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3 PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JANUARY 16TH,
5 2019 AT APPROXIMATELY 7:30 **P.M.**

6

7 January 16th, 2019
8 Brighton Town Hall
9 2300 Elmwood Avenue
10 Rochester, New York 14618

11

12 PRESENT:
13 WILLIAM PRICE, CHAIRPERSON
14 PAMELA DELANEY
15 JOHN J. OSOWSKI
16 LAURA CIVILETTI
17 DAVID FADER
18 JASON BABCOCK-STINER
19 JAMES WENTWORTH

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22 DAVID DOLLINGER, ESQ.
23 Town Attorney

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26 RAMSEY A. BOEHNER
27 Town Planner

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36 REPORTED BY: RHODA COLLINS, Court Reporter
37 FORBES COURT REPORTING SERVICES, LLC
38 21 Woodcrest Drive
39 Batavia, New York 14020

3 November minutes.

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

6 MR. BOEHNER: Yes. They were properly
7 advertised in the Brighton Pittsford Post of January 10,
8 2019.

9 APPLICATION 11P-03-18

10 11P-03-18 Application of Genesee Valley Group
11 Health Association, owner, and Jeremy Klemanski - Helio
12 Health, contract vendee, for Preliminary/Final Subdivision
13 Approval to join two lots into one, and Site Plan
14 Modification and EPOD (woodlot) Permit Approval to construct
15 an outdoor passive recreation area with walking trails and a
16 patio adjacent to the existing building on property located
17 at 1850 Brighton Henrietta Town Line Road, known as Tax ID #'s
18 148.20-2-75.1 and 148.20-2-75.2. All as described on
19 application and plans on file. **Tabled at the November 14,**
20 **2018, meeting - Public Hearing remains open**

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

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3 here from the Planning Board. In addition we've also

4 received our variance for the use and conditional ARB

5 approval. It's my understanding that the conditions on the

6 ARB approval were related to signage and also needing a

7 further review of screening of HVAC equipment, when that is

8 designed down the road.

9

10 There were several comments or questions that

11 we recently addressed with Mr. White related to the lot

12 coverage, so I wanted to just clarify that for the Board.

13 Existing lot coverage is approximately 40 percent and the

14 trails, because we are going with the crushed stone versus

15 the wood chip, is going to be counted as impervious. So that

16 number now is 42.6 proposed so we're slightly increasing

17 impervious area.

18

19 The majority of that is going to sheet drain

20 off of the trail to the wooded area that we're maintaining.

21 We're going to maintain existing drainage patterns. We've

22 addressed the town engineer comments as well, and I believe

23 that there aren't any significant outstanding items from an

24 engineering standpoint.

25

26 So with that, we really haven't changed the

27 plan other than adding some additional detail. I'll just

28 touch on it a little bit. It's primarily related to the ADA

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

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

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

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

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

24 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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3 slops. It's very flat back through there, so it will be less
4 than two percent in any direction. So, yes, it will be
5 accessible.

6 MR. BOEHNER: Are you doing stone dust?

7 MATT TOMLINSON: Yes.

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

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

11 CHAIRPERSON PRICE: Town Code, not DEC though?

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

17 MR. BOEHNER: And our code has it also.

18 CHAIRPERSON PRICE: As impervious?

19 MR. BOEHNER: Yes, very similar reasons.

20 MR. FADER: It's a good material.

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

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

3 question.

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

12 MR. SCHAEFER: It's possible, yes.

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

18 MATT TOMLINSON: That's correct. We are not
19 100 percent clear on who owns it because it's in the right of
20 way. I was assuming it was a Town fixture, so we're leaving
21 that alone.

23 MR. OSOWSKI: On your Drawing C-4.0, Number 5,
24 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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3 it. Again, I don't think it's anything that's going to be
4 used too frequently in the cold or inclement weather. So I
5 don't know that it's a large concern for them, but it's
6 something we would definitely look at.

7 MR. OSOWSKI: Okay.

8 MR. BOEHNER: Thank you, Matt.

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

12 APPLICATION 1P-01-19

13 1P-01-19 Application of 1925 South Clinton,
14 LLC, owner, for extension of Site Plan Approval – Phase I,
15 Subdivision Approval and EPOD Permit Approval (12P-02-17)
16 allowing for the construction of an 11,600 +/- sf day care
17 facility together with associated site improvements on
18 property located at 1915-1925 South Clinton Avenue. All as
19 described on application and plans on file.

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

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

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

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

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

5 PAUL COLUCCI: Was it?

6 MR. BOEHNER: Yeah.

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

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

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

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

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

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

14 PAUL COLUCCI: Thank you.

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

17 CHAIRPERSON PRICE: If you don't get
18 reciprocal from the neighbors to the north, how do you do the
19 construction? Do you actually make the time or is that a
20 10-foot gap?

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

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

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

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

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

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

18 APPLICATION 1P-02-19

19 1P-02-19 Application of 1925 South Clinton,
20 LLC, owner, for extension of Site Plan Approval – Phase II
21 (1P-02-18) allowing for the construction of an 27,300 +/- sf
22 medical office building together with associated site
23 improvements on property located at 1915-1925 South Clinton
24 Avenue. All as described on application and plans on file.

25 PAUL COLUCCI: Paul Colucci, of the DiMarco

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3 Group here tonight on behalf of 1925 South Clinton, LLC.
4 Requesting an extension for Phase 2 of site plan approval for
5 1925 South Clinton for reasons I just mentioned.

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

8 Is there anyone that cares to address this
9 application?

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

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3 APPLICATION 11P-03-18

4 11P-03-18 Application of Genesee Valley Group
5 Health Association, owner, and Jeremy Klemanski - Helio
6 Health, contract vendee, for Preliminary/Final Subdivision
7 Approval to join two lots into one, and Site Plan
8 Modification and EPOD (woodlot) Permit Approval to construct
9 an outdoor passive recreation area with walking trails and a
10 patio adjacent to the existing building on property located
11 at 1850 Brighton Henrietta Town Line Road, known as Tax ID #'s
12 148.20-2-75.1 and 148.20-2-75.2. All as described on
13 application and plans on file. **Tabled at the November 14,**
14 **2018, meeting - Public Hearing remains open.**

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

18 MR. WENTWORTH: So moved.

19 MR. BABCOCK-STINER: Second.

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

22 ALL COUNCIL MEMBERS: Aye.

23 CHAIRPERSON PRICE: Do we have a motion?

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

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3 submitted, and with the following conditions and negative
4 declaration.

5 **DETERMINATION OF SIGNIFICANCE:**

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

16 **CONDITIONS:**

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

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3 6. All ADA requirements shall be met.

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

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

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

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

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

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

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

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

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

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

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

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

16 MR. FADER: Second.

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

19 ALL COUNCIL MEMBERS: Aye.

20 CHAIRPERSON PRICE: Opposed?

21 Good luck and sooner the better.

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3 APPLICATION 1P-01-19

4 1P-01-19 Application of 1925 South Clinton,
5 LLC, owner, for extension of Site Plan Approval – Phase I,
6 Subdivision Approval and EPOD Permit Approval (12P-02-17)
7 allowing for the construction of an 11,600 +/- sf day care
8 facility together with associated site improvements on
9 property located at 1915-1925 South Clinton Avenue. All as
10 described on application and plans on file.

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

13 MR. FADER: Second that.

14 CHAIRPERSON PRICE: Any further discussion?
15 All in favor?

16 ALL COUNCIL MEMBERS: Aye.

17 CHAIRPERSON PRICE: Those opposed?

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

23 **DETERMINATION OF SIGNIFICANCE:**

24 I move that the Planning Board of the Town of Brighton
25 declares itself to be lead agency under the State of New York

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3 Environmental Quality Review Act. After considering the
4 action contemplated, the Planning Board finds it to be an
5 Unlisted Action. Upon review of the Environmental Assessment
6 form, the application and materials submitted, and the
7 criteria for determining significance pursuant to the SEQRA,
8 the Planning Board finds that the proposed action will not
9 have a significant impact on the environment. The Planning
10 Board adopts the negative declaration prepared by Town Staff.

11 **CONDITIONS:**

12 1. Site Plan Approval -- Phase I, Subdivision Approval and
13 EPOD Permit Approval shall expire on December 20, 2019. No
14 further extensions can be granted.

15 2. All conditions of approved Planning Board application
16 12P-02-17 remain in effect and must be satisfied.

17 3. All buildings shall comply with the most current Building
18 & Fire Codes of New York State.

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

25 5. Meet all requirements of the Town of Brighton's

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3 Department of Public Works.

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

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

8 MR. BABCOCK-STINER: Second.

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

11 ALL COUNCIL MEMBERS: Aye.

12 CHAIRPERSON PRICE: Those opposed?

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3 APPLICATION 1P-02-19

4 1P-02-19 Application of 1925 South Clinton,
5 LLC, owner, for extension of Site Plan Approval – Phase II
6 (1P-02-18) allowing for the construction of an 27,300 +/- sf
7 medical office building together with associated site
8 improvements on property located at 1915-1925 South Clinton
9 Avenue. All as described on application and plans on file.

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

12 MR. FADER: Second that.

13 CHAIRPERSON PRICE: Any further discussion?
14 All in favor?

15 ALL COUNCIL MEMBERS: Aye.

16 CHAIRPERSON PRICE: Those opposed?
17 I move Planning Board approves the application
18 based on the testimony given, plans submitted, and with the
19 following conditions and Determination of Significance.

20 **DETERMINATION OF SIGNIFICANCE:**

21 I move that the Planning Board of the Town of Brighton
22 declares itself to be lead agency under the State of New York
23 Environmental Quality Review Act. After considering the
24 action contemplated, the Planning Board finds it to be an
25 Unlisted Action. Upon review of the Environmental Assessment

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3 form, the application and materials submitted, and the

4 criteria for determining significance pursuant to the SEQRA,

5 the Planning Board finds that the proposed action will not

6 have a significant impact on the environment. The Planning

7 Board adopts the negative declaration prepared by Town Staff.

8 **CONDITIONS:**

9 1. Site Plan Approval - Phase 11 shall expire on January 17,

10 2020. No further extensions can be granted.

11 2. All conditions of approved Planning Board application

12 1P-02-18 remain in effect and must be satisfied.

13 3. All buildings shall comply with the most current Building

14 & Fire Codes of New York State.

15 4. Prior to issuance of any building permits, all plans for

16 utility and storm water control systems must be reviewed and

17 have been given approval by appropriate authorities. Prior

18 to any occupancy, work proposed on the approved plans shall

19 have been completed to a degree satisfactory to the

20 appropriate authorities.

21 5. Meet all requirements of the Town of Brighton's

22 Department of Public Works.

23 6. All Town codes shall be met that relate directly or

24 indirectly to the applicant's request.

25 7. All outstanding comments and concerns of the Town

1 Brighton Planning Board 1/16/19

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3 Engineer shall be addressed.

4

MR. FADER: Second.

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CHAIRPERSON PRICE: Any discussion?

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All in favor?

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ALL COUNCIL MEMBERS: Aye.

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CHAIRPERSON PRICE: Those opposed?

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3 **SIGNS:**

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

7 MR. WENTWORTH: So moved.

8 CHAIRPERSON PRICE: Second.

9 Moved and seconded, all in favor?

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ALL COUNCIL MEMBERS: Aye.

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MR. BOEHNER: Everyone, thank you.

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4 REPORTER CERTIFICATE
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6 I, Rhoda Collins, do hereby certify that I did
7 report in stenotype machine shorthand the proceedings held in
8 the above-entitled matter;

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

12
13 Dated this 6th day of February, 2019.

14 At Rochester, New York
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16

17 
18 Rhoda Collins
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