

Brighton Planning Board 7/17/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JULY 17TH, 2019
AT APPROXIMATELY 7:30 **P.M.**

July 17th, 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
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CHAIRPERSON PRICE: Good evening. I'd like to call to order the July 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. Our June meeting minutes will be acted on at our August 21st meeting. I will ask this question, but I think we're tabled on the two Public Hearings.

MR. BOEHNER: They are adjourned on Application 6P-07-19 and 6P-NB1-19.

CHAIRPERSON PRICE: Does the adjournment get advertised or no?

MR. BOEHNER: They will. We just got the letter from them.

CHAIRPERSON PRICE: Okay, thank you. So then it's going to leave us just one matter of new business tonight. This is not a Public Hearing.

APPLICATION 7P-NB1-19

7P-NB1-19 Application of Frank Imburgia/FSI Construction, owner, for Concept Review to construct a

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10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

CHAIRPERSON PRICE: Before you get started, I just need to know are you under contract with the University of Rochester as a tenant?

JESS SUDOL: No.

CHAIRPERSON PRICE: Thank you.

JESS SUDOL: I will get into that in a moment here. Good evening, I'm Jess Sudol of Passero Associates Civil Engineers representing FSI Construction. Also here with me this evening is Dave Merrick from FSI and Josh Saxton also from Passero. The subject parcel is 2.2 acres that is located on the northwest corner of Canal View Boulevard and Brighton Henrietta Town Line Road. Of the 2.2 acres we have some encumbrances that we're dealing with. For example, Allens Creek which runs through the site, and as this Board well knows has an EPOD associated with it of 100 feet, which is represented on the plans that we have provided.

Really, that combined with the required setbacks in this particular technology park zoning district really leave us a challenging building envelope to deal with.

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What we've done is this right here that you're looking at now is more or less the preferred site plan. This is our first meeting, we are very early in the process and we are here this evening looking for input. What we want to do is kind of walk this Board through the various alternatives that we looked at so that way we can proceed with an application once we've taken that input into consideration.

Joining us now is Frank Imburgia from FSI, I just want to point that out. Before I get too far along here I do want to mention, you know, we do not have a defined tenant yet. There was an elevation provided in our application, that was an example of what we do. We do plan to have a 10,000-square-foot medical office building. The current concept plan as shown here, or site plan, meets all of the applicable zoning regulations at 2.2 acres. We're actually allowed up to 22,000 square feet and we are well under half of that. And again, that's due to the restrictions associated with not just the stream and the EPOD associated with the stream, but also that stream does have a floodway and also a floodplain associated with it.

So what we really did was try to balance all of the factors here to get allowable use that is going to work, you know, 2.2 acres in the zoning district that's in

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the location, you know, we do have to get some amount of density here in order to make the project financially feasible. And we really do think that the 10,000 square feet is probably the most appropriate use.

This particular layout that you're looking at here, which is Alternative 1 in the application, seeks to do a few things. For starters what we want to do is avoid access on Brighton Henrietta Town Line Road. Obviously that's a fairly large arterial, and it makes a lot of sense for us to get through the boulevard and out to the signal light, so we don't have left turns trying to cross multiple lanes of traffic.

So that is what's currently proposed, and that starts to lend itself to the particular layout we currently have. I don't necessarily -- I'm happy to go through all the various alternatives in the application, and I'll get into it in a minute. But this kind of speaking to this one first, one of the things that we see as an opportunity here is really the restoration of Allens Creek. There's a single-family home that's been located on this site for a long time. It's got a very large manicured yard and that yard is really manicured all the way up to the top of the bank of the south bank of Allens Creek.

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We think that, you know, being a fairly large creek, it's classified as a Type B, which is fairly significant in our eyes. We see it as an opportunity to really do some stream or really more appropriately repairing restoration where we can really go along that bank all the way from Brighton Henrietta Town Line Road through our site and do a series of plantings to really get a lot more shade onto the greens to really get a lot more ground cover and stabilization so that it's not manicured lawn right up to that.

Along with that if you look at our concept plan and some of the graphics or illustrations, I'll throw one of those up now. We also believe that there is an opportunity to provide some active recreation zones that really allow this building to interact with that heavily landscaped area between the building and the creek.

Being a medical office building we do plan to have a patio out back, a place where people could eat lunch outside. While they eat their lunch they could basically use the new trail system that we're proposing. That would be in that area which would all work in conjunction with the landscaping associated with the restoration.

This graphic right here doesn't show it, but I

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do want to point out that one of the things we do plan to do is extend this sidewalk that's on the north side of Brighton Henrietta Town Line Road through our site that would then connect to the trail system.

Just flipping through some of these alternatives quickly, we did look at alternative building placements where we're kind of taking this 10,000 square foot box and we're moving it around what we define as developable area. What we don't want to do certainly is have any impact whatsoever to the floodway, and if possible we would like to avoid any impact to the floodplain.

The thing that we found is we start to place this building on the Canal View Boulevard side of the parcel is that it takes this parking and it pushes it further to the north and also further to the east towards that creek, towards the floodway and towards the floodplain. So in order to get the required parking that we need for this particular concept, we would fall short of the parking. You know, we start to have had some more of those environmentally sensitive impacts which we're trying to avoid.

This particular layout has the building way up front which allows the access to come in by avoiding the floodway, but the fact is that the building will only be

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roughly 20 feet off the right of way. If you look at the adjacent buildings, namely the building on the other side of Canal View Boulevard I think this building gets to be a little bit too far forward. It starts to impact potential sight lines for cars at the intersection of Canal View Boulevard and Brighton Henrietta Town Line Road. And I think it starts to feel out of place with that far forward.

I know there are certain places in town where we want to have the buildings as far forward as possible, but based on the precedent that's been set here, this is a really highly mixed use or pedestrian kind of corridor. I think something this far forward would really fall out of place.

When we keep the building on the Canal View Boulevard side and move it back we need to require a 75-foot setback. What that essentially does is it blocks our access point. Keep in mind our access to Canal View Boulevard, we really want to have it as far back as possible from Brighton Henrietta Town Line Road to avoid any potential conflicts with the cue set. So cars waiting to leave Canal View Boulevard start to cue up that are southbound, we're trying to get behind them so we don't have any of the potential conflicts.

When we come move this building up, we really

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block that access and that really gets kind of this crazy drive aisle that comes around the front of it. I don't think we want to impact our lawn area by having this really circuitous drive aisle. And again, this pushes that parking further back so it's really starting to impact the floodway and the floodplain which we're not too much of a fan of.

On the other side of our preferred plan we did look at moving the building forward, but staying on the western part of the site. Again, I think that's really important that we maintain kind of that existing setback to the building that are to the east of us. Moving this building far forward, while it does work, the parking lot stays in the same spot and we swap the storm water management and the medical office building, you know, it just really gets far forward so it's only 20 feet off the right of way line where there's that 75-foot front setback.

I think to go in and ask for a variance of that magnitude might be asking a little bit too much. Which really led us back to our preferred plan here where we would have this manicured storm water management area. We could still maintain green space along the front. And really the only variance that we do need would be for some of this parking that creeps over that front yard, and based on the

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way the interpretation works it exists between the building and the public street which does trigger the need for the variance.

Again, the nice thing about this proposed layout is it doesn't avoid any impact to the floodway and also the floodplain. We are a little bit into that EPOD but again, that 100-foot EPOD that comes off the south side of Allens Creek really is void of any significant vegetation. And this project gives us the opportunity to really do a lot of stream and repairing zone restoration, which is where we landed here today.

Again, just in summary, we do have encumbrances, we think we've kind of kicked it around enough and come up with what we feel is the most suitable plan. Not just because we've been limiting the number of variances that we need, but really again it provides that opportunity for that patio out back, an interaction with the creek, the ability for all that stuff to work together without having a parking lot segregated.

We think that is probably the most appropriate plan, it also matches the front setback of the building across Canal View Boulevard. So in short, that's more or less what we've come up with to date and we'd love to hear

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this Board's comments as we move through the design process.

CHAIRPERSON PRICE: Thank you, Jess. A couple of initial questions. Has the property been surveyed?

JESS SUDOL: Yes, it has. We actually surveyed it before we had started because we knew that the survey would dictate the limits of the floodplain.

CHAIRPERSON PRICE: These are accurate as far as --

JESS SUDOL: Yes, sir.

MR. BOEHNER: Is that an approximate location of the plan?

JESS SUDOL: Approximate location of?

MR. BOEHNER: The floodplain?

JESS SUDOL: No, it has been surveyed so that is the new location.

MR. BOEHNER: Okay.

JESS SUDOL: Or engineers like to use the word approximate a lot as an escape route.

CHAIRPERSON PRICE: Okay. When it comes to the access point do you have rights to Canal View?

JESS SUDOL: Yes. It is actually a private road not a public road, but we have a verbal commitment to the rights and currently processing an access agreement. So

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we've prepared the legal descriptions, the maps and all that's contingent on approvals of course. We don't necessarily want to give access to this piece until they know what the project's going to be.

CHAIRPERSON PRICE: We want to be careful how far we go before we --

JESS SUDOL: Yeah, with the help of this Board we can work on getting something on the record that might give you the confidence that we do have access.

CHAIRPERSON PRICE: As long as you're telling us that you are close and you're in the process because looking at, you know, you mentioned it early on, one of the criterias to avoid was access onto Brighton Henrietta Town Line Road. Okay, thank you.

The way that we typically do this is to just let each of the Board members mention what some of their thoughts and concerns are of the alternatives, and then I try to summarize it at the end and give you some idea on direction.

James, do you want to --

MR. WENTWORTH: I'm wondering if you feel that the access road is as far north as it can be?

JESS SUDOL: Yes. We've essentially located

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where the grading off of that north pavement line would end and that ends about ten feet short of the floodways, that we make sure we have a comfortable zone. Really the floodway is what's dictating the location of that access road. We push this as far away as we can without impacting the floodway.

And based on one of the things we are planning on supplying with our design application is a traffic study which will show the actual cue length of the southbound vehicles to make sure that our access is clear of that 85 percentile cue.

CHAIRPERSON PRICE: Any thoughts on which alternative is better than another?

MR. WENTWORTH: I'm kind of in agreement that this one makes the most sense. You didn't explore one that splits the difference, but I agree that it's too close when you push it up to the street for this particular area.

JESS SUDOL: One of the things when we split the difference is red line the floodplain. You can see how it kind of goes up and greets that pocket for us and then dives back down. So if you split the difference and move this to the east, we start to encumber that floodplain.

CHAIRPERSON PRICE: I think he's thinking south.

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JESS SUDOL: Oh, I see, I'm sorry. We are trying to avoid the variance. Could we move it 10 or 20 feet south? Yes, we could, but --

CHAIRPERSON PRICE: You only need one variance for this?

JESS SUDOL: Currently I believe we only need one, which is the parking in the front yard.

MR. BOEHNER: Jess, are any existing trees able to be saved with this plan?

JESS SUDOL: Most of them, we're actually impacting very few. Again, if you go out there it's pretty much a wide open yard. All of the trees that are on the back of the property -- there are some trees along the creek and all those will be saved. We will be filling in the gaps in between.

MR. BOEHNER: With this plan you are not impacting the floodplain or the floodway, but impacting the EPOD?

JESS SUDOL: Yes, sir.

MR. BOEHNER: Could you show where the EPOD is?

JESS SUDOL: It's this kind of dark line here. You can see that with the location of the creek and the EPOD

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offset being fairly significant, it takes up the vast majority of that yard area.

MR. BOEHNER: One more question, I don't know if you know the answer. Is the EPOD from the bank or is the from the 100-foot floodplain?

JESS SUDOL: We've shown it from the bank.

MR. BOEHNER: That is the way you would do it. Because if it was from the floodway it comes down further.

JESS SUDOL: That would be the whole parcel.

MR. WENTWORTH: So do you need a variance because you're pushing into the EPOD?

JESS SUDOL: We will need an EPOD permit which has another form. The variance is just for the parking in the front setback.

CHAIRPERSON PRICE: The EPOD is us.

MR. BOEHNER: The code reads parking should not be between the building front and a private street or a public street. That's what they have here.

MR. BABCOCK-STINER: I generally agree that I'd like to see it up closer than too close. First meeting in the middle, I'm not as concerned, but it is a fairly -- the preferred concept is a fairly considerable encroachment in the EPOD. And the purpose of this EPOD is it's a water

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quality buffer. I would like to see some green infrastructure to see what we can do.

JESS SUDOL: Absolutely. There's going to be a lot of the green infrastructure, more than is typically require of us to help establish that buffer. That today is just pesticides on lawns going into the creek.

MR. BOEHNER: You will doing something within the floodplain with vegetation?

JESS SUDOL: Plantings, yes, no grading.

MR. BOEHNER: Then you'll have your storm water control in the front where that water will be treated and cleaned?

JESS SUDOL: Yes.

MR. FADER: I am going to give my wording here, but I will say it anyway. The building coming up doesn't really bother me, I kind of like the pond back there. It kind of blends in with the whole creek, natural setting, and trail, whereas up front it just kind of looks like a storm water pond safe.

CHAIRPERSON PRICE: So does that mean you're --

MR. FADER: I like two.

CHAIRPERSON PRICE: Laura?

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MS. CIVILETTI: I have to say I like two also. In some regards I think that if you maybe play with the proportions of the building, we have basically a square block there. It's elongated to one dimension, narrowed in the other. Could that shape be manipulated so it's a little less awkward? Especially looking at that option one, it seems like it would be a good opportunity right now with that understanding your limitations and setback and those sort of odd configurations of the property.

JESS SUDOL: I think what we could do is make that a little bit longer, slide the front building forward. Not as forward as it showed on option two, and maybe swing the storm water management area around to the side and put a green lawn out in front of the building.

MS. CIVILETTI: And probably have it align with the parking a little bit better.

JESS SUDOL: Yes, it's not that weird offset.

MS. CIVILETTI: It does have an odd offset because of the front yard setback. But I do like the option one, the Dumpster probably.

JESS SUDOL: Yes, that's a harmless spot where it is now. I looked at that before I came over.

MR. FADER: I have a question along your idea,

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which way would you increase the east/west way or would you increase the north/south way?

MS. CIVILETTI: I would look at both options.

JESS SUDOL: I will say making it longer on the east/west access is going to start to infringe on that floodplain and floodway. But certainly making it a little bit longer on the north/south access will better align it with the parking and allow us to move storm water management area over there, and allow us to give you that green lawn up front.

MS. CIVILETTI: Is this single story?

JESS SUDOL: Yes.

MS. CIVILETTI: Did you look at a two-story option?

JESS SUDOL: Yes. We've done a lot of two story analytics on office buildings and what we found over the course of time is that any office building that has under a footprint of approximately 15,000 square feet, by the time you factor in circulation and stairs and elevators you really are not saving much. In order to have the same square footage you end up with only a marginally smaller building.

MR. OSOWSKI: Try to play with the dimensions and see if the rectangle will work better. I was looking to

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the different ones to see, and a light bulb went off and said the other way should be, but I know you're entertaining ideas.

JESS SUDOL: Yeah. I'll also point out that our side setback has got a little bit additional restriction. But we will certainly explore that, but I think I've got a pretty good idea of what can work a little bit better.

MR. FADER: You could probably get a variance on that considering there's nobody over there.

JESS SUDOL: Probably.

CHAIRPERSON PRICE: So John, that leaves you in favor of modified one or 1.5?

MR. OSOWSKI: 1.5.

CHAIRPERSON PRICE: Pam?

MS. DELANEY: Jess, I had a question about the sidewalks. You mentioned bringing them from the corner to the walking trails? I'm assuming they will continue the entire length of the parcel?

JESS SUDOL: Right now we are planning to bring it at least to the floodway, but certainly something we can explore. We have to look at the creek crossing to see what that looks like, but we will take that into consideration.

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MS. DELANEY: Okay. I don't feel I have a super strong opinion on one versus two. Do I have to give a vote?

CHAIRPERSON PRICE: No, say 1.5.

MS. DELANEY: I agree with my colleagues.

CHAIRPERSON PRICE: Okay. There are, of course, reasons to consider three, but I am afraid they will never pass muster with the Zoning Board of Appeals. Even if you were to change the configuration of them, of the building, I think that you are able to slide it actually closer to Canal View, further away from Brighton Henrietta Town Line, and then by yourself it becomes a double bunch of setback variances.

JESS SUDOL: Yes, that and I think the problem of three you lose the interaction between our outdoor patio area and streamscape that we think makes the parcel.

CHAIRPERSON PRICE: I wouldn't want to see the back of the building be placed along the entrance into the office park, that puts your decorative side of the building on the west side. Just making sure there was nothing positive about four. No, there isn't.

So I think I agree with everybody with 1.5 somewhere. You have to come back to -- unfortunately you're

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in a catch 22. You have to go to the Zoning Board of Appeals, I don't know if you come back to us, they're always looking for you to minimize the amount of setback or amount of variance you're asking for. And going to look to the least amount of impact on the EPOD.

JESS SUDOL: Yes. I think what we plan to do is submit our engineered packet to this Board. Probably get tabled pending the variance. And then if you guys like our version 1.5, then we go to the Zoning Board and try to get it done there.

MR. BOEHNER: You are right.

CHAIRPERSON PRICE: Can the building have -- I know you've got to go to ARB, but can there be some more window openings?

JESS SUDOL: Yeah, we're still trying to get some general concurrence on the idea which will allow us to move forward with our discussions with prospective tenants. But absolutely more pleasing is something to look for.

CHAIRPERSON PRICE: I guess the consensus is somewhere between one and two.

JESS SUDOL: I think that's a good compromise and makes a lot of sense.

CHAIRPERSON PRICE: Hopefully you find

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something to work with. Any other comments? We wish you
luck.

JESS SUDOL: Thank you.

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SIGNS:

1557 Salon Crystallia for a building face sign at 2340 Monroe Avenue.

1558 Empreinte Consulting for a building face sign at 2401 Monroe Avenue.

MR. BOEHNER: I recommend that they be approved as recommended by the Architectural Review Board.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

1559 S.E. Baker & Co. for a building face sign at 2401 Monroe Avenue.

MR. BOEHNER: I recommend that Sign 1559 be approved with the condition that the wording integrated service for real estate management, brokering and acquisition shall be removed or a d/b/a shall be submitted verifying that it is covered by the d/b/a. And that the vinyl, if it is to remain, the white vinyl background will be changed to cream to match the color of the other text and logo. And that approved with conditions.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: I will leave for Sign 1560.

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1560 Brighton Village Luxury Apartments for a freestanding
sign at 1625 Crittenden Road.

MR. BOEHNER: I recommend that they be
approved as recommended by the Architectural Review Board.

MS. CIVILETTI: All in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Come back in, Bill.

CHAIRPERSON PRICE: Thank you.

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OLD BUSINESS:

1552 Hotel on Monroe for building face signs at 2323 Monroe Avenue.

MR. BOEHNER: I recommend that Sign 1552 be tabled for a detailed scaled sign plan that shows all full signage and lighting shall be submitted. All required variances shall be obtained.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

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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 20th day of August, 2019.

At Rochester, New York


Rhoda Collins