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BRIGHTON
PLANNING
BOARD

April 19, 2023
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY
WILLIAM PRICE, CHAIRPERSON
JOHN OSOWSKI) BOARD MEMBERS
JULIE FORD)
DAVID FADER (late))
PETER GRISEWOOD)
JASON BABCOCK-STINER)

KENNETH GORDON, ESQ.
Town Attorney

ABSENT:

KAREN ALTMAN

REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRPERSON PRICE: Good evening, everyone,
2 and welcome to the April 19th, 2023, meeting of the
3 Town of Brighton Planning Board. I would like to ask
4 that everyone, in the very unlikely event of something
5 going on here, that we do have doors behind, doors to
6 your left to exit. And I ask that you do that calmly
7 and exit the building.

8 At this time I would like for the secretary
9 to call the roll please.

10 (Whereupon the roll was called.)

11 MR. HAREMZA: Altman is absent. Fader is
12 absent.

13 CHAIRPERSON PRICE: Okay. At this time
14 we're going to take a few minutes to have an agenda
15 review with our staff and attorney before hearing
16 meeting minutes and going on to our public hearings
17 for the evening.

18 Jason, you want to just kind of walk through
19 these and kind of tell us where we are. We have
20 4P-01-23, Faith Bible Church and a generator.

21 MR. HAREMZA: Yes. It's a site plan
22 modification. And one of the separate sheets of paper
23 is a revision to that staff report that just adds a
24 section of the code that deals with what a standby
25 generator is for nonresidential uses and highlights

1 the -- you know, why it's before the Planning Board
2 because it does not meet -- that the generator has to
3 be in the rear yards. So this is located in the front
4 yard. But if you had a chance to look at the site
5 plans, you'll see that it's quite far back from the
6 road, over 400 feet back from the road.

7 CHAIRPERSON PRICE: Okay.

8 MR. HAREMZA: There is actually a separate
9 issue with this one, which was in the staff report,
10 that the site is made up of three parcels and the
11 property lines actually cut through the building,
12 which in my experience leads to difficulties with the
13 building code. So I am not sure historically how that
14 happened. But might consider the applicant to take
15 this opportunity to submit a future resubdivision
16 application and combine the parcels into one.

17 CHAIRPERSON PRICE: We don't really have any
18 residents immediately adjacent to this property.

19 MR. HAREMZA: No.

20 CHAIRPERSON PRICE: And do you recall a
21 prior application on this property and some
22 improvements that were approved, but weren't built, is
23 that --

24 MR. HAREMZA: I do not.

25 CHAIRPERSON PRICE: Okay. Questions? Guys,

1 all good? Okay. Thanks.

2 4P-02-23, application of Insite Land
3 Development. This is a preliminary and final site
4 plan approval on Penfield Road.

5 MR. HAREMZA: We're using the working
6 address of 535 Penfield Road. It's a vacant parcel.
7 So it does not have an assigned address. But for ease
8 of discussion, we decided to use a working address.

9 And you may recall this came before this
10 board in 2019, I believe, for a similar, but not
11 identical proposal. So this is a new version. Pretty
12 straightforward construction of a single-family home.

13 CHAIRPERSON PRICE: Okay.

14 MR. OSOWSKI: I think previously it was
15 estimated 2400 square feet, plus or minus. And now
16 that's an accurate number, the 2812?

17 MR. HAREMZA: I believe so. That'd be a
18 good question for the applicant tonight.

19 CHAIRPERSON PRICE: Are there any variances
20 required?

21 MR. HAREMZA: No, I don't -- there are no
22 variances required.

23 CHAIRPERSON PRICE: Okay. Everybody good?
24 Thank you.

25 Then 4P-03-23, this is Steve Artim and

1 Tricia Shalka, along with Jerry Serafine for EPOD.
2 This is over on Stonybrook. I had a little bit of a
3 hard time with the materials submitted, understanding
4 where the line actually is relative to the proposed
5 addition.

6 MR. HAREMZA: So just part of it too, the
7 applicant asked me if they could request a
8 postponement. I don't know when -- if you'd like --

9 MR. GORDON: The applicant is here. Can we
10 have the applicant come and just ask for that
11 postponement?

12 MR. SERAFINE: Pardon me?

13 CHAIRPERSON PRICE: Come on up, Jerry. What
14 are you doing in this business?

15 MR. GORDON: If you could just --

16 CHAIRPERSON PRICE: Tell us your name just
17 so that we can record it.

18 MR. SERAFINE: Jerry Serafine.

19 MR. GORDON: And address for --

20 MR. SERAFINE: 533 Winton Road is my
21 address.

22 CHAIRPERSON PRICE: Thank you. Would you
23 like to ask for a postponement on this?

24 MR. SERAFINE: Well, I just got a whole pile
25 of questions literally three hours ago. And I

1 obviously am not prepared to respond to them. And I
2 still have questions. So I really don't know where to
3 go here.

4 CHAIRPERSON PRICE: I --

5 MR. GORDON: I thought you were just going
6 to ask for a postponement. If you want to discuss it,
7 we'll call you later on in the agenda.

8 MR. SERAFINE: Okay.

9 CHAIRPERSON PRICE: Why don't we, just so --
10 this will be a public hearing. We'll get some
11 questions out in the open. I assume your questions
12 are in response to comments you got back --

13 MR. SERAFINE: Right.

14 CHAIRPERSON PRICE: -- from the Town. You
15 just got them. So let's leave you on the agenda.

16 MR. SERAFINE: I didn't know if I should --

17 CHAIRPERSON PRICE: Stay and we'll, you
18 know...

19 MR. SERAFINE: Thank you.

20 MR. GORDON: Thanks, Bill.

21 CHAIRPERSON PRICE: All right. Sounds like
22 we'll get some --

23 MR. GORDON: Did you want to do your staff
24 review though on it?

25 MR. HAREMZA: Well, yeah. I guess the one

1 thing I wanted to say is that the watercourse EPODS,
2 you know, are rarely seen by the Board. So this is a
3 fairly, you know, unusual thing. I don't see them
4 very frequently. So it's a learning process for
5 everyone.

6 CHAIRPERSON PRICE: Okay. Yeah. We've --
7 you're right. A steep slope, woodlot, but rarer
8 watercourse. Okay.

9 MR. GORDON: Did you want to talk at all
10 about, you know, Evert's comments? Or you want me to
11 talk about them?

12 MR. HAREMZA: Yeah. The Town engineer
13 provided significant comments on this, which is
14 outside of my area of expertise. So if you have
15 anything, Ken, you want to --

16 MR. GORDON: Well, I mean you have materials
17 in front of you relative to the engineer's report, but
18 summarizing them, there would appear to be a problem
19 with interfering with the floodplain and the extent of
20 that floodplain and finding a suitable area to replace
21 or compensate for the loss of that floodplain.

22 There were some computations provided and
23 statements provided that would show that the project
24 is not meeting standards. And so there was some back
25 and forth I know between our town engineer and the

1 developer relative to what the level of that
2 floodplain was, whether it should be measured at the
3 street or near the rear of the property.

4 And we're going -- the Town -- we're
5 required to go with what the Army Corps tells us. And
6 so we have a particular number. Actually, it's the
7 number that was originally stated in the application.
8 And I believe that the engineer's report is you either
9 need to comply with it and show how they're going to
10 compensate for that loss or go to the Army Corps and
11 get some sort of revision or calculation. We can't
12 change those floodplain charts.

13 MR. HAREMZA: It's FEMA.

14 MR. GORDON: FEMA. Thank you.

15 MR. OSOWSKI: Another question I had is when
16 I saw that compensatory flood water storage for such a
17 small building addition, it seemed almost
18 inconsequential to whatever the acre-feet of water
19 that --

20 MR. BABCOCK-STIENER: It's completely
21 cumulative. If you take from this one, this one takes
22 away 10 feet, the next one takes away 10 feet, the
23 next one takes away 10 feet, and, you know, three
24 properties down, all of a sudden you lost 30 feet of
25 space. Now it's up in somebody's yard.

1 MR. GORDON: So that's the issues that were
2 identified by staff. I mean, certainly those are some
3 of the questions that are being posed to the
4 applicant.

5 MR. SERAFINE: Can I add something?

6 MR. GORDON: No. This is not the time.

7 CHAIRPERSON PRICE: We will call you up.

8 MR. GORDON: So when we get to it and, you
9 know, we certainly want to have those questions
10 addressed and hear what the applicant has to say at
11 that time.

12 CHAIRPERSON PRICE: Okay. Brings us to
13 4P-03-23, Kim Bailey, Stahl Properties.

14 Now, Jason, you wanted to combine that with
15 9P-NB1-22?

16 MR. HAREMZA: Yes. The formatting of the
17 agenda is a bit odd with the numbering assignments.
18 So this is the combination of preliminary site plan
19 approval with final site plan approval to
20 preliminary/final site plan approval.

21 As you will recall the demolition was
22 previously approved in February, I believe.

23 CHAIRPERSON PRICE: Right. This went to
24 ARB. This received --

25 MR. HAREMZA: This -- this was reviewed in

1 concept by ARB. They did not have a quorum. So they
2 could not vote on the project. So it is scheduled for
3 ARB for next week. Yes. It's on the agenda for next
4 week.

5 CHAIRPERSON PRICE: Okay.

6 MR. GORDON: So it wasn't fully reviewed by
7 ARB at no fault of the applicant.

8 CHAIRPERSON PRICE: Okay.

9 MR. GORDON: You'll see, I think -- I mean,
10 I don't know this, but I know we got a staff report.
11 The staff report, I think, should be recommending that
12 we not table, that we make a condition of this
13 approval that they get ARB to move the process long.

14 CHAIRPERSON PRICE: Okay. All right.
15 Julie, any other questions? Okay.

16 MR. GORDON: Just one other comment. You'll
17 remember that this is a property with longstanding
18 issues regarding sanitary sewer easements. And I
19 think we're at the point now the staff's, I think,
20 comfortable with where we are or at least where we're
21 headed.

22 The easements are not yet signed. We still
23 don't have any easements back. But we do have in
24 concept at least agreement from all of the property
25 owners. There are some gores in some of the

1 descriptions that were provided as to the easement
2 mapping.

3 I think what the staff is recommending at
4 this point in time is make it the condition that prior
5 to the issuance of any building permit, those
6 easements need to be filed in the County Clerk's
7 Office so, again, we can keep the process moving.

8 CHAIRPERSON PRICE: Thank you. All right.
9 4P-05-23, 500 Canal View. This is a conditional use
10 permit. This seemed fairly straightforward.

11 MR. HAREMZA: It's essentially an office
12 with a laboratory for testing, all within an existing
13 building.

14 There's a few minor exterior changes, some
15 new -- one is an overhead door and a couple of
16 pedestrian doors. But, yeah.

17 CHAIRPERSON PRICE: Okay. All right. Under
18 new business we have 5P-NB2-22. This is Bristol
19 Valley Homes and PEMM, LLC. This is going back to our
20 Quicklee's at 3108 East Avenue.

21 Is that still on the agenda for today?

22 MR. HAREMZA: No. That's been postponed at
23 the applicant's request.

24 CHAIRPERSON PRICE: What did we find --
25 there was a laundry list of --

1 MR. GORDON: Drainage, drainage, drainage
2 and more drainage.

3 CHAIRPERSON PRICE: Okay. So that's
4 postponed by the applicant. All right.

5 And 9P-NB1-22 is in combination with
6 4P-04-23. That again is Stahl Properties.

7 Come down to 4P-NB1-23. This is the
8 application of Westmarsh Properties, preliminary site
9 plan approval and preliminary EPOD.

10 MR. HAREMZA: You may recall in February you
11 reviewed a demolition request and an EPOD request.
12 You approve the demolition. You denied the EPOD. And
13 so they are back with their preliminary site plan to
14 go along with the EPOD.

15 And just to refresh your memory, the
16 discussion was, you know, without a plan for the site,
17 removing trees was premature at the time in February.

18 CHAIRPERSON PRICE: Right. Okay. We'll
19 discuss that a little bit more with the applicant
20 present.

21 MR. HAREMZA: By the way, the three
22 communications we've had are for the 57 Eldridge, two
23 in support and one in opposition.

24 CHAIRPERSON PRICE: You said there's four or
25 three?

1 MR. HAREMZA: Three.

2 CHAIRPERSON PRICE: Yes. I read those.
3 Okay. 4P-NB2-23, 1950 to 1966 Monroe Avenue. I think
4 it's two properties. This is preliminary subdivision
5 approval, preliminary site plan, preliminary
6 conditional use and demolition review and approval.
7 This is on Monroe Avenue. It is the proposed
8 Quicklee's.

9 This has been through the incentive zoning
10 process. And now it comes to us for site plan
11 subdivision.

12 MR. HAREMZA: Yeah. I figure it's a project
13 you're all familiar with. And so I think that's been
14 pretty thoroughly reviewed at this point at least.
15 This is the big-picture elements of the site. I know
16 the Town engineer needs some more details on the
17 technical aspects of the drainage and confirmation of
18 the traffic studies, things like that.

19 CHAIRPERSON PRICE: Okay.

20 MR. GORDON: Was the recommendation that we
21 would be suggesting approval of the preliminary or
22 tabling at this point in time?

23 MR. HAREMZA: The recommendation was to
24 table.

25 MR. GORDON: Okay. And that's because in

1 part -- I mean, this is really your first opportunity
2 to dig in deep on the details of the site plan. You
3 know, what you did before was sort of skimming the
4 surface on the incentive zoning. But here we need
5 your input on the site plan. There's just a lot of
6 missing information at this point in time.

7 MS. FORD: You said missing?

8 MR. GORDON: Missing information.

9 And so I just want to comment on some -- I
10 don't necessarily see in the staff report, but I think
11 it's important to get your input on if there is a
12 design element at the corner of Monroe and Elmwood.
13 It's the centerpiece of the hardscape area. That is
14 currently proposed to be a sculpture of a decorative
15 element, harp-style streetlight, singular, with a
16 banner at this point.

17 It's going to be a main feature on one of
18 our main corners in Twelve Corners. And just -- if I
19 could just very briefly, developmentally how that came
20 about is we had asked, I think, for the applicant to
21 come up with a more pedestrian-friendly Monroe Avenue
22 streetscape improvement. And so they came up with the
23 design. They said, you know, basically this hardscape
24 area, rather than green grass outside, it would be
25 more durable. And having a central feature there

1 would be attractive to -- rather than having just a
2 big huge block area.

3 The original discussion revolved around
4 possibly putting up yet another clock on Twelve
5 Corners, which I know the Town would not react well
6 to. And then there was some discussion about having
7 some sculpture or street art of some sort, but that
8 was never well-defined.

9 Out of, sort of, that discussion there was a
10 suggestion at the Public Works Committee meeting of
11 this idea of a harp lamp because that is sort of a
12 symbol, if you will, of the Town of Brighton these
13 days, at least it's on our letterhead.

14 And the applicant has been receptive to
15 everything. I don't know if anyone with an eye for
16 landscaping has really taken a good look at this and
17 decided what really would be an attractive feature
18 there. So I'm pushing for the talent of this Board to
19 be addressing that particular aspect because whatever
20 is there is going to be there for a really long time.

21 CHAIRPERSON PRICE: This is our last
22 application. So we can take our time with it.

23 MR. GORDON: Yeah.

24 MR. OSOWSKI: I would like to weigh in on
25 the harp lamp because I have the old 1940s harp lamps

1 in our neighborhood. They're pieces of junk. The
2 ones that RG&E does or does not take care of, however
3 you look at it -- they have been doing some
4 maintenance lately -- but they are attractive. The
5 harp, the canopy on the harp. The bare bulb is ugly
6 as sin.

7 The cast concrete base, they don't last for
8 long at all. Water gets in them and spoils the
9 concrete. The rebar is not coated. It's not
10 galvanized. It's not epoxied. They just rust and
11 fall apart.

12 CHAIRPERSON PRICE: We'll continue this --

13 MR. OSOWSKI: Well, I'm not finished. When
14 the county renovated or reconstructed Elmwood Avenue,
15 they put new ones up that looked pretty heavy-duty and
16 more attractive. I took a picture of it today if
17 anybody cares to see it. But anyway, they are
18 different. But --

19 MR. GORDON: Do they still have the harp
20 top?

21 MR. OSOWSKI: They still have a harp. They
22 do have an acorn piece of glass over the bulb instead
23 of the bear bulb that looks like it belongs in my
24 basement.

25 But anyway, I mean, things progress in 80

1 years. We don't -- there's no -- there's very little
2 change to the harp shape. But there's a tremendous
3 change to the base that makes it a much better
4 fixture. So anyway, that's all I'll say.

5 MR. GORDON: I think there's more to be
6 discussed there and that is -- I'm encouraging this
7 Board to do exactly, maybe later on in the meeting,
8 what Mr. Osowski has presented here and really talk
9 about that because we need somebody to think about
10 this in great detail.

11 CHAIRPERSON PRICE: All right. Thank you.
12 Does anyone else have any comments about our agenda
13 review? All right. Let's move on.

14 I'm not bringing up signs. We'll just
15 address signs when we get to those. Let's see.

16 Did everyone get a copy of the March 15th
17 meeting minutes? Were you able to review those? I
18 did. Do you want to make a motion?

19 MR. OSOWSKI: I'll move that we approve the
20 minutes of the Planning Board meeting for March 15th,
21 2023.

22 CHAIRPERSON PRICE: I'll second.

23 Please note that David Fader arrived.

24 We have a motion and a second on the March
25 15th meeting minutes. Please call the roll.

1 (Mr. Babcock-Stiner, aye; Ms. Ford, aye;
2 Mr. Grisewood, aye; Mr. Osowski, aye;
3 Mr. Price, aye.)

4 MR. GORDON: You can call Fader.

5 MR. HAREMZA: I was going to let him get
6 settled. Fader?

7 MR. FADER: Yes.

8 CHAIRPERSON PRICE: Okay. Mr. Secretary,
9 were tonight's public hearings properly advertised?

10 MR. HAREMZA: They were advertised in the
11 Daily Record of April 13th, 2023.

12 CHAIRPERSON PRICE: I have asked this
13 before, but they are also posted to the Town's
14 website. Full applications are available on the
15 website as well. Is it the same time -- are they
16 available at the same time that the advertisement goes
17 into the Daily Record?

18 MR. GORDON: We post a tentative agenda when
19 they go into the Daily Record. We publish a final
20 agenda when the Planning Board, you all, get the final
21 agenda. So the public is getting things at the same
22 time as you are.

23 CHAIRPERSON PRICE: Okay. Is it -- we asked
24 this before. Is it necessary to add that to this
25 statement that we post them? That's not a legal

1 requirement? The Daily Record meets the legal
2 requirement?

3 MR. GORDON: We have a legal requirement.
4 You're asking whether asking if it was done is a legal
5 requirement. And I would say asking whether it was
6 published or asking whether it's posted, neither is a
7 legal requirement to ask those questions.

8 We just need to make sure that it is
9 published and it is posted. And we get an affidavit
10 of publication. So we have that on file relative to
11 the publication of notice.

12 So it's just been the way we've done things,
13 I'd say, asking whether legal notice was --

14 CHAIRPERSON PRICE: I think we're more
15 rigorous.

16 MR. GORDON: Well, New York State law
17 requires us to post. So that's why it's posted to our
18 website at all.

19 CHAIRPERSON PRICE: Very good. Let's begin
20 with application 4P-01-23.

21 **Application 4P-01-23**

22 Application of Faith Bible Church, owner,
23 and Integrated Power Supplies International,
24 contractor, for Site Plan Modification to install a
25 standby emergency generator on property located at

1 1095 East Henrietta Road. All as described on
2 application and plans on file.

3 CHAIRPERSON PRICE: Good evening.

4 MR. BRADO: Good evening.

5 CHAIRPERSON PRICE: Can you give us your
6 name and address so we can make record of it.

7 MR. BRADO: Yup. My name is Robert Brado,
8 B-R-A-D-O. I'm the pastor of Faith Bible Church. My
9 residence is 27 Elvira Street, E-L-V-I-R-A, Rochester,
10 New York 14606.

11 CHAIRPERSON PRICE: Okay. Thank you.

12 MR. PFLUKE: Adam Pfluke, P, as in Peter, F,
13 as in Frank, L-U-K-E. I live at 6 Pacer Drive,
14 Henrietta, New York.

15 CHAIRPERSON PRICE: Very good. Just give us
16 a little bit of background on the -- what it is -- we
17 know about the generator, but tell us where it's going
18 and why it's going where it's going.

19 MR. BRADO: Sure. So we just had kind of a
20 desire -- we've owned the property now about nine
21 years, nine and a half years. Just had a desire to be
22 able to back up the campus. We're a polling site for
23 the Town, for the County and just other emergency
24 things that we could help if ever necessary.

25 So we are -- it is going up against our main

1 brick building, tucked away in the corner that you
2 would not be able to see from the road. You can't see
3 anything up there. It's about 400 feet from the road.
4 It really would not be -- you really couldn't see it.
5 No one could really see it except us. So yeah. So
6 that's where we would like to put it because it's
7 close to the gas and electric.

8 CHAIRPERSON PRICE: Okay. So it's kind of
9 your utility room area?

10 MR. BRADO: Correct.

11 MR. PFLUKE: The other reason for the move
12 was that the back of the property is mostly asphalt,
13 concrete. So we can't get our clearances from
14 buildings, set walkways, stuff like that. So it makes
15 sense as far as cost and effectiveness.

16 CHAIRPERSON PRICE: The size of this?

17 MR. PFLUKE: 48KW.

18 MR. OSOWSKI: Will it power up the entire
19 facility?

20 MR. BRADO: It will.

21 CHAIRPERSON PRICE: Okay. And is it natural
22 gas or --

23 MR. PFLUKE: Natural.

24 MR. BRADO: It's my understanding is it also
25 has the ability for propane as well if we need it.

1 MR. PFLUKE: It could, yes.

2 CHAIRPERSON PRICE: Okay. But right now
3 you're looking to connect into the natural gas line?

4 MR. BRADO: That's correct.

5 MR. OSOWSKI: Really good. Yeah.

6 CHAIRPERSON PRICE: Okay. All right. So it
7 is far back. I don't know how anybody's going to see
8 this unless you're standing on the sidewalk out there.
9 Did you have any thoughts of trying to screen it with
10 landscape materials?

11 MR. BRADO: Yeah. Our property is pristine
12 and we do a lot of things. When -- we built a
13 7700-foot addition with the approval of the Town in
14 2020. And we --

15 CHAIRPERSON PRICE: You did build that?

16 MR. BRADO: We did. Yes. We have our C of
17 O. So the thing is like a big ugly hotbox, was placed
18 closer to the road. That's actually more unsightly.
19 We wrapped that with vinyl to make it look like
20 greenery. So we're always looking to improve.

21 We're not opposed to doing that. It just --
22 again, I just reiterate, you won't be able to see it
23 anyway.

24 CHAIRPERSON PRICE: Okay. Thank you. Other
25 questions, folks? All set.

1 MR. BRADO: Did I need to address any of the
2 other concerns that had come up earlier with parcels
3 or any such thing?

4 CHAIRPERSON PRICE: Well, technically we
5 don't -- well, technically we do address subdivision.
6 But I think in this case you would be looking at
7 something administrative. It would not -- tell me if
8 I'm wrong.

9 MR. GORDON: I think you're right.

10 CHAIRPERSON PRICE: So the idea would be --

11 MR. BRADO: Yeah. I mean, we inherited
12 this. We don't know why the three parcels in the one.
13 But we've never been asked to do anything differently.

14 CHAIRPERSON PRICE: Okay. Yeah. Little
15 surprised this didn't come up back in 2019.

16 MR. GORDON: Just a thought is to put a
17 phone call sometime soon in to our senior planner,
18 Rick DiStefano. Just say, hey, I was in front of the
19 Planning Board on this and the Planning Board raised
20 this issue about having these parcels and suggested
21 maybe we consider an administrative resub.

22 MR. BRADO: Yeah. We'd be able to do
23 whatever. I just hope -- I wouldn't want to hold this
24 up if possible.

25 MR. GORDON: No, no, no. This wouldn't have

1 anything to do with it.

2 MR. BRADO: Okay.

3 CHAIRPERSON PRICE: David, you're all set?

4 MR. OSOWSKI: The enclosure on this, is it
5 beige?

6 MR. PFLUKE: It's a grayish beige.

7 MR. OSOWSKI: Okay. What color is the brick
8 on the church?

9 MR. BRADO: The brick is red brick.

10 MR. OSOWSKI: Okay.

11 MR. BRADO: Traditional looking.

12 MR. OSOWSKI: So even if it was beige, the
13 brick would have blended anyway.

14 MR. BRADO: Yes.

15 MR. OSOWSKI: Thank you.

16 CHAIRPERSON PRICE: Peter?

17 MR. GRISEWOOD: I'm fine.

18 CHAIRPERSON PRICE: Okay. Thank you. Ken,
19 do you have any questions? Okay, Pastor. Thank you.

20 MR. BRADO: Thank you very much.

21 CHAIRPERSON PRICE: This is a public
22 hearing. Is there anyone in the audience that cares
23 to address this application?

24 Let's move on to application 4P-02-23.

25 **Application 4P-02-23**

1 Application of Insite Land Development,
2 owner, for Preliminary/Final Site Plan Approval to
3 construct a 2,812 square foot single family house with
4 a 465 +/- square foot attached garage on property
5 located on Penfield Road, known as Tax ID #123.17-2-25
6 (between 525 and 555 Penfield Road). All as described
7 on application and plans on file.

8 MR. SHELLEY: Good evening. Fred Shelley
9 from BME Associates representing the applicant, Insite
10 Development. Eric from Insite is in the audience
11 today and he'll be happy to answer any questions that
12 I'm not able to field for the Board.

13 The applicant is, as the Chairman mentioned,
14 is requesting preliminary and final site plan approval
15 from the Planning Board tonight for a project that
16 initially was approved with the -- generally the same
17 footprint it had back in June 2019. Something
18 happened during that time. Basically the world shut
19 down. So the builder or the customer, it didn't pan
20 out. However, the applicant does have a customer that
21 they're working with now that are interested in
22 building a home on-site. So we're back for a new site
23 plan approval on that.

24 The proposal includes the construction of a
25 single-family residential home on the existing 15,800

1 square foot home -- I'm sorry -- lot. There are no
2 variances requested for this application.

3 The proposed development is consistent with
4 past approvals and includes roughly a three foot wider
5 fingerprint for the home. However, the depth is
6 reduced by about 18 feet. So overall the square
7 footage of the house is reduced by about 200 square
8 feet from the previous approval.

9 It might be a little hard for the Board to
10 see it, but we do have a red outline of the former
11 approved fingerprint, which represents the reduction
12 in depth there. I believe it did come up during the
13 public hearing, the proposed fingerprint is
14 approximately 2400 square feet. Again, that is
15 smaller than what was previously proposed.

16 Exterior grading for the project, the limits
17 of disturbance are maintained to the same area as the
18 past application. And that disturbance area is
19 roughly 0.27 acres. That's less than 1 acre. So the
20 project does not require a stormwater pollutant
21 prevention plan. However, the past application, the
22 drainage calculations were reviewed by the town
23 engineer and accepted at that time. Basically we're
24 remaining consistent with, even a little less, runoff
25 of impervious areas.

1 Speaking of impervious areas, there are two
2 proposed stone drywells that are proposed to receive
3 rooftop runoff, to promote groundwater infiltration
4 and water quality volume.

5 And, again, the conditions were previously
6 reviewed by the town engineer and they did result in
7 generally no increase. There's one cubic foot per
8 second coming up a little bit more towards the County
9 right-of-way. However, these plans were reviewed and
10 accepted and approved, permits issued by the DOT
11 during the past application.

12 Tree removal is limited only to the trees
13 necessary to the home construction, which -- and
14 utility installation along the front of the house is
15 proposed to avoid as many of the trees in root systems
16 as possible. The plans do show trees to be retained
17 on the site. And we do provide about, I believe, it's
18 five trees at the front of the lot, which will provide
19 a buffer from Penfield Road to the home.

20 We do believe this action to be a Type II
21 action for SEQRA and provided a short EAF for the
22 Board and Town staff.

23 The project was represented at the Town
24 Conservation Board meeting on April 11th. They had no
25 issues with the proposal. The town engineer provided

1 a memo. We reviewed the comments. We're happy to
2 respond to them. No major issues that came up with
3 those. Basically minor technical comments and we're
4 happy to provide any clarifications or minor plan
5 revisions to address those.

6 The applicant is currently coordinating
7 final architectural design with the customer and will
8 be submitting to the Architectural Review Board upon
9 completion of those architectural plans. We do
10 understand that's required before the building permit
11 is issued.

12 And then, again, Monroe DOT did review and
13 include the plans and issued permits for work within
14 the public right-of-way.

15 So with that, I'm happy to entertain any
16 questions that the Board might have.

17 CHAIRPERSON PRICE: Are the permits that
18 have been previously issued, are they still valid for
19 this application or do you have to reapply?

20 MR. SHELLEY: They were issued. I don't
21 believe there was an expiration, but the part with
22 Monroe DOT is we're going to need the plans resigned
23 by the DOT because we have updated them.

24 CHAIRPERSON PRICE: Jason, the comments from
25 the town engineer, are they mostly for clarifications,

1 not -- we're not seeing a vast difference to what's
2 proposed versus, you know, his comments.

3 MR. HAREMZA: Correct. Yeah. I think it's
4 just a clarification and updating from the one from
5 four years ago.

6 CHAIRPERSON PRICE: Fred, just a minor thing
7 I noticed is the adjacent neighbor's driveway does
8 appear to encroach a little bit. And I mean a very
9 little bit. Is that going to remain the way it is
10 with the grading that you're proposing?

11 MR. SHELLEY: Yes. I believe you're
12 referencing the westerly adjoining neighbor. There is
13 a small encroachment. There's no plan to remove the
14 driveway as it is. It's basically as it is and we
15 will not disturb that.

16 CHAIRPERSON PRICE: And that swale can get
17 built.

18 MR. SHELLEY: Yes.

19 CHAIRPERSON PRICE: And is this a sandy soil
20 out here?

21 MR. SHELLEY: Yes. It's a fairly sandy
22 soil, yes.

23 CHAIRPERSON PRICE: Okay.

24 MR. SHELLEY: Yeah. That was -- with the
25 runoff rate there's no onsite in our proposed

1 conditions due to the sandy soils at the site.

2 CHAIRPERSON PRICE: Julie, do you have any
3 questions?

4 MS. FORD: No.

5 MR. OSOWSKI: Is the water service adequate
6 for fire protection sprinklers to the house?

7 MR. SHELLEY: We didn't design for fire
8 sprinklers. So they're technically not required by
9 building code. That would be something that if there
10 were to be sprinklers designed within the home and
11 that would something that the mechanical designer
12 would need to consider.

13 MR. OSOWSKI: One other comment, this letter
14 from March 20th from BME, it says this lot is 260 plus
15 or minus feet east of Park Lane. I think it's west of
16 Park Lane, isn't it?

17 MR. SHELLEY: It is west, yes.

18 MR. OSOWSKI: All right. Thank you.

19 MR. SHELLEY: Leave it to the surveyor to
20 mess up the directions.

21 CHAIRPERSON PRICE: Jason, you're good with
22 the Type II action on this?

23 MR. GORDON: Yup.

24 MR. HAREMZA: I just had one question to
25 clarify the square footage because there's several

1 numbers floating around the -- I'm not sure where the
2 2012 came from. Your application actually says 2400.
3 2400; correct?

4 MR. SHELLEY: Yes. I believe the 2400 that
5 you're referring to, what's called out in the
6 application is the fingerprint of the home. 28 -- is
7 it 16? 2812 square feet is the maximum allowable
8 finished square footage within the home.

9 So the proposal is to maximize that. So
10 this is a ranch home. They wanted to provide any
11 additional livable area in the basement. It's a
12 walkout basement. The Town code does allow up to
13 2812. So we're requesting the maximum. We've
14 illustrated it at maximum. It may be reduced upon
15 final plans.

16 MR. HAREMZA: Thank you.

17 CHAIRPERSON PRICE: Peter, any comments?
18 Questions?

19 Ken, all set?

20 MR. GORDON: All set.

21 CHAIRPERSON PRICE: Okay. Thank you.

22 MR. SHELLEY: Thank you very much.

23 CHAIRPERSON PRICE: If you leave the board
24 up just a moment and I'll ask if there's anyone who
25 cares to address this application. Seeing none, you

1 can grab it. Thank you.

2 Next application is 4P-03-23.

3 **Application 4P-03-23**

4 Application of Stephen Artim and Tricia
5 Shalka, owners, and Jerry Serafine, agent, for EPOD
6 (watercourse) Permit Approval to allow for the
7 construction of a building addition within zone AE of
8 the 100-year floodplain on property located at 55
9 Stonybrook Drive. All as described on application and
10 plans on file.

11 CHAIRPERSON PRICE: Now you may come up and
12 we can have a conversation about this.

13 MR. SERAFINE: So I just had a couple of
14 questions. I wanted to clarify first of all, that we
15 do agree with the base flood elevation. I had an
16 actual surveyor give us a measurement of 467.9 feet.
17 And I have a elevation certificate prepared by him for
18 the property. So we're on the same page as far as
19 that's concerned.

20 The question I had is trying to find some
21 information on compensatory area. There seems to be a
22 conflict between what the State says that -- it's
23 actually -- there's two things here at issue; one is
24 no adverse effect and no rise. If you're building in
25 a floodway, there's -- that's a no-rise situation.

1 It's an entirely different set of rules. No adverse
2 is where if you build something, it cannot cause the
3 base flood elevation to rise more than a foot.

4 I think you made the point that basically we
5 have a 480-square-foot fingerprint in 185,000 square
6 feet of floodplain. The math shows that it's about
7 one-sixty-fourth of an inch that it would cause water
8 to rise if it were a full-on flood to the base flood
9 elevation.

10 So how do we determine what that
11 compensatory --

12 CHAIRPERSON PRICE: Volume needs to be.

13 MR. SERAFINE: Pardon me?

14 CHAIRPERSON PRICE: The volume that you
15 need.

16 MR. SERAFINE: Yeah. I mean, the actual
17 addition is about ten yards. The cubic foot, it would
18 be in the floodplain. So I mean, you know, we could
19 scrape up the dirt, but there really isn't anything to
20 compensate for because the level of rise is so
21 insignificant from the footprint.

22 CHAIRPERSON PRICE: So this would -- I don't
23 want to pretend to be an expert in this. I only know
24 enough to be dangerous.

25 So the floodway issue here is the

1 floodplain. You mentioned an area of the floodplain.
2 Was that the area on the property or was that --

3 MR. SERAFINE: The entire floodplain.

4 CHAIRPERSON PRICE: That's where I lose is
5 whether that compensatory is a comparison to the
6 entire floodway and from where to where or are you
7 comparing wood storage capability that is currently
8 assumed onsite and how are you affecting what's just
9 on the site?

10 MR. SERAFINE: Well --

11 CHAIRPERSON PRICE: That's the conversation.

12 MR. GORDON: I mean, I'll just add this, I
13 am less of an expert on this than you are, Mr. Price.
14 But you know what I am an expert at? I'm an expert
15 reader.

16 And so I'm reading the engineer's report,
17 number 4, and it says "Construction standards outlined
18 in the Brighton Town Code for a floodplain development
19 permit indicates that encroachments into the flood
20 hazard zone AE requires the applicant to demonstrate
21 that the cumulative effect of the proposed
22 development, when combined with all other existing and
23 anticipated development, will not increase the water
24 surface elevation of the base flood more than one foot
25 in this location. Otherwise, the applicant can pursue

1 the conditional FIRM revision authorized by FEMA.
2 Please provide supporting technical documentation that
3 the proposed development meets the construction for
4 floodplain development in the Town of Brighton."

5 So the town engineer is looking for that.

6 MR. HAREMZA: Just to interject, and I'm an
7 expert at acronyms. And FIRM stands for "flood
8 insurance rate map" for those who are wondering.

9 MR. FADER: I have a question because
10 something you said just seemed very weird to me.
11 You're saying that Town Code says you can build
12 something and if it only raises the flood level 11
13 inches, it's okay?

14 MR. GORDON: We go by what FEMA's standards
15 are. That's all we do. We're just the
16 administrator -- correct me if I'm wrong on this.
17 We're just the administrator of those regulations and
18 that's what the regulations provide. And so, yeah, we
19 administer those regulations in accordance with the
20 regulations.

21 But I think the answer for you,
22 Mr. Serafine, is simpler. I don't think that enough
23 technical data was submitted to the Town for the
24 engineer to make that conclusion. So there you go.

25 MR. SERAFINE: Well, that's two different --

1 it's kind of again -- it's two different questions.

2 So one of the questions is where do we
3 get -- there's nothing in the Town Code about
4 compensatory areas. It's -- and even in the
5 engineer's report it says it might need compensatory.
6 There's no definitive answer like, this is what you
7 need to do to go one to one or something to that
8 nature.

9 Versus the other part of the engineer
10 report, which says you can't raise the level by a foot
11 or less or more, that's understandable. And that
12 could be substantiated. I have the flood map with the
13 elevations on it if I can pass them out.

14 CHAIRPERSON PRICE: Well --

15 MR. SERAFINE: Your other question was how
16 does -- doesn't it just for that property? But the
17 flood zone is --

18 CHAIRPERSON PRICE: Yeah.

19 MR. SERAFINE: -- one big strip.

20 MR. FADER: What creek or stream --

21 MR. SERAFINE: It's Allens Creek.

22 MR. FADER: So your calculation shows that
23 if you put the corner of that building into the
24 floodplain --

25 MR. SERAFINE: Exactly.

1 MR. FADER: So you believe it's going to go
2 up from -- what was it?

3 MR. SERAFINE: One-sixty-fourth of an inch.

4 MR. FADER: Okay. I have a hard time
5 believing that whatsoever.

6 MR. SERAFINE: I mean -- so that's being
7 very generous. In adverse-effect terms it's
8 insignificant.

9 CHAIRPERSON PRICE: So I think that's a
10 conversation with the town engineer. So there's --
11 you can do it under the -- I do not know --

12 MR. SERAFINE: Okay.

13 CHAIRPERSON PRICE: -- a hundred percent
14 what I'm talking about.

15 MR. SERAFINE: And I guess this is kind of
16 new for everybody.

17 CHAIRPERSON PRICE: It's new on this scale
18 for us.

19 MR. SERAFINE: Yeah.

20 CHAIRPERSON PRICE: When you're talking
21 about a map amendment, which is what our attorney,
22 Ken, is telling us, is generally when a watercourse is
23 changed and you're looking at a large subdivision or a
24 large project that, you know, you're changing grades
25 or you're changing watercourses on a much larger

1 scale, you can go in for a map amendment that once
2 everything is said and done, we're going to change the
3 elevations on the maps, on the FIRM maps.

4 The other is understanding what is the
5 impact that your -- what is the fill that this
6 addition represents and how do we compensate for the
7 loss of that storage capacity.

8 MR. SERAFINE: Right.

9 CHAIRPERSON PRICE: So I would -- I would
10 just encourage you to -- I think it's a matter of just
11 having the same discussions with Evert.

12 MR. SERAFINE: Okay.

13 CHAIRPERSON PRICE: Because --

14 MR. SERAFINE: I mean --

15 CHAIRPERSON PRICE: I don't have the answer.

16 MR. SERAFINE: Kind of my question is what
17 are the discussions that I need to have and who are
18 they with? I just got this engineer's report two
19 hours ago. I didn't even know who this person is. I
20 didn't know they were going to review this. Because I
21 could have, obviously, answered all of these points in
22 writing before this meeting and save everybody some
23 time, but, you know, we have -- we have the report,
24 the engineer's letter, and a lot of this stuff doesn't
25 even apply --

1 MR. GORDON: Well, I think there was a
2 lot -- do you know what would have saved us a lot of
3 time? To have complete information in the first
4 instance. This report from our engineer, Evert
5 Garcia, who's our town engineer, who I'm shocked that
6 you don't know who that is, but, okay. Fine. Maybe
7 you don't do business in the Town of Brighton and
8 maybe you didn't care to find out. But --

9 MR. SERAFINE: I explained --

10 MR. GORDON: Let me finish. You be quiet.
11 Let me finish.

12 MR. SERAFINE: No. No. Don't --

13 MR. GORDON: Mr. Serafine, do not interrupt
14 me. I won't interrupt you.

15 So what I'm saying is, if you want to have a
16 full review by this Board, you have to submit full
17 information. The engineer's report is replete with
18 requests for more information because you didn't give
19 the information that he needs to make his analysis.
20 And he's asking you, please submit that information so
21 I can make that analysis.

22 So for you to come in here and say, gosh,
23 nobody told me that I needed to submit complete
24 information in the first instance or I would have, you
25 should have known that from the very beginning and

1 submitted --

2 MR. SERAFINE: How would I know that?

3 MR. GORDON: Most professionals, in my
4 opinion and experience, try to be complete and submit
5 everything so that the analysis can be done up front.

6 MR. SERAFINE: Okay. So in your opinion, if
7 you meet with the town on a number of occasions and
8 say, what exactly do I need before this meeting and
9 you're told what you need, how would I know that I
10 also have to submit items to the town engineer? How
11 would I know that up front? That's my question.

12 CHAIRPERSON PRICE: Okay. Did you have a
13 pre-application meeting with our --

14 MR. SERAFINE: A number of meetings.

15 CHAIRPERSON PRICE: You did?

16 MR. SERAFINE: Jason and I met a number of
17 times. Rick was in a few of the meetings also. All
18 the parties were there.

19 We discussed what was needed to submit to
20 the Board before this meeting, what kind of
21 information was needed.

22 This is the first I've heard about a lot of
23 items that are in this engineer's report. Like I
24 said, I could have answered all of that.

25 MS. FORD: This is where we're at. We got

1 to move forward. This is unacceptable.

2 MR. SERAFINE: Pardon me?

3 MS. FORD: It's moot this argument, going
4 back and forth. Who said what or who --

5 MR. SERAFINE: I agree with that.

6 MS. FORD: So that's the --

7 MR. SERAFINE: What I'm thinking right now
8 is what should I do to go forward.

9 MS. FORD: It's been stated several times.
10 You need to talk to the engineer to get these
11 questions answered.

12 CHAIRPERSON PRICE: Okay. If you -- I'm
13 sorry that, you know, the depth or the breadth of
14 information needed was not brought up or -- I think
15 for this one issue -- this is kind of your sole issue
16 because it is an EPOD application. I think there are
17 a couple of ways of attacking the issue. I think I
18 would try to do it before getting FEMA involved in a
19 letter of map amendment to see if there was another
20 way to do it.

21 MR. SERAFINE: Why would we need a letter?

22 CHAIRPERSON PRICE: It will take a while.

23 MR. SERAFINE: I know that, but I wasn't
24 under the impression that we needed a letter or map.

25 CHAIRPERSON PRICE: The DEC regulations

1 speak to the fact that you can prove out how much of a
2 change in the elevation that this would bring about
3 and then go about a map amendment so that they would
4 officially change the elevation of the floodplain in
5 this -- probably in that entire --

6 MR. SERAFINE: But we don't need to do that
7 though.

8 CHAIRPERSON PRICE: Right. So it's a --

9 MR. SERAFINE: So this --

10 CHAIRPERSON PRICE: A map amendment is one
11 way.

12 MR. SERAFINE: This compensatory flood water
13 storage, this is coming from the Conservation Board,
14 which --

15 CHAIRPERSON PRICE: The Conservation Board
16 has no jurisdiction. There was a comment from them.
17 I think they just --

18 MR. SERAFINE: This says Conservation Board
19 and their comment was compensatory --

20 CHAIRPERSON PRICE: I think they -- I would
21 guess they made the comment because they didn't know
22 about compensatory storage. But the one that
23 administers that and manages that is going to be our
24 town engineer.

25 MR. SERAFINE: Okay. So --

1 CHAIRPERSON PRICE: Sorry about the
2 communication gap. But I think we would ask that you
3 speak directly to Evert. That would be -- I think go
4 a long way to get this resolved and get this done.

5 MR. SERAFINE: All right. So the question
6 then is we have to reschedule for next month or --

7 CHAIRPERSON PRICE: You'll remain on the
8 agenda. We'll likely table your application tonight.
9 But it would remain open like any other application
10 that has conditions. We'll list the conditions and
11 one of them will be to, you know, address the comments
12 in the town engineer's letter.

13 MR. SERAFINE: Okay. Sorry for the
14 disturbance. It's a very difficult procedure
15 obviously. And this is something that's not down all
16 the time.

17 CHAIRPERSON PRICE: Yeah. Woodlots, woodlot
18 EPODS and even wetland and steep slopes are things we
19 deal with much more.

20 MR. SERAFINE: Right. Okay. Thank you.

21 CHAIRPERSON PRICE: Thank you very much.

22 This is a public hearing. Is there anyone
23 that cares to address this?

24 MR. HEININGER: My dad once said -- Lawrence
25 Heininger, 376 Meadow Drive, resident of Brighton for

1 over 40 years.

2 As my dad once said to me, what good is
3 knowledge if you don't pass it on? I just want to go
4 over these things. So I'll be real quick. The
5 compensatory -- one time in Henrietta we were going to
6 build a path that was creating volume in the flood
7 area, not in the floodplain, but in the AE zone. We
8 had to go over the site and do a little scoop out
9 volume to volume, positive volume, negative volume.
10 Okay?

11 This raising of one foot where Jerry said
12 it's like one-sixty-fourth of an inch, something to
13 the 7th power, probably true. Right now, I'm doing an
14 E -- electronic LOMA, letter of map amendment, for a
15 property on Edgemere Drive in Greece. The maps show
16 that the portion of the property is in the AE zone,
17 100-year flood zone. It is not.

18 When you actually go in there and do the
19 survey, the flood zone is elevation 250. We're above
20 that. We're at 251 and change. So we got a little
21 sliver of land, survey description tied into a
22 intersection, send that to FEMA. And then those tiny
23 little maps is going to nudge just a teenie-weenie
24 little bit.

25 He needs that FEMA LOMA for the Town for his

1 C of O because he's doing up to the second floor. And
2 he needs it for his insurance company. That's the
3 reason. E-LOMA, letter of map amendment.

4 The other one is a letter of map revision.
5 So right now, I've got one on Conesus Lake, which will
6 be a conditional letter of map revision where the
7 cottage -- a big tall tree landed on an old cottage.
8 We're building a new cottage and we've got to bring it
9 up above the elevation, 821, which is the original
10 flood elevation.

11 So we've got -- half of the pad has to be
12 filled. We're well back from the lake, but it's all
13 flat down there. So we have to do half that pad.

14 The conditional letter of map revision is my
15 site plan is signed off by the Town. It all goes to
16 FEMA. They say, okay, plans good. As long as you
17 follow the plan, when you're all done, send us another
18 400 bucks and then we'll make it a letter of map
19 revision-fill final.

20 So that's the map revision. The other one's
21 a map amendment. That's what needs to happen.

22 And Jerry and I go way back to first grade.
23 So wanted to help him out.

24 MR. SERAFINE: I didn't know he was going to
25 be here.

1 MR. HEININGER: I saw this on the agenda. I
2 said, oh, my gosh.

3 CHAIRPERSON PRICE: Okay. So I think if you
4 just talk to Larry just a little bit more, sounds like
5 there's a couple of methods or couple of ways to go
6 about it. But either way, Larry, it takes an act of
7 FEMA to amend the letter?

8 MR. HEININGER: When Jared pulled out the
9 FEMA flood -- so you can go in and you've got all
10 these different colors. Those lines may not be
11 exactly where it is if you actually don't do a very
12 detailed survey. And that's what's happening up on
13 Edgemere Drive is they think it's partially on our
14 client's property. It's not.

15 Just as a reminder, Bill, a long time ago
16 when there was a Lexus for Rick Dorchel, we had to
17 relocate that stream you described.

18 CHAIRPERSON PRICE: Right. That's a
19 bigger-type project.

20 MR. HEININGER: Oh, yeah.

21 CHAIRPERSON PRICE: We have something
22 smaller.

23 MR. HEININGER: Right. So, you know, if you
24 take a look at what that is showing for Allens Creek,
25 which is near my house, you'll say, okay, well, they

1 say this is where the 100-year flood zone is.

2 You can go onto the County GIS site and get
3 that information. Or his surveyor can go get detailed
4 shots in the areas of question and he'll know exactly
5 where the contours fall. And that's where if it's an
6 issue for what you're building, you go to FEMA and
7 say, hey, change your little colored map. They're
8 happy about that because they want as much accuracy as
9 possible. Those FEMA maps were done with line art
10 with flying over satellites. So they're not as
11 accurate as a field survey.

12 CHAIRPERSON PRICE: All right. Do you feel
13 any better about the direction you've got? I'm trying
14 to make you feel good leaving this.

15 MR. SERAFINE: Yeah. I think I need to talk
16 with the town engineer and get these questions
17 answered.

18 CHAIRPERSON PRICE: All right.

19 MR. SERAFINE: Go from there.

20 CHAIRPERSON PRICE: Thank you. Did I
21 already ask if everybody else -- yeah. Larry came up.
22 All right.

23 Anybody else want to speak to this
24 application? All right.

25 Moving on to our next application, 4P-04-23.

1 And we're combining that with 9P-NB1-22.

2 **Application 4P-04-23**

3 Application of Kim Bailey, Stahl Properties,
4 owner, for Final Site Plan Approval and Demolition
5 Review and Approval to raze an existing single-family
6 home and construct a 5,050 +/- square foot
7 single-family home with a 900 square foot attached
8 garage on
9 property located at 12 Elmwood Hill Lane. All as
10 described on application and plans on file.

11 **Application 9P-NB1-22**

12 Application of Kim Bailey, Stahl Properties,
13 owner, for Preliminary Site Plan Approval and
14 Demolition Review and Approval to raze an existing
15 single-family home and construct a 5,545 +/- square
16 foot single-family home with a 900 square foot
17 attached garage on property located at 12 Elmwood Hill
18 Lane. All as described on application and plans on
19 file. **APPROVED IN PART** (demolition)/**TABLED IN PART**
20 (Preliminary Site Plan Approval) - **PUBLIC HEARING**
21 **REMAINS OPEN - POSTPONED AT APPLICANTS REQUEST**

22 CHAIRPERSON PRICE: Did we already review
23 demolition?

24 MR. HAREMZA: You did. And it was approved
25 in February.

1 CHAIRPERSON PRICE: Yeah. Okay. So this
2 says demolition review approval. But I think that
3 part has been resolved.

4 MR. HAREMZA: You're probably reading the
5 preliminary agenda.

6 CHAIRPERSON PRICE: Well it still says
7 preliminary/final. But anyway, this is 12 Elmwood
8 Hill Lane.

9 Just introduce yourself again please.

10 MR. HEININGER: Okay. Good evening. Larry
11 Heininger, vice president of engineering, Marques and
12 Associates. Our address is 930 East Avenue in
13 Rochester.

14 I did receive comments from Jason earlier
15 and did write up a response letter. You know, most of
16 them are -- in fact, really all of them are pretty
17 straightforward. Some of them are repeat comments for
18 the third or fourth time. So I just want to put them
19 to bed and document what we're going to do.

20 I see Kim back here. She gets a copy. With
21 me is Kim the owner. Kim Bailey can come up a bit
22 later if she so chooses. Okay.

23 So sewer department comment number 3,
24 there's a drywell slightly out of the limit of the
25 disturbance right there. We'll revise that.

1 Under decision comment number 9, it's not
2 possible -- we went through this last month -- to put
3 the orange fences at the drip edge of the trees
4 because we'd block the road here, block the road here.
5 It would go through the construction office. And town
6 engineer, Evert, told us to locate the fence at the
7 right-of-way on our property. That's it.

8 The height of the building is noted on our
9 site data. It's shown on drawing A-1. Great
10 calculations from Chuck Smith, registered architect.
11 But we will shrink this little guy down and put it on
12 the detail sheet. Normally you don't put something
13 like this on a civil engineering plan, but not a big
14 deal.

15 Number 15, we discussed quality control of
16 DWG files between architectural plans and site plans
17 back at the last meetings. Basically Jerry over at
18 Design Works sent Patricia her files. She brings them
19 in. That DWG -- see where the DWG is located. And we
20 have between three and four inches on all setbacks.
21 So I've staked out, by our surveyors, with points at
22 the corners of the foundation with 10-foot offsets
23 with the excavator. It lands within the setbacks. I
24 can meet with your guys and talk a little bit about
25 quality control, but that's how it's done.

1 The elevation drawing, so the elevation
2 drawing will be put in the detail.

3 We have the site data. More single-family
4 zoning information that we need to put on our plan
5 after Chuck Smith fills out this form, we'll do that.

6 The generator has been deleted at the
7 direction of Kim's husband, Pat Bailey. If the
8 homeowner wants to put a generator in, they'll
9 probably put it in here behind the house closer to the
10 gas supply. I assume it will be natural gas and be
11 closer to the unit that needs to be powered.

12 Originally they had it behind the pool
13 house, which meant you had to run gas out to the pool
14 house. So we'll fix that.

15 The demolition and grading plan, it's not up
16 here right now, but it's on sheet C-1. That has shown
17 the proposed contours since the December 7th drawing
18 iteration. Existing contours are a light line,
19 proposed contours are a heavy line. That's standard
20 drafting protocol.

21 The backfill specifications are on sheet
22 C-1, not up here. I could put it back up. But as I
23 said last month, they came right through the DOT spec;
24 number 40 to number 70, 70 percent; number 200, 15
25 percent.

1 "Select fill material will be suitable
2 material having no particle greater than 30 inch in
3 maximum dimension of the portion passing the four-inch
4 sieve. Materials will have the following
5 gradation..." John, you'll get a half PU for that.
6 So that's there.

7 So now, this has come up several times,
8 televising a lateral that was going to be replaced.
9 It is not in the right place anyway. We've noted it's
10 a four-inch PVC, SDR 21 on the specs going from the
11 wye into the back of the basement. And we keep
12 getting a comment to televise it and if it's not
13 suitable, to replace it. We are going to replace it.
14 Okay? So that's just my -- a little annoyance on my
15 part.

16 And later on, Evert gives specific
17 directions of how he wants this pipe cut out, a new
18 pipe squeezed in with Fernco connectors and a wye. So
19 when you've got one department giving specific
20 instructions on how to make that connection, you have
21 another department saying televise so we can see
22 whether it is suitable, it's kind of bananas.

23 Another one, storm sewers. Per the Loizer
24 Record provided by the Town and our survey and going
25 on the site, there are no storm sewers. And it's been

1 noted in the previous letters. There are no storm
2 sewers. So when they ask us to show the storm sewers,
3 I guess we could show a storm sewer down there on
4 somebody else's property, but it's not pertinent to
5 what we're doing.

6 All trees to be removed are shown with an
7 "X."

8 The easement maps and descriptions have been
9 provided to the Town. The Town tried to be closer.
10 They said it didn't close by one one-hundredth of an
11 inch, which is pretty thin. So Mike went back and
12 revised some barriers on a couple of lots, got things
13 to close, provided new easement maps and descriptions
14 to Evert. And Ken, I asked Evert a month ago how that
15 was going. He said you were having conversations with
16 John Houtz. So that's all I know.

17 So comment number 25, see response 12 above.
18 Same thing. Easement maps and descriptions, they've
19 all been provided to the Town. Individual maps for
20 the individual properties, individual descriptions,
21 overall descriptions, overall maps.

22 Comment 26, we have a spoil pile shown on
23 sheets C-1 and C-2.

24 And number 27, we will obviously obtain all
25 permits. We're not going to do anything without

1 permits.

2 DPW memo was dated maybe two days ago,
3 yesterday. So we are aware there's an outlet securing
4 the easements for the property. We will provide a
5 letter of credit for the items noted. I've already
6 pulled up a spreadsheet from a subdivision I did in
7 Walworth a few years back. Obviously most of those
8 things like water mains and fire hydrants don't
9 pertain.

10 Comment about the engineer's report, roof
11 areas. They were analyzed and noted on sheet C-2 by
12 Sidings and drywells. A 2 by 2 by 24 will serve a
13 roof area of a little over a thousand square feet.
14 The 2 by 2 by 30 will serve a roof area of 1300. This
15 is the only 30 inch. All the others are 24. There's
16 seven separate roof areas.

17 Given the cost of a 2 by 2 DI, which I think
18 is about 5- to \$700, the infiltration trench detail,
19 we'll use on some smaller ones based on contours. And
20 what they have out there now is some kind of pipe that
21 goes under the ground and infiltrates. And
22 construction details are already on the sheet.

23 So I will be adding more information on that
24 if I decide to change from seven, you know, concrete
25 DIs to three or four of those. Kim already owns two

1 to the infiltration trench.

2 The other thing that I will note is in
3 locating these, I looked -- I don't want them putting
4 water into the ground where it will have a propensity
5 to go to the foundation and create -- you know, a week
6 ago when we got that over an inch of rain, I had water
7 in my basement. I don't want to put water in anybody
8 else's basement. I don't want to make a decision to
9 make that happen.

10 So Evert asked for details or wanted to know
11 if these are the contours. They've already said that
12 they wouldn't.

13 But basically at the crossing point, the
14 four-inch lateral and the four-inch storm, 2 percent
15 slope down to the 4 percent slope or greater based on
16 the grade, we are going to have about two and a half
17 feet of clearance with the storm sewer going over the
18 sanitary. In another world, when you're crossing a
19 large main into the sanitary sewer, health department
20 only requires 18 inches. We're going to have almost
21 double that for sanitary lateral and the storm
22 lateral.

23 Last page, comment number 2, we will revise
24 the note -- we do have the note about the pool on one
25 of the other sheets. The pool has to go to the

1 sanitary sewer, but I will check with -- got a project
2 in front of Pure Waters right now. And I'll find out
3 about Brighton's sewer use law. So I'll put some
4 verbiage on there that the pool discharge has to do
5 that.

6 Comment 3, as noted previously, the lateral
7 will be replaced.

8 Comment number 4, follow recommended
9 procedures for installing the new wye.

10 Lastly, grading and erosion. Evert asked if
11 the drywell could be moved so that runoff from the
12 public cul-de-sac ran down into this drywell. And the
13 answer is yes, of course it can. But now you have
14 public runoff and snow melt going into a drywell the
15 size for a private owner's roof area. And I think
16 that creates a real sticky wicket. And right now, the
17 water just runs off and it goes to a golf course and
18 goes a long, long, long way until it gets down to the
19 next public road, which is Allens Creek.

20 So that's it. Any questions?

21 CHAIRPERSON PRICE: All right. So it sounds
22 like you got a couple of technical details with Evert
23 to go over and the issue of filing the easements for
24 the sanitary. Other than that, this application is
25 what we've been seeing with no other substantive

1 changes.

2 MR. HEININGER: The house way back when was
3 over 5,500. Now it's 5,050. That hasn't changed in
4 four or five months. They got the variance we needed.
5 They're noted on the plans.

6 CHAIRPERSON PRICE: Tell us about your ARB
7 experience.

8 MR. HEININGER: I'll let Kim come up.

9 CHAIRPERSON PRICE: Well, we know. I just
10 wanted it for the record.

11 MR. HEININGER: Well, for the record, they
12 like the plan. They questioned why she's using brick
13 and then painting it, but that's what she feels her
14 market would like.

15 And they complimented her on all detail that
16 was going into the drawings. And we see them next
17 week.

18 CHAIRPERSON PRICE: So but for a quorum,
19 that probably would have been passed.

20 MR. HEININGER: Yes. If there would have
21 been a quorum --

22 CHAIRPERSON PRICE: Okay.

23 MR. HEININGER: -- we'd be done.

24 CHAIRPERSON PRICE: All right.

25 MR. HEININGER: And then the construction

1 starts. So that's not really done.

2 CHAIRPERSON PRICE: That's all I have.

3 Anybody else?

4 MR. HEININGER: Well, the one thing I do
5 want to note, the existing house, that garage is going
6 to stay as far away from the new -- that is the
7 construction office and double doors where the
8 materials truck would stop. So that garage is going
9 to stay until it's time that it must come down.

10 CHAIRPERSON PRICE: Okay. You good? You
11 good?

12 MR. OSOWSKI: I have a question. The
13 sanitary sewer, is it going in the same place as the
14 old one or a different location?

15 MR. HEININGER: The sanitary lateral?

16 MR. OSOWSKI: Sanitary lateral, yes.

17 MR. HEININGER: The sewer's not changing.
18 That's here.

19 MR. OSOWSKI: Right.

20 MR. HEININGER: Manhole's here. It's a good
21 question. I was in the basement and the sanitary
22 lateral goes out the front. The pipes come down and
23 go out front and they must run around the side of the
24 house and they come out here.

25 So, you know, we're going to be coming in --

1 the 2 percent slope, we're going to be coming in here
2 about five feet below slab. So the existing
3 laterals -- but it's certainly taking a different
4 route to get where it needs to go. And once we're on
5 the slab, because they're going to have bathrooms in
6 the basement and rec rooms in the basement, there'll
7 be a plumbing increase in the basement.

8 MR. OSOWSKI: Do you think the town engineer
9 might feel better if you filled the old sanitary sewer
10 with flow overfill or something just to plug it?

11 MR. HEININGER: In what way?

12 MR. OSOWSKI: The sanitary lateral.

13 MR. HEININGER: I think we're --

14 CHAIRPERSON PRICE: Are you asking --

15 MR. HEININGER: I hadn't really thought
16 about it. Obviously, you're going to dig down to the
17 wye and see what's there. And that's probably cast
18 iron in this 1940 -- late '40s, '50s. It's cast iron
19 in the building. I don't think they would run a big
20 pile out there. So that's going to be caught at that
21 wye.

22 I suppose we could fill the lateral. It's
23 probably just going to come out of the ground because
24 it's going to be, you know, in the way and go in the
25 scrap yard.

1 MR. OSOWSKI: But that was my question. Is
2 it going to get excavated and pulled out?

3 MR. HEININGER: Yeah. Now, let me run this
4 by you. The comments from the town engineer -- again,
5 I don't really have a dog in this fight -- is to go
6 down and cut this big pile of sewer and a third go
7 here and a third go there and do this piece of PVC
8 with a wye. We're so close to the manhole, I don't
9 know why you wouldn't just Fernco here and run PVC
10 with the wye right into the manhole, why -- you know
11 and then put a ring around the PVC to make a
12 water-tight seal at the manhole. It seems easier, but
13 I can take that up with the contractor and the sewer
14 department.

15 But they've given us a description of what
16 they want. If that's what is the easiest way, fine.

17 MR. OSOWSKI: Okay.

18 CHAIRPERSON PRICE: Good?

19 MR. OSOWSKI: Yup.

20 CHAIRPERSON PRICE: Thank you. Okay. Thank
21 you. Are you set, Ken? Okay.

22 This is a public hearing. Is there anyone
23 who cares to address this application? Please come
24 up. Give us your name.

25 MS. RONNAN: Hi. Deborah Ronnan, 15 Elmwood

1 Hill Lane. I'm new at this and I have enjoyed and
2 admired watching the way democracy works in the Town.
3 However, this time I feel that the Town failed me.

4 I don't understand why when you have a
5 law -- and I'm probably not using a lot of the right
6 language -- on the books that says you do not put a
7 swimming pool in the side yard, which happens to
8 really affect me. I'm right below the swimming pool.

9 And the preference of this case is given to
10 a developer who's not going to even live there. You
11 know, he'll be done and gone. And I'm the resident.
12 And I would really prefer not to have it on the side.

13 CHAIRPERSON PRICE: This is deemed the
14 appropriate -- an appropriate location?

15 MR. HAREMZA: The variance of the pool
16 location was granted on February 1st.

17 CHAIRPERSON PRICE: Okay. So Zoning Board
18 of Appeals did allow -- did grant this. And that's
19 kind of your argument. Collectively the Town did
20 something you didn't approve of.

21 MS. RONNAN: That I didn't what?

22 CHAIRPERSON PRICE: That you didn't approve
23 of. Did you make a -- I assume you went to --

24 MS. RONNAN: Yes.

25 CHAIRPERSON PRICE: -- the Zoning Board of

1 Appeals.

2 MS. RONNAN: I did. And, you know, all of
3 this will be -- everybody will forget. I'm going to
4 live there underneath the pool. And I'm very worried
5 about every aspect of the building process, the
6 demolition, where all the water's going to go.

7 I'm not a technical person. I'm sorry I
8 don't have that kind of understanding. But I feel
9 that the Town let me down. That's really all I want
10 to say.

11 CHAIRPERSON PRICE: Thank you for coming
12 out.

13 MS. RONNAN: Thank you.

14 CHAIRPERSON PRICE: Anyone else care to
15 address this application? All right. Thank you,
16 Larry. You're welcome to grab your drawings.

17 All right. Our next application is
18 4P-05-23.

19 **Application 4P-05-23**

20 Application of 500 Canal View LLC, owner,
21 for Conditional Use Permit Approval to allow for an
22 office with a concrete testing laboratory on property
23 located at 500 Canal View Blvd. All as described on
24 application and plans on file.

25 CHAIRPERSON PRICE: Give us just one second.

1 MR. PREACH: My name is Rick Preach, 300
2 East Rochester. I'm the project manager for this job.

3 CHAIRPERSON PRICE: Okay.

4 So we have a tenant, Whitestone, to rent 500
5 square feet. There's available -- 2,000 square feet
6 of vacancy right now. And we're looking to add about
7 1,000 square feet of space for a lab.

8 We are registered in -- we are still in a
9 TOP tech park and should be able to have a lab in
10 there.

11 CHAIRPERSON PRICE: So tell us briefly what
12 they're doing. This is construction testing?

13 MR. PREACH: Yeah. I believe so. I'm not
14 fully up to date on that. Is Chuck here?

15 MR. GUZZETTA: Chuck Guzzetta with
16 Whitestone. Basically we're an engineering program
17 doing environmental materials testing. As far as
18 materials testing, we would collect samples from state
19 construction sites or local development sites, samples
20 of soil, bedrock, and then during construction,
21 concrete samples. We run basic tests on the soil,
22 like I said, analysis, you know different hand tests.
23 We only need a few lab tables of space.

24 We might have ovens. The ovens are --
25 basically 24-inch oven that just dries out the soil to

1 get the moisture out. So we'd be air drying and using
2 the oven to dry it out.

3 Concrete testing is just a compression test.
4 So if you're pouring concrete, you get a sample of the
5 concrete wet. You let it cure in the humidity room.
6 And that at 7 days, 28 days, after curing, we take
7 that sample and put it in the compression machine and
8 then break the cylinder. It's a pretty basic physical
9 test, no environmental contaminant-type testing going
10 on, no research.

11 CHAIRPERSON PRICE: Probably the next
12 question is you're not bringing any hazardous
13 material, samples --

14 MR. GUZZETTA: No.

15 CHAIRPERSON PRICE: Just construction
16 material.

17 MR. PREACH: Correct.

18 MR. GRISEWOOD: Do you have a disposal area
19 for the broken cylinders, the concrete? And how are
20 you going to dispose of those? I'm assuming you're
21 throwing them in a big pile out back.

22 MR. PREACH: Right. So we use -- I ran a
23 lab for 17 years at one company I was working at in
24 Henrietta and then another lab for about 8 years over
25 in Gates. There's another laboratory in the Town of

1 Brighton too. I'm not sure what they use.

2 We've always used a 10 yard -- cubic yard
3 dumpster. And basically when that dumpster gets
4 three-quarters full of concrete cylinders, they'll
5 come and they'll recycle that concrete. Someone will
6 come and pick up that 150-yard dumpster and they'll
7 leave another one. It gets recycled out every month
8 or however long it takes to fill it up.

9 MR. GRISEWOOD: Okay.

10 MR. PREACH: And we have the application for
11 that next week.

12 CHAIRPERSON PRICE: Who's that application
13 with?

14 MR. PREACH: I believe it's the --

15 MR. HAREMZA: Architectural Review Board.
16 They actually -- their review doesn't include the
17 dumpster. It's only changes to the building.

18 CHAIRPERSON PRICE: So this is a dumpster
19 that's going to be specifically for you?

20 MR. PREACH: Correct. Yup.

21 CHAIRPERSON PRICE: Okay. Thank you. And
22 otherwise the operations in the back portion of the
23 building, is there any difference in parking
24 requirements?

25 MR. PREACH: Actually there's a moving --

1 installing a roll-up door. But other than that, we're
2 taking on an existing window that's already in place
3 in the building. So slight changes in the structure
4 of the building. But yes, it's going to be pretty
5 minimal.

6 MR. OSOWSKI: Is this building slab on
7 grade?

8 MR. PREACH: I'm not 100 percent on that.

9 MR. OSOWSKI: It is?

10 MR. PREACH: I'm not sure.

11 CHAIRPERSON PRICE: I believe it is. I
12 think the backside --

13 MR. OSOWSKI: I just wanted to make the
14 floor structure is adequate to handle a pretty heavy
15 piece the equipment to --

16 MR. GUZZETTA: It is concrete slab
17 underneath. There's no additional work. It's slab
18 underneath.

19 MR. OSOWSKI: All right.

20 CHAIRPERSON PRICE: Everybody good? All
21 right. Thank you.

22 MR. PREACH: Thank you.

23 CHAIRPERSON PRICE: Is there anyone in the
24 audience that cares to address this application? All
25 right. Thank you.

1 Just for the record application 5P-NB2-22,
2 application of Bristol Valley Homes LLC and PEMM, LLC
3 has been tabled at the applicant's request until our
4 May meeting.

5 We did hear -- we have combined the next
6 application, which is 9P-NB1-22 in the previous
7 discussions.

8 Our next is 4P-NB1-23.

9 **Application 4P-NB1-23**

10 Application of Westmarsh Properties, LLC,
11 owner, for Preliminary Site Plan Approval and
12 Preliminary EPOD (woodlot) Permit Approval to
13 construct a 2,562 square foot two-story single-family
14 home with a 634 square foot attached garage on
15 property located at 57 Eldridge Avenue. All as
16 described on application and plans on file.

17 CHAIRPERSON PRICE: Good evening.

18 MS. MARCHIONI: Good evening. My name is
19 Monique Marchioni. I'm counsel for Westmarsh
20 Properties. My law firm is Marchioni & Associates at
21 2024 West Henrietta Road, Suite 3G, Rochester 14623.

22 Westmarsh purchased this property in
23 December of '22 and as you're aware, they have
24 intentions to build a new single-family home on the
25 property for resale to replace the existing abandoned

1 dwelling that is on the property.

2 And before you today is the preliminary site
3 plan that's been prepared by Westmarsh's engineer,
4 Greg McMahon, who's here this evening with McMahon
5 LaRue.

6 Westmarsh has met with the Town staff
7 regarding the site plan. And we incorporated the
8 comments received by town staff at that meeting
9 including reducing the size of the garage from a
10 three-car down to a two, which reduced the fingerprint
11 of the home.

12 Many considerations went into the
13 orientation of the home on the property that would
14 provide Westmarsh with an opportunity to build a home
15 that was more appropriate to the small lot size and
16 would require as few variances as possible. And
17 east/west orientation of the home would allow the home
18 to be more fully engaged in the environment and the
19 street with sight lines in all directions. And our
20 opinion is the fact the home -- the future homeowner,
21 provides improved visibility of the approach from the
22 top of the street towards Highland Avenue as well as
23 from the park towards Clinton Avenue to the east and
24 the majority of the park towards the south.

25 And the perception of the house from the

1 street would be improved for the park visitors by
2 reducing the width of the home and allowing the side
3 of the home to be the more dominant elevation.

4 It would also for a greater price be -- and
5 provide greater distance from the boundary lines, the
6 property lines, that are behind on Midland Avenue and
7 provide a unique and secluded and tranquil environment
8 to a future homeowner being surrounded by a park.

9 We also received input from some realtors.
10 And I understand you see two letters you have before
11 you today who shared similar -- the same thoughts and
12 supported the approach Westmarsh was taking in the
13 preliminary site plan and how to orient the home on
14 this property.

15 In addition to the preliminary site plan
16 approval, Westmarsh is also seeking approval to remove
17 a total of ten trees located in the center of the lot.
18 And these trees are within the footprint of where the
19 proposed home is to sit. They -- there's a grouping
20 of nine cottonwood trees that's in the area adjacent
21 to the proposed home and the driveway. And due to the
22 brittle nature of the wood and the cotton that blows
23 from these trees annually, it's not a desirable tree
24 around residential developments. And we are proposing
25 to remove those trees as well as one locust tree that

1 also sits within the footprint of the home.

2 Westmarsh is willing, of course, to replace
3 those trees with more appropriate trees that don't
4 affect the footprint of the proposed home and would
5 detail those when it's submitted its landscaping plan.

6 We have submitted an application to the
7 Zoning Board that is scheduled for next month's
8 meeting in May for variances for three -- correct me
9 if I'm wrong, Greg -- three variances for the front
10 and rear yard setbacks and overall coverage.

11 MR. McMAHON: Greg McMahon, McMahon LaRue
12 Associates, 822 Holt Road, Webster, New York.

13 We have the variance applications. One is
14 for front and rear setback. And the other application
15 is for coverage. And those -- we have submitted those
16 based on this layout.

17 And it was the direction of the Town that we
18 first approach the Planning Board for input before we
19 go to the Zoning Board. We don't want to go to the
20 Zoning Board and obtain variances for a layout that
21 the Planning Board's not going to support.

22 MS. FORD: Just a question of curiosity. I
23 know it's in a place that it says a small
24 single-family dwelling with two stories. What's the
25 difference in the footprint? The current vacant, in

1 poor condition, what's the footprint of that?

2 MR. McMAHON: How many square feet?

3 MS. FORD: Yes.

4 MR. McMAHON: I couldn't tell you exactly.
5 It's probably on 400 square feet. It's a ram -- it's
6 an old box and it's --

7 MS. FORD: And the new one?

8 MR. McMAHON: The new one, we're at -- based
9 on the Town requirement, the total square footage is
10 just slightly over 2500 square feet, which is the
11 maximum per the Town Code for a lot of this size work.

12 This is a pre-existing nonconforming lot in
13 the RLL district. We're only 11,500 square feet of
14 it.

15 CHAIRPERSON PRICE: So this is a little bit
16 of -- kind of a design conversation as much as
17 anything; right?

18 MR. McMAHON: Yeah. We're not -- it's a
19 preliminary application, but there's more engineering
20 that needs to go into this before you're going to be
21 satisfied to give us a preliminary approval.

22 We're looking for your input. This is the
23 layout we've proposed. As I said, we don't want to go
24 to the Zoning Board and get variances and come back in
25 for preliminary approvals and have you wanting to

1 change the orientation of the house because then
2 our -- then we're back before the Zoning Board to get
3 new variances.

4 MR. FADER: I have another question. You're
5 a little bit over on coverage, but you're building
6 this from scratch. Have you considered using
7 something pervious in the driveway?

8 MS. FORD: That's a huge driveway.

9 MR. McMAHON: We certainly can, but the
10 coverage isn't based on -- the only factor that comes
11 into play for coverage is the square footage of the
12 house.

13 MR. FADER: What about green space then?

14 MR. McMAHON: The green space, we didn't do
15 a calculation on green space, but from the coverage --
16 again, coverage per the Town standard is the
17 residential coverage. It does not include the paved
18 surfaces.

19 So again, it's -- could we use -- could we
20 use pervious pavement for the driveway? Certainly.
21 We haven't gotten to that stage of development yet.
22 You know, from a runoff -- we haven't even prepared a
23 grading plan.

24 MR. FADER: I understand that's a very wet
25 area and that's a pretty large driveway you're

1 sticking in there.

2 MR. McMAHON: Yeah. And we fully intend as
3 we develop this, once we were certain of the layout --
4 this land slopes to the south. There is a good
5 portion or good portion of that town park is wetland.
6 And the drainage from this, there's -- the wetland
7 does not cover this property, but there will be
8 drainage from this property towards the wetlands.

9 MR. FADER: That's what worries me.

10 MR. McMAHON: Well, I think it's a good
11 thing. That's where you want your drainage to go to.

12 MR. FADER: No.

13 MR. McMAHON: That's where we want our
14 drainage to go to.

15 MR. FADER: From an environmental
16 standpoint.

17 CHAIRPERSON PRICE: So first question, I
18 guess, is does the orientation of the building give
19 anybody heartburn over a more traditional? I mean,
20 there's no houses on this street. It's moving -- it's
21 moving the house further away from the property line
22 where the current home exists and I do think when you
23 go to the ZBA, I would have the existing home
24 footprint on there, even -- I don't know your schedule
25 to demolish things or any of that. But I think for --

1 so the ZBA can see the current relationship of the
2 building to the adjacent property.

3 MR. McMAHON: We can do that certainly.

4 CHAIRPERSON PRICE: The sand and the trees,
5 when you step back and look at it is a pretty nice
6 canopy of trees, but I can understand cottonwoods
7 being very messy and, you know, one the few things
8 that will grow there. But there are other things that
9 would grow that would be more appropriate.

10 MS. MARCHIONI: Yeah. And regardless of
11 orientation, whether it's shifted 90 degrees, that
12 cluster would still need to be removed in either
13 scenario.

14 CHAIRPERSON PRICE: Yeah. Actually, I
15 guess, I'd ask you to look at whether one or two of
16 them could stay. There's a couple in there that are
17 nice.

18 Peter, did you look at these?

19 MR. GRISEWOOD: I haven't been out on the
20 site, no. I can do that if you want me to.

21 CHAIRPERSON PRICE: It's a good little --
22 but I understand.

23 MR. GRISEWOOD: It's a fully wooded lot.

24 CHAIRPERSON PRICE: Other thoughts on the
25 orientation?

1 MR. BABCOCK-STIENER: You know, like you
2 said, it's not -- it takes away from the back lot
3 line, which is nice. I'm -- I mean, the one thing
4 you -- you know, if you turn it 90 degrees, then you
5 have the garage facing out; right? I mean it's -- you
6 know, that's -- personally, that's not something that
7 appeals to me. I like having the garage a little
8 hidden. I like this orientation.

9 MR. GRISEWOOD: Is the footprint of the
10 house or anything or trees marked at this point or no?

11 MR. McMAHON: No. The cluster -- the
12 cottonwoods is very obvious. There's only about a
13 dozen trees on the property. And this cluster of nine
14 sits almost in the middle.

15 MR. GRISEWOOD: Something always is.

16 MR. McMAHON: Pardon me?

17 MR. GRISEWOOD: That's how it always is.

18 MR. McMAHON: A lot of brush out by the
19 roadside. But they're very visible up there and
20 they're certainly accessible. Parked right on the
21 road there and they're about 50 feet away.

22 MS. FORD: What is the purpose of this
23 stick-out part of the driveway?

24 MR. McMAHON: It's -- so when a car --
25 assumedly someone's going to pull forward into the

1 garage. When they back out of the garage, they can
2 back around into that space and pull out of the
3 driveway going forward.

4 MR. FADER: Or they can use it to back in
5 there.

6 MS. FORD: Just that whole area seems
7 quite -- the driveway seems quite large.

8 CHAIRPERSON PRICE: So the garage is
9 actually set back from the front elevation. It is
10 further away. So as you're coming down the street,
11 it's not the first thing that you see.

12 The garage space provides a little bit more
13 buffering. Your proposal shows a proposed deck out
14 there so as not -- giving a little separation between
15 the neighbors and this house.

16 From the small tweak category, you know,
17 even a minor rotation of the house, although it means
18 it's not square to that south property line, might
19 present that front elevation just a little nicer to
20 the street. I do like the -- I do like the thought.
21 But I would mean just a couple degrees, not a lot.

22 I'm okay. You know, what about you guys?

23 MR. FADER: The orientation is fine.

24 CHAIRPERSON PRICE: Guys, thought on
25 orientation?

1 MR. OSOWSKI: Just the -- I would assume the
2 porch is probably the front door, front entrance. And
3 in fact, if that's the case, you can't really see it
4 from the street. So maybe might want to push that
5 porch out a little bit so that it's obvious that
6 that's the entrance you want to drive down the
7 driveway to get to the entrance.

8 MR. McMAHON: The final architectural or
9 even the preliminary architectural haven't been
10 completely developed yet, but that certainly can be
11 brought to the architect.

12 CHAIRPERSON PRICE: I guess the only other
13 thing really to talk about is seeing if there's some
14 way to reduce the amount of pavement.

15 MR. McMAHON: The pavement --

16 CHAIRPERSON PRICE: Can the hammerhead be a
17 little shorter? You know, right now out there you've
18 got two concrete wheel -- I don't know what to call
19 it -- but you drive on a very narrow -- could you put
20 a centerpiece of, not grass, but paver or something to
21 reduce the amount of pavement?

22 MR. McMAHON: Yeah. We can certainly look.
23 The hammerhead is probably a lot bigger than it needs
24 to be. And I've got some pretty big releases in there
25 that can be cut down, smaller radiuses. It was, you

1 know, just a plan that looked nice the way it was.
2 But, yes, certainly we can reduce the square footage
3 of the driveway.

4 CHAIRPERSON PRICE: Okay. I found the
5 letters that were submitted a little bit interesting.
6 One of the realtors brought up the principles of Frank
7 Lloyd Wright and Fallingwater and I thought it was
8 kind of a stretch. But, you know, some of those
9 principles would consider separating the garage from
10 the house and having that as a standalone. There's
11 other things, but this doesn't -- I mean, it's a good
12 design. It's a good direction. But if you want to
13 employ more organic principles, you can go even
14 further. I found it very interesting that he drew
15 comparisons to Fallingwater.

16 All right. So where do we leave them?
17 We'll actually be tabling this, as you -- I'm sure you
18 know. But I think --

19 MR. McMAHON: I would recommend -- I mean
20 whether or not you table us, it would be your May
21 meeting, we go before the Zoning Board I think on the
22 3rd or 5th. I forget which.

23 And then subsequent to that we'll engineer
24 the plans, come back, submit a more detailed site plan
25 for you and take into account any comments we hear

1 tonight and be back before you at your May meeting.

2 MR. GORDON: The one thing I wanted to
3 highlight for you, it does not have to do with
4 orientation. It has to do sewers.

5 MR. McMAHON: Yes.

6 MR. GORDON: And I just wanted to make sure
7 that you saw the town engineer's comments -- I think
8 it's number 8 in his report -- where he questions
9 whether directional drilling can actually be done
10 without disturbing the surface of the Town park and
11 the wetlands, internal wetlands. Because that is a
12 requirement. And yet you can have right angles on
13 that sewer line.

14 So he was uncertain as to how you could
15 possibly do directional drilling without disturbing
16 the surface if you have right angles on that line.
17 And that's something you need to talk with Evert about
18 and see what the solutions are.

19 MR. McMAHON: We will explore that. And it
20 would impact -- it would impact only one corner right
21 here, which is in a federal wetland. This corner
22 could be excavated and directional drilled in both
23 directions. And if it came down to the fact that we
24 had to get a permit from the Corps of Engineers to
25 excavate the directional drilling, I don't think it

1 would be a big push. But we certainly understand if
2 we do something there, we have to apply for permits.

3 MR. GORDON: We just want to make sure that
4 that doesn't get lost. And then you get down the road
5 and find out there's no way to get a sewer to this
6 house. That would be very bad.

7 MR. McMAHON: Yeah. We do have the
8 easements and -- see this is an inch and a half force
9 main. We're not directionally drilling a big force
10 main. So a lot of this will have to be a conversation
11 with the driller about what they're physically capable
12 of.

13 MR. GORDON: So take a look at those
14 comments about the directional drilling, also about
15 the impact of the force main, the low-pressure system
16 that's going into. Have those conversations with
17 Evert as well.

18 MR. McMAHON: We will. We've had some
19 conversations about this, but we'll continue that.

20 CHAIRPERSON PRICE: Greg, who confirmed the
21 variety of trees there, those cottonwoods? Was that a
22 surveyor or did you have somebody else come out?

23 MR. McMAHON: I believe John Marchioni
24 had -- a tree company came out there. He had a
25 contract to cut those trees down. And it was there

1 identification of the trees as cottonwoods. We did
2 not identify them. I mean, it wasn't something we
3 did. It was like a tree surgeon or a landscaper.

4 CHAIRPERSON PRICE: I looked at them and I
5 honestly couldn't tell, to be honest with you. Most
6 of the crown and the branching and buds are so high I
7 couldn't really tell.

8 MR. GORDON: Do we have anyone on the Board
9 who might be able to look at them and tell?

10 MR. GRISEWOOD: They've been cut down
11 already; right?

12 MR. McMAHON: No.

13 MR. GRISEWOOD: Oh.

14 MR. McMAHON: They had somebody look at
15 them.

16 MR. GRISEWOOD: Did you look at them?

17 CHAIRPERSON PRICE: I didn't think they were
18 cottonwoods, but maybe.

19 MR. GRISEWOOD: I understand, you know,
20 cottonwoods are not very desirous to people
21 necessarily to have close to their house for some of
22 the reasons you said, but from an environmental
23 standpoint and being close to a wetland, those --
24 cottonwoods are lowland trees that help to hold the
25 soil together and suck up a lot of water. They

1 actually belong in that lowland area. So they're
2 appropriate trees for where they're currently
3 situated, just not when people move in.

4 So what I would like -- I don't know if this
5 is a requirement, but just to understand a little more
6 firmly what your commitment to replanting is and where
7 those trees will go, what the species of plantings
8 would be.

9 MR. McMAHON: As part of -- right now our
10 application is preliminary. When we do submit final
11 plans here, there will be a landscape plan fully
12 detailed with number, type, any type of -- whether
13 it's ornamental.

14 MS. FORD: With the focus on native as other
15 cottonwoods are.

16 MR. GRISEWOOD: Native lowland trees, red
17 maples, river birch that type of thing. More
18 appropriate than even like oak trees or something.

19 MR. McMAHON: Right. Yes.

20 CHAIRPERSON PRICE: Thank you.

21 MR. FADER: You got the beavers in there.
22 They will take care of it for you.

23 MR. McMAHON: Okay. Thank you.

24 CHAIRPERSON PRICE: Thank you. Is there
25 anyone in the audience that cares to address this

1 application? All right. How you doing?

2 MR. HAREMZA: May we take a brief
3 three-minute recess?

4 CHAIRPERSON PRICE: Okay. Be back at -- as
5 close to 9 as possible.

6 (There was a pause in the proceedings.)

7 CHAIRPERSON PRICE: All right. The last
8 application or last public hearing for the night is
9 4P-NB2-23.

10 **Application 4P-NB2-23**

11 Application of 1950-1966 Monroe Avenue, LLC,
12 owner, for Preliminary Subdivision Approval,
13 Preliminary Site Plan Approval, Preliminary
14 Conditional Use Permit Approval and Demolition Review
15 and Approval to raze two commercial buildings, combine
16 two lots into one, and construct a 2,667 +/- square
17 foot convenience store with gasoline sales under a
18 2,160 +/- square foot gas pump canopy, with extended
19 hours of operation on property located at 1950 and
20 1966 Monroe Avenue. All as described on application
21 and plans on file.

22 MS. BRUGG: Good evening. My name is Betsy
23 Brugg. I'm an attorney with the Woods Oviatt here
24 tonight on this application. Lou Terragnoli, Jr. is
25 here, the property owner. John Hotto from LandTech is

1 here tonight to answer any questions.

2 So I think it's been a while since the Board
3 has seen this project, but you have seen it several
4 times in the past in connection with an incentive
5 zoning application. The Town Board did grant that
6 incentive zoning last month I believe. So hopefully
7 you've had the chance to see that resolution. The
8 Board did make a favorable recommendation on the
9 incentive zoning.

10 We did just receive the staff comments
11 earlier today. So I'm assuming you've also just
12 gotten them. So we did take a look at them. There's
13 nothing in there that is a show stopper, but clearly
14 we have to get some information and we'll be preparing
15 a response. But if there's anything in that list of
16 items that you'd like us to focus on tonight, we
17 certainly will. I did hear the comments when you were
18 going through your agenda earlier today. So we are
19 prepared to talk about the decorative feature.

20 I think everybody's familiar with the site
21 on the corner. We're looking at two different parcels
22 here. There is an existing gas station, service
23 station, auto repair that's been there for many, many
24 years. I grew up in Twelve Corners. I remember
25 cutting through this parking lot many times to get to

1 school. It's been a gas station forever.

2 I think a lot of work has gone into
3 providing this design. You know, it's an opportunity
4 to rebuild the corner the way that's really going to
5 enhance and provide a more village-like, a Twelve
6 Corners-like engaging type of an operation, a business
7 that engages in a public-way, inviting.

8 I think you've seen there's illustrations
9 with outdoor seating. There's access both from the
10 intersection area, a pedestrian access through there
11 and also to the parking area. The gas pumps are
12 placed behind the building.

13 It's got some pluses. There's a reduction
14 in the amount of impervious area, a reduction in curb
15 cuts, attractive new architecture. A lot of thought
16 has gone into arriving to this point.

17 So you have a tone of material in your
18 packets. So I don't know if you want us to kind of go
19 through the overall design and kind of do like a
20 refresh. We can go back and go through all of that.
21 If there's specific areas of the design you want to
22 focus on, we're happy to do that. We can approach
23 this however you would like.

24 CHAIRPERSON PRICE: Betsy, maybe just more
25 of a conversation. So I think for the record if we

1 can ask John and Lou to just introduce themselves and
2 get you on the record because this might be kind of a
3 back and forth. And we might just be talking about
4 some of the details. Unless anybody has concerns over
5 the fundamental layout of this, I think we're down to
6 probably talking about drilling into some details.

7 MS. BRUGG: Yeah.

8 CHAIRPERSON PRICE: Right.

9 MR. BABCOCK-STIENER: Yeah. I think
10 that's --

11 CHAIRPERSON PRICE: So please, Lou.

12 MR. TERRAGNOLI: Good evening. I'm Lou
13 Terragnoli, director of real estate and development
14 for the Quicklee's. Happy to talk about this project
15 tonight and address any comments or any concerns you
16 might have. Appreciate the opportunity. Thank you.

17 CHAIRPERSON PRICE: John.

18 MR. HOTTO: Good evening. I'm John Hotto
19 from LandTech Surveying and Engineering of Rochester.
20 I basically designed the site layout and the
21 dimensions of the stormwater management system.

22 CHAIRPERSON PRICE: And landscape design?

23 MR. HOTTO: Pardon me?

24 CHAIRPERSON PRICE: Landscape design?

25 MR. HOTTO: Yes.

1 CHAIRPERSON PRICE: Okay. All right. So
2 the main features of this are the architecture of the
3 building. This has been through the Town Board,
4 various committees of the Town Board. It has been to
5 Architectural Review Board. I don't know -- does it
6 have -- do you have Architectural Review Board? I
7 don't know that -- did their comments go back to the
8 Town Board?

9 MS. BRUGG: I believe we need to go back to
10 the Architectural Review Board. And I believe it's
11 scheduled for later -- am I right, Jason? Later this
12 month? Or is that -- no. Sorry. We haven't
13 submitted yet.

14 MR. HAREMZA: Yeah. I don't know. It went
15 for a concept review to the ARB in July of last year.
16 And it was received positively, but final plans were
17 not...

18 MS. BRUGG: Yeah I think the ARB had a lot
19 of input and a lot of review.

20 CHAIRPERSON PRICE: There's incentive
21 zoning. There's -- the benefit of what we're getting
22 here as far as the reality of design by committee.

23 And so we'd like to give you some thoughts
24 on the plaza that's out front, specifically looking at
25 the vertical feature that's out front.

1 I think we're going to leave the
2 architecture alone. I think that's been covered by
3 ARB and the Town Board. But there's some features of
4 the stormwater management and some buffering in the
5 back, those kinds of things.

6 I don't know. Julie, got any thoughts on
7 that -- the configuration and design of the front
8 plaza?

9 MS. BRUGG: It's right over here.

10 CHAIRPERSON PRICE: And the -- you have a
11 seat wall in there. I mean, we've kind of always
12 talked about public seating. Some of the earlier
13 versions that we had seen way back had probably a
14 little more green space in the front with a wall that
15 would identify -- would be a place for some signage.

16 But then I think ARB and maybe the Town
17 Board chimed in that that's going to get trampled by
18 kids. It's going to get -- you know, come 2:30 in the
19 afternoon. And kind of maintaining that. And it's an
20 urban space. I know we like to make it suburban, but
21 it's really -- you know, it's part of the urban kind
22 of fabric. Although not all of it is well defined.
23 But this is doing a nice job of bringing people into a
24 plaza space that I really like.

25 But what are your thoughts on that?

1 MS. FORD: I mean, I think you put it well.
2 The point is well-taken about the kids going through.
3 When you look at it's like, wow, that's a lot of
4 concrete, but, wow those kids are messy.

5 CHAIRPERSON PRICE: Yeah.

6 MR. BABCOCK-STIENER: I -- from my -- I like
7 it generally. I like the circle there. I like the
8 seating around it.

9 I am not a landscape designer. I hire them.
10 So we have talented people that can do that kind of
11 thing. I know when it looks good. I know this is
12 good general -- I like the general form. Like what
13 details go in there, you know, what type of plantings,
14 how much plantings, how high, that's not necessarily
15 my forte. But I like the general form of this, the
16 general structure, if that makes sense.

17 CHAIRPERSON PRICE: Yup. And was there
18 anything about the -- kind of the backside that -- I
19 mean, it's pretty straightforward. I think the
20 circulation is -- we're reducing curb cuts, really
21 kind of making that whole segment of both Elmwood and
22 Monroe nicer.

23 MR. BABCOCK-STIENER: Oh, yeah. Absolutely.

24 CHAIRPERSON PRICE: All right. John feel
25 free to chime in on the light pole thing.

1 MR. FADER: My thought is similar to Bill.
2 I would have liked to have seen more green in the
3 front. You know, maybe the circle a tiny bit bigger.
4 But I am not going to like, you know, get upset over
5 it.

6 Hopefully you'll put something interesting
7 in the circle. I understand the thing with the kids,
8 but I'm hoping they're not going to be running back
9 and forth across the circle.

10 CHAIRPERSON PRICE: Up and over anywhere.

11 MR. FADER: Yeah.

12 CHAIRPERSON PRICE: What about the light
13 pole feature as an element?

14 MR. FADER: I don't know. I mean, given
15 where it is, Twelve Corners, it doesn't really -- I
16 don't think it's wonderful, but it doesn't bother me.

17 MR. BABCOCK-STIENER: I think you need
18 height. I don't think you can't just do a bunch of
19 pansies across the top and leave it at that. I think
20 you need to pull the structure up. Because
21 otherwise -- because I think you can get away with the
22 overall pavement if you're pulling --

23 CHAIRPERSON PRICE: Something.

24 MR. BABCOCK-STIENER: Pulling something up;
25 right? Whether or not that's a light, which I

1 generally think we have a lot of problems with. But I
2 do like the form of them. And I like that it's
3 iconic, something for Brighton. And I think it is
4 recognizable. But yeah, I do think you need height.

5 CHAIRPERSON PRICE: Okay. Julie, you agree?

6 MS. FORD: I agree.

7 CHAIRPERSON PRICE: There needs to be
8 something vertical in that space.

9 Before I say anything, Peter, you got any
10 thoughts on the design?

11 MR. GRISEWOOD: Yeah. I do like that
12 circular feature in the front there by the corner.
13 I'm not really clear on what's going on in the back
14 portion of it, but that's probably a little less
15 important, parking lot.

16 When I see that, I just think about Geneseo.
17 You've been to Geneseo and you've seen the little --
18 that bear in the middle.

19 CHAIRPERSON PRICE: Yeah, yeah.

20 MR. GRISEWOOD: Might be, you know... you
21 guys think about a water feature? You know, are there
22 any type -- something iconic.

23 MR. TERRAGNOLI: I can tell you how we got
24 to where we are today. We're very respectful of what
25 the Board may comment and what direction the Board may

1 want to take. How we got to where we are today is
2 through some specific direction from the Town Board,
3 who loved the feature and approved it. If this board
4 would like to see something different, we're very open
5 to suggestions.

6 My only request is if we could at least have
7 some specific direction and we'd be very open to
8 entertaining it. We all are in agreement that the
9 feature there is something for the Town of Brighton
10 and it's for the Town. And so with some specific
11 direction, if we need to go in a different way, we're
12 happy to do so.

13 MR. BABCOCK-STIENER: Is this -- again,
14 getting into design by committee, because it's just
15 every iteration, is this something that could be
16 handled by maybe a smaller group of folks in
17 coordination with them? Maybe taking some general
18 feedback from what we say and then -- because again, I
19 don't necessarily feel qualified to be making specific
20 guidance and I think that's what they're looking for,
21 something more specific than just some of the
22 generalities. If that might be a more effective way
23 to go about doing that, I don't know.

24 MS. BRUGG: Is architectural review going to
25 take a look at that as well?

1 MR. GORDON: Not really. Architectural
2 Review Board will not typically look at decorative --

3 MS. BRUGG: Decorative. So actual water I
4 think is like asking for the kids to come do
5 something.

6 MR. GRISEWOOD: That's what they do. They
7 jump in there.

8 MR. GORDON: So just to give Lou some very
9 specific feedback, you will recall, as your plans now
10 show, there is sort of a globe feature to the light
11 fixture that you showed. When that went before the
12 Public Works Committee, the Public Works Committee, to
13 the surprise of the Town Board members, said well,
14 gosh, instead of that globe feature, maybe you could
15 use the harp lamp, which is the symbol of the Town of
16 Brighton. And I think that's where this harp lamp
17 idea sort of started to coalesce.

18 However, I will tell you my conversations
19 with the Town Board and the Supervisor would indicate
20 that they are not hey, we got to have a harp lamp
21 there. It was a, well, it's a design feature. Yeah,
22 that'd be nice, but we really haven't given it much
23 thought.

24 So I know that when you build your project,
25 you don't want people hating on your corner because

1 you put something up there that people don't like.
2 And so you need to have some specific input from
3 somebody.

4 MR. TERRAGNOLI: Yes.

5 MR. GORDON: And in talking with staff and
6 the Supervisor, the feeling was that really the
7 Planning Board is the board with the most talent on
8 this issue frankly. It is.

9 MS. FORD: Don't look at me.

10 MR. GORDON: Well, I'm looking at all of
11 you, but maybe look to the Chair as well.

12 CHAIRPERSON PRICE: Oh, I have opinions.

13 MR. GORDON: I know he would. So that's why
14 I raised the issue is because I don't want it to just
15 be one of those well, why do we have a harp lamp
16 there? I don't know. We never questioned it. They
17 said they want -- Quicklee's insisted on putting up a
18 harp lamp. And then you guys are going to go, no, we
19 didn't. You guys wanted the harp lamp.

20 So I don't want to get there. That's why
21 we're having this discussion.

22 MR. FADER: So I'll just say one thing just
23 to make it worse. I didn't realize until you pointed
24 it out that it's a harp lamp. And now that I know
25 that, I kind of like it.

1 MR. GORDON: You're not alone.

2 MS. BRUGG: Is that the name of the lamp by
3 my house on Rhinecliff Drive? Is that what it's
4 called?

5 MR. TERRAGNOLI: That's what it is. We took
6 it right from the website.

7 MR. FADER: I think it's a good sign though
8 that we're like debating the circular garden feature
9 in the front of this project considering what it used
10 to be and what it's going to become.

11 MR. GORDON: No doubt. When this project
12 started with this board, before it was an incentive
13 zoning project at all, was pumps forward, building
14 back. And it was this board that moved that project
15 to flip. And that's been the huge piece of this.

16 We're into the minutiae in a way now, but
17 it's important.

18 MR. FADER: It's one of the few projects I
19 am going to take home and show pictures to my wife on.

20 MR. TERRAGNOLI: I would just like to
21 re-emphasize that the feature that's vertical now,
22 there's two banners. That is -- those will have
23 nothing to do with Quicklee's. That will have Town of
24 Brighton. If we stay that way, that will be Town of
25 Brighton information and historical information.

1 MR. BABCOCK-STINER: I do like the banners
2 on the side. It fills the space, that vertical space
3 a little bit.

4 MR. OSOWSKI: That's even bigger than what
5 the actual bulb is. It's oversized to look more
6 attractive.

7 CHAIRPERSON PRICE: You want to give your --

8 MR. OSOWSKI: No. The only other thing I
9 can think of is someone donating an Albert Paley
10 sculpture there.

11 MR. GORDON: The Town Supervisor would be
12 giving John a big thumbs up right now. I will just
13 tell you that.

14 MR. OSOWSKI: No. I like the harp lamp
15 also, but it needs to be a better version than the one
16 that's in the Bel-Air neighborhood.

17 CHAIRPERSON PRICE: I will only say one
18 thing about the architecture and forever hold my
19 peace. The hip roof on this makes the building bigger
20 than it needs to appear. This is a small building and
21 by putting that hip roof on has made the building
22 appear bigger than the operation actually is.

23 That said, I like the columns. I like the
24 spaces that it creates. I love the way that it's
25 projected forward. It creates a covered overhead.

1 John, I do like the plaza design.

2 What I would be very nervous about is any
3 stamped concrete. I would be very opposed to stamped
4 concrete. I would go with regular concrete and
5 exposed aggregate or exposed aggregate bands and
6 pavers. I'm looking at your drawing, but I would
7 just -- I just need to be kind of clear.

8 The other thing is how you raise the plant
9 bed. I really don't want to see a keystone or
10 segmented block wall out there. I'd rather, you know,
11 poured concrete, even though a circle is hard to
12 achieve.

13 Another option, John, which is not cheap,
14 but it's not as -- not that much more than a poured
15 placed wall is precast concrete. You know, five, six
16 foot long segments in an arc. It's one mold. You're
17 asking the pre-caster to make one mold and repeat it
18 several times. And you would have a far better built
19 product out there.

20 MR. TERRAGNOLI: So I do have a question
21 with regard to the front because I was taking notes.
22 I heard you say I'm opposed to stamp concrete, but you
23 said you were in favor of something and I didn't get
24 that.

25 CHAIRPERSON PRICE: Yeah. So that would be

1 just poured in place concrete with a exposed aggregate
2 finish. John can explain the details, but it looks --
3 we have it all through -- I think we have a lot in
4 Twelve Corners where you have bands of this are
5 just -- you know, it cures for a few hours and then
6 you hose off and expose the aggregate that's in the
7 concrete. And you use granite instead of angular
8 crushed stone. You use -- actually it's pea stone
9 gravel.

10 I don't have a problem at all with the
11 planting, John. I would just say there's one locust
12 tree on Elmwood that looks like it's super close to
13 the paving. And I'm concerned -- it would be -- so it
14 would be the building --

15 MR. HOTTO: The one on the corner here?

16 CHAIRPERSON PRICE: No. Down towards the
17 building. There's an existing locust right where your
18 finger is. Yeah. It's right there. I would just --
19 I would just, you know --

20 MR. HOTTO: Try to incorporate it.

21 CHAIRPERSON PRICE: You know, it's one of
22 those you're going to have to see it in the field and
23 see how the concrete and the pavers come up to it and
24 can you do exactly what you're trying to do or does it
25 have to be changed a little bit. That one line is

1 very close to the trunk. Plantings and everything, I
2 think --

3 MR. HAREMZA: Sorry, Bill. I think that
4 locust is in the right-of-way.

5 CHAIRPERSON PRICE: Yeah. But so is the
6 pavement that's going out to it.

7 MR. HAREMZA: Right, right, right.

8 CHAIRPERSON PRICE: The last thing I think
9 I'd like to comment on is the light. I do not like
10 the light.

11 MR. TERRAGNOLI: The vertical feature?

12 CHAIRPERSON PRICE: The vertical feature.
13 I'll tell you, it is weird. I think it's weird. Two
14 things I could think of doing is one design
15 something -- do you remember -- you're a gas station
16 guy. You remember the old Gulf Station signs. They'd
17 come up and they'd have to have a bracket in the --
18 the sign was round within a bracket. And I'll find a
19 picture.

20 MR. TERRAGNOLI: I would appreciate that.

21 MR. GORDON: Look up Barrett Jackson and
22 you'll find lots of them.

23 MR. TERRAGNOLI: Barrett Jackson?

24 MR. GORDON: Barrett Jackson.

25 CHAIRPERSON PRICE: I don't think it's

1 necessary to actually use one of our light poles and
2 an actual fixture. If it's a symbol of the Town, it
3 could be just a graphic on a panel of a design that
4 was kind of -- I don't know -- route 66-esque or
5 something.

6 MR. BABCOCK-STIENER: Yeah. You're taking
7 the old sign, using the old sign as the structure, but
8 instead of literally taking the light, you're taking
9 it and doing some kind of impression of it, if you
10 will, and creating that on that older style.

11 MR. TERRAGNOLI: Can I restate that to make
12 sure I understand? So if I'm hearing correctly, we
13 like the idea of the light, but not a light. It would
14 be more, find a decorative feature sign with like an
15 imprint of a light on it.

16 CHAIRPERSON PRICE: I would just make a
17 graphic.

18 MR. TERRAGNOLI: A graphic. Okay.

19 CHAIRPERSON PRICE: You know, silk -- it
20 could be vinyl. It could be silk screen. You just
21 take aluminum or steel narrow gauge.

22 MS. BRUGG: Not illuminated?

23 CHAIRPERSON PRICE: I would say not
24 illuminated, but you could have a -- what if you do
25 the gooseneck that hung down the chain?

1 MR. TERRAGNOLI: We could do a gooseneck
2 light. So it would have to be an external light to do
3 the gooseneck light versus internal.

4 MS. BRUGG: Do you have like a photo?

5 CHAIRPERSON PRICE: I'll find one. It's a
6 modern take on like an old gas station sign.

7 MR. TERRAGNOLI: I hate to say this, but I
8 think I know what everybody wants, but if you send me
9 a picture that would be great.

10 MS. FORD: I'd like to see the picture.

11 MR. GORDON: This is the top of one without
12 showing -- is that the kind of thing you're looking
13 for?

14 CHAIRPERSON PRICE: So that's standard
15 oil --

16 MR. GORDON: Standard oil one with a globe,
17 you know.

18 CHAIRPERSON PRICE: Well, it clearly --
19 that's like internally lit. This wouldn't have to be.

20 MS. FORD: No internally?

21 CHAIRPERSON PRICE: No. It wouldn't have to
22 be internally lit.

23 See how the light is on top? But you would
24 have kind of a -- sorry -- sexier --

25 MR. HAREMZA: What if you play on the number

1 12?

2 MR. FADER: Where would the sign go?

3 CHAIRPERSON PRICE: It's going in the middle
4 of the --

5 MR. BABCOCK-STINER: It's replacing the
6 literal light.

7 CHAIRPERSON PRICE: I mean, it's still --
8 you'll see that. It will be prominent, but it's
9 not --

10 MS. FORD: So don't look at what's inside.
11 It's just the filigree.

12 MR. TERRAGNOLI: That's fine. We'll see.
13 Still do banners on the side? Do we like the banners?
14 Not the banners? Don't need banners?

15 CHAIRPERSON PRICE: No.

16 MR. BABCOCK-STIENER: I don't think those --
17 that's not going to be that tall now. I think that's
18 going to have a bigger profile.

19 CHAIRPERSON PRICE: Bigger profile than the
20 little light.

21 MR. BABCOCK-STIENER: So I think you're fine
22 without it.

23 MS. BRUGG: Like that fan back there?

24 MR. BABCOCK-STIENER: Yeah.

25 CHAIRPERSON PRICE: Yeah. Okay.

1 (Simultaneous conversation interrupted by
2 the court reporter.)

3 CHAIRPERSON PRICE: So that was one of my
4 ideas. And the other one was to take a whole bunch of
5 harp lights and create a sculpture out of them.

6 MR. BABCOCK-STIENER: I like this better.

7 CHAIRPERSON PRICE: I told you it was --

8 MR. FADER: I'll go with that as long as we
9 have a metal brass topper on top.

10 CHAIRPERSON PRICE: Send Albert Paley -- if
11 you gave Albert Paley 20 harp lights, he'd make you a
12 nice sculpture.

13 MR. GORDON: So what I'm going to suggest is
14 take these wonderful ideas, take it to your creative
15 people --

16 MR. TERRAGNOLI: He's standing here.

17 MR. GORDON: -- and put pen to paper. And
18 then I would want you to share it with this board and
19 then I will want to share it with at least the Town
20 Supervisor just to try to make sure we're getting all
21 towards the right thing.

22 MR. TERRAGNOLI: Of course.

23 CHAIRPERSON PRICE: I have a picture of
24 exactly what I'm thinking. I have to find it.

25 MR. TERRAGNOLI: I look forward to it.

1 Really this is something we're happy to design.

2 CHAIRPERSON PRICE: It doesn't veer terribly
3 far from where --

4 MR. TERRAGNOLI: Yeah. Exactly.

5 CHAIRPERSON PRICE: -- everybody was.

6 MS. BRUGG: People are going to be saying
7 I'll meet you at the Popsicle sign or the whatever.

8 CHAIRPERSON PRICE: Other comments? I think
9 we would be -- Jason, Ken, do we need further
10 discussion?

11 MR. GORDON: There's a lot of comments here,
12 the engineering comments. I was just trying to
13 remember what Jason -- I think it was Evert who was
14 talking about using some sort of -- I'm going to get
15 the terminology wrong, but why it would be -- as to
16 the water feature. Does this sound familiar to you in
17 some way?

18 MR. HOTTO: Well, what we --

19 MR. GORDON: Across the street in front of
20 Twelve Corners Middle School.

21 MR. HOTTO: I'm not --

22 MR. BABCOCK-STIENER: The rain -- the green
23 infrastructure along the curbing there.

24 MR. HOTTO: Yes. Well, this fire retention
25 system is very similar to a rain garden concept. It

1 handles more water. And what it is is specialized
2 soil with a perforated pipe at the bottom. Runoff
3 goes across the pavement, goes into the system and
4 slowly percolates down. And while it's going through
5 that soil, pollutants are removed and trapped. And
6 then the water -- also it outlets to the storm sewer
7 down Elmwood Avenue.

8 MR. GORDON: My understanding is what was
9 planted on Monroe Avenue is a similar feature, but
10 they used particular plants that helped filter the
11 water.

12 MR. HOTTO: Well, the plants that are
13 specified are straight from the DEC stormwater
14 management manual. I mean, I can replicate what you
15 guys used on that other project that you talked about,
16 but these are compatible and do exactly what you're
17 talking about.

18 MR. GORDON: It was part of our
19 infrastructure improvement project. If you talk to
20 either Rick DiStefano or Evert Garcia, they'll be able
21 to give you better detail than me.

22 MR. HOTTO: Okay.

23 MR. GRISEWOOD: I still advocate for the
24 water fountain idea.

25 MR. OSOWSKI: Where's the snow storage for

1 when you have to plow that out in the winter?

2 MR. HOTTO: Well, they'll basically go in
3 the retention areas. Back here, the plants are kind
4 of situated along one side so snow could pile up back
5 there.

6 MR. TERRAGNOLI: If it falls too high, we
7 will have to remove it.

8 MR. OSOWSKI: And tell me what are the hours
9 of operation?

10 MR. TERRAGNOLI: We're allowed 6 a.m. to 12
11 a.m. and that's what we're proposing for the site.

12 MR. OSOWSKI: Thank you.

13 CHAIRPERSON PRICE: I'm looking for a
14 picture of that design.

15 Okay. Sorry. Other questions? Comments?
16 Okay. I hope that helped a little bit.

17 MR. TERRAGNOLI: It did. We appreciate it.

18 MS. BRUGG: I believe our plan is to submit
19 our response letter with any new information and bring
20 it to the next meeting.

21 CHAIRPERSON PRICE: Very good. Thank you.

22 Did you want to talk about this application?

23 MR. TRAVIS: If I could briefly.

24 CHAIRPERSON PRICE: Please.

25 MR. TRAVIS: Thank you. I am Van Travis.

1 First name, V-A-N, Travis. I am the property
2 immediately adjacent at 1978 Monroe Avenue.

3 First of all, I'd like to congratulate
4 everybody on the work that they've done with this
5 property so far. It looks spectacular and I'm
6 actually pretty excited about it.

7 But obviously being the immediate neighbor
8 and looking at what I had seen from the plans there
9 are a couple of details, especially on the backside
10 that is immediately next to my property. I did have a
11 couple of questions or a couple of things I would just
12 like everybody to take into consideration given that
13 we're going to be neighbors.

14 The first one was, you know, whether there
15 was going to be any sort of fence or barrier along
16 this back edge here as opposed to just a grass strip
17 or something like that. And that's really -- there's
18 a couple of experiences that I've already had at the
19 property with that on my lot being adjacent to it.

20 One is it doesn't look like there's a ton of
21 parking there given the volume and frequency of
22 traffic that would go in and out of there. And
23 without some sort of barrier, I think it just lends
24 itself to people utilizing my parking lot and walking
25 across into their establishment.

1 So just something to think about, the
2 possibility of some sort of fence or something that --
3 other than green space or a barrier so kids can't just
4 walk through the mulch or bushes or that sort of
5 thing.

6 The other concern was with regards to snow
7 removal and also with regards to drainage, with
8 regards to it. Monroe Avenue and the way it drains
9 now, it kind of drains in this direction and this
10 direction. And where the cut out this immediately in
11 front of my property, I approached the Town a few
12 years ago with the regards to it because when we get
13 the heavy rains basically the two catch basins that
14 are on my property -- and I was told that I'm
15 responsible for -- catch most of that water and it
16 already turns into pretty much a river going through
17 the middle of our parking lot into those storm drains,
18 which I had been billed at considerable expense with
19 regards to that.

20 So the drainage, the runoff with regard to
21 the snow removal. The other thing I think a fence
22 along this line would do is also prevent obviously
23 from plowing snow over into our lot, which would
24 create issues for us as well with regards to that.

25 So foot traffic, you know, people parking in

1 our lot and going over, snow removal, those sort of
2 things, it'd be something you would take into
3 consideration. And I'd like some sort of fence so
4 that it's not asking for people to simply park in our
5 lot and just walk across to that property.

6 CHAIRPERSON PRICE: Okay. Thank you very
7 much. Anybody else? Everybody's good? All right.
8 Okay. John, Betsy, Lou, thank you.

9 MR. GORDON: Just a comment on the fencing
10 thing. I understand exactly what Mr. Travis was
11 talking about, but I just want the applicant to do an
12 analysis of if they were going to propose a fence
13 along there, what portion of that lot line is rear
14 yard? What is side yard? Which is front yard?
15 Because it will affect how high a fence you can have
16 without getting a further variance. So just think
17 about that.

18 CHAIRPERSON PRICE: Okay. And Mr. Travis,
19 are you -- when you talk about a fence, I think what
20 we're seeing on the plans is a pipe rail, which, you
21 know, short of any other example, we see quite a bit
22 of in the Twelve Corners. So this is proposing higher
23 posts than the pipe rail itself like you see in
24 Brighton in Twelve Corners. But were you thinking of
25 something that was a visual barrier or more of just a

1 fence barrier and not trying to block views from one
2 property to the other?

3 MR. TRAVIS: I was thinking more of
4 something like a wrought iron, you know, fence or
5 something that goes across. Not a wooden solid fence,
6 but some sort of a wrought iron fence or something
7 like that.

8 And that pipe rail is -- it is. It's all
9 through Twelve Corners. I'm not sure exactly where
10 the property line runs on that, but that pipe guard
11 rail is about that tall. And I can tell you in the
12 winter when I talked about vehicles exiting from that
13 property through mine as well, even the way that it is
14 now, we've had multiple incidents of people who have
15 not noticed that guardrail, in both summer and winter,
16 that have ended up on top of that part of the yard.

17 And I just think while having those gas
18 pumps there and with traffic as backed up as it gets
19 when those lights are red and trying to get out of
20 there, it would be just natural for someone to think,
21 well, I can just go down here to the next curb cut or
22 the next lot and jump over that.

23 I wouldn't be opposed to whether that is a
24 pipe rail. And I don't recall from my survey and that
25 sort of thing whether that's immediately on my

1 property or immediately on the property of the house
2 that's there next door. But I wouldn't be opposed to
3 working with them to eliminate that pipe rail or doing
4 something, you know, that works for everybody and
5 makes sense.

6 CHAIRPERSON PRICE: Okay.

7 MR. HAREMZA: Just following on Mr. Gordon's
8 comment about a fence in a front yard, I think another
9 question we need to answer is the proposed dumpster
10 location and what kind of yard that is considered.
11 Where it's proposed on the Elmwood Avenue side it may
12 be a front yard. But I think it's something that
13 requires a little more analysis.

14 CHAIRPERSON PRICE: Okay. All right. Thank
15 you.

16 All right, folks. Let's go back to the
17 beginning.

18 (End of public hearings.)

19 * * *

20 **Application 4P-01-23**

21 Application of Faith Bible Church, owner,
22 and Integrated Power Supplies International,
23 contractor, for Site Plan Modification to install a
24 standby emergency generator on property located at
25 1095 East Henrietta Road. All as described on

1 application and plans on file.

2 CHAIRPERSON PRICE: Do I have a motion to
3 close the public hearing?

4 MS. FORD: Motion to close.

5 MR. FADER: Second.

6 CHAIRPERSON PRICE: Moved and seconded to
7 close the hearing. Any other discussion?

8 Jason, please call the roll.

9 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
10 Ms. Ford, aye; Mr. Grisewood, aye;
11 Mr. Osowski, aye; Mr. Price, aye.)

12 (Upon roll motion to close the public
13 hearing carries.)

14 CHAIRPERSON PRICE: All right. Do we have a
15 motion to approve this application?

16 MR. BABCOCK-STINER: I move that the
17 Planning Board approves application 4P-01-23 for site
18 plan modifications based on the testimony given, plans
19 submitted and the six conditions outlined in the
20 Planning Board report.

21 MR. FADER: I second that.

22 CHAIRPERSON PRICE: Moved and seconded.

23 Is there any discussion?

24 MR. BABCOCK-STIENER: I had just a general
25 question because I noticed that some of the language

1 in here about SEQRA has changed. And so usually when
2 there's like a neg dec, we bring that in.

3 Now, this one here this first one in here --

4 MR. GORDON: Type II.

5 MR. BABCOCK-STIENER: Type II. Do we need
6 to do anything in our motion like we did with neg dec?

7 MR. GORDON: You don't need to. So the idea
8 of Type II actions is this: A Type II action is not
9 subject to SEQRA review. So if we don't have -- if we
10 determine it's a Type II, and we have, then we don't
11 need to say anything about SEQRA.

12 If you wish to say that the Board determines
13 this to be a Type II action and not subject to the
14 requirements of SEQRA, there's nothing wrong with
15 including that in your motion. We have a Zoning Board
16 member who does that every time.

17 MR. BABCOCK-STIENER: Fair enough. I
18 noticed a difference. I just wanted to make sure that
19 I was not omitting --

20 MR. HAREMZA: I like Type II's.

21 MR. GORDON: But you don't think he needs to
22 include it in the motion?

23 MR. HAREMZA: I concur with you. You can
24 include it or not.

25 MR. GORDON: Just a style point.

1 CHAIRPERSON PRICE: All right. We're moved
2 and seconded. Did you have a comment?

3 MR. OSOWSKI: Yeah. Item number 4 on the
4 conditions, parkland fee in lieu of recreation land
5 prior to the issuance of a building permit for
6 construction of the dwelling unit. I hope that's not
7 applicable.

8 MR. HAREMZA: That is not applicable. I'm
9 glad you caught that, John.

10 MR. GORDON: So we should delete then -- if
11 that's okay with Mr. Babcock-Stiner and Mr. Fader,
12 delete condition number 4 from the list to leave us
13 with only five conditions. So the ones that are
14 numbered 1, 2, 3, 5 and 6.

15 MR. OSOWSKI: I have a question about
16 number 5 though. The entire building shall comply
17 with the most current fire prevention building codes.
18 Do we retroactively put that on there and --

19 MR. HAREMZA: It should really probably
20 say -- what is a generator? An appliance? Equipment?
21 It's a structure.

22 MR. BABCOCK-STIENER: Accessory structure.

23 MR. HAREMZA: The generator has to comply
24 with the state building code, so...

25 CHAIRPERSON PRICE: Equipment and all

1 connections.

2 MR. OSOWSKI: Or generator installation.

3 MR. BABCOCK-STIENER: I like that.

4 MR. HAREMZA: It was not intended to apply
5 to the building. That's an error.

6 MR. GORDON: So condition 5 is going to read
7 the generator installation shall comply with the most
8 current New York State Uniform Fire Prevention and
9 Building Code.

10 Is that okay with you, Mr. Babcock-Stiner?

11 MR. BABCOCK-STIENER: Yes.

12 MR. FADER: Works for me too.

13 MR. GORDON: Thank you.

14 CHAIRPERSON PRICE: Okay. Moved and
15 seconded as amended. Please call the roll.

16 **Conditions As Amended:**

17 1. Meet all requirements of the Town of Brighton's
18 Department of Public Works.

19 A. Applicant shall respond to Planning
20 Board and Town Engineer comments in writing.

21 2. Submit subdivision application to combine the
22 three parcels into one.

23 3. All Monroe County comments, if any, shall be
24 addressed.

25 4. The generator installation shall comply with the

1 most current New York State Uniform Fire Prevention
2 and Building Code.

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

5 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
6 Ms. Ford, aye; Mr. Grisewood, aye;
7 Mr. Osowski, aye; Mr. Price, aye.)

8 (Upon roll motion to approve with conditions
9 carries.)

10 **Application 4P-02-23**

11 Application of Insite Land Development,
12 owner, for Preliminary/Final Site Plan Approval to
13 construct a 2,812 square foot single family house with
14 a 465 +/- square foot attached garage on property
15 located on Penfield Road, known as Tax ID #123.17-2-25
16 (between 525 and 555 Penfield Road). All as described
17 on application and plans on file.

18 CHAIRPERSON PRICE: Okay. Application
19 4P-02-23. Is there a motion to close the public
20 hearing?

21 MR. GORDON: I can't hear what you're
22 saying.

23 MR. FADER: He's talking about tabling it.

24 Sorry. I got -- I'll move to close the
25 public hearing.

1 CHAIRPERSON PRICE: Moved. Is there a
2 second?

3 MS. FORD: Second.

4 CHAIRPERSON PRICE: Julie seconds. Any
5 further discussion on closing the public hearing?
6 Please call the roll.

7 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
8 Ms. Ford, aye; Mr. Grisewood, aye;
9 Mr. Osowski, aye; Mr. Price, aye.)
10 (Upon roll motion to close the public
11 hearing carries.)

12 CHAIRPERSON PRICE: All right. Is there a
13 motion to approve application 4P-02-23?

14 MR. BABCOCK-STINER: I move the Planning
15 Board approve application 4P-02-23 for preliminary and
16 final site plan approval based on the testimony given,
17 plans submitted and with the 16 conditions outlined in
18 the Planning Board report.

19 CHAIRPERSON PRICE: I'll second.

20 Is there any further discussion? Hearing
21 none, please call the roll.

22 **Conditions:**

- 23 1. Obtain required Architectural Review Board (ARB).
24 2. Meet all requirements of the Town of Brighton's
25 Department of Public Works.

1 A. Applicant shall respond to Planning
2 Board and Town Engineer comments in writing.

3 3. All Monroe County comments, if any, shall be
4 addressed.

5 4. The location of any HVAC or other mechanicals
6 and/or generators shall be shown on the site plan
7 along with details of their proposed screening.

8 5. The entire building shall comply with the most
9 current New York State Fire Prevention and Building
10 Code. The proposed building shall be sprinklered in
11 accordance with Town of Brighton sprinkler
12 requirements.

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

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

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

22 9. Erosion control measures shall be in place prior
23 to site disturbance.

24 10. The plans shall clearly show all trees proposed
25 to be removed and all trees proposed to be planted.

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

7 12. Maintenance of landscape plantings shall be
8 guaranteed for three (3) years.

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

16 14. A letter of credit shall be provided to cover
17 certain aspects of the project, including, but not
18 limited to: Demolition, restoration, sanitary sewer,
19 water main, stormwater water management facilities,
20 landscaping, and sediment and erosion control. The
21 letter of credit should be submitted to the Town for
22 review and approval. An original Letter of Credit
23 must be received by the Town prior to the start of
24 construction.

25 15. Basement excavation may yield large amounts of

1 spoil. Location of spoil piles and plans for their
2 removal or distribution shall be provided.

3 16. The contractor shall obtain all necessary Highway
4 Access, Sewer Construction, Demolition, or other
5 permits from the Town or other agencies prior to
6 starting work.

7 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
8 Ms. Ford, aye; Mr. Grisewood, aye;
9 Mr. Osowski, aye; Mr. Price, aye.)

10 (Upon roll motion to approve with conditions
11 carries.)

12 **Application 4P-03-23**

13 Application of Stephen Artim and Tricia
14 Shalka, owners, and Jerry Serafine, agent, for EPOD
15 (watercourse) Permit Approval to allow for the
16 construction of a building addition within zone AE of
17 the 100-year floodplain on property located at 55
18 Stonybrook Drive. All as described on application and
19 plans on file.

20 CHAIRPERSON PRICE: All right. Moving to
21 application 4P-03-23. This is for 55 Stonybrook. The
22 owners are Artim Shalka for EPOD watercourse permit.
23 A little bit of debate on this one. I'm assuming we
24 will just have a motion to table; is that correct?

25 MR. GORDON: That's our recommendation, yes.

1 MR. BABCOCK-STINER: I move that application
2 4P-03-23 be tabled based on the testimony given, plans
3 submitted. Additional information is requested in
4 order to make a determination of significance and to
5 have a complete application, including the four items
6 outlined in the Planning Board report.

7 CHAIRPERSON PRICE: Is there a second?

8 MR. FADER: I'll second that.

9 CHAIRPERSON PRICE: Moved and seconded. Is
10 there any discussion? All right. Please call the
11 roll.

12 **Additional Information:**

13 1. Meet all requirements of the Town of Brighton's
14 Department of Public Works.

15 A. Applicant shall respond to Planning
16 Board and Town Engineer comments in writing, including
17 but not limited to the following from the Town
18 Engineer's memo:

19 Construction standards outlined in the
20 Brighton Town Code for a floodplain development permit
21 indicates that encroachments into flood hazard zone AE
22 requires the applicant to demonstrate that the
23 cumulative effect of the proposed development, when
24 combined with all other existing and anticipated
25 development, will not increase the water surface

1 elevation of the base flood more than one foot at any
2 location. Otherwise, the applicant can pursue a
3 conditional FIRM revision, authorized by FEMA. Please
4 provide supporting technical documentation that the
5 proposed development meets the construction for
6 floodplain development in the Town of Brighton.

7 2. All Monroe County comments shall be addressed.

8 3. The entire building shall comply with the most
9 current New York State Uniform Fire Prevention and
10 Building Code.

11 4. All Town of Brighton codes that relate directly or
12 indirectly to the proposed project shall be met,
13 including but not limited to the Floodplain
14 Development Permit process.

15 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;

16 Ms. Ford, aye; Mr. Grisewood, aye;

17 Mr. Osowski, aye; Mr. Price, aye.)

18 (Upon roll motion to table carries.)

19 **Application 4P-04-23**

20 Application of Kim Bailey, Stahl Properties,
21 owner, for Final Site Plan Approval and Demolition
22 Review and Approval to raze an existing single-family
23 home and construct a 5,050 +/- square foot
24 single-family home with a 900 square foot attached
25 garage on

1 property located at 12 Elmwood Hill Lane. All as
2 described on application and plans on file.

3 **Application 9P-NB1-22**

4 Application of Kim Bailey, Stahl Properties,
5 owner, for Preliminary Site Plan Approval and
6 Demolition Review and Approval to raze an existing
7 single-family home and construct a 5,545 +/- square
8 foot single-family home with a 900 square foot
9 attached garage on property located at 12 Elmwood Hill
10 Lane. All as described on application and plans on
11 file. **APPROVED IN PART** (demolition)/**TABLED IN PART**
12 (Preliminary Site Plan Approval) - **PUBLIC HEARING**
13 **REMAINS OPEN - POSTPONED AT APPLICANTS REQUEST**

14 CHAIRPERSON PRICE: Okay. Let's go to
15 application 4P-04-23 combined with application
16 9P-NB1-22. This is 12 Elmwood Hill Lane, Kim Bailey.

17 Is there a motion to close the public
18 hearing?

19 MR. FADER: I have a question. We're
20 combining this with the other one; right?

21 CHAIRPERSON PRICE: Yeah. The preliminary
22 and final application numbers are separate.

23 MR. FADER: Okay. Then I move that we close
24 application 4P-04-23 and 9P-NB1-22.

25 MS. FORD: Second.

1 CHAIRPERSON PRICE: Moved and seconded. Is
2 there any discussion on the motion to close the public
3 hearing? Please call the roll.

4 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
5 Ms. Ford, aye; Mr. Grisewood, aye;
6 Mr. Osowski, aye; Mr. Price, aye.)
7 (Upon roll motion to close the public
8 hearing carries.)

9 CHAIRPERSON PRICE: All right. It looks
10 like staff is okay with moving forward with plenty of
11 conditions. Does anyone want to make a motion on
12 approval?

13 MR. GORDON: Before we do that I have two
14 recommended changes on the conditions. The first
15 recommended change is on condition 6. It now reads
16 "prior to the issuance of any building permits, all
17 plans for utility and stormwater control systems,
18 including the sewer easements, must be reviewed and
19 have been given approval by appropriate authorities.
20 Prior to any occupancy, work proposed on the approved
21 plan shall have been completed to a degree
22 satisfactory to the appropriate authorities."

23 I would like to slightly modify it. So it
24 will start the same. Prior to the issuance of any
25 building permits, all plans for utility and stormwater

1 control systems must be reviewed and have been given
2 approval by appropriate authorities. And then I want
3 to insert the following sentence: Sewer easements
4 must be recorded in a form acceptable to the Town with
5 the Monroe County Clerk. Prior to an occupancy, work
6 proposed on the approved plan shall have been
7 completed to a degree satisfactory to the appropriate
8 authorities.

9 CHAIRPERSON PRICE: Within the context of
10 that particular condition, you're really referring to
11 sanitary and storm?

12 MR. GORDON: I'm referring -- thank you. I
13 should have said -- I should clarify. Sanitary sewer
14 easements is how that should be. Thank you, Bill.

15 I want to make it clear that it's not okay
16 just for them to deliver, as they said they already
17 have, proposed easements to the Town. They have to be
18 signed and filed in the County Clerk's office before
19 they get their building permit. So we're a long way
20 along that line to get that done. We're just not
21 there yet.

22 The second proposed change is based on
23 Mr. Heininger's comments and it's to condition number
24 9, where he was talking about the drip edge. It
25 couldn't be marked because it was going to interfere

1 with the traffic. And so here is how I would like the
2 new condition number 9 to read. All trees to be saved
3 shall be protected with orange construction fencing
4 placed at the drip line or a distance greater than the
5 drip line or where not possible said orange fencing
6 shall be located at the edge of the public
7 right-of-way. Trees shall be pruned, watered, and
8 fertilized prior to, during and after construction.
9 Materials and equipment storage shall not be allowed
10 in the fenced areas.

11 CHAIRPERSON PRICE: Give me one second. I
12 might ask you to consider something. Do you care if
13 fencing goes in the right-of-way? You do.

14 MR. GORDON: Yeah.

15 CHAIRPERSON PRICE: Okay. Because I was
16 going to say edge of pavement versus --

17 MR. GORDON: So I don't know what, if any,
18 work the highway would be doing along there, but,
19 yeah. I think you want to keep the fencing out of the
20 right-of-way.

21 The rest of Mr. Heininger's comments said
22 that some of the conditions were obsolete or that they
23 were addressing them or had addressed them, which to
24 me says we can still make them conditions and if he's
25 addressed them, he's addressed them. So that was the

1 only one I pulled out of his comments that said, okay,
2 we might need to change something. Unless somebody
3 else has --

4 MR. FADER: There was something. There was
5 some discussion that the neighbor was concerned about
6 the pool and she said there was something that he
7 would be sure to do. But I don't remember what it
8 was. Something like not discharge --

9 MR. HAREMZA: The pool water has to be
10 discharged to the sanitary and the storm sewer.

11 MR. FADER: Shall we add that?

12 MR. HAREMZA: I think that the --

13 MR. GORDON: I think it's already required.

14 MR. FADER: Okay.

15 MR. OSOWSKI: I have a question about the
16 sanitary sewer easements that the neighbors have to
17 sign. So if Deb Ronnan did not -- if there's --
18 somewhere there's an easement going through her
19 property like everybody else's. If she didn't sign
20 it, does that mean the house doesn't get built and
21 they can't occupy it?

22 MR. GORDON: Yes, it does. They have to
23 have a sewer to the property in order to build this
24 new house. We have to as the Town have a right to
25 maintain that sewer line.

1 MR. OSOWSKI: So the sewers that have been
2 there for 70 years in the Town, nobody thought about
3 all of sudden somebody could stonewall and say, well,
4 geeze, if I don't sign this easement and then there's
5 a problem with the sewer, I don't care. I prevented
6 my neighbor from building that house and installing
7 that pool.

8 MR. GORDON: Well, let me be clearer on
9 answering John's question. One is the Town has
10 already contacted each and every neighbor, including
11 Ms. Ronnan, and they've all agreed to sign. They just
12 haven't actually signed. But they've all agreed to
13 sign. So we have pretty good confidence that
14 everybody's going to sign.

15 The second thing is this is only for the
16 benefit of the neighbors. And you know what? If we
17 don't get it, I suppose we could go through the
18 process of condemnation and condemn the easements if
19 we really needed to do that. We just don't want to
20 have to do that. There's a sewer line running there
21 and all of the homes are an easement.

22 We can also say to Ms. Ronnan, okay,
23 Ms. Ronnan, you're no longer allowed to use that sewer
24 either. So disconnect and either abandon your home or
25 build septic or do something else because you're not

1 using that sewer line anymore because you can't tie
2 into the Brighton sewers --

3 MR. OSOWSKI: Unless you sign the easements.

4 MR. GORDON: -- unless you sign the
5 easements. So I think we have pretty good leverage
6 there.

7 MR. OSOWSKI: Thank you.

8 MR. GORDON: Yeah.

9 CHAIRPERSON PRICE: This pool was moved away
10 from the property line from where it was before.

11 MR. GORDON: And shrunk substantially too.
12 The pool originally was larger than it is now, let's
13 say. Now I can't remember.

14 CHAIRPERSON PRICE: I'm a contractor, you
15 know, a 20-year-old kid pulling up to the job site, I
16 can see parking on the one wheel on the pavement, one
17 wheel on the lawn. And that's within the
18 right-of-way. I just wondered if there aren't trees,
19 that their root system is out there and, you know,
20 after six months of parking on it... I am just asking
21 you to consider -- and it doesn't have to be a
22 condition -- there's a distance there. That looks
23 like 10, 12 feet at least.

24 MR. OSOWSKI: I was out there today and
25 there must have been almost 10 contractor vehicles up

1 and down that road. There were like three vehicles
2 related to somebody getting a new metal roof. And
3 there was a landscaping firm. It must have had four
4 pickup trucks, some with trailers. It was
5 unbelievable.

6 MR. HAREMZA: The help has to park
7 somewhere.

8 MR. OSOWSKI: It really narrows the road.

9 MR. GORDON: I mean, all I am doing is
10 picking out the language that Evert suggested. So, I
11 mean, certainly we can pass it in the language as
12 suggested and then go back to Evert and say, hey,
13 Evert what do you think of the edge of the pavement
14 instead of, you know, and could you modify and clarify
15 if you need to.

16 CHAIRPERSON PRICE: Take it back to him.

17 Even those kinds of things don't show up for
18 two or three years after construction. Then the tree
19 goes into decline and everybody scratches their head
20 and says, what the hell happened?

21 Anyway, enough talk. Let's get going. We
22 don't even have a motion yet do we?

23 MR. GORDON: Nope.

24 CHAIRPERSON PRICE: Do we have a motion to
25 close the hearing?

1 MR. GORDON: We did that.

2 CHAIRPERSON PRICE: Okay. Let's go back.

3 Is there a motion to approve?

4 MR. FADER: I move the Planning Board finds
5 the proposed action will not have a significant impact
6 on the environment and adopts the negative declaration
7 prepared by town staff and the Planning Board grants
8 preliminary and final site approval for applications
9 4P-04-23 and 9P-NB1-22 based on the testimony given,
10 the plans submitted and the 27 conditions outlined in
11 the planning record and including the modifications
12 made by this board.

13 CHAIRPERSON PRICE: Second. Any further
14 discussion? Are you searching for something, Jason?

15 Please call the roll.

16 **Conditions:**

17 1. Obtain required Architectural Review Board (ARB)
18 approvals.

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

21 A. Applicant shall respond to Planning
22 Board and Town Engineer comments in writing.

23 B. Applicant shall address comments and
24 concerns of the Town of Brighton Sewer Department.

25 3. All Monroe County comments, if any, shall be

1 addressed.

2 4. A parkland fee in lieu of recreation land shall be
3 paid prior to the issuance of a building permit for
4 construction of the dwelling unit.

5 5. The entire building shall comply with the most
6 current New York State Uniform Fire Prevention and
7 Building Code.

8 6. Prior to the issuance of any building permits, all
9 plans for utility and stormwater control systems must
10 be reviewed and have been given approval by
11 appropriate authorities. Sewer easements must be
12 recorded in a form acceptable to the Town with the
13 Monroe County Clerk. Prior to an occupancy, work
14 proposed on the approved plan shall have been
15 completed to a degree satisfactory to the appropriate
16 authorities.

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

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

22 9. 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 or where not
25 possible said orange fencing shall be located at the

1 edge of the public right-of-way. Trees shall be
2 pruned, watered, and fertilized prior to, during and
3 after construction. Materials and equipment storage
4 shall not be allowed in the fenced areas.

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

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

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

19 13. The height of the proposed house and garage shall
20 be shown on plans. Elevation drawings showing the
21 height of the structures in relationship to proposed
22 grade shown on the site plan shall be submitted.

23 14. Erosion control measures shall be in place prior
24 to site disturbance.

25 15. The applicant shall review the site plan,

1 elevations, and floor plans to ensure that the areas
2 and dimensions provided on those plans agree with one
3 another. Elevation drawings showing the height of the
4 structure in relationship to proposed grade as shown
5 on the approved site plan shall be submitted.

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

12 17. The location of any proposed generators shall be
13 shown on the site plan. All requirements of the
14 Comprehensive Development Regulations shall be met or
15 a variance shall be obtained from the Zoning Board of
16 Appeals.

17 18. The demolition and restoration plan should depict
18 the grading associated with the restoration of the
19 site should construction of the new house not commence
20 immediately following demolition.

21 19. Specifications for backfill requirements of the
22 building footprints shall be included on the plans.
23 No existing construction materials (concrete or other)
24 from the existing homes shall remain on-site.

25 20. The Town of Brighton Department of Public Works

1 (DPW) requires that the existing laterals be televised
2 and the conditions assessed. Replacement laterals
3 will need to be installed if the DPW determines they
4 are required.

5 21. Show the storm sewers on the site and their
6 connections to the house.

7 22. The plans shall clearly show all trees proposed
8 to be removed.

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

18 24. A schedule of all easements (existing/proposed,
19 public/private) associated with this project shall be
20 provided. All texts, maps and descriptions of
21 proposed easements shall be prepared and submitted to
22 this office for review. Upon satisfactory completion
23 of these documents, the easements shall be filed at
24 the Monroe County Clerk's Office with the Town being
25 provided copies of each Town easement with the liber

1 and page of filing. All easements must be filed at
2 the MCCO prior to obtaining Town signatures.

3 25. This property is currently served by a sanitary
4 sewer main which serves multiple residences on Elmwood
5 Hill Lane and does not appear to have been dedicated
6 to the Town. The information provided does not make
7 it clear that the Town of Brighton has sewer easements
8 in place to access and maintain the sanitary sewer
9 main on these properties. Provide documentation which
10 indicates that the subdivision map provides a legal
11 basis for completed dedication to the Town, and the
12 existence of the necessary sewer easements to the
13 Town. If not, easements to the Town will need to be
14 obtained from each of the property owners served by
15 this main to complete the dedication and legalize this
16 sewer connection.

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

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

24 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
25 Ms. Ford, aye; Mr. Grisewood, aye;

1 Mr. Osowski, aye; Mr. Price, aye.)

2 (Upon roll motion to approve with conditions
3 carries.)

4 **Application 4P-05-23**

5 Application of 500 Canal View LLC, owner,
6 for Conditional Use Permit Approval to allow for an
7 office with a concrete testing laboratory on property
8 located at 500 Canal View Blvd. All as described on
9 application and plans on file.

10 CHAIRPERSON PRICE: This is application
11 4P-05-23. Is there a motion to close the public
12 hearing?

13 MR. FADER: I move we close the public
14 hearing.

15 MR. BABCOCK-STINER: I'll second.

16 CHAIRPERSON PRICE: Moved and seconded to
17 close the public hearing. Any discussion? Jason,
18 please call the roll.

19 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
20 Ms. Ford, aye; Mr. Grisewood, aye;
21 Mr. Osowski, aye; Mr. Price, aye.)

22 (Upon roll motion to close the public
23 hearing carries.)

24 CHAIRPERSON PRICE: Looks like staff feels
25 this is good enough to go forward. Is there a motion

1 to approve? Fade.

2 MR. FADER: I move that the Planning Board
3 approve the application 4P-05-23 based on testimony
4 given, plans submitted and with the ten conditions
5 outlined in the Planning Board report.

6 CHAIRPERSON PRICE: Is there a second?

7 MR. BABCOCK-STIENER: I'll second.

8 CHAIRPERSON PRICE: Moved and seconded.

9 MR. GORDON: Yes. Only that we need to
10 include the conditional use findings.

11 MR. BABCOCK-STIENER: There's eight of them.

12 MR. GORDON: Those conditional use findings
13 set forth in paragraphs 4A, B, C, D, E, F, G and H
14 under the heading "building and planning" in the
15 Planning Board report dated today's date. If you
16 could include that in your motions.

17 MR. FADER: Okay. I will include that in
18 this motion.

19 MR. BABCOCK-STINER: Yup. I'm okay with
20 that.

21 CHAIRPERSON PRICE: Moved and seconded with
22 conditions -- not conditions, but findings.

23 MR. GORDON: Findings on the conditional use
24 permit and the conditions set forth in the Planning
25 Board report.

1 CHAIRPERSON PRICE: There it is. Any
2 further discussion? Please call the roll.

3 **Conditional Use Findings:**

4 A. The Planning Board finds that the proposed use, an
5 office with a laboratory complies with the standards
6 of the Technology and Office Park (TOP) district.

7 B. The Planning Board finds that the proposed use is
8 in harmony with the purpose and intent of Code
9 Sections 217-3 through 217.2 (Conditional Uses). The
10 location and size of the convenience store and gas
11 sales, the intensity (hours of operation), size of the
12 site and access have all been considered in the
13 Board's review.

14 C. The Planning Board finds that the establishment of
15 an office with a laboratory in this location, will not
16 be detrimental to persons, detrimental or injurious to
17 the property and improvements in the neighborhood, or
18 to the general welfare of the Town.

19 D. The office with a laboratory will be developed
20 within an existing structure on a developed site and
21 not result in the destruction, loss or damage of any
22 natural, scenic or significant historical resource.

23 E. The Planning Board finds that the establishment of
24 an office with a laboratory will not create excessive
25 additional requirements for public facilities and

1 services and will not be detrimental to the economic
2 welfare of the community.

3 F. The Planning Board finds that the establishment of
4 an office with a laboratory will be adequately served
5 by essential public facilities.

6 G. The Planning Board finds that the establishment of
7 an office with a laboratory will not result in the
8 loss or damage to trees.

9 H. The proposed finds that the establishment of an
10 office with a laboratory construction conforms to the
11 Town Master Plan: Envision Brighton 2028.

12 **Conditions:**

13 1. Obtain required Architectural Review Board (ARB).
14 2. Adhere to the performance standards in the
15 Technology and Office Park (TOP) district found in the
16 Town of Brighton Code Section 203-168D. (Also
17 attached).

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

20 A. Applicant shall respond to Planning
21 Board and Town Engineer comments in writing.

22 B. Applicant shall address comments and
23 concerns of the Town of Brighton Sewer Department.

24 4. All Monroe County comments, if any, shall be
25 addressed.

1 5. The location of any HVAC or other mechanicals
2 and/or generators shall be shown on the site plan
3 along with details of their proposed screening.

4 6. The dumpster shall be enclosed with building
5 materials that are compatible with the existing
6 building and located in the rear yard. The enclosure
7 shall equal the height of the dumpster and shall not
8 be higher than ten (10) feet. The proposed material
9 shall be shown on plans and shall be approved by the
10 Building & Planning Department.

11 7. The entire building shall comply with the most
12 current New York State Fire Prevention and Building
13 Code. The proposed building shall be sprinklered in
14 accordance with Town of Brighton sprinkler
15 requirements.

16 8. All comments and concerns of the Town Fire Marshal
17 shall be addressed. Comments can be obtained from the
18 Town of Brighton Fire Marshal (Chris Roth,
19 585-784-5220). A turning radius analysis
20 demonstrating that emergency vehicles can adequately
21 access and navigate the site shall be submitted to the
22 Town Fire Marshal for review. An Operational Permit
23 shall also be obtained from the Town of Brighton Fire
24 Marshal.

25 9. The project will comply with the requirements of

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

13 10. Any signage, building or parking lighting not
14 necessary for security purposes shall be placed on
15 automatic timing devices which allow illumination to
16 commence each day ½ hour before the business is open
17 to the public and to terminate ½ hour after the close
18 of business.

19 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
20 Ms. Ford, aye; Mr. Grisewood, aye;
21 Mr. Osowski, aye; Mr. Price, aye.)

22 (Upon roll motion to approve with conditions
23 carries.)

24 **Application 4P-NB1-23**

25 Application of Westmarsh Properties, LLC,

1 owner, for Preliminary Site Plan Approval and
2 Preliminary EPOD (woodlot) Permit Approval to
3 construct a 2,562 square foot two-story single-family
4 home with a 634 square foot attached garage on
5 property located at 57 Eldridge Avenue. All as
6 described on application and plans on file.

7 CHAIRPERSON PRICE: I believe this one is a
8 table all the way around.

9 MR. BABCOCK-STIENER: I move that
10 application 4P-NB1-23 be tabled based on the testimony
11 given and plans submitted and additional information
12 is requested in order to make a determination of
13 significance and to have a completed application,
14 including the six items outlined in today's Planning
15 Board report.

16 CHAIRPERSON PRICE: I'll second that. Any
17 discussion? All right.

18 MR. GORDON: Well, can't actually have a
19 discussion on a motion to table. So call the roll.

20 CHAIRPERSON PRICE: Go ahead.

21 **Additional Information:**

- 22 1. Obtain required Architectural Review Board (ARB)
23 and Zoning Board of Appeals (ZBA) approvals.
24 2. Meet all requirements of the Town of Brighton's
25 Department of Public Works.

1 A. Applicant shall respond to Planning
2 Board and Town Engineer comments in writing.

3 B. Applicant shall address comments and
4 concerns of the Town of Brighton Sewer Department.

5 3. All Monroe County comments, if any, shall be
6 addressed.

7 4. The location of any HVAC or other mechanicals
8 and/or generators shall be shown on the site plan
9 along with details of their proposed screening.

10 5. The entire building shall comply with the most
11 current New York State Fire Prevention and Building
12 Code. The proposed building shall be sprinklered in
13 accordance with Town of Brighton sprinkler
14 requirements.

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

1 survey and removal requirements of Section 56-5 are
2 met.

3 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
4 Ms. Ford, aye; Mr. Grisewood, aye;
5 Mr. Osowski, aye; Mr. Price, aye.)

6 (Upon roll motion to table carries.)

7 **Application 4P-NB2-22**

8 Application of 1950-1966 Monroe Avenue, LLC,
9 owner, for Preliminary Subdivision Approval,
10 Preliminary Site Plan Approval, Preliminary
11 Conditional Use Permit Approval and Demolition Review
12 and Approval to raze two commercial buildings, combine
13 two lots into one, and construct a 2,667 +/- square
14 foot convenience store with gasoline sales under a
15 2,160 +/- square foot gas pump canopy, with extended
16 hours of operation on property located at 1950 and
17 1966 Monroe Avenue. All as described on application
18 and plans on file.

19 CHAIRPERSON PRICE: And I believe our last
20 one is 4P-NB2-23, 1950 and 1966 Monroe Avenue. This
21 is for preliminary subdivision, preliminary site plan,
22 preliminary conditional use and demolition. I think
23 tonight's information was good.

24 MR. GORDON: And I think the expectation was
25 that they just wanted to sort of refresh the Board,

1 get some feedback. I think. I don't think they'd be
2 surprised if the Board tabled this.

3 CHAIRPERSON PRICE: We give -- under
4 incentive zoning, we give final site plan, final
5 subdivision as we always do.

6 MR. GORDON: Your regular site plan review
7 process.

8 CHAIRPERSON PRICE: We don't need SEQRA?

9 MR. GORDON: You do. We talked a little bit
10 about SEQRA. So the Town Board did a full SEQRA
11 determination. And you do need to make your own SEQRA
12 determination, but you can simply adopt the Town
13 Board's negative declaration on that. And you could
14 take that action tonight.

15 MR. HAREMZA: No.

16 MR. GORDON: You want to check off the SEQRA
17 box.

18 MR. FADER: Why do you say we should table
19 this? I'm curious.

20 CHAIRPERSON PRICE: I was already thinking
21 that. I was wondering -- I mean, details we talked
22 about tonight. Are there substantive drainage or
23 utility concerns?

24 MR. GORDON: There's still some -- I think
25 there's still drainage. To my recollection of the

1 engineer's report was that there was --

2 MR. HAREMZA: Evert was concerned about
3 stormwater concentrations.

4 MR. GORDON: Exactly. Yup.

5 MR. HAREMZA: Now, the question to me is,
6 you know, why couldn't those be addressed between
7 preliminary and final approval?

8 CHAIRPERSON PRICE: I'm not sure we're
9 saving any time ultimately.

10 MR. GORDON: Right. I mean, it's -- you
11 know, they haven't been to the ARB.

12 MR. HAREMZA: Not for form approval.

13 MR. GORDON: Right. They haven't been to
14 ARB yet. They haven't been to -- so historical
15 preservation demo clearance still. Could you --

16 CHAIRPERSON PRICE: I don't know what it
17 does for them.

18 MR. GORDON: If you give them preliminary
19 and conditional demo permit tonight or they could come
20 back with the combined application for demo and final
21 when they're ready after they get through everything.

22 MS. FORD: I move we table.

23 CHAIRPERSON PRICE: All right.

24 MR. BABCOCK-STIENER: Second.

25 CHAIRPERSON PRICE: Moved and seconded. Is

1 there any discussion that will be based on -- it's a
2 table. We can't have discussion.

3 MR. HAREMZA: Who seconded? Jason?

4 MR. BABCOCK-STIENER: Yes.

5 CHAIRPERSON PRICE: All right. Please call
6 the roll.

7 **Additional Information:**

8 1. Obtain required Architectural Review Board (ARB)
9 and Historic Preservation Commission (HPC) approvals.

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

12 A. Applicant shall respond to Planning
13 Board and Town Engineer comments in writing.

14 B. Applicant shall address comments and
15 concerns of the Town of Brighton Sewer Department.

16 3. All Monroe County comments, if any, shall be
17 addressed.

18 4. The location of any HVAC or other mechanicals
19 and/or generators shall be shown on the site plan
20 along with details of their proposed screening.

21 5. The dumpster shall be enclosed with building
22 materials that are compatible with the existing
23 building and located in the rear yard. The enclosure
24 shall equal the height of the dumpster and shall not
25 be higher than ten (10) feet. The proposed material

1 shall be shown on plans and shall be approved by the
2 Building & Planning Department.

3 6. The entire building shall comply with the most
4 current New York State Fire Prevention and Building
5 Code. The proposed building shall be sprinklered in
6 accordance with Town of Brighton sprinkler
7 requirements.

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

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

16 9. All comments and concerns of the Town Fire Marshal
17 shall be addressed. Comments can be obtained from the
18 Town of Brighton Fire Marshal (Chris Roth,
19 585-784-5220). A turning radius analysis
20 demonstrating that emergency vehicles can adequately
21 access and navigate the site shall be submitted to the
22 Town Fire Marshal for review. An Operational Permit
23 shall also be obtained from the Town of Brighton Fire
24 Marshal.

25 10. A letter of credit shall be provided to cover

1 certain aspects of the project, including, but not
2 limited to demolition, landscaping, stormwater
3 mitigation, infrastructure and erosion control. The
4 applicant's engineer shall prepare an itemized
5 estimate of the scope of the project as a basis for
6 the letter of credit.

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

20 12. All requirements of Sections 203-84.B.3
21 (restaurant regulations), 207-14.1 (waste container
22 and grease/oil container standards), 207-14.2
23 (supplemental restaurant regulations) and 207-14.3
24 (drive-through standards), 203-84.B.4 (Outdoor Dining
25 Facilities) as well as any other pertinent sections of

1 the code, shall be met. Included in these
2 requirements is that "a minimum of one aesthetically
3 acceptable trash receptacle shall be provided on site
4 adjacent to each driveway exit. At least one
5 additional aesthetically acceptable, on-site, outdoor
6 trash receptacle shall be provided for every 10
7 required parking spaces." Also included is that any
8 use providing food capable of being immediately
9 consumed which is served in disposable packaging shall
10 have at least one aesthetically acceptable, on-site,
11 outdoor covered trash receptacle for patron use
12 located near the primary entrance . . ." These
13 requirements, along with the other requirements of
14 those sections, should be addressed.

15 13. Any signage, building or parking lighting not
16 necessary for security purposes shall be placed on
17 automatic timing devices which allow illumination to
18 commence each day ½ hour before the business is open
19 to the public and to terminate ½ hour after the close
20 of business.

21 14. The height of the light pole bases shall be six
22 inches above finished grade.

23 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;

24 Ms. Ford, aye; Mr. Grisewood, aye;

25 Mr. Osowski, aye; Mr. Price, aye.)

1 (Upon roll motion to table carries.)

2 **Signs:**

3 1681 CP Antiques and Collectibles Buy See Trade
4 for a building face sign at 1829 Monroe
5 Avenue.

6 CHAIRPERSON PRICE: Motion to approve based
7 on HPC approval.

8 MR. BABCOCK-STIENER: So moved.

9 CHAIRPERSON PRICE: And second?

10 MR. GRISEWOOD: Second.

11 CHAIRPERSON PRICE: All in favor?

12 ALL BOARD MEMBERS: Aye.

13 (Upon roll motion to approve carries.)

14 1682 TR Nail & Spa for a building face sign at
15 1709 Crittenden Road

16 CHAIRPERSON PRICE: And ARB recommended
17 approval. I'll make a motion to approve as
18 recommended by ARB.

19 MR. BABCOCK-STIENER: I'll second.

20 CHAIRPERSON PRICE: Moved and seconded. All
21 in favor?

22 ALL BOARD MEMBERS: Aye.

23 (Upon roll motion to approve carries.)

24 1683 Quicklee's for a building face sign at 3108
25 East Avenue

1 CHAIRPERSON PRICE: Application 1683

2 recommended approval per HPC recommendation.

3 MR. BABCOCK-STIENER: So moved.

4 MR. FADER: Second.

5 CHAIRPERSON PRICE: All in favor?

6 ALL BOARD MEMBERS: Aye.

7 (Upon roll motion to approve carries.)

8 1684 Metabolic Fitness for a building face sign

9 at 1900 South Clinton Avenue

10 CHAIRPERSON PRICE: Application 1684. ARB

11 recommended approval.

12 MR. BABCOCK-STIENER: So moved.

13 MR. GRISEWOOD: Second.

14 CHAIRPERSON PRICE: Moved and seconded. All

15 in favor?

16 ALL BOARD MEMBERS: Aye.

17 (Upon roll motion to approve carries.)

18 1685 Kroll Proukou Trust, Estates and Elder Law

19 for a building face sign at 2425 Clover

20 Street

21 CHAIRPERSON PRICE: 1685. I move approval

22 based on the recommendation of ARB.

23 MR. BABCOCK-STIENER: So moved.

24 MR. FADER: Second.

25 CHAIRPERSON PRICE: Moved and seconded. All

1 in favor?

2 ALL BOARD MEMBERS: Aye.

3 1686 Sephora for a building face sign at 2780

4 Monroe Avenue

5 CHAIRPERSON PRICE: 1686. I move to approve

6 as recommended by the ARB with their conditions.

7 MR. BABCOCK-STIENER: So moved.

8 MR. GRISEWOOD: Second.

9 CHAIRPERSON PRICE: All in favor?

10 ALL BOARD MEMBERS: Aye.

11 (Upon roll motion to approve carries.)

12 (Proceedings concluded at 10:22 p.m.)

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1 REPORTER CERTIFICATE

2
3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

7 Further, that the foregoing transcript is a
8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

11
12 Dated this 19th day of April, 2023
13 at Rochester, New York.

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20
21 *Holly E. Castleman*

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23 HOLLY E. CASTLEMAN,
24 Notary Public.
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