

Brighton Planning Board 1/16/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JANUARY 16TH,
2019 AT APPROXIMATELY 7:30 **P.M.**

January 16th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON
PAMELA DELANEY
JOHN J. OSOWSKI
LAURA CIVILETTI
DAVID FADER
JASON BABCOCK-STINER
JAMES WENTWORTH

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

REPORTED BY: RHODA COLLINS, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

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CHAIRPERSON PRICE: Good evening. I'd like to call to order the January session of the Town of Brighton Planning Board. In the likely event of any kind of emergency tonight there are exits behind you and one behind me.

Mr. Secretary, please call the roll for this evening.

MR. BOEHNER: All present.

CHAIRPERSON PRICE: Thank you. We had meeting minutes for our October meeting and for our November meeting. We did not have a meeting in December, so we don't have those to approve. Do we have a motion to approve the October and November meeting minutes?

MS. CIVILETTI: I'll move approval.

CHAIRPERSON PRICE: Moved, and is there a second?

MR. FADER: Second.

CHAIRPERSON PRICE: So motion and second. Is there any edits or revisions? Okay. Moved and second, all in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Pam, you were not here in November.

MR. BOEHNER: So you are not voting on the

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November minutes.

CHAIRPERSON PRICE: Mr. Secretary, were tonight's Public Hearings properly advertised?

MR. BOEHNER: Yes. They were properly advertised in the Brighton Pittsford Post of January 10, 2019.

APPLICATION 11P-03-18

11P-03-18 Application of Genesee Valley Group Health Association, owner, and Jeremy Klemanski - Helio Health, contract vendee, for Preliminary/Final Subdivision Approval to join two lots into one, and Site Plan Modification and EPOD (woodlot) Permit Approval to construct an outdoor passive recreation area with walking trails and a patio adjacent to the existing building on property located at 1850 Brighton Henrietta Town Line Road, known as Tax ID #s 148.20-2-75.1 and 148.20-2-75.2. All as described on application and plans on file. **Tabled at the November 14, 2018, meeting - Public Hearing remains open**

MATT TOMLINSON: Good evening, everyone. Matt Tomlinson from Marathon Engineering. I've got several representatives from Helio Health with me as well. Since we appeared before you last time, we have addressed town staff comments as well as some of the comments that we received

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here from the Planning Board. In addition we've also received our variance for the use and conditional ARB approval. It's my understanding that the conditions on the ARB approval were related to signage and also needing a further review of screening of HVAC equipment, when that is designed down the road.

There were several comments or questions that we recently addressed with Mr. White related to the lot coverage, so I wanted to just clarify that for the Board. Existing lot coverage is approximately 40 percent and the trails, because we are going with the crushed stone versus the wood chip, is going to be counted as impervious. So that number now is 42.6 proposed so we're slightly increasing impervious area.

The majority of that is going to sheet drain off of the trail to the wooded area that we're maintaining. We're going to maintain existing drainage patterns. We've addressed the town engineer comments as well, and I believe that there aren't any significant outstanding items from an engineering standpoint.

So with that, we really haven't changed the plan other than adding some additional detail. I'll just touch on it a little bit. It's primarily related to the ADA

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accessible spacing of the sidewalk along the front. And adding additional detail in the spot elevation there, as well as the accessible portion of the crosswalk and the patio which we discussed the last time we were here. It's primarily going to be for employees. It could potentially be used at times in nice weather for visitors. So with that, I'll answer any questions that the Board may have.

MR. BOEHNER: Matt, now, as part of the construction of the trail are you guys proposing still not to take down any trees?

MATT TOMLINSON: That's correct. We'll just be clearing brush, nothing that's been identified as greater than the size identified in the EPODS will be taken out.

MR. BOEHNER: What is the color temperature of the lights?

MATT TOMLINSON: Those are 3,000 kelvin and cut sheets were submitted and a lighting contour map was also submitted. Right now most of the heads in the parking lot are multihead metal halide lights, so we will be swapping out for LED single head on the existing pole locations.

MR. OSOWSKI: So will the trail be ADA accessible now because of the switch in material?

MATT TOMLINSON: It's all under the maximum

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slops. It's very flat back through there, so it will be less than two percent in any direction. So, yes, it will be accessible.

MR. BOEHNER: Are you doing stone dust?

MATT TOMLINSON: Yes.

CHAIRPERSON PRICE: And when did stone dust become an impervious material?

MR. BOEHNER: It's by our Town Code.

CHAIRPERSON PRICE: Town Code, not DEC though?

MATT TOMLINSON: DEC has always taken a position if it's crushed stone or stone dust, and it really was because people put in gravel parking lots and then paved them afterwards. But that's been their position historically.

MR. BOEHNER: And our code has it also.

CHAIRPERSON PRICE: As impervious?

MR. BOEHNER: Yes, very similar reasons.

MR. FADER: It's a good material.

MATT TOMLINSON: Yes. Primarily it's only going to be used in nicer weather, but it will be there for use when appropriate.

MR. BOEHNER: Matt, and you do not know what's happening with the mechanicals at this point; is that my

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understanding?

MATT TOMLINSON: Not at this point, that is correct.

MR. BOEHNER: What is your -- what I want to get on the record is, what is your time frame to start construction.

MATT TOMLINSON: I'll let Jeremy speak to that.

MR. BOEHNER: If you could give your name and spell your name, for the record?

MR. SCHAEFER: Jeremy Klemanski, K-l-e-m-a-n-s-k-i, I'm the President, CEO of Helio Health.

So to address the question of time on construction, there's not an established time on construction as of yet. We are still going through the approval process with New York State for funding and they want to see that we have these approvals in place so that they can support that.

The dormitory authority and Oasis will likely will likely control construction time lines more than I will. So I really can't have a guess for you at this time. I can tell you that we want to move as quickly as we can, but they have their own set of rules around bidding and things like that. I think I honestly don't know the answer to that

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question.

MR. BOEHNER: The reason I bring it up is that your site plan approval is good for one year. After a year you -- right before the end of the year you would need to come back and renew it, and we can only renew it for one additional year. I just wanted to get it on the record that you're not going to be starting right away and you might need an extension.

MR. SCHAEFER: It's possible, yes.

CHAIRPERSON PRICE: Matt, the one pole that's in the driveway throat, that is in a right of way, you're not changing anything about that fixture?

MATT TOMLINSON: That's correct. We are not 100 percent clear on who owns it because it's in the right of way. I was assuming it was a Town fixture, so we're leaving that alone.

MR. OSOWSKI: On your Drawing C-4.0, Number 5, stone seeding detail, the big dolomite blocks for benches and they can be really cold when it's not that warm out. Have you considered putting in some kind of a wood? Real wood, a hardwood or, you know, fake wood on top of it so it's not so cold?

MATT TOMLINSON: We would potentially consider

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it. Again, I don't think it's anything that's going to be used too frequently in the cold or inclement weather. So I don't know that it's a large concern for them, but it's something we would definitely look at.

MR. OSOWSKI: Okay.

MR. BOEHNER: Thank you, Matt.

CHAIRPERSON PRICE: This is a Public Hearing, is there anyone in the audience that cares to address this application?

APPLICATION 1P-01-19

1P-01-19 Application of 1925 South Clinton, LLC, owner, for extension of Site Plan Approval – Phase I, Subdivision Approval and EPOD Permit Approval (12P-02-17) allowing for the construction of an 11,600 +/- sf day care facility together with associated site improvements on property located at 1915-1925 South Clinton Avenue. All as described on application and plans on file.

PAUL COLUCCI: Good evening, Paul Colucci of the DiMarco Group here tonight on behalf of 1925 South Clinton, LLC. You recall that this application to develop the 11 acres was subject as an incentive zoning approval was granted in 2018, and we came right behind with Phase 1 and Phase 2. Phase 1 was for the day care facility in the north

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portion of the property. Due to the day care we spent much of 2018 supporting that applicant to seek a pilot agreement with Grow Monroe. They were kind of moved from one available agenda to the next, finally got before Grow Monroe in the later part of the summer, they were denied that pilot which had them come back to us to renegotiate the lease and we've spent the better part of 2018 finalizing those terms.

We essentially ran out of construction season. We were leading up to that with some construction start date towards the later part of the summer. Had pre-construction meetings with Town staff, we have a few conditions still yet to satisfy, which are finalizing some easements which we have all of those secured with the exception of our property.

Our neighbor to the north who wished to be paid for reciprocal access that we were required of this Board to grant cross access to our neighbor to the north for this connection. When we approached them they wanted to be paid a handsome amount of money for reciprocal access. So we have been working with them to try to come to terms. We would prefer that this Board potentially consider just having us grant them cross access on our property rather than require they give us reciprocal access. It would be preferred if that condition could be modified.

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MR. BOEHNER: I think, Paul, it's the incentive zoning condition.

PAUL COLUCCI: Was it?

MR. BOEHNER: Yeah.

PAUL COLUCCI: I thought it was a Planning Board condition.

MR. BOEHNER: No. If you did one, we could check that. That would be another application to come back and modify the application. I did talk to someone and if I remember right, it's a modification of the incentive zoning that would need to be done.

PAUL COLUCCI: We nonetheless thank you, Ramsey. We do have an agreement in principle with them, it would cost us a fair amount of money to pay for that reciprocal access, which we truly don't need, onto their property. We are putting in the signal and their patrons would enter onto our property to have access for safe ingress and egress to South Clinton.

Ultimately, we intend to start construction in the spring. Obviously, we are in the middle of winter, we do not intend to start construction at this time now. I know we'll deal with the other Phase 2 under another Public Hearing, but same story there, we had a tenant and we didn't

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start construction, that tenant has gone away. We would like to preserve the ability to develop the property. We are still marketing that building to medical users. We have LOI is out, we don't have a lease signed for that building yet. Given that we ran through 2018, and didn't get the opportunity to start construction we want to be able to preserve the ability to work over the next 12 months to secure tenants for that building should they go to lease from LOI stage.

MR. BOEHNER: Probably best to save a little something to say for the next Public Hearing.

PAUL COLUCCI: Thank you.

MR. BOEHNER: We don't have a lot to talk about.

CHAIRPERSON PRICE: If you don't get reciprocal from the neighbors to the north, how do you do the construction? Do you actually make the time or is that a 10-foot gap?

PAUL COLUCCI: If we didn't get reciprocal we will build it right up to the property line, and then turn it to the Town to say, when they come in for anything in the future they can complete the connection. We, like I said, we do have an agreement in principle with them. We have a sum

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of money that we would have to pay. Albeit it's not a small sum, the DiMarco Group has agreed to pay that, we just would need to finalize that.

Then the property to the south who has always been agreeable to signing a reciprocal access has changed hands. A couple times we got right to the point of signing that easement and then they sold to another operator. And we are back in their legal washing machine, but there's no opposition on that side, or no request for compensation.

CHAIRPERSON PRICE: Okay. The Town Board may have to deal with the modification of the condition, but unless you determine it is our condition.

MR. BOEHNER: No, it's a Town Board condition.

CHAIRPERSON PRICE: Okay. We would ask is there anyone that would care to address this application?

APPLICATION 1P-02-19

1P-02-19 Application of 1925 South Clinton, LLC, owner, for extension of Site Plan Approval – Phase II (1P-02-18) allowing for the construction of an 27,300 +/- sf medical office building together with associated site improvements on property located at 1915-1925 South Clinton Avenue. All as described on application and plans on file.

PAUL COLUCCI: Paul Colucci, of the DiMarco

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Group here tonight on behalf of 1925 South Clinton, LLC.

Requesting an extension for Phase 2 of site plan approval for
1925 South Clinton for reasons I just mentioned.

CHAIRPERSON PRICE: Thank you. Any other
questions about Phase 2? Thank you.

Is there anyone that cares to address this
application?

That officially was the last Public Hearing
for tonight, so those are done.

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APPLICATION 11P-03-18

11P-03-18 Application of Genesee Valley Group Health Association, owner, and Jeremy Klemanski - Helio Health, contract vendee, for Preliminary/Final Subdivision Approval to join two lots into one, and Site Plan Modification and EPOD (woodlot) Permit Approval to construct an outdoor passive recreation area with walking trails and a patio adjacent to the existing building on property located at 1850 Brighton Henrietta Town Line Road, known as Tax ID #s 148.20-2-75.1 and 148.20-2-75.2. All as described on application and plans on file. **Tabled at the November 14, 2018, meeting - Public Hearing remains open.**

CHAIRPERSON PRICE: Shall we go ahead and let's act on these. Do I have a motion to close the Public Hearing for 11P-03-18?

MR. WENTWORTH: So moved.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: Moved and seconded, any discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Do we have a motion?

MR. WENTWORTH: I move Planning Board approves the application based on the testimony given, plans

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submitted, and with the following conditions and negative declaration.

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. Prior to the issuance of a building permit, the location and screening of mechanicals shall be submitted to the Building & Planning Department for review.
2. Plans shall be to scale with the scale noted.
3. Proposed impervious surface coverage shall be provided.
4. Lighting cut sheets and specifications shall be submitted with the proposed specifications highlighted/noted. The color temperature of all parking lot lights shall be 3,000 K.
5. All Monroe County and NYSDEC comments shall be addressed.

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6. All ADA requirements shall be met.

7. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

8. Meet all requirements of the Town of Brighton's Department of Public Works.

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

10. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

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

12. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.

13. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

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14. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.

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

16. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by the Secretary of State pursuant to section one hundred one of the Executive Law.

17. All Zoning Board of Appeals conditions of approval shall be satisfied.

18. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. FADER: Second.

CHAIRPERSON PRICE: Moved and seconded, is there any discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

Good luck and sooner the better.

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APPLICATION 1P-01-19

1P-01-19 Application of 1925 South Clinton, LLC, owner, for extension of Site Plan Approval – Phase I, Subdivision Approval and EPOD Permit Approval (12P-02-17) allowing for the construction of an 11,600 +/- sf day care facility together with associated site improvements on property located at 1915-1925 South Clinton Avenue. All as described on application and plans on file.

MS. CIVILETTI: I'll move to close the Public Hearing.

MR. FADER: Second that.

CHAIRPERSON PRICE: Any further discussion?
All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Those opposed?

MS. CIVILETTI: I'll move approval of Application 1P-01-19 extension of Site Plan Approval, Subdivision Approval, and EPOD Permit Approval based on the plans submitted, testimony given, seven conditions, and determination of non-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

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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. Site Plan Approval -- Phase I, Subdivision Approval and EPOD Permit Approval shall expire on December 20, 2019. No further extensions can be granted.
2. All conditions of approved Planning Board application 12P-02-17 remain in effect and must be satisfied.
3. All buildings shall comply with the most current Building & Fire Codes of New York State.
4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
5. Meet all requirements of the Town of Brighton's

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Department of Public Works.

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

7. All outstanding comments and concerns of the Town Engineer shall be addressed.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: Moved and seconded, any further discussion? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Those opposed?

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APPLICATION 1P-02-19

1P-02-19 Application of 1925 South Clinton, LLC, owner, for extension of Site Plan Approval – Phase II (1P-02-18) allowing for the construction of an 27,300 +/- sf medical office building together with associated site improvements on property located at 1915-1925 South Clinton Avenue. All as described on application and plans on file.

CHAIRPERSON PRICE: I'll move to close the Public Hearing.

MR. FADER: Second that.

CHAIRPERSON PRICE: Any further discussion?
All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Those opposed?

I move 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

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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. Site Plan Approval - Phase 11 shall expire on January 17, 2020. No further extensions can be granted.
2. All conditions of approved Planning Board application 1P-02-18 remain in effect and must be satisfied.
3. All buildings shall comply with the most current Building & Fire Codes of New York State.
4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. All outstanding comments and concerns of the Town

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Engineer shall be addressed.

MR. FADER: Second.

CHAIRPERSON PRICE: Any discussion?

All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Those opposed?

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SIGNS:

MR. BOEHNER: And we have a sign. If someone would make a motion to recommend the Sign Application # 1542 be approved as recommended by the Architectural Review Board.

MR. WENTWORTH: So moved.

CHAIRPERSON PRICE: Second.

Moved and seconded, all in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Everyone, thank you.

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Brighton Zoning Board of Appeals 1/16/19

REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did
report in stenotype machine shorthand the proceedings held in
the above-entitled matter;

Further, that the foregoing transcript is a true and
accurate transcription of my said stenographic notes taken at
the time and place hereinbefore set forth.

Dated this 6th day of February, 2019.

At Rochester, New York


Rhoda Collins