

# BRIGHTON PLANNING BOARD

September 20, 2023  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

JOHN OSOWSKI, ACTING CHAIRPERSON

KAREN ALTMAN ) BOARD MEMBERS  
DAVID FADER )  
PETER GRIEWOOD )  
JASON BABCOCK-STINER )  
JULIE FORD )

KENNETH GORDON, ESQ.  
Town Attorney

**ABSENT:**

CHAIRPERSON WILLIAM PRICE

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

1                   ACTING CHAIRPERSON OSOWSKI: Good evening,  
2 everyone. I'd like to welcome you to the September  
3 20th meeting of the Town of Brighton Planning Board.  
4 In the unlikely event of an emergency tonight, there  
5 is exits behind you and an exit to my right, to your  
6 left. Okay.

7                   Mr. Secretary, would you please call the  
8 roll tonight?

9 (Whereupon the roll was called.)

10                  MR. HAREMZA: Price is absent.

11                  ACTING CHAIRPERSON OSOWSKI: Okay. Thank  
12 you. At this point we'll take a few minutes to review  
13 the agenda with our secretary without public  
14 participation and comments, which will occur later.

15                  So I think we may have some postponements on  
16 our agenda that will not be --

17                  MR. HAREMZA: Yeah. I'll just start with a  
18 housekeeping note. The agenda notes that the minutes  
19 to be discussed are the August minutes. That is  
20 incorrect. We will be approving the July 19th  
21 minutes. And Mr. Osowski has provided two corrections  
22 to those July 19th minutes.

23                  ACTING CHAIRPERSON OSOWSKI: All right.

24 Thank you.

25                  MR. HAREMZA: Let's see. Yes. So the first

1 case is 1 Knollwood Drive. That, again, has been  
2 postponed at the applicant's request. They are still  
3 working on the engineering relating to that steep  
4 slope. And they have promised they will be ready for  
5 October, but we shall see.

6 MR. GORDON: That's application 6P-03-23.

7 ACTING CHAIRPERSON OSOWSKI: Okay. Next  
8 application on the agenda is 9P-01-23, the  
9 single-family residential house at 57 Eldridge Avenue.

10 MR. HAREMZA: Yes. You will note that this  
11 is in for preliminary/final approval. The preliminary  
12 application has been combined with the final site plan  
13 and EPOD permit application into one item.

14 You will also note -- I sent an email about  
15 an hour and a half ago, but also provided printed  
16 copies of the revised staff report for that. It has  
17 "revised" in red on the top of it. And the revisions  
18 are mostly related to the -- entirely related to the  
19 proposed conditions, just calling those out with  
20 greater specificity in the list of proposed conditions  
21 if The Board entertains approving it.

22 ACTING CHAIRPERSON OSOWSKI: Okay. All  
23 right. Great. Thank you very much.

24 MR. GORDON: Just a quick comment on that  
25 project. So staff has spent some time talking about

1 this project. It's been around for a while. The  
2 Board granted demolition approvals some time ago. And  
3 they have a demolition permit now since February I  
4 want to say.

5 MR. HAREMZA: They -- demolition approval  
6 since sometime in the spring, but the permit has not  
7 been issued yet.

8 MR. GORDON: Okay. They've applied for it.

9 And it's a property that I know the Town is  
10 very interested in seeing getting taken down. And  
11 although there's a number of conditions that are being  
12 recommended, staff was very much in support of the  
13 idea of seeing the Board go forward with final  
14 approval if you so choose this evening and trying to  
15 get a better sense of when the developer's going to  
16 get that house down because it's not safe.

17 MR. HAREMZA: Yeah. Staff felt that there  
18 were no real substantive site plan issues, that the  
19 remaining issues are of a technical and legal nature  
20 regarding the design of the sewer system, easements,  
21 things of that nature.

22 ACTING CHAIRPERSON OSOWSKI: Okay. Very  
23 good. Are there any other questions at this time?  
24 No? Okay.

25 Move along to 9P-02-23, Marian's House at

1 2980 South Clinton Avenue. They wanted to add  
2 additional parking spaces.

3 MR. HAREMZA: Very straightforward  
4 application. They're adding 9 spaces for a total  
5 of 14 for what was constructed in 2012 as a senior  
6 living facility.

7 I understand it's currently used as an adult  
8 daycare, respite care for Alzheimer's patients. And  
9 no changes to the building.

10 Again, the town engineer had some  
11 clarifications needed on some of the drainage issues.  
12 But again, no real substantive issues related to the  
13 site plan modification.

14 ACTING CHAIRPERSON OSOWSKI: Okay. Any  
15 other comments, questions about that? Right now, no.  
16 Okay. All right.

17 Then the last -- yeah. The last item on the  
18 agenda was the 5P-NB1-23, the house at 125 Old Mill  
19 Road. And it looks like the cultural review report  
20 will be going to the Historic Preservation Commission  
21 at the end of this month.

22 MR. HAREMZA: That's correct. Yup. And so  
23 this should be on your agenda for October.

24 ACTING CHAIRPERSON OSOWSKI: Okay. Have you  
25 seen the report?

1                   MR. HAREMZA: I have not.

2                   ACTING CHAIRPERSON OSOWSKI: But you will  
3 get it? Okay. All right. Good.

4                   MR. HAREMZA: There were two communications,  
5 which were included in your packet and noted on the  
6 agenda.

7                   MR. GORDON: One related to a project that  
8 is not yet even on the agenda. It won't be on the  
9 agenda until the October meeting.

10                  The other relates to the developer at 57  
11 Eldridge. And we'll make a note that that should be  
12 part of the public hearing record on 57 Eldridge.

13                  ACTING CHAIRPERSON OSOWSKI: And we still  
14 just have the one sign for review later. Okay. All  
15 right. Great. Thank you. Okay.

16                  So let's go back to our agenda and call for  
17 approval of the July 19th meeting minutes. Does  
18 anyone want to make a motion to approve these minutes?

19                  MR. FADER: I'll move to approve the July  
20 minutes.

21                  ACTING CHAIRPERSON OSOWSKI: Thank you.

22                  MS. ALTMAN: I'll second.

23                  ACTING CHAIRPERSON OSOWSKI: Thank you.

24                  Moved and seconded. Any discussion on this?

25                  MR. HAREMZA: Should we read the corrections

1 into the record?

2 MR. GORDON: Do you want them read into the  
3 record or would just handing you a copy of them  
4 suffice?

5 MR. HAREMZA: She has a copy.

6 MR. GORDON: She has a copy. So Mr. Osowski  
7 made a couple --

8 MR. HAREMZA: Two corrections. Page 1,  
9 change "Jason Osowski" to "John Osowski."

10 And page 59, change "restaurant" to  
11 "school."

12 ACTING CHAIRPERSON OSOWSKI: Because it was  
13 referring to the Montessori School. Conditional  
14 permit for a restaurant instead of a conditional  
15 permit for a school.

16 MR. HAREMZA: Montessori restaurant sounds  
17 kind of good.

18 ACTING CHAIRPERSON OSOWSKI: Okay. Thank  
19 you.

20 So moved and seconded. Can you please call  
21 the roll, Jason?

22 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;

23 Mr. Fader, aye; Ms. Ford, aye;

24 Mr. Grisewood, aye; Mr. Osowski, aye.)

25 (Upon roll motion to approve minutes as

1 | corrected carries.)

2 ACTING CHAIRPERSON OSOWSKI: Okay. Thank  
3 you. Mr. Secretary, the public hearing we're having  
4 tonight, has it been properly advertised?

5 MR. HAREMZA: It was advertised in the Daily  
6 Record of September 14th, 2023.

9                       Okay. We'll hold our public meeting now.  
10                      For anybody that might have come in a little late  
11                      here, the first item on the agenda, 6P-03-23, was  
12                      postponed, 1 Knollwood Drive. And the last item on  
13                      the agenda, 125 Old Mill Road, was also postponed.

14 So the first application that we will review  
15 tonight is 9P-01-23.

16 Application 9P-01-23

17 Application of Westmarsh Properties, LLC,  
18 owner, for Final Site Plan Approval and Final EPOD  
19 (woodlot) Permit Approval to construct a 2,560 +/-  
20 square foot two-story single-family home with a 634  
21 +/- square foot attached garage on property located at  
22 57 Eldridge Avenue. All as described on application  
23 and plans on file.

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. **TABLED AT**  
7 **THE APRIL 19, 2023 - PUBLIC HEARING REMAINS OPEN**

8 ACTING CHAIRPERSON OSOWSKI: We've combined  
9 that with the final site plan approval and final EPOD  
10 permit approval.

11 Someone wishes to address this? Thank you.

12 MR. McMAHON: Good evening. Greg McMahon  
13 from McMahon-LaRue Associates.

14 MR. GORDON: Just for the record 9P-01-23,  
15 the public hearing is being combined with 4P-NB1-23.  
16 Sorry.

17 MR. McMAHON: Greg McMahon with  
18 McMahon-LaRue Associates, 822 Holt Road, Webster, New  
19 York.

20 We've been before you I think a couple times  
21 with this project. And as Jason noted, there was  
22 demolition permit previously approved.

23 We did at the last meeting receive comments  
24 from the Town and the town engineer, which we  
25 addressed in writing with revised plans. Those were

1 submitted and are the plans that you have before you  
2 tonight.

3 It's a single-family home on a lot -- single  
4 lot on Eldridge Road. I know everyone's familiar.  
5 It's the only lot on Eldridge Road, a former DOT  
6 right-of-way, which is now town -- remaining lands are  
7 town park.

8 The owners are proposing to construct this  
9 new home and demolish an existing dilapidated home on  
10 the site.

11 My comment at this time is that the owner --  
12 we do have the demolition approval. They will be  
13 obtaining the permit. Their desire was with the  
14 approval tonight -- hopefully with the approval  
15 tonight for site plan, that when they do demolish,  
16 they could also get approval in the Town to do some  
17 clearing out there, which we can't do because we do  
18 need the EPOD permit.

19 But in order to accomplish the demolition  
20 and clean up the lot, they'd like to -- as part of the  
21 demolition, do the clearing and get some erosion  
22 control set up and clean the lot up because there's  
23 going to be more than just demolition. There's been a  
24 lot of junk deposited out there over many, many years.

25 So I think that's a quick summary. Any

1 specific issues, I would be glad to address them. Or  
2 Monique Marchioni who is with Westmarsh is here and  
3 can also address any questions that The Board might  
4 have.

5 I would also mention, we did obtain  
6 variances for this job and it did receive ARB approval  
7 with conditions.

8 ACTING CHAIRPERSON OSOWSKI: I noticed there  
9 was some question about a tree that was in the town  
10 right-of-way that was scheduled to be taken down. Is  
11 that correct or is that --

12 MR. McMAHON: No. There's no tree. The  
13 comment I saw in there was that that tree -- we need  
14 to add or show on our plan protection of that tree  
15 because there's a lot of brush in the right-of-way,  
16 which will be cleared, which is not an issue. But we  
17 will need to make sure that there's orange  
18 construction fence put around that tree in the  
19 right-of-way.

20 We've shown all the trees on the property  
21 that are remaining, but that may have been just an  
22 oversight. That was one of the comments that I saw.

23 MR. GORDON: Any woody growth that meets the  
24 Town's definition of a tree that's in the town  
25 right-of-way is a town tree. And per the Town Tree

1 Code, the developer could not remove that.

2 MR. McMAHON: And we don't believe that --  
3 we're not at this point requesting any removal of what  
4 qualifies as a tree within the town right-of-way.

5 ACTING CHAIRPERSON OSOWSKI: And that issue  
6 with the driveway being a little close to that  
7 north --

8 MR. McMAHON: I'll check it -- if 4 feet is  
9 the minimum -- looks like we're close. But if we  
10 don't meet that, I'll adjust it.

11 ACTING CHAIRPERSON OSOWSKI: Yeah. Okay.  
12 And there's no planned generator for this house, a  
13 backup generator, at this time?

14 MR. McMAHON: Not at this time, no. There  
15 is -- we did show on the plan a compressor -- a  
16 location for an air condition compressor. But at this  
17 point there's no plan for a generator.

18 ACTING CHAIRPERSON OSOWSKI: Okay. Any  
19 other members of the Board have questions in this  
20 matter?

21 MS. FORD: No.

22 ACTING CHAIRPERSON OSOWSKI: Okay. Ken or  
23 Jason?

24 MR. GORDON: I just want to go over a few of  
25 the notes that staff came up with just to make sure

1       they're on the record and that you have an  
2       understanding of them.

3               You talked a little bit about some clearing  
4       of shrubs and brush in the right-of-way. You  
5       understand you need to get a permit for that work?

6       MR. McMAHON: Yes.

7       MR. GORDON: And that you said already that  
8       any growth that does constitute a tree you'll protect  
9       with the orange construction fence in that area.

10      MR. McMAHON: Yes.

11      MR. GORDON: And you know that you need to  
12       apply for a sanitary sewer district. That has to be  
13       applied for. Has that process started at all?

14      MR. McMAHON: It hasn't. Jason has provided  
15       me with some other documents, format documents. We  
16       felt -- there are two items, the Corps of Engineers  
17       permit and the sewer district. It made sense to wait  
18       until we received approval and then we'll move right  
19       into that.

20      MR. GORDON: That's fine. It's just that  
21       the formation of that district extension takes a bit.

22      MR. McMAHON: Yes, we understand.

23      MR. GORDON: It's not a one-meeting thing.

24      MR. McMAHON: Right. And based on the  
25       schedule, I think, you know, the construction of a

1 house on the site is probably definitely springtime.  
2 Builders are still -- there's quite a backlog with  
3 builders.

4                   But they want to get it cleared and the  
5 demolition done. But I wouldn't expect a house  
6 construction until spring. And that should provide us  
7 with plenty of time to complete those items.

8                   MR. GORDON: And you had an opportunity to  
9 look at the engineer's comments regarding the sewer  
10 and the documentation needed for the E-1 units and on  
11 the impact on the overall low-pressure sewer system  
12 and you feel you're --

13                  MR. McMAHON: Yes. I've requested design  
14 information for the existing Environment One systems  
15 that are on Midland from the town engineer. Once I  
16 have those -- that information, I can model it with  
17 the new pump and provide all of that to the town  
18 engineer. That will be taken care of.

19                  MR. GORDON: That's all I have. Thank you.

20                  ACTING CHAIRPERSON OSOWSKI: Okay. And one  
21 thing, the house will be fire protected, sprinklered;  
22 is that correct?

23                  MR. McMAHON: No. There's a fire hydrant  
24 located within about 30 feet of the house.

25                  MR. GORDON: So I know what you're looking

1 at, Mr. Osowski. You're looking at the condition. So  
2 the condition reads a little bit vaguely. But what  
3 it's saying is if the Town Code requires sprinkling,  
4 they must sprinkler it. If you read it that way, then  
5 it makes some sense. I think what Mr. McMahon is  
6 saying is that the Town Code breaks down the type of  
7 construction and location, they do not need to be  
8 sprinklered.

9 And we have discussed with staff about that  
10 as well.

11 MR. HAREMZA: And we include that since  
12 Brighton is unusual in having a town sprinkler  
13 requirement that exceeds the state requirements. So  
14 it's kind of a standing note on most projects just as  
15 a reminder to applicants that, hey, you can't just  
16 follow the State Code. You've got to look at  
17 Brighton's specific sprinkler code.

18 But single-family homes do not require  
19 sprinklers in Brighton.

20 ACTING CHAIRPERSON OSOWSKI: All right.  
21 Thanks for clarifying that.

22 Okay. Thank you, Greg.

23 MR. McMAHON: You're welcome.

24 ACTING CHAIRPERSON OSOWSKI: This is a  
25 public hearing. Anyone from the audience that cares

1 to stand up and make any comments please do so now.

2 Okay.

3 MR. GORDON: I will just note for the record  
4 before we close the public hearing that we did have  
5 correspondence from -- give me just a moment. I just  
6 want to make reference to it specifically.

7 MR. McMAHON: Debra Stewart.

8 MR. GORDON: We have Debra, D-E-B-R-A,  
9 Stewart, S-T-E-W-A-R-T, dated September 18th, 2023, an  
10 email communication to the secretary of the Planning  
11 Board regarding her concerns about 57 Eldridge. That  
12 should be included in the public record.

13 ACTING CHAIRPERSON OSOWSKI: Okay. So  
14 noted. Thank you very much.

15 Okay. We'll move along to the next item on  
16 our agenda, 9P-02-23.

17 **Application 9P-02-23**

18 Application of Jewish Senior Life, owner,  
19 for Site Plan Modification to construct nine  
20 additional parking stalls on property located at 2980  
21 South Clinton Avenue. All as described on application  
22 and plans on file.

23 MR. GORDON: I'll note for the record that  
24 the applicant is handing out a satellite view of  
25 Marian's House dated September 20th, 2023. And if we

1 could get a copy of this put on the back table for the  
2 public to review if they wish to do so.

3 MS. PORILLO: Good evening. My name is  
4 Larissa Porillo from Marathon Engineering.

5 MR. GORDON: Just speak up a little bit  
6 because our stenographer needs to hear everything you  
7 say.

8 MS. PORILLO: Sorry about that. Again, my  
9 name is Larissa Porillo from Marathon Engineering.  
10 With me is Pete Gorman from Marathon Engineering,  
11 Carly Zecher, and Ann Barton from Marian's House.

12 We are requesting, tonight, site plan  
13 modification to construct nine additional parking  
14 spaces and improve drainage.

15 I would like to invite Ann from Marian's  
16 House to the podium to explain the need for the  
17 increase in parking spaces.

18 MS. BARTON: Good evening. My name is Ann  
19 Barton and I'm the program manager at Marian's House.

20 So for those of you that don't know,  
21 Marian's House is a social model day program for  
22 people in the early to mid stages of memory loss. We  
23 provide breakfast, lunch and a wide variety of  
24 recreational programs and offer people half a day or a  
25 full day to attend.

1                   The current number of parking spaces no  
2 longer meets the needs of the program, which has grown  
3 slightly. The parking lot can become very congested  
4 at midday when guests are dropped off for the  
5 afternoon sessions and then at the end of the day for  
6 pickup as everyone is arriving around the same time.

7                   And families do have to park because they  
8 have to park the car, come to the door because, of  
9 course, we don't let the people out to the families  
10 right at the door. They're not just dropped off  
11 quickly.

12                  There are no other parking options around  
13 Marian's House other than the parking spaces that we  
14 provide for the families, hence the reason for being  
15 here tonight.

16                  MS. PORILLO: To continue the need for the  
17 additional parking, Town Code requires 13 spaces.  
18 This is based off of one space per five people, based  
19 off the maximum occupancy of 54 people taken from the  
20 life safety plan and an additional one space for every  
21 employee. Marian's House has two employees on-site.

22                  We have included one additional parking  
23 space in the event that a caregiver might need to help  
24 a visitor out of the car and take up additional space.

25                  We believe this was the best design for the

1 parking to best fit the needs of Marian's House and  
2 also require no variances. We have also proposed  
3 additional landscaping to screen the parking from the  
4 street.

5 As for the drainage improvements, Marian's  
6 House is currently experiencing ponding water around  
7 the north side of the building. This is concerning as  
8 it is pooling by the foundation potentially causing  
9 leaking or structural issues. And it also obstructs  
10 safe ingress and egress of their senior visitors.

11 So with that, I would like to answer any  
12 questions The Board may have regarding this  
13 application.

14 MR. HAREMZA: Just a quick question. The  
15 parking calculations you just referenced, that's based  
16 on the daycare center --

17 MS. PORILLO: Yes.

18 MR. HAREMZA: -- in the Code?

19 MS. PORILLO: Yes.

20 ACTING CHAIRPERSON OSOWSKI: So this is a  
21 totally daytime operation. Nobody stays there  
22 overnight?

23 MS. PORILLO: Nobody is staying there  
24 overnight, correct.

25 Some visitors are either at full-time care,

1 basically from 8 a.m. to 5 p.m., or a half-day.

2 ACTING CHAIRPERSON OSOWSKI: Okay. And did  
3 you see the comments from the town engineer about rain  
4 gardens and the water drainage and the sewer?

5 MS. PORILLO: Yes, we did. So there is one  
6 rain garden at the southwest corner of the building.  
7 And we were proposing one yard inlet there. And that  
8 is the only one that we would technically be  
9 bypassing. However, with that rain garden, over time  
10 it has decreased in size and capacity. So we are just  
11 trying to help out with that drainage there.

12 And there are also rain gardens to the east  
13 of the building. However, that does not help with the  
14 ponding water on the north side of the building.

15 MR. FADER: Have you talked to the engineer  
16 and addressed the questions that he raised?

17 MS. PORILLO: Not yet. We plan to.

18 MR. FADER: And is staff okay with that  
19 being done administratively?

20 MR. GORDON: Yes. I mean, I guess I want to  
21 know a little bit more though here so we can relay  
22 some information back to the town engineer as well.

23 So my understanding is that when this  
24 project was originally designed that there were  
25 actually multiple rain gardens on-site.

1 MS. PORILLO: There are three.

2 MR. GORDON: Right. And you said there's  
3 one now?

4 MS. PORILLO: No. There is just one to the  
5 southwest corner of the building and then two to the  
6 east side of the building, which --

7 MR. GORDON: Are they all still in use?

8 MS. PORILLO: I believe so, yes. They are  
9 still there. Though the drainage that I looked at was  
10 the rain garden of the southwest corner.

11 And based off of our topo, it's definitely  
12 decreased in size and capacity. Only a very small  
13 portion of it is actually meeting the specs based off  
14 of the original.

15 MR. GORDON: So to eliminate the pooling you  
16 need to add the additional proposed storm sewer to  
17 take care of the flooding or pooling of water on that  
18 side because the rain garden isn't doing the trick; is  
19 that a fair comment?

20 MS. PORILLO: I would say that's a fair  
21 comment.

22 The main pooling of the water is on the  
23 north side of the building. However, we are trying to  
24 help that rain garden.

25 MR. FADER: Is there any way for you to

1 accommodate the water on-site?

2 MS. PORILLO: I don't know other than the  
3 yard inlets that we have proposed.

4 MR. FADER: Where would those go?

5 MS. PORILLO: So they -- we are proposing  
6 five yard inlets. And they are going to daylight past  
7 the existing parking lot to the northeast side of the  
8 building.

9 MR. FADER: So you're going to take water  
10 and move it, but you're going to discharge it on your  
11 own property.

12 MS. PORILLO: Yes. We will not be affecting  
13 any adjacent properties.

14 MR. HAREMZA: I'm not sure if I agree with  
15 that. The daylight indicated on the drawings, a foot  
16 or two from the property line. And the topo shows  
17 that it's flowing down.

18 MS. PORILLO: My understanding was it was  
19 farther away from the property line, but I may be  
20 mistaken.

21 MR. FADER: I think the slope is more  
22 important than the distance. The question is, will  
23 the water line flow across the property line?

24 MS. PORILLO: We are hoping with our riprap  
25 that it will not.

1                   MR. GORDON: And the reason why staff is  
2 okay with having you folks issue final site plan  
3 approval is because one of the conditions that you see  
4 in the newly revised Planning Board report is that the  
5 applicant has conditioned or recommended this  
6 applicant shall satisfy the requirements for the town  
7 engineer including, but not limited to, issues related  
8 to stormwater and drainage. And that's referenced to  
9 the Town --

10                  MR. FADER: And that's why I asked was staff  
11 okay to do that administratively.

12                  MR. GORDON: Yes, but only with that  
13 condition.

14                  MR. HAREMZA: Right. Yeah. Again, the  
15 drainage can be solved and we're confident in our  
16 colleagues' abilities and the town engineer's office.

17                  But that being said, I think that does need  
18 to be resolved but would not impact the general layout  
19 of the site.

20                  MR. FADER: Well, also it's like the  
21 property they're flowing onto is the Town's.

22                  MR. GORDON: That it is. It is town  
23 property.

24                  MR. FADER: That kind of makes it not a --  
25 not -- I can see why the Town is concerned

1 specifically since the usage is town property.

2 MR. GORDON: Well, I think the Town's always  
3 concerned about discharge of stormwater or any other  
4 drainage onto property that is not owned by --

5 MR. FADER: Right. You don't want to set a  
6 precedent.

7 MS. PORILLO: This is definitely something  
8 we'd be working out with Evert.

9 ACTING CHAIRPERSON OSOWSKI: So the water  
10 from the parking area along the north edge now, where  
11 does that drain to right now? It should drain to the  
12 north. Or is to the south?

13 MR. GORMAN: Yeah. So that --

14 MR. GORDON: Could you just please identify  
15 yourself?

16 MR. GORMAN: Yeah, sorry. Peter Gorman with  
17 Marathon Engineering also.

18 So that drains to the north already as a  
19 sheet slope. So we are proposing more of a point  
20 concentrated flow, but we're going to be dissipating  
21 that with riprap. So that water generally goes to the  
22 north already. We're just kind of focusing on that  
23 one area.

24 ACTING CHAIRPERSON OSOWSKI: Because it  
25 looks like you have adequate cover over the pipe, foot

1 and a half, two feet across.

2 MR. GORMAN: Correct. So we can look at  
3 bringing that back so that outlet's a little farther  
4 from the property line and, again, just dissipating  
5 that with riprap.

6 MR. HAREMZA: Just out of curiosity, do you  
7 know what the soils are like there? Is it clay?

8 MR. GORMAN: I don't know. I don't think  
9 we've done any soil investigation.

10 MR. HAREMZA: The fact that it's ponding  
11 suggests that.

12 MR. GORMAN: Yeah. It's probably poor soil  
13 and also just very flat in that area.

14 And I think the house was probably set a  
15 little too low. Could have been brought up a little  
16 higher under the original design.

17 ACTING CHAIRPERSON OSOWSKI: Okay. Any  
18 other questions from any board members?

19 MR. FADER: I'm fine.

20 ACTING CHAIRPERSON OSOWSKI: Okay. Anything  
21 else, Ken? Jason? All right. Good.

22 Thank you very much. This is a public  
23 hearing. If anyone out there wants to address this  
24 item, please step forward.

25 Okay. We will -- our last agenda item

1 5P-NB1-23 Old Mill Road was deferred to October.

2 So I'd like to announce that the public  
3 hearings are closed. Okay.

4 (Public hearings concluded at 7:38 p.m.)

5 (Deliberations and decisions begin.)

6 **Application 9P-01-23**

7 Application of Westmarsh Properties, LLC,  
8 owner, for Final Site Plan Approval and Final EPOD  
9 (woodlot) Permit Approval to construct a 2,560 +/-  
10 square foot two-story single-family home with a 634  
11 +/- square foot attached garage on property located at  
12 57 Eldridge Avenue. All as described on application  
13 and plans on file.

14 **Application 4P-NB1-23**

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

22 MR. BABCOCK-STINER: I move we close the  
23 public hearing

24 MR. FADER: I second that.

25 ACTING CHAIRPERSON OSOWSKI: Moved and

1 second. Do we need to call the roll or --

2 MR. GORDON: Roll.

3 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;

4 Mr. Fader, aye; Ms. Ford, aye;

5 Mr. Grisewood, aye; Mr. Osowski, aye.)

6 (Upon roll motion to close the public

7 hearing carries.)

8 ACTING CHAIRPERSON OSOWSKI: All right.

9 Thank you. Okay. Does anyone care to make a motion  
10 regarding the approval of the final plan and EPOD  
11 permit?

12 MR. HAREMZA: And just to note the revised  
13 staff report has eight proposed conditions.

14 MR. BABCOCK-STIENER: I move that the  
15 Planning Board finds that the proposed action will not  
16 have a significant impact on the environment and  
17 adopts the negative declaration prepared by town  
18 staff.

19 I also move that The Board approves  
20 applications 9P-01-23 and 4P-NB1-23 for final site  
21 plan approval and woodlot/EPOD approval based on the  
22 testimony given, plans submitted and with the eight  
23 conditions outlined in the Planning Board report.

24 MR. FADER: I'll second that.

25 ACTING CHAIRPERSON OSOWSKI: Moved and

1                   seconded.

2                   I would like to make a change to condition  
3                   number 5. And that's the one which confused me  
4                   regarding the sprinklers. I would propose that we  
5                   strike the second sentence of that paragraph where it  
6                   says "the proposed shall be sprinklered in accordance  
7                   with the Brighton requirement."

8                   Because the first part of that seems fine.  
9                   The project shall comply with fire suppression of the  
10                   building code, but --

11                   MR. GORDON: Could I suggest, Mr. Osowski,  
12                   that the amendment read "The entire project shall  
13                   comply with the most current New York State Fire  
14                   Prevention and Building Code and the Town Code of the  
15                   Town of Brighton."

16                   ACTING CHAIRPERSON OSOWSKI: Yeah. That's  
17                   good. Thank you. Okay. Is that acceptable?

18                   MR. BABCOCK-STIENER: Yeah. That works.

19                   MR. FADER: Yup. No problem.

20                   ACTING CHAIRPERSON OSOWSKI: Okay. All  
21                   right. So it was moved and seconded. So call the  
22                   roll, Jason.

23                   **Conditions:**

24                   1. Address the comments of the Town of Brighton's  
25                   Department of Public Works.

1                   a. Applicant shall respond in writing to all  
2 comments of the Planning Board, Town

- 7                   a. A letter of credit shall be provided
- 8                   b. A schedule of all easements shall be
- 9                   provided

13 e. Documentation of the Army Corps of  
14 Engineers review of the federal wetlands to  
15 be impacted by sewer construction

16 f. Existing drainage cross the property  
17 under development shall be maintained  
18 during development

19 For a complete list of specific requirements, please  
20 refer to the attached memo dated 9-18-2023.

3. A permit for work in the right of way shall be obtained for clearing the brush and shrubs in the right-of-way. Orange construction fencing shall be installed around the tree(s) in the right-of-way to protect it during removal of brush and shrubs. All

1 disturbed areas within the right-of-way are to be  
2 restored to their original condition on a schedule to  
3 be approved by the Highway Superintendent [or their  
4 designee].

5 4. Monroe County comments, if any, shall be  
6 addressed.

7 5. The entire project shall comply with the most  
8 current New York State Fire Prevention and Building  
9 Code and the Town Code of the Town of Brighton.

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

12 7. The driveway shall be located at least four feet  
13 from any property line (except where it crosses the  
14 front property line onto the public right-of-way).

15 8. As no generator is shown on the plans, any future  
16 generator installation shall require separate  
17 permitting and approval.

18 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;

19 Mr. Fader, aye; Ms. Ford, aye;

20 Mr. Grisewood, aye; Mr. Osowski, aye.)

21 (Upon roll motion to approve with conditions  
22 carries.)

23 **Application 9P-02-23**

24 Application of Jewish Senior Life, owner,  
25 for Site Plan Modification to construct nine

1 additional parking stalls on property located at 2980  
2 South Clinton Avenue. All as described on application  
3 and plans on file.

4 MR. FADER: I'll move that we close the  
5 public hearing.

6 MS. ALTMAN: I'll second.

7 ACTING CHAIRPERSON OSOWSKI: Moved and  
8 second to close the public hearing. Jason, call the  
9 roll.

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

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

15 ACTING CHAIRPERSON OSOWSKI: All right.  
16 Thank you. Okay. Do we have enough information for  
17 us to make a recommendation for this project?

18 MR. FADER: I move that the Planning Board  
19 finds that the proposed action does not have a  
20 significant impact on the environment and adopts the  
21 negative declaration prepared by town staff and the  
22 Planning Board grants site plan modification approval  
23 for application 9P-02-23 based on the testimony given,  
24 plans submitted and the five conditions outlined in  
25 the planning board report.

1                   MR. BABCOCK-STIENER: I'll second.

2                   ACTING CHAIRPERSON OSOWSKI: Seconded.

3                   MR. BABCOCK-STIENER: I want to bring  
4 something up. Do we need -- because it was a Type II  
5 and there was no neg dec, do we need to correct that  
6 to say that it was -- or is it not relevant?

7                   MR. GORDON: So I would suggest that the  
8 motion be modified only because there is no neg dec  
9 that was prepared by town staff. But it is a Type II.  
10 So we do not need to do SEQRA on this project based on  
11 the size of the modification being made. Is that okay  
12 if we strike that language relative to SEQRA?

13                  MR. FADER: Yes.

14                  MR. GORDON: And whoever seconded that.

15                  MR. BABCOCK-STIENER: I did. That's fine  
16 with me, yes.

17                  ACTING CHAIRPERSON OSOWSKI: Moved and  
18 seconded. Shall we call the roll?

19 **Conditions:**

20 1. Address the comments of the Town of Brighton's  
21 Department of Public Works.

22                  a. Applicant shall respond in writing to all  
23 comments of the Planning Board, Town  
24 Engineer, and Building and Planning Department

25 2. The applicant shall satisfy the requirements of

1 the town engineer including, but not limited to,  
2 issues related to stormwater and drainage. For  
3 specifics, please refer to the attached memo dated  
4 9-18-2023.

5 3. Monroe County comments, if any, shall be  
6 addressed.

7 4. The entire project shall comply with the most  
8 current New York State Fire Prevention and Building  
9 Code.

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

12 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
13 Mr. Fader, aye; Ms. Ford, aye;  
14 Mr. Grisewood, aye; Mr. Osowski, aye.)

15 (Upon roll motion to approve with conditions  
16 carries.)

17 **Signs:**

18 **1697** Willow Salon for a building face sign at  
19 2198 Monroe Avenue.

20 ACTING CHAIRPERSON OSOWSKI: Okay. I'd like  
21 to move that we approve it as recommended by the  
22 Architectural Review Board.

23 MS. ALTMAN: I'll second that.

24 ACTING CHAIRPERSON OSOWSKI: Jason, call the  
25 roll.

1 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
2 Mr. Fader, aye; Ms. Ford, aye;  
3 Mr. Grisewood, aye; Mr. Osowski, aye.)  
4 (Upon roll motion to approve as recommended  
5 carries.)

6 ACTING CHAIRPERSON OSOWSKI: Thank you very  
7 much.

8 (Proceedings concluded at 7:46 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 20th day of September, 2023

13 at Brighton, New York.

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Holly E Castleman

HOLLY E. CASTLEMAN, ACR,  
Notary Public.