

Proceedings held before the Planning Board of Brighton at 2300 Elmwood Avenue, Rochester, New York on January 20, 2016 commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman  
Laura Civiletti  
Daniel Cordova  
David Fader  
John Osowski  
Jason Babcock Stiner

NOT PRESENT: James Wentworth .

Ramsey Boehner, Town Planner  
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the January 20, 2016 meeting of the Town of Brighton's Planning Board to order. Do we have a motion to approve the minutes of the December 16, 2015?

MR. OSOWSKI: I move to approve the December 2015 minutes with corrections.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE      MOTION UNANIMOUSLY CARRIED

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MR. CHAIRMAN: Mr. Secretary were the public hearings properly advertized for January?

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of January 14, 2015.

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MR. CHAIRMAN: I want to note that application 11P-NB1-15 and 12P-NB1-15 are postponed to the February meeting at the applicant's request.

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1P-01-16 Application of Tom Terry, owner, for Conditional Use Permit Approval to allow for the indoor storage of automobiles on property located at 27 Tower Drive. All as described on application and plans on file.

MR. CROW: My name is David Crow from with HB Cornerstone and Architect here representing Tom Terry who is the owner for the 27 Tower Drive property and what I will do is just walk you through the project and have the owner tell you about his business and then answer any questions you may have. The property is an existing 12000 square foot single story masonry and steel construction housed at 27 Tower Drive. The district is zoned for light industrial. Tom owns two pieces of property this one which is just over 1 acre and this one that is just 3.5 acres and overall there is 4.9 acres they are not legally combined. It is a single piece of property but he does own them and they are contiguous. There are no changes of any consequence planned for the property. There are 12000 square feet warehouse with office accessory. This is the entry side and we will talk about that in a second. The entrance is here. There are two existing overhead doors, two existing overhead doors in the back an exit here and an exit here. The only thing that tom is planning on doing with it is to replace the lighting with LED lighting for energy efficiency because everything is so old.

MR. BOEHNER: Is that exterior or interior.

MR. CROW: He will be doing the exterior as well and we will file for a permit and make sure using dark sky friendly with cut outs. It hasn't been done yet.

MR. BOEHNER: We will need to get that plan.

MR. CROW: The idea is perimeter security that is all. It is not trying to light up all four acres or anything like that. He is going to be using the existing HVAC system. There is no plan for any kind of fuel oil or there will be no storage for fuel on site. So its natural gas for HCAC and that is going to be prepared and used. Right now the dock is elevated 44 inches and the paving comes out in sort of a T shape

and the dock is built over that there is no change to the impervious surfaces. It is going to be asphalt over asphalt. Right now it drains in an east direction and that is going to remain unchanged . There will be no change in the direction of the drainage.

MR. BOEHNER: Can we talk a little bit about that? He has started construction on that?

MR. CROW: He has and he has stopped. He put in the retaining walls. He built it and that is when I got involved and I said you don't have a permit to be doing that you need to stop so he has and right now its non compacted filler right now so.

MR. BOEHNER: Has he reviewed your drawings? Does he plan on doing the plans that you have submitted to this Board?

MR. CROW: He does.

MR. BOEHNER: Okay. So he is in agreement with those?

MR. CROW: Absolutely. So that's basically the building. There is no dramatic changes probably the biggest is going to be that ramp where there currently is an elevated deck. The nature of the business Tom has a vintage car collection and he has I want to say some where between 30 and 40 cars. The plan is this is for his private use. It is not business. It is for storage and warehousing of those cars. All the cars and everything that he does is completely within this building. There is no plans to do anything with the exterior, no car parking other than the five spaces we are required to have. There is no on site fuel storage. There will be no noise generated. It is simply storage. There is no odor, smoke or dust or other things that you are sensitive to in warehousing. So none of that is going to be happening and I put it in my description. There is no auto-body repair, no major auto repair happening here. There would be a little bit of light maintenance but otherwise everything is sent out, even when he does oil changes and that sort of thing. It is not an auto repair garage. It is truly warehousing with a little bit of maintenance.

MR. BOEHNER: When you say light maintenance, what would be light maintenance?

MR. CROW: Like changing plugs or rotating tires or checking fluid levels and that sort of thing. He isn't going to store fuel on this site so he would take the cars off site and he has an agreement with the insurance company that he doesn't have more than a quarter tank of gas in the fuel tanks either because they don't want these cars sitting with a full fuel tank. Although that doesn't break any rules. He isn't trying to create a situation and is trying to keep it safe. He doesn't have any employees. He does have one volunteer assistant. So it is really Tom plus John Carpenter, those are the two guys who use the facility. There are no customers or visitors. There may be an occasional individual once or twice a week but that is the extent of it. Days of operations he is in there Monday through Friday during normal business hours. He might have a little bit of activity during off hours and weekends but again nothing of any consequence.

The parking we are able to provide five which is one per 4000 square feet plus one for one employee and then a handicapped spot. There really are no deliveries. Trash is stored within the building and it is taken out weekly because he doesn't generate any trash. There is no hazardous or waste material that will be going through the system and there is no plans or intent to do any sort of special public events or activities. It is truly a storage facility for his cars. That is what I have.

MR. BOEHNER: Is the parking lot going to be stripped?

MR. CROW: He will strip it for five cars, yes.

MR. BOEHNER: And you will post the new handicapped signs?

MR. CROW: Yep.

MR. BOEHNER: One thing he will need to do before he occupies the building is that he needs to go through the building and planning department for the change of occupancy. He will need to apply formerly if he gets this Conditional Use Permit. You need to do some of the analysis, that will need to be submitted. It is a change of occupancy. I think you will be alright but you still need to go through that process. There is a condition in there that you have to meet the NY State

Building code of occupancy and will issue a new C of O.

MR. CROW: So we will work with you guys on that.

MR. BOEHNER: You haven't talked with the Fire Marshal?

MR. CROW: I have not.

MR. BOEHNER: He is not a dealer is he?

MR. CROW: He is not. There is no sales transaction of any sort here.

MR. CHAIRMAN: There is property to the south of this is that an access drive?

MR. CROW: There is sort of a worn path and I think this might be the Raymore and Flanigan warehouse here and so they have almost 50 feet to the property line and they have a very narrow slice of probably 10 feet. There is no plans to do anything with that.

MR. BOEHNER: One thing on your site plan it is kind of hard to read. It looked as if you were expanding the parking area to get access around the ramp I see the two wings. It looks like it is cutting into the green area and we don't have a calculation for the amount of green space. So I don't know if you need a variance or not. You have other asphalt that he may not be using, so you may be able to remove some?

MR. CROW: Alright, he has it roughed in right now and he doesn't require that however when we finalize it we will be glad to work it out.

MR. BOEHNER: I think that is what you can do it is easiest to just balance it. It is not a lot.

MR. CHAIRMAN: Is there pole lighting?

MR. CROW: There is no pole lighting. It is just around the perimeter of the building for security.

MR. CHAIRMAN: Any more questions?

MR. OSOWSKI: Any plan for an emergency generator inside or outside?

MR. CROW: Not at the current time no.

MR. OSOWSKI: Any signage?

MR. CROW: We will be happy to put a street address on it but he doesn't want to draw attention to it.

MR. OSOWSKI: Any roof vents planned?

MR. CROW: There is no plans to replace the roof. It is in very good shape.

MR. BOEHNER: What type of cars does he have?

MR. CROW: He likes Dodge and Chrysler, he has 37 Dodge classics.

MR. BOEHNER: Does he have other places right now?

MR. CROW: He is using a combination of places right now. He is very anxious to consolidate them. AT the moment he has them spread out all over.

MR. CHAIRMAN: Any questions? There being none this is a public hearing. Is there any one who cares to address this application?

MR. Lederer: My name is Phillip Lederer. I sent you a letter. The letter concerned a lack of public notice as far as I am concerned. I live at 2169 South Clinton Avenue and there is a proposal to tear down two homes. One of which has been used for a commercial

structure for a very long time. They are very close to my home and one issue I would like to bring forward to you. I am not sure if it is a legal issue an informal issue but first of all I received no written notice from the Town about anything that is happening. I inquired at the office and someone suggested I live too far away. I live at 2169 and the structure being torn down is at 2140.

Secondarily it is an issue of posting and an announcement on the street. I sent you a picture of what the signage looked like. I should say in truth I discovered this only a couple of days after the December meeting and I went to look at it. So the picture represents what the sign looked like two days after your meeting. I don't know how it was posted previous to that but I don't think it is visible. I live across the street and I go down the street very often and I didn't see it. So the idea is of course things like this I think things should be more carefully done and in terms of my particular interest I would like to be able to express my opinion and input into the proposal and I see already you have laid out conditions for them and my concern is this thing is going to be approved and wrapped up before I have any opportunity to speak to the Board.

MR. BOEHNER: A couple of things, it is the Town's policy to let abutting property owners of which he is not abutting. It is not necessarily by Town code. The last public hearing was for preliminary review. He got preliminarily approved. They will be back for a final public hearing which you can participate in and you're your comments.

MR. LEDERER: I am not sure how final, final is? I plan on coming to the meeting with some very specific comments.

MR. BOEHNER: I think the best thing would be for you to be at that meeting and give your comments for the record of that meeting. If you want to submit written comments to that is another way but I think if you are in Town it is best to come to that meeting.

MR. LEDERER: I certainly will.

MR. BOEHNER: I don't know if they are on the February agenda but if you call tomorrow we can tell you if they are on that agenda and I think they will be coming back February or March that is my understanding.

MR. LEDERER: I understand it just seems strange that I didn't receive a letter and I also think that signage wasn't properly posted in terms of good practice. That is all.

MR. CHAIRMAN: Thank you for coming in.

MR. BOEHNER: Thank you.

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MR. CHAIRMAN: The public hearings are closed.

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#### PRESENTATIONS

NONE

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#### COMMUNICATIONS

Letter, with attachments, from Phillip Lederer, 2169 South Clinton Avenue, dated January 15, 2016 regarding the proposed development at 2122 and 2140 South Clinton Avenue.

Letter from Andrew Moroz, BME Associates, dated January 19, 2016 requesting postponement of application 11P-NB1-15 to the February 17, 2016 meeting.

Letter from Kurt Hakola, Marathon Engineering, dated January 19, 2016 requesting postponement of application 12P-NB1-15 to the February 17, 2016 meeting.

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#### PETITIONS



NONE

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1P-01-16 Application of Tom Terry, owner, for Conditional Use Permit Approval to allow for the indoor storage of automobiles on property located at 27 Tower Drive. All as described on application and plans on file.

MS. CIVILETTI: I move to close the public hearing for application 1P-01-16.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance.

#### DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

#### CONDITIONS

1. Existing and proposed impervious coverage calculations shall be provided. Any required variances shall be obtained.
2. The applicant shall contact the Town of Brighton Fire Marshal, Chris Roth, at 585-784-5220, to discuss the proposal and shall comply with any requirements of the Fire Marshal. An occupancy permit shall be obtained from the Fire Marshal.

3. There shall be no outdoor storage or display without further approval.
4. Prior to occupancy of the building, the applicant shall apply for a Change of Occupancy under the NYS Building code and all code requirements shall be met
5. All work as shown on plans submitted with the Planning Board application shall be completed prior to occupancy. This requirement may be waived by the Building Inspector.
6. Only minor maintenance and repair of vehicles as described in application and testimony shall be permitted without further approval. No painting of vehicles shall be allowed on site without further approval.
7. No bulk storage of hazardous or flammable liquids or materials shall be permitted without further approval.
8. No sales shall take place on site.
9. Any changes to exterior lighting shall be reviewed by the Building & Planning Department and may require Planning Board approval.
10. All necessary building permits shall be obtained and all New York Building and Fire Codes adhered to.
11. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.
12. The entire building shall comply with the most current Building Fire Codes of New York State.
13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All town codes shall be met that relate directly or indirectly to the applicant's request.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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11P-NB1-15 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Preliminary Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with associated parking on property located on Sawgrass Drive, known as Tax ID #'s 149.06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file. TABLED AT THE NOVEMBER 18, 2015 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE FEBRUARY 17, 2016 MEETING AT APPLICANT'S REQUEST.

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12P-NB1-15 Application of Kaupp Family, LLC, owner and Marathon Engineering agent, for Preliminary Site Plan Approval to construct a 5,622 +/- sf building addition and to expand a parking lot on property located at 1500 Brighton Henrietta Town Line Road. All as described on application and plans on file. TABLED AT THE DECEMBER 16, 2015 MEETING – PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE FEBRUARY 17, 2016 MEETING AT APPLICANT'S REQUEST.

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SIGNS

1418 Joeval's Formalwear Ltd. For a building face sign at  
2240 Monroe Ave.

ARB Tabled .

The graphic design is acceptable. Construction of the sign should  
be consistent with the material quality and visual effect of the  
existing signage in the plaza.

1421 Nest Financial Group Inc. for a building face sign at 1534  
Monroe Avenue.

Approved as presented.

MR. CHAIRMAN: So moved with 1418 tabled  
And 1421 approved as presented.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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CERTIFICATION

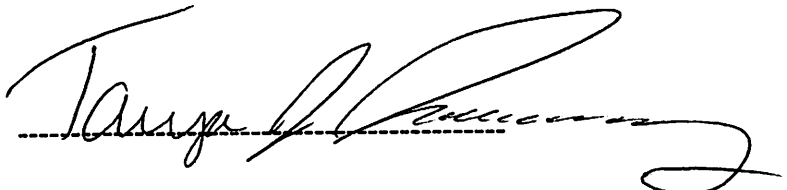
I, Judy Almekinder, 7633 Bauer Van Wickle Road,  
Lyons, New York 14489, do hereby state that the minutes of the January 20, 2016  
Meeting of the Town of Brighton's Planning Board at 2300 Elmwood Avenue, Brighton,  
New York, is a true and accurate transcription of those notes to the best of my ability as  
recorded and transcribed by me.

  
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Judy Almekinder

On this 25 day of February in the year 2016, before me personally came Judy  
Almekinder to me known, and known to me to be the person described herein and who  
executed the foregoing instrument, and she acknowledges to me that she executed the  
same.

TANYA J. LEISNRING  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01LE6312991  
Commission Expires October 14, 2018

  
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Notary Public

Commission Expires October 14, 20  
No. 01LE6312991  
Qualified in Wayne County  
Notary Public, State of New York  
TANYA J. LEISERMAN

AMENDMENTS TO THE DECEMBER 16, 2015 MEETING

PAGE 1 4<sup>TH</sup> LINE FROM THE BOTTOM CHANGE OCTOBER TO  
DECEMBER

PAGE 14 THIRD PARAGAPH 2<sup>ND</sup> LINE CHANGE SLIP TO SWPPP