

## 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

14 JOHN OSOWSKI ) BOARD MEMBERS  
14 JULIE FORD )  
15 DAVID FADER (late) )  
15 PETER GRISEWOOD )  
16 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.

14 CHAIRPERSON PRICE: Okay. All right.

15 | Julie, any other questions? Okay.

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 Quickle'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 Quickle'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.

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?

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.

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 architecturals or  
9 even the preliminary architecturals 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 radii. 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.

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 Marchionni  
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 -- Quickle'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.

16 MR. TERRAGNOLI: He's standing here.

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.

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

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                   (AUpon 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;

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? Fader.

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  $\frac{1}{2}$  hour before the business is open  
17 to the public and to terminate  $\frac{1}{2}$  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  $\frac{1}{2}$  hour before the business is open  
19 to the public and to terminate  $\frac{1}{2}$  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. GRIESEWOOD: 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 buil

15 1709 Crittenden Road

16 CHAIRPERSON PRICE: 3

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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Holly E. Castleton

HOLLY E. CASTLEMAN,  
Notary Public.