for the fence? What is the height of the fence, and  
4 remind me of the material?

5 MS. PORILLO: It is a three-foot-six-inch  
6 fence, and it is a black ornamental fence, picket.

7 CHAIRMAN PRICE: Chain link, black coated  
8 chain link?

9 MS. PORILLO: It is not chain link. Picket.

10 CHAIRMAN PRICE: Oh, picket. But it is  
11 visually open?

12 MS. PORILLO: Yes.

13 CHAIRMAN PRICE: You can see through it.  
14 This isn't a barrier that would look like --

15 MS. PORILLO: Yes.

16 CHAIRMAN PRICE: -- so that's 42 inches.  
17 And this is to stop trespassing going which way?

18 MS. PORILLO: So my understanding of the  
19 site, they have had issues with trespassers in the  
20 past. There's woods in the back, and there's a  
21 walking trail. So they are trying to help deter,  
22 possibly, people coming onto the walking trail.

23 CHAIRMAN PRICE: And it's going to go right  
24 on the property line, or close to it?

25 MS. PORILLO: It will be close to the

1 property line. About one foot back from the property  
2 line.

3 CHAIRMAN PRICE: And when you -- when you  
4 put this in, what needs to happen with regard to  
5 clearing vegetation for this to happen?

6 MS. PORILLO: We will only be clearing  
7 brush. We will not be clearing any trees. And we  
8 will only be clearing to our property line. We will  
9 have our property line staked out, and make sure to  
10 not go past it.

11 CHAIRMAN PRICE: And then just, you may or  
12 may not be able to answer this, but underneath the  
13 fence when it's done, are you just going to take some  
14 mulch, put the mulch underneath it, and let it -- let  
15 natural vegetation grow?

16 MS. PORILLO: I am unsure of that answer at  
17 the moment.

18 CHAIRMAN PRICE: Good answer. Okay. All  
19 right. There's people -- there are people nodding  
20 their heads behind you.

21 MS. PORILLO: I have been informed we will  
22 put wood chips in.

23 CHAIRMAN PRICE: Okay. We have to have some  
24 tough questions for you. John?

25 MEMBER OSOWSKI: Did I hear you say that

1       there is an existing elevator, and you're adding  
2       another one, or replacing this one?

3               MS. PORILLO: They are upgrading.

4               MEMBER OSOWSKI: Upgrading, okay. So  
5       replacing the existing elevator with a new elevator?

6               MS. PORILLO: That's my understanding,  
7       correct?

8               MS. JENDRYASZEK: Nancy Jendryaszek with  
9       Pathfinder. So the existing elevator shaft/hoistway  
10      is going to remain, and we're getting new controllers  
11      and things like that. And the existing elevator  
12      machine room is tucked under the stairs, and we're  
13      going to create a real elevator machine room of eight  
14      by eight as part of the first part of the addition.

15              MEMBER OSOWSKI: All right. Good. Thank  
16      you. By the way, I know this is one of your neighbors  
17      is Otis Elevator.

18              MS. JENDRYASZEK: Yes.

19              MEMBER OSOWSKI: Have they given you a good  
20      deal on a new elevator?

21              MS. JENDRYASZEK: No comment.

22              CHAIRMAN PRICE: Okay. Peter, any  
23      questions?

24              MEMBER GRISEWOOD: No, thank you.

25              CHAIRMAN PRICE: Questions?

1           MR. GORDON: Sure. So sometime ago,  
2 Helio Health was before the Town, I believe it was the  
3 Zoning Board at the time, that's my recollection at  
4 least, looking for a variance. Maybe it was coming  
5 back here to revise the site plan, because you wanted  
6 to put in 4,000K lights instead of 3,000K lights  
7 because somebody ordered the wrong thing. And we  
8 said, sure, go ahead, but then replace those with the  
9 3,000K lights within six months, please. Has that  
10 been done?

11           MS. PORILLO: It has. And the documents  
12 were sent in and signed off on.

13           MR. GORDON: Great.

14           CHAIRMAN PRICE: Anybody else?

15           MR. HAREMZA: I am good. Oh, sorry,  
16 actually, I do have one question.

17           At the very end of the proposed cleared area  
18 for the fence, at the northeast corner of the site,  
19 there is a tree just outside the proposed cleared  
20 area. Will that tree be removed, or will that tree  
21 remain?

22           MS. PORILLO: The tree should remain. We  
23 are only clearing the brush.

24           MR. HAREMZA: Thank you.

25           CHAIRMAN PRICE: Okay.

1 MS. PORILLO: Thank you.

2 CHAIRMAN PRICE: All right. This is a  
3 public hearing. Is there anyone who cares to address  
4 this application?

5 (No response from the audience.)

6 CHAIRMAN PRICE: Moving on.

7 **APPLICATION 55-NBP-22**

8 CHAIRMAN PRICE: Application 5P-NB2-22,  
9 Bristol Valley Homes has been postponed to the  
10 March 15th meeting.

11 **APPLICATION 9P-NB1-22**

12 CHAIRMAN PRICE: That brings us to 9P-NB1-22  
13 Kim Bailey, Stahl Properties, and other for  
14 Preliminary Site Plan Approval, Demolition Review and  
15 Approval to raze an existing single-family building at  
16 12 Elmwood Hill Lane. Good evening.

17 MR. HEININGER: Good evening.  
18 Larry Heininger here from Marques & Associates, Vice  
19 President of Engineering. With me are Kim Bailey and  
20 her husband Pat Bailey.

21 I have some handouts for the Board. One is  
22 a response letter to the correspondence that came in  
23 today.

24 Another is for the Board to pass off to each  
25 other, is the computer-simulated flow test from Monroe



1 County Water Authority so you can see what one of  
2 those looks like.

3 I also have copies of the landscape plan  
4 that popped into my in box at 5:10 tonight. Those are  
5 in color.

6 And I have copies of the sewer easement that  
7 we provided to the Town Engineer Evert Garcia. So let  
8 me do the handouts, and then we can go through the  
9 plans.

10 MR. GORDON: Larry, you want me to pass  
11 those out for you?

12 A SPEAKER: You take one group, and I will  
13 take the other.

14 MR. GORDON: Okay.

15 A SPEAKER: The letter comments that we got  
16 from Jason and Evert, I kind of condensed into my  
17 two-page letter because a lot of them were things that  
18 said, you can't start building until you have an  
19 approved plan, and things like that.

20 So in response to those review comments, the  
21 open space, per Design Works, is 22,580 square feet.  
22 That's 70 percent of the lot area.

23 The generator that was going to be behind  
24 the pool house, we discussed that two weeks ago at the  
25 ZBA meeting, representatives of CCR were here. They

1 didn't like that location. So the generator is going  
2 to be deleted. If the owner's of the house want a  
3 generator, they can come back and talk to you about  
4 it.

5 We're going to be installing this on the  
6 plans, the new four-inch SDR-21, PVC sanitary lateral.  
7 We will not be using the old lateral. There is no  
8 reason to camera and flush it if it's going to be  
9 replaced. But in the end of Evert's letter from  
10 today, he was very specific about the Fernco couplers,  
11 and how we're supposed to make that connection. So we  
12 will do what Evert says what he wants. And I assume  
13 that has been approved by the sewer foreman.

14 Okay. So one of the questions was, what's  
15 changed? Well, one thing, I was always suspicious  
16 that Deborah Ronnen's water curb cock was shown on our  
17 property. Which as you know, that's illegal. The  
18 Monroe County Water Authority will not put a curb cock  
19 on your neighbor's property. You have to have  
20 frontage.

21 So I asked Mike Marcus to research that, and  
22 he found out that a 30-foot long piece at the  
23 northwest corner was accepted to Curtis -- who was a  
24 big wheel at Kodak, found out he was the man in  
25 Hollywood back in the day selling the film -- by

1 Cawcroft(ph.), who were the original builders of  
2 12 Elmwood Hill in 1971. It was filed on 5/25/71, at  
3 Liber 4122 of deeds, at Page 65. So it was filed by  
4 deed. It was never a filed map.

5 Anyway, that reduced the width of our lot  
6 because we weren't so far north, from 221 to 201. It  
7 reduced the side setbacks to 30.23. And we meet that  
8 setback on the west side. So two weeks ago, the three  
9 zoning board conditions, west side was not even in  
10 that. The east side was in that, but that reduced --  
11 that allowed us to move the building 2.75 feet to the  
12 west, further away from our neighbor Kenper Miller on  
13 Lot 11.

14 I showed the utilities coming in the front,  
15 right corner, tying into the curb cocks, tying into  
16 the pole boxes. There's now a second walk-out at the  
17 rear. So a bedroom's been moved down, and this second  
18 walk-out in the rear.

19 What's good about that, is there was a  
20 basement egress coming out on the east side. And the  
21 sewer department, I believe, wanted an easement going  
22 back from the cul-de-sac to the manhole so they didn't  
23 have to walk 500 feet to go look in the manhole. They  
24 would be able to walk down this property line.

25 We did a little bit of adjusting in the

1 grading, and one of the things that I did was  
2 delineated a swale along the east side, because  
3 Kenper Miller was concerned that runoff from the  
4 cul-de-sac would jump into his yard.

5 We've got a two-foot wide grading strip, so  
6 there will be a raised bed -- two-foot wide planting  
7 strip, excuse me. There will be a raised bed for the  
8 conifers that are going to be going in there.

9 And we've added the roof leaders and dry  
10 wells are shown. And I have two schemes of roof  
11 drainage infiltration, one being dry wells, depending  
12 on the amount of roof area, and the other being  
13 infiltration trenches similar to a leach line.

14 The New York State Plumbing Code is very  
15 specific about roof area, the size of the gutter, the  
16 pitch of the gutter, the size of a liter, and the  
17 downspout in a liter. So I will be following the  
18 State Plumbing Code once I get the framing plan from  
19 the architect, and I know what the contributions are.  
20 Then if it's more efficient to do a dry well in one  
21 location, that's what we'll do. And if it's more  
22 efficient to do an infiltration trench because it's a  
23 small area, we will do that. Two-by-two catch basins  
24 are probably \$800, whereas an infiltration trench is  
25 cheaper.

1           Evert, as you know, said, please, take all  
2           the engineering calculations that you've submitted  
3           since September, wrap them all into one report for me  
4           for our records. Not a problem at all.

5           Evert has contacted all five property  
6           owners. The last one that he was having trouble  
7           locating was Boca Walk or Boca Talk, which turns out  
8           to be John Volts. And he has talked to John Volts.  
9           John is interested in the language of the easement.

10          Mayewski and Gianniny have expressed  
11          positive, as well as our neighbor Kenper, and of  
12          course, I have Kim and Pat here. So all moving in the  
13          right direction on these easements.

14          Besides this map, we prepared individual  
15          easements that you would see in an instant survey, and  
16          written Word doc. descriptions for both this big  
17          easement and for the individual easements. So all of  
18          that has been done by our surveyors.

19          And by the way, Evert asked me if we used  
20          the Lozier map from 48 to do this. I said, no, we  
21          went out in the field, we tied everything in GIFs,  
22          it's all into correct horizontal and vertical datum.  
23          So this is up to snuff 2023 standards.

24          Now, on the orange fencing. There is a  
25          comment that's coming out of the DPW, that said, we

1 want orange fencing at the drip edge of the trees.  
2 Well, the drip edge of the trees would put that orange  
3 fencing across the road, and you would have to have  
4 some guard there to move that.

5 So I moved it in to the edge of right away,  
6 and now Evert has said come back and put it -- or edge  
7 of pavement. Evert said put it at the right-of-way.  
8 So the Final Plan will show the orange fencing per  
9 Evert's comment. This green line is the drip edge,  
10 which I did locate, of all these trees.

11 The height of the building, as shown here on  
12 drawing A-1, which was submitted and prepared by  
13 Chuck Smith, Registered Architect. So and that has  
14 the height of the building. Chuck would have been  
15 here tonight, but he got COVID. So he's not here. We  
16 will take a summary of that information, and put it on  
17 our Site Plan as to how high the building is.

18 Okay. There was a question about quality  
19 control. How do we know that our footprint matches  
20 the architectural plans? The architectural plans, the  
21 DWG files, which are the CAD files, are sent over to  
22 our CAD drafter, Patricia Kelly, and she brings those  
23 into the civil plan site.

24 Now, if you look at the site plan, and I  
25 won't go into it, but we have between three up to five

1 inches between the setback and the edge of the house.  
2 So that gives the mason a little bit of wiggle room to  
3 put their foundation in without us having to come back  
4 and ask for a setback variance because something got  
5 goofed up in the field. So we're inside the envelope  
6 we need to be in.

7 Another question about, are there storm  
8 sewers? No, there are no storm sewers. If you look  
9 at the sewer plan I handed out, they had a 20-foot  
10 wide easement up through Gianniny's property. That's  
11 where the storm sewer stops. After that, the Lozier  
12 Plan went to a 15-foot-wide easement.

13 We submitted that to Evert. He came back  
14 and said, why aren't you doing 20 feet, that's our  
15 standard. I said, well, we mirrored the Lozier Plan.  
16 He said, no, no, we really want 20 feet. So within  
17 the last week we revised the plan, revised the  
18 individual maps for Gianniny, Miller, and Bailey, and  
19 the descriptions to show the 20 feet that the Town  
20 would like.

21 Now, at the ZBA, we had a very good meeting  
22 with the ZBA. There are four Locust trees back here,  
23 and there is a fifth one not on our property, but  
24 right over the sewer. And Kenper Miller would like  
25 those trees removed, as would CCR because they're

1 messy trees, and the groundsman for CCR doesn't like  
2 them. So planning, the next time you see the plan,  
3 those trees are going to be X'd out. But if you  
4 notice on the landscape plan, there are Maples culled  
5 out for that location. Acer Freeman, Freeman Maples.

6 So Number 11, we have talked about sewer  
7 easement maps and descriptions in the town. I showed  
8 you the Monroe County flow test. Originally I just  
9 had on the plan what it was, water supply, 650 zone,  
10 static pressure, 64 PSI. County came back, we want to  
11 see a flow test. Contacted Chris King at the water  
12 authority. Water authority, I think it's  
13 Chris.king@mcwa.org. He's the guy, but if you would  
14 like, I could push over the contacts to the  
15 engineering and DPW department.

16 But that's the flow test. And I picked 40.  
17 We're never going to pull 40. We would probably not  
18 pull more than three to five. So actually, the  
19 pressure would be higher. But that's a good pressure  
20 to hit a meter at to get to the second floor, you  
21 know, be able to take a shower while somebody throws  
22 in a load of laundry.

23 Already talked about dry wells or  
24 infiltration trenches. The roof leader will not  
25 conflict with the sanitary lateral it. Will be at



1 least two feet above the sanitary lateral, and that's  
2 running the lateral at the standard 2 percent slope.

3 We'll add the note about the pool discharge,  
4 and we're going to connect the sanitary lateral, as  
5 directed by the Town Engineer.

6 And we talked about the orange fencing.

7 And there was a question from Evert, could  
8 we size our dry well for the highway runoff? And  
9 short answer is, no. We're sizing dry wells for the  
10 roof area, which was requested/directed back in  
11 September.

12 And somehow this storm manhole thing popped  
13 up again. We show it correctly. Sanitary, storm,  
14 sanitary. So somehow the X rock from paper space,  
15 when that got changed, didn't change across the whole  
16 thing, but it's gonna be changed.

17 And that is all I've got.

18 CHAIRMAN PRICE: Okay. So sounds like a  
19 lot's been going on since we saw this last. So do you  
20 mind taking a big step backwards and tell us what  
21 changed since the last, which I think is September,  
22 was the last time we saw this.

23 MR. HEININGER: You. November. You were  
24 hiking the Grand Canyon.

25 CHAIRMAN PRICE: Oh, that's right.

1 MR. HEININGER: It was November.

2 CHAIRMAN PRICE: Sorry.

3 MR. HEININGER: It's not a problem, I'm  
4 jealous.

5 CHAIRMAN PRICE: So position of the pool was  
6 reviewed, building footprint, that was all gone over.  
7 You guys have seen all this, right?

8 MEMBER OSOWSKI: Yes.

9 CHAIRMAN PRICE: Okay. All right. So all  
10 of these issues that are affecting house position and  
11 setbacks, you know, have all been heard?

12 MR. HEININGER: I can give you a summary.  
13 Sheet C-1 has existing conditions. That hasn't  
14 changed.

15 CHAIRMAN PRICE: Yep.

16 MR. HEININGER: Sheet C-2, the demolition  
17 and the restoration. We show the footprint of the  
18 existing house.

19 We have the grading. There was a comment  
20 that our grading was steeper than one on four, so I  
21 went and smoothed things out.

22 And then we show silt fence and things like  
23 that. We show an area of disturbance for that  
24 activity. And also, that this big white pine will  
25 come down at that time.

1           So the other thing is up in here. They  
2           asked for notes for the backfill material. So I went  
3           to my New York State DOT spec book for select fill and  
4           put in gradation for that.

5           CHAIRMAN PRICE: Okay.

6           MR. HEININGER: So that's those -- these  
7           sheets.

8           While I have that sheet up, notice from your  
9           earlier -- it's not civil site -- but this has a neat  
10          little roof line where this steps up. It used to run  
11          high all the way across. It has this little detail  
12          that gives that more -- more interest in the roof  
13          line.

14          CHAIRMAN PRICE: Okay. Have you -- have you  
15          made application to ARB yet?

16          MR. HEININGER: That is going to happen, I  
17          believe, for next month's meeting.

18          CHAIRMAN PRICE: That's next month ARB.

19          MR. HEININGER: I should have printed the  
20          email today from Terry, Chuck's draftswoman/designer,  
21          because she gave me a date.

22          MS. BAILEY: 15th for the March 28th  
23          meeting.

24          MR. HEININGER: Yeah, March 28th meeting.  
25          And then on site utility, the only change is just

1 showing these -- how they're coming into the building,  
2 sanitary lateral comes out the back, we have the walk  
3 out. That was changed two days before the Zoning  
4 Board meeting. Note about the sanitary lateral, and  
5 then over here this thing with the drip edge and  
6 smoothing out. When they changed this walk out, I had  
7 to make some adjustments to the grading. Not a big  
8 deal.

9 And that is the rendering I had for the  
10 Zoning Board two weeks ago.

11 CHAIRMAN PRICE: Tell us about your Zoning  
12 Board meeting. I mean, did you get approvals or did  
13 you --

14 MR. HEININGER: Oh, no, we went up and got  
15 all the approvals.

16 CHAIRMAN PRICE: Okay. All right.

17 MR. HEININGER: We will be putting them on  
18 our drawing, that these approvals were granted such  
19 and such a date.

20 CHAIRMAN PRICE: Okay.

21 MR. HEININGER: There was also -- hopefully  
22 I can find it quickly.

23 CHAIRMAN PRICE: Oh, geez, I don't think you  
24 are going to.

25 MR. HEININGER: I'm almost ready to go to a

1 banker's box.

2 CHAIRMAN PRICE: You are going to have to  
3 get a wheelie cart.

4 MR. HEININGER: I was thinking that, too.  
5 But anyway, I want to pass this out. We prepared this  
6 for the Zoning Board.

7 CHAIRMAN PRICE: While you are finding that,  
8 I just want to kind of mentally go through. Really,  
9 we didn't talk too much about demolition, but I think  
10 you've got a restoration plan before the building  
11 starts, you have a preliminary application for the  
12 building itself.

13 What is it that sequentially you're trying  
14 to achieve with your approvals? I am trying to -- I  
15 am trying to think of, you know, historically how we  
16 approve preliminary -- how we grant preliminary  
17 approval. Sometimes we will grant preliminary  
18 approval and demolition, but then sometimes it doesn't  
19 -- it's not saving you any time by granting you  
20 preliminary, and then you come back for final. It's  
21 the same -- we will give preliminary and final in one  
22 meeting.

23 And you appear to be down to the real  
24 nitty-gritty, the details of both the legal aspects of  
25 the easements as well as the engineering aspects of

1 the pipes and drainage and tying all of your  
2 downspouts in and all of your infrastructure.

3 Now the thing is, we will grant preliminary  
4 as long as -- we would not grant preliminary without  
5 Zoning Board approvals. We typically don't give  
6 preliminary without ARB approval. Now, we have done  
7 it. We have done it in the past. But I am just  
8 trying to think here, what is your -- what is the  
9 sequence you're trying to hit?

10 MR. HEININGER: Well, I guess I will let Kim  
11 come up and talk, but what I would like is preliminary  
12 approval tonight, subject to your ARB condition. And  
13 then I told you what we're going to be doing with our  
14 plans.

15 The thing that I was trying to find, and Ken  
16 saw it two weeks ago, was there's some question is,  
17 can you see the pool from the road? And we did a  
18 section showing that the pool was down here, and if we  
19 just did a planting five feet high up by the garage,  
20 you wouldn't even be able to see the pool house. So  
21 that was part of the thing, was the pool in the side  
22 yard.

23 And also part of that was that there are two  
24 or three pools on that street where the pools are in  
25 the side yard. And you can go for a walk with the

1 dog, and you can see pools.

2 So they approved the pool, they approved the  
3 setback on the east, and they approved the livable  
4 floor area, which is less than the existing, and we  
5 have a bonus room over the garage.

6 CHAIRMAN PRICE: Okay. All right. So if we  
7 were to take this and look, you know, go and grant  
8 demolition but not preliminary, you're not going to  
9 lose any time? Because you have to go to ARB first,  
10 then you come back. In the meantime, you're dotting  
11 Is and crossing Ts with legal and with engineering.  
12 We give you, you know, final approval on the building,  
13 but if you want to proceed, and you're looking to  
14 proceed with demolition, and expedite that, I know  
15 this weather probably has you all eager to go, but is  
16 that a sequence that you --

17 MS. BAILEY: You're catching me off guard a  
18 little bit, because I thought that the planning --  
19 actually, I didn't know the planning doesn't get  
20 approved before -- or after zoning. So now in my  
21 mind, we would get the demolition approval to demo  
22 upon -- based upon the variables of time, weather, not  
23 really knowing when, is it ARB or --

24 MR. HAREMZA: ARB.

25 CHAIRMAN PRICE: ARB, Architectural Board.

1 MS. BAILEY: -- was going to get approved,  
2 so that was my thought. Of course, if stuff doesn't  
3 ring up forever, it doesn't really seem to matter  
4 other than coming back for more meetings.

5 I guess everything else was -- unless there  
6 were issues in planning, what would be -- I guess, my  
7 question would be, what would be the reason to have to  
8 come back again, just to say that we have ARB  
9 approval, or could that be on contingency?

10 CHAIRMAN PRICE: Usually what we want to  
11 make sure when we're talking about Architectural  
12 Review Board, is that nothing of the architecture gets  
13 changed that affects the site plan.

14 MS. BAILEY: Got you.

15 CHAIRMAN PRICE: And that doesn't happen  
16 very often, I don't believe ever in my experience,  
17 where they said, no, you have to get rid of one of  
18 your garages.

19 MS. BAILEY: Right.

20 CHAIRMAN PRICE: But that is typically why.  
21 Same with Zoning Board of Appeals. We don't want to  
22 grant our approvals, and then have another board's  
23 action affect what we did. And it helps you as well.

24 MS. BAILEY: Unless, I guess, then off the  
25 top of my head, I would have to think that unless



1     there were other issues that could come into effect  
2     besides ARB approval, my only thought right now is  
3     that this process has taken longer than we had  
4     thought, and with spring coming, if ARB takes a little  
5     while, and then there is a demo time frame that could  
6     be completed to allow construction to start in spring,  
7     as early as possible, that would be beneficial. As  
8     well as when spring comes, I would have to say with  
9     this house sitting there, the amount of time it's been  
10    there, it's an increasing eyesore, I guess, would  
11    be --

12                 CHAIRMAN PRICE: Sure.

13                 MR. GORDON: I just wanted to say, I mean,  
14     one way or another, you have to come back to Planning  
15     Board because this application was just for  
16     preliminary site plan approval and demolition. You  
17     did not apply for final site plan approval.

18                 MS. BAILEY: Okay.

19                 MR. GORDON: So Staff has not reviewed it  
20     for Final Site Plan Approval.

21                 So I think what Bill is really suggesting  
22     is, the Board on one hand could consider granting a  
23     demolition approval tonight, and holding on both the  
24     preliminary -- well, holding on preliminary site plan  
25     approval since you have to come back for final anyway,

1 and you could make a single application for a combined  
2 preliminary and final, or basically amend your  
3 preliminary application to be an application for  
4 preliminary and final, which this Board routinely  
5 grants on the same night on this sort of -- I know  
6 there has been a lot of complications here. But it  
7 really is just a single-family house, right?

8 MS. BAILEY: Yes.

9 MR. GORDON: We're not talking about a big  
10 commercial project here. So it wouldn't be a surprise  
11 at all if the Planning Board said, we grant  
12 preliminary and final on the same night.

13 So I think Bill is saying, how does that  
14 timeline work for you, or is there something we're  
15 missing as to why you need, in addition to demolition  
16 approval, which we understand you need as soon as  
17 possible.

18 MS. BAILEY: Right.

19 MR. GORDON: Why do you need preliminary  
20 approval tonight? Would it hurt if you waited to get  
21 preliminary on the same night as final?

22 MR. HEININGER: No.

23 MS. BAILEY: You're actually saying we could  
24 be granted demolition without -- all right. I  
25 understand now.

1 MR. GORDON: Yes. The Board can absolutely  
2 grant demolition approval.

3 MS. BAILEY: I guess that would be my only  
4 hold up.

5 MR. BAILEY: Then we have ARB, then we come  
6 back for preliminary final, and we're done.

7 CHAIRMAN PRICE: Your name?

8 MR. BAILEY: Patrick Bailey.

9 MS. BAILEY: Now I understand. I guess  
10 that's -- that's what I am saying. My only hold up  
11 would be the demolition holding off. I certainly  
12 don't mind coming back to see you guys again.

13 MR. GORDON: That's what you needed when I  
14 asked.

15 CHAIRMAN PRICE: Yeah. I think this  
16 wouldn't -- this would allow you, you know, however  
17 you are going to contract the demolition and  
18 restoration to, you know, go on the street, or go to  
19 contractors tomorrow. That way, preliminary and final  
20 are wrapped up, and then you could follow behind right  
21 away.

22 And depending on the schedule and how it's  
23 going, you may go right into construction and  
24 foundations. I have to be a little careful on this.

25 MS. BAILEY: With ARB approval.

1 CHAIRMAN PRICE: If there is a long period  
2 there, you have to do the restoration. But if we get  
3 the preliminary and final done, then you can go right  
4 into building the house.

5 MS. BAILEY: Okay.

6 MR. GORDON: Critical that they get into  
7 ARB, though, as soon as possible. That cut-off is  
8 March 14th.

9 MS. BAILEY: 14th for the 28th, right?

10 CHAIRMAN PRICE: Architectural Review Board.

11 MS. BAILEY: I guess my only question after  
12 that then would be, say we get the demo permit  
13 tonight, and we wait for this preliminary/final, could  
14 we then find out that there is actual -- like after  
15 tonight, could we find out that even though we get the  
16 demolition permit, that there is other issues in this  
17 list that -- I know you said we are getting down to  
18 the nitty-gritty, that would require something else  
19 outside of --

20 MR. GORDON: It's possible not -- I don't  
21 think on the legal side, but on the engineering side.  
22 I don't think on the planning side, per se. I don't  
23 want to speak for our Town Engineering Department and  
24 say --

25 MS. BAILEY: Right, sure.

1 MR. GORDON: -- they are a hundred percent  
2 good. They have laid out everything that they need.  
3 But typically they're not going back either, right? I  
4 mean, they are trying to layout for you what they  
5 think they need. And even then, your  
6 preliminary/final site plan approval will likely be  
7 subject to a bunch of conditions.

8 MS. BAILEY: Anyways.

9 MR. GORDON: Anyways, including meeting the  
10 requirements of the Town Engineer.

11 MS. BAILEY: Thank you.

12 MR. HEININGER: Just kind of wrapping it up  
13 then, I think we know we would like the demo permit.  
14 You know, in my experience when you're doing  
15 subdivisions, they always want preliminary approval  
16 because then the builder can put a sign out that says  
17 new homes for sale legally, but the --

18 On the demo permit, if they started demoing  
19 next week, basically, we will get down to the  
20 basement, and that's where you kind of hold off until  
21 you had your final site plan approval because you  
22 don't want to take the basement out and have to fill  
23 it with select fill, and then dig it all out again.  
24 So there's a dance going on there.

25 From the engineering point, you know, the

1 five things, road, well, we have a road. We're on a  
2 public road.

3 Water. Yeah, we have Monroe County water  
4 authority. Good pressure.

5 Sewer. We're kind of closing in on that.

6 Drainage. Yep, we have a scheme for the  
7 roof drains, which is what they do now. They go  
8 underground.

9 And traffic, we're not going to generate any  
10 appreciable traffic. So I think we're in pretty good  
11 shape.

12 Demolition permit, and then they can get  
13 going. And basically, two weeks ago when we got the  
14 ZBA, outside Chuck said, okay, you know, we know how  
15 big our house has to be, pedal to the metal on design.

16 CHAIRMAN PRICE: Okay. Other questions,  
17 comments?

18 MEMBER OSOWSKI: I have a comment. Larry,  
19 on the landscaping and lighting plan, the plan you  
20 have up on the board there on the left. The driveway  
21 has a couple nice little curves in it that I found  
22 owners backing out of garages can be a real nightmare  
23 trying to negotiate those little curves going  
24 backwards, especially in the dark. I don't know, you  
25 might want to consider just kind of straightening

1 those out a little bit more is all.

2 MR. HEININGER: John, I agree. If you look  
3 at the landscape plan, they're -- the landscaper  
4 straightened them out.

5 MEMBER OSOWSKI: Beautiful.

6 MR. HEININGER: Okay.

7 MEMBER OSOWSKI: Those yellow lines are more  
8 indicative of what the driveway will be?

9 MR. HEININGER: Yeah, and you can see the  
10 old line. Now, I had kind of made that same  
11 suggestion that we could straighten it out, and  
12 somebody else told me, no, we like it the way it is.  
13 So I left it alone. But now a higher power has made a  
14 suggestion that, I think, is the way it's going to go.

15 MEMBER OSOWSKI: All right. Good for you.

16 MR. HEININGER: Along with you.

17 CHAIRMAN PRICE: Are you the higher power?

18 MEMBER OSOWSKI: I just make suggestions. I  
19 don't tell people what to do.

20 CHAIRMAN PRICE: Peter, how about you, any  
21 other questions?

22 MEMBER GRISEWOOD: No, I don't have any  
23 questions. Thank you.

24 CHAIRMAN PRICE: Okay. Ken?

25 MR. GORDON: Nope.

1 CHAIRMAN PRICE: Jason?

2 MR. HAREMZA: No.

3 CHAIRMAN PRICE: Very good. Thanks, Larry.

4 MR. HEININGER: Thank you.

5 CHAIRMAN PRICE: I'm not going to ask  
6 because there is nobody else here.

7 MR. GORDON: Of course you want to ask  
8 because it is for the public record.

9 CHAIRMAN PRICE: For the public record, is  
10 there anyone in the audience who cares to address this  
11 application.

12 (No response from the audience.)

13 CHAIRMAN PRICE: Okay. It's in the record.  
14 Thank you.

15 (Public hearings concluded.)

16 (Beginning of deliberations.)

17 **APPLICATION 11P-01-22**

18 Application of Tasty Hut, LLC, owner, and  
19 James Smith, architect, for Preliminary/Final Site  
20 Plan Approval and Conditional Use Permit Approval to  
21 construct a 250+/- square foot building addition and  
22 allow for a Pizza Hut Restaurant with a pick-up window  
23 on property located at 1760 Monroe Avenue. All as  
24 described on application and plans on file. **Postponed**  
25 **to the February 15, 2023, meeting at Applicant's**



1     **request.**

2             CHAIRMAN PRICE:  Let's talk about  
3     Application 11P-01-22, Tasty Hut, LLC.

4             MEMBER BABCOCK-STINER:  I move we deny  
5     Application 11P-01-22 without prejudice.

6             CHAIRMAN PRICE:  I'll second.  Is there any  
7     further comment or questions/discussion?

8                     (No response from the Board.)

9             CHAIRMAN PRICE:  All right.  Jason call the  
10    roll, please.

11            MR. HAREMZA:

12                    (Babcock-Stiner, aye; Osowski, aye;  
13                    Grisewood, aye; Price, aye.)

14                    (Upon roll, motion to deny carries.)

15     **APPLICATION 2P-01-23**

16                    Application of Westmarsh Properties, LLC,  
17     owner, and John Marchioni, Esquire, agent, for  
18     Demolition Review and Approval and a Woodlot EPOD  
19     Permit to raze a single-family dwelling, and remove  
20     9+/- trees on property located at 57 Eldridge Avenue.  
21     All as described on application and plans on file.

22                    CHAIRMAN PRICE:  Is there a motion to close  
23     the public hearing?

24                    MEMBER BABCOCK-STINER:  I will move to close  
25     the public hearing.

1 CHAIRMAN PRICE: I will second. Is there  
2 any discussion?

3 (No response from Board.)

4 CHAIRMAN PRICE: Jason, call roll.

5 (Babcock-Stiner, aye; Grisewood, aye;

6 Osowski, aye; Price, aye.)

7 MEMBER BABCOCK-STINER: So I move that the  
8 Planning Board finds that the proposed action will not  
9 have a significant impact on the environment, and that  
10 the Planning Board adopt the prepared Negative  
11 Declaration in relation to the Demolition Review and  
12 Approval, and that the Planning Board denies without  
13 prejudice the Woodlot EPOD permit, and approves the  
14 Demolition Review Approval for Application 2P-01-23  
15 with Conditions 1 through 5, 7, 10 through 16, and 18  
16 through 21, and add a 22nd condition to make sure that  
17 the rodent infestation is exterminated prior to  
18 demolition taking place, and a proposed 23rd Condition  
19 that the Applicant shall demonstrate that the  
20 demolition can occur without impacting the Woodlot.

21 CHAIRMAN PRICE: I will second. Could we  
22 amend on the Negative Declaration that the description  
23 of the action, we remove the term, "and a Woodlot EPOD  
24 permit," and then after the word dwelling, "remove and  
25 nine plus trees." This is on the Description of

1 Action on the Negative Declaration.

2 MEMBER BABCOCK-STINER: Yeah, I agree.

3 **CONDITIONS:**

4 1. Meet all requirements of the Town of Brighton's  
5 Department of Public Works.

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

8 3. The project and its construction entrance shall  
9 meet the New York State Standards and Specifications  
10 For Erosion and Sediment Control.

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

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

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

23 10. All County Development Review Comments shall be  
24 addressed.

25 11. All other reviewing agencies must issue their

1 approval prior to the Department of Public Works  
2 issuing its final approval.

3 12. The project will comply with the requirements of  
4 NYSDOL Code Rule 56 regarding asbestos control and  
5 Chapter 91 of the Code of the Town of Brighton,  
6 Lead-Based Paint Removal. In addition to any other  
7 requirements of Code Rule 56, the applicant shall  
8 verify that the project will comply with  
9 Section 56-3.4(a)(2) regarding on-site maintenance of  
10 a project record, and Section 56-3.6(a) regarding  
11 10-Day Notice requirements for residential and  
12 business occupants. The property owner shall ensure  
13 that the licensing requirements of Section 56-3 and  
14 asbestos survey and removal requirements of  
15 Section 56-5 are met.

16 13. Prior to the issuance of a demolition permit or  
17 building permit, asbestos shall be removed according  
18 to NYS and the Town of Brighton requirements, and  
19 verification shall be submitted from a qualified  
20 company that asbestos has been removed.

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

24 15. The Demolition and Restoration Plan should depict  
25 the grading associated with the restoration of the

1 site should construction of the new house not commence  
2 immediately following demolition.

3 16. Specifications for backfill requirements of the  
4 building footprints shall be included on the plans.  
5 No existing construction materials (concrete or other)  
6 from the existing homes shall remain on-site.

7 18. A Letter of Credit shall be provided to cover  
8 certain aspects of the project, including, but not  
9 limited to: demolition, restoration, sanitary sewer,  
10 water main, stormwater water management facilities,  
11 landscaping, and sediment and erosion control. The  
12 Letter of Credit should be submitted to the Town for  
13 review and approval. An original Letter of Credit  
14 must be received by the Town prior to the start of  
15 construction.

16 19. Basement excavation may yield large amounts of  
17 spoil. Location of spoil piles and plans for their  
18 removal or distribution shall be provided.

19 20. The contractor shall obtain all necessary Highway  
20 Access, Sewer Construction, Demolition, or other  
21 permits from the Town or other agencies prior to  
22 starting work.

23 21. All comments and concerns of the Assistant  
24 Engineer, as contained in the attached memo dated  
25 2-13-2023 from Brendan Ryan, Assistant Engineer, to

1 Jason Haremza, shall be addressed.

2 22. The Applicant is to ensure that the rodent  
3 infestation is exterminated prior to demolition taking  
4 place.

5 23. The Applicant shall demonstrate that the  
6 demolition can occur without impacting the Woodlot.

7 CHAIRMAN PRICE: So moved and seconded with  
8 amendments to the Negative Declaration and the  
9 Conditions of Approval. Any further discussion or  
10 comments?

11 (No response from the Board.)

12 CHAIRMAN PRICE: Okay. Please call the  
13 roll.

14 (Babcock-Stiner, aye; Grisewood, aye;  
15 Osowski, aye; Price, aye.)

16 **APPLICATION 2P-02-23**

17 The application of D&T Rents, 1220 BHTL, LLC,  
18 owner, for Conditional Use Permit Approval to allow  
19 for a construction warehouse facility with outdoor  
20 storage on property located at 1220 Brighton-Henrietta  
21 Town Line Road. All as described on application and  
22 plans on file.

23 MEMBER BABCOCK-STINER: I move to close the  
24 public hearing.

25 CHAIRMAN PRICE: I would second. Any

1 discussion?

2 (No response from the Board.)

3 CHAIRMAN PRICE: Jason.

4 (Babcock-Stiner, aye; Grisewood, aye;

5 Osowski, aye; Price, aye.)

6 MR. HAREMZA: Hearing closed.

7 CHAIRMAN PRICE: Thank you. Do we have a  
8 motion on the Conditional Use Permit?

9 MEMBER BABCOCK-STINER: I move the Planning  
10 Board find the proposed action Application 2P-02-23  
11 will not have a significant impact on the environment,  
12 and that the Planning Board adopt the Negative  
13 Declaration prepared by Town Staff.

14 I also move that the Planning Board adopt  
15 the eight Conditional Use Findings outlined in the  
16 Planning Board Report, based on the application  
17 submitted and the testimony presented, and that the  
18 Planning Board approves Application 2P-02-23 for  
19 Conditional Use Permit based on testimony given, plans  
20 submitted, with the six conditions outlined in the  
21 Planning Board Report.

22 MEMBER OSOWSKI: I will second that. Thank  
23 you.

24 Then I would like to amend Condition  
25 Number 4, that's the one where it says, "there shall

1 be no indoor or outdoor storage of road salt." I  
2 would like to propose we amend it to say, "there shall  
3 be no indoor or outdoor storage of bulk, unbagged road  
4 salt."

5 MEMBER BABCOCK-STINER: I agree.

6 MR. GORDON: Thank you, and just a  
7 correction, Condition Number 5, replace the word  
8 "dining" with storage.

9 MEMBER BABCOCK-STINER: I agree.

10 **CONDITIONS:**

11 1. Meet all requirements of the Town of Brighton's  
12 Department of Public Works.

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

15 3. All requirements of Section 203-93(C) (5) of the  
16 Comprehensive Development Regulations shall be met:

17 Any outdoor storage of equipment and/or  
18 material must be in the rear yard and fully  
19 enclosed by a fence of sufficient height to  
20 shield the storage area from view from the  
21 street or adjacent uses. No outdoor storage  
22 shall be allowed in any setback or  
23 landscaped areas. All equipment which is  
24 designed to lift, dump, or tow must be  
25 reduced to the lowest possible elevation, if



1           they are stored outdoors overnight. No  
2           outside storage shall be allowed adjacent to  
3           residential districts.

4       4. There shall be no indoor or outdoor storage of  
5       bulk, unbagged road salt.

6       5. There shall be no exterior lighting installed in  
7       conjunction with the outdoor storage use without  
8       further approval by the Planning Board.

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

11           CHAIRMAN PRICE: Okay. Moved and second  
12      with corrections. Any further discussion?

13                   (No response from the Board.)

14           CHAIRMAN PRICE: Okay. Jason.

15                   (Babcock-Stiner, aye; Grisewood, aye;  
16                   Osowski, aye; Price, aye.)

17           MR. HAREMZA: Thank you.

18      **APPLICATION 2P-03-23**

19           Application of Kathleen Gaffney-Babb, Helio  
20      Health, owner, for Preliminary/Final Site Plan  
21      Approval to construct a 460+/- sf building addition on  
22      property located at 1850 Brighton-Henrietta Town Line  
23      Road. All as described on application and plans on  
24      file.

25           CHAIRMAN PRICE: Is there a motion to close

1 the public hearing?

2 MEMBER BABCOCK-STINER: I will move to close  
3 the public hearing.

4 CHAIRMAN PRICE: I will second.

5 Is there any further discussion on that?

6 (No response from the Board.)

7 CHAIRMAN PRICE: Jason, please call the  
8 roll.

9 (Babcock-Stiner, aye; Grisewood, aye;  
10 Osowski, aye; Price, aye.)

11 MR. HAREMZA: Hearing closed.

12 CHAIRMAN PRICE: Okay.

13 MEMBER BABCOCK-STINER: So I move that the  
14 Planning Board approve Application 2P-03-23 for  
15 Preliminary and Final Site Plan Approval based on the  
16 testimony given, plans submitted, and with the 16  
17 conditions outlined in the Planning Board Report.

18 CHAIRMAN PRICE: I will second.

19 **CONDITIONS:**

20 1. The entire building shall comply with the most  
21 current New York State Uniform Fire Prevention and  
22 Building Code.

23 2. Prior to issuance of any building permits, all  
24 plans for utility and stormwater control systems must  
25 be reviewed and have been given approval by

1 appropriate authorities. Prior to any occupancy, work  
2 proposed on the approved plans shall have been  
3 completed to a degree satisfactory to the appropriate  
4 authorities.

5 3. All parking lot lights shall be replaced with the  
6 appropriate and previously approved dark sky  
7 consistent lights which require a CCT of less than or  
8 equal to 3000K.

9 4. All Town of Brighton Codes that relate directly or  
10 indirectly to the proposed project shall be met.

11 5. All requirements of the Town of Brighton  
12 Department of Public Works shall be met.

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

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

21 8. All trees to be saved shall be protected with  
22 orange construction fencing placed at the drip line or  
23 a distance greater than the drip line. Trees shall be  
24 pruned, watered, and fertilized prior to, during, and  
25 after construction. Materials and equipment storage

1 shall not be allowed in fenced areas.

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

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

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

13 12. All outstanding Site Plan comments and concerns  
14 of the Town Engineer and Fire Marshall shall be  
15 addressed.

16 13. All outstanding Site Plan comments and concerns  
17 of the Town Engineer regarding soil erosion,  
18 stormwater control, water system, and sanitary sewer  
19 design shall be addressed.

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

23 15. All comments and concerns of the Town Engineer,  
24 as contained in the attached memo from Evert Garcia to  
25 Jason Haremza dated 2-9-2023, shall be addressed.

1 16. Provide proof of legal right to enter neighboring  
2 property to clear vegetation and install fence.

3 CHAIRMAN PRICE: We have a motion and a  
4 second. Any amendments to the 16 conditions?

5 (No response from the Board.)

6 CHAIRMAN PRICE: Sixteen conditions moved  
7 and second. Please call the roll.

8 (Babcock-Stiner, aye; Grisewood, aye;  
9 Osowski, aye; Price, aye.)

10 MR. HAREMZA: Thank you.

11 **APPLICATION 9P-NB1-22**

12 Application of Kim Bailey, Stahl Properties,  
13 owner, for Preliminary Site Plan and Demolition Review  
14 and Approval to raze an existing single-family home  
15 and construct a 5,545+/- sf single-family home with a  
16 900 sf attached garage on property located at  
17 12 Elmwood Hill Lane.

18 MEMBER BABCOCK-STINER: So I move that the  
19 Planning Board close the public hearing for the Demo  
20 Review and Approval for Application 9P-NB1-22;

21 and table the public hearing for the  
22 Preliminary Site Plan Review and Approval for the same  
23 application;

24 I also move that the Planning Board revise  
25 the description of the SEQR action to not include

1 Preliminary Site Plan Approval;

2 and that the Planning Board finds that the  
3 Demolition Review and Approval will not have a  
4 significant impact on the environment;

5 And that the Planning Board adopts a  
6 Negative Declaration prepared by Town Staff;

7 I also move that the Planning Board approve  
8 the Demolition Review and Approval for  
9 Application 9P-NB1-22 based on the testimony given,  
10 plans submitted, and with conditions 4, 5, 6, 7, 8, 9,  
11 10, 11, 13, 14, 15, 17, 18, 19, 22, 23, 26, 27, and  
12 28.

13 CHAIRMAN PRICE: I will second.

14 **CONDITIONS:**

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

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

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

22 7. All trees to be saved shall be protected with  
23 orange construction fencing placed at the drip line or  
24 a distance greater than the drip line. Trees shall be  
25 pruned, watered, and fertilized prior to, during, and

1 after construction. Materials and equipment storage  
2 shall not be allowed in fenced areas.

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

10 9. All outstanding Site Plan comments and concerns of  
11 the Assistant Engineer regarding soil erosion,  
12 stormwater control, water system, and sanitary sewer  
13 design shall be addressed.

14 10. All County Development Review Comments shall be  
15 addressed.

16 11. All other reviewing agencies must issue their  
17 approval prior to the Department of Public Works  
18 issuing its final approval.

19 13. Erosion control measures shall be in place prior  
20 to site disturbance.

21 14. The applicant shall review the site plan,  
22 elevations, and floor plans to ensure that the areas  
23 and dimensions provided on those plans agree with one  
24 another. Elevation drawings showing the height of the  
25 structure in relationship to proposed grade, as shown

1 on the approved Site Plan, shall be submitted.

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

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

11 18. The demolition and restoration plan should depict  
12 the grading associated with the restoration of the  
13 site should construction of the new house not commence  
14 immediately following demolition.

15 19. Specification for backfill requirements of the  
16 building footprints shall be included on the plans.  
17 No existing construction materials (concrete or other)  
18 from the existing homes shall remain on-site.

19 22. The plans shall clearly show all trees proposed  
20 to be removed.

21 23. A Letter of Credit shall be provided to cover  
22 certain aspects of the project, including, but not  
23 limited to: demolition, restoration, sanitary sewer,  
24 water main, stormwater water management facilities,  
25 landscaping, and sediment and erosion control. The



1 Letter of Credit should be submitted to the Town for  
2 review and approval. An original Letter of Credit  
3 must be received by the Town prior to the start of  
4 construction.

5 26. Basement excavation may yield large amounts of  
6 spoil. Location of spoil piles and plans for their  
7 removal or distribution shall be provided.

8 27. The contractor shall obtain all necessary Highway  
9 Access, Sewer Construction, Demolition, or other  
10 permits from the Town or other agencies prior to  
11 starting work.

12 28. All comments and concerns of the Assistant  
13 Engineer, as contained in the attached memo dated  
14 2-11-2023 from Evert Garcia, Town Engineer, to  
15 Jason Haremza, shall be addressed.

16 CHAIRMAN PRICE: Moved, seconded. Roll  
17 call.

18 (Babcock-Stiner, aye; Grisewood, aye;  
19 Osowski, aye; Price, aye.)

20 MR. HAREMZA: Thank you.

21 **APPLICATION 1676**

22 Application for Sign by Riwaayat,  
23 1740 Monroe Avenue, Building face.

24 CHAIRMAN PRICE: I move we approve, as  
25 recommended by the ARB, Application 1676. Move for

1 approval based on the recommendation of the ARB. Is  
2 there a second?

3 MEMBER OSOWSKI: I will second that.

4 CHAIRMAN PRICE: Okay. Move and second.  
5 Any further discussion?

6 (No response from the Board.)

7 CHAIRMAN PRICE: Jason?

8 (Babcock-Stiner, aye; Grisewood, aye;  
9 Osowski, aye; Price, aye.)

10 MR. HAREMZA: Thank you.

11 CHAIRMAN PRICE: We are done.

12 (The proceeding concluded at  
13 a time of 9:32 p.m.)

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1 STATE OF NEW YORK)

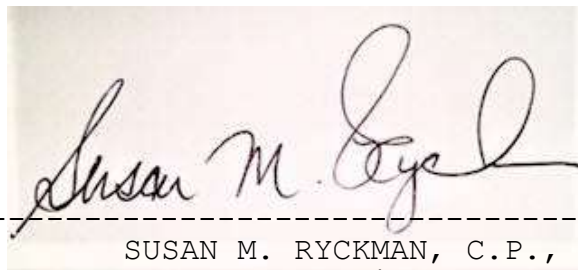
2 SS:

3 COUNTY OF GENESEE)  
4  
5

6 I DO HEREBY CERTIFY as a Notary Public in and  
7 for the State of New York, that I did attend and  
8 report the foregoing proceeding, which was taken down  
9 by me in a verbatim manner by means of machine  
10 shorthand.

11 Further, that the proceeding was then  
12 reduced to writing in my presence and under my  
13 direction. That the proceeding was taken to be used  
14 in the foregoing entitled action.  
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SUSAN M. RYCKMAN, C.P.,  
Notary Public.