

Brighton Planning Board 11/20/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON NOVEMBER 20TH,
2019 AT APPROXIMATELY 7:30 **P.M.**

November 20th, 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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21 Woodcrest Drive
Batavia, New York 14020

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CHAIRPERSON PRICE: Good evening. I'd like to call to order the November session of the Town of Brighton Planning Board. In the unlikely 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 have three months worth of minutes. I will take these one at a time because we've had various absences. And so we start with the August meeting minutes, is there a motion to approve the August 21st meeting minutes?

MR. FADER: I'll move to approve the August meeting minutes.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: Who was not here? Just Pam, okay. All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Is there a motion to approve the September 18th meeting minutes?

MS. CIVILETTI: So moved.

MR. WENTWORTH: Second.

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CHAIRPERSON PRICE: Moved and seconded. Was there anybody that was not here for the meeting? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: And October 16th, is there a motion to approve the meeting minutes?

MR. BABCOCK-STINER: So moved.

MR. OSOWSKI: Second.

CHAIRPERSON PRICE: I was not at that.

MR. BOEHNER: Absent were Fader, Price and Wentworth.

MS. CIVILETTI: And there was a correction to the Brighton Henrietta Town Line Road minute, it should be SPDES permit, starting on Page 9.

CHAIRPERSON PRICE: As amended, everybody that was here, all in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Okay. Ramsey, was tonight's Public Hearing properly advertised?

MR. BOEHNER: Yes, it was advertised in the Pittsford Post of November 14, 2019.

CHAIRPERSON PRICE: Okay, thank you. We will hear the applications now. The first is 11P-01-19.

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(Whereupon Mr. Babcock-Stiner recused himself and left the room.)

APPLICATION 11P-01-19

11P-01-19 Application of 157 Sawgrass Drive, LLC, owner, for extension of site plan approval (9P-04-18) allowing for the construction of a 85,450 SF combined pediatric skilled nursing facility and medical office building on property located at 157 Sawgrass Drive. All as described on application and plans on file.

BRIAN BURRY: Good evening, Brian Burry from Bergmann, requesting an extension on our previous site plan for 157 Sawgrass Drive. The reason being that it's three fold, waiting to find out if our conservation modifications have been approved by the Town Board so we can get that information to the drawings and get the signatures.

And the delay with the building plans due to finalizing a third floor tenant and they are really close to doing that, so we're comfortable with that taking place and their GC is just about on board as well. So I'm being told they're looking at the summer of 2020 to get started.

CHAIRPERSON PRICE: The modifications of the third floor tenant didn't --

BRIAN BURRY: No, nothing's changed. The

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plans haven't changed, the footprint hasn't changed. They're just trying to get that tenant solidified so they can finalize the drawings.

CHAIRPERSON PRICE: All right.

MR. BOEHNER: Is there a way, David, we can get the conservations done? Brian, is there an attorney David can talk to? That was the problem that we had --

BRIAN BURRY: Yes. I sent the same language we used when we did the surgery center.

MR. BOEHNER: Yes, you sent that to us, I sent it over to David --

BRIAN BURRY: I think the confusion was how do we abandon the existing and then recreate --

MR. BOEHNER: A little bit of the question I had was that I'm worried that that other one -- I'm not sure exactly how it worked, but on this one it seems that the conservation easement is on two different properties.

BRIAN BURRY: We are consolidating into one property, but --

MR. BOEHNER: No, it's when you go -- if you look at the Wegmans Corporation which is the last building that was built down there, they own that roadway. And when you look at the conservation easement it's in part of that

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roadway, part of that property and your client's property.
That's what I was trying to flag down.

MR. DOLLINGER: That's the problem I think
we've had all along is related to the description. I have
been unable to figure out --

MR. BOEHNER: Yes, I know. I didn't know what
to do. It was almost a question I know that, but it is
holding this thing up.

MR. DOLLINGER: It is holding it up. The
issue we have on this is holding it up.

MR. BOEHNER: So I don't know if we need
agreement from Wegmans to be a party of the easement since it
maybe covering part of their property.

MR. DOLLINGER: And the problem is, I can't
find out where the easements really are. I am not confident
that I am understanding what we are moving around.

MR. BOEHNER: Yes.

MR. DOLLINGER: I don't know, maybe the new
stuff -- and I can look at it again more carefully.

MR. BOEHNER: I was flagging that out for you.
I checked what he's prepared and it matched up with the plans
and what the Planning Board had approved, as far as the
swapping of the easement areas. From that standpoint,

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because Brian did that part, so that was fairly accurate. What happened when I was looking at it it looked like it was on two properties.

BRIAN BURRY: I will look at that again.

MR. DOLLINGER: We think it's this little sliver here. I am not sure if the easement went from the property --

MR. BOEHNER: It almost looked like it was on both properties from the description. I haven't looked at it in a long time, Brian.

BRIAN BURRY: I will dig that up again.

MR. DOLLINGER: You can send that sent to me too so the three of us can communicate directly on that.

MR. BOEHNER: Okay. I think we have done that, but, Brian, copy me in. And then . . .

CHAIRPERSON PRICE: Assuming that the issue can be resolved, that's not something that's going to hold up the summer construction start?

MR. BOEHNER: No. You know Brian has been to the Public Works Committee, the Town Board knows we were working on it. But unless the easement is good to go I can't send it to the Town Board saying, authorizing the Supervisor to sign it if it's not okayed by one of our attorneys.

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And so, yes, it should be done. Because, Brian, if the Planning Board was to grant you the extension for the project we can only do it for a year, so come November we could not extend it again.

BRIAN BURRY: Understood. It just has to get the building permit and start to break ground?

MR. BOEHNER: Yes, get under construction, yes. Get the building permit.

BRIAN BURRY: Breaking ground is the key to stopping --

MR. BOEHNER: Yes.

BRIAN BURRY: I will relay that to them again.

MR. BOEHNER: Always the problem is they forget because it's a year away and now we have a computer that tells us.

CHAIRPERSON PRICE: Any other questions?
Thank you.

BRIAN BURRY: Thank you.

CHAIRPERSON PRICE: I will ask if anyone in the audience cares to address this application? Okay, moving on.

(Whereupon Mr. Babcock-Stiner returned.)

APPLICATION 11P-02-19

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11P-02-19 Application of 1925 South Clinton, LLC, owner, for Site Plan Modification allowing for and alternative stabilization plan in conjunction with the construction of an approved medical office/retail plaza (12P-02-17 and 1P-02-18) on property located at 1915 - 1925 South Clinton Avenue. All as described on application and plans on file.

PAUL COLUCCI: Good evening, Mr. Chairman and members of the Board, Paul Colucci with DiMarco Group. I'm here tonight requesting minor modification for Phase 1 site plan approval for 1925 South Clinton, in order to seek an alternative method of stabilization in lieu of what was previously a condition of the Planning Board. We are all familiar, I believe, with the development and the first phase is Doodle Bugs which is under construction. All of the mass grading has been performed.

I should stop briefly, joining me tonight is Dale Twardokus. Dale is the owner of Victor Excavating, he is our site contractor, prime contractor that's been on the site since we broke ground back in the middle of the summer. I asked Dale to join me here tonight to address specific questions that might come up relative to the proposed method of alternate stabilization.

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As we got under construction it quickly became apparent that there's quite a bit of material that was deposited there prior to us acquiring the site. We knew that to some extent, we did a geo-technical report. We knew there was some cobbles and boulders on the site. We have discovered there was quite a bit more than what we anticipated.

The boulders are likely what we believe, shot rock from when 590 was constructed and also there's some mixed concrete rubble that's been mixed in with buried top soil and material. The way we have been dealing with that is we have been over excavating areas because in some locations there's quite a bit of top soil mixed in with these boulders and concrete material. And we are segregating the material and if you have been by there you can see that we have stockpiles of boulders, we have a very large pile of top soil that's been segregated from the boulders. And then we are replacing the material back in where the stuff has been over excavated and balancing the site out.

So we're trying to make the site work for us. In lieu of that, we would have an exorbitant cost of hauling this material offsite and bringing in structural materials. So what we have done to date is completed all of the

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mass-Earth work. We went out and did some test bits and identified the locations of where these undercut areas needed to be addressed. Everything on the Doodle Bugs site has been undercut and segregated out the rock and segregating out the top soil. And we did over excavate the pond to harvest some good material that could make that site balance.

And then our site contractor is through about 90 percent of the other undercut area in the southwest corner of the site. The only reason they ceased that was once the soil gets super saturated it is hard to segregate, it doesn't want to separate from the boulders and it would just become slurry which is not productive, so we ceased that until the spring.

What we did working with the site contractor was look at what's the volume of the material and how do we use it rather than pay to transport it offsite and bring in other material. We discovered that we have approximately the same amount of material that would be for subbase for roads and parking lot areas. We have an advantage that the site contractor we work with also owns gravel plants and has crushers and an operation that can mobilize to this site, crush it on site, process it, and then place it rather than leave massive stockpiles of this material.

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So what we've tried to demonstrate in the letter to the Board and in the alternate stabilization plan is concluding Phase 1, the Doodle Bugs piece and doing all of the stabilization, the permanent landscape installation associated with Phase 1, is unchanged. So we would finish around the pond, we would go to the buffer area, do the bare root plantings that are required back there, stabilize and do the finalized stabilization along the backside. Do everything associated with Doodle Bugs and around the pond. And then in lieu of separating top soil and seeding that, we're proposing an alternate stabilization measure which is placing the subbase material that would be future parking lots and drives.

Had an opportunity to meet with Mike Guyon and went through the volume of material and spent a good time with Dale and Mike discussing this. From a town engineer standpoint he felt very comfortable that Brock -- or a stabilized subbase of a crusher-run material that this would be processed to qualifies as stabilization. So the swift would be able to be closed and all of those types of concerns that he would normally have, he said, I see, I get why you want to do this. He said, let me follow-up with Ramsey, I'm going to look at this as something we can do. Obviously

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through that follow-up discussion it was a requirement to come back here and discuss this with the Board.

We would place the top soil and establish the turf along the right of way. And I know Ramsey had mentioned that there was some comment from the Conservation Board that they would like to see additional landscape installed. We had this discussion when we were going through the Phase 1 approval specifically with the Planning Board and the chairman. Because that question came up, how much landscaping should we install along the right of way.

And that's why we settled on the four Maple trees, I think, that are there because we know that I have to bring water service for these other buildings, gas service, electric service, through it there. So we said, it probably doesn't make sense planting all of that landscaping along the sidewalk edge along the right of way until the buildings come online when we're done with the installation of the utilities.

So I'd hate to -- we do have a very elaborate overall landscape plan that we are looking forward to delivering that when the buildings come online. But I think it would be essentially a waste to try to install any of the additional landscaping until we know that the buildings,

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where they're going to be placed, how they're going to situate themselves relative to the right of way, where the parking is going to be relative to those, because a lot of that is in flux. And landscaping may not make sense or just be destroyed when we're reworking that portion of the site.

So Dale is here for any questions relative to screening and crushing, what the decibels of that may be, how long that may go on for. So I'm happy to have him answer any questions or I will answer any questions you have.

CHAIRPERSON PRICE: We would like to hear from Dale. Paul, what is the -- I think we all understand and we get your concerns and what you've run into. From our side we kind of need to -- and this is where you're not going to be able to be as clear for us as we would like you to be, but there's going to be a point here where --

PAUL COLUCCI: You want to see some action.

CHAIRPERSON PRICE: -- we need to see. And, again, I know you want to be -- you'd be the first one to come in here and tell us, you know, yeah, I got a tenant for this, I got a tenant for that and we can get this going, around the time he's done crushing it we're going to be under construction.

But what do you see? You know, the rumors are

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we haven't seen any of these other tenants for you materializing. And I think if we have to answer to the public that we have a few acres of gravel out here how are we going to explain how long that's going to be there?

PAUL COLUCCI: Sure, sure. Your concerns are the same as mine. I have nothing but gravel out there. It's not doing us any good. So we do have discussions going on with tenants, unfortunately none of that has materialized in enough of a commitment that I'm going to spend money to come in and change the site plan and get an approval that I'm going to be able to deliver on.

One of the goals that I think the DiMarco Group has is the site in and of itself has been opened up now. And we're getting a lot more activity as it relates to leasing and the world is paying attention. We've sent them out brochures and tried to let them know what we're doing. And now people say, geez, did you see the project on South Clinton across from your plaza? Do you know who is doing what over there? Well, that's us. And that's the project we have been talking about.

So in a roundabout way, I think we're pretty comfortable that we're going to have some deals solidified in the first part of 2020 that will bring me to an application

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back to this Board for modification of a pad. We have a plan likely to develop the back building and put the business that we own in there. So that could be enough to just to construct that building.

So I think the -- I can't give you a guarantee but I think it's going to be within a one year to no more than two years time frame that we're going to have the rest of this site under construction. We really want to develop this drive and this connection over here for a lot of reasons.

CHAIRPERSON PRICE: What is the, you know, others will say you drive by and you will see all of these huge piles and that's an eyesore. I'm not entirely sure you wouldn't get an equal number of people saying, putting gravel down versus it being in a pile is equally nice or are you saying you feel as though you're spending money on crushing and I suspect you are not going to spend the money to haul it off? So under all circumstances you're going to crush it and use it as your base?

PAUL COLUCCI: Yes.

CHAIRPERSON PRICE: But is it necessarily that you would crush it and spread it versus just crush it and pile it?

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PAUL COLUCCI: Yes. Crushing it --

CHAIRPERSON PRICE: Any advantage to you to do that?

PAUL COLUCCI: I think from an aesthetic standpoint it's going to be a massive pile of stone. And we have this on several other locations where we've had phase development and I know people get concerned that you spread gravel and then weeds grow through it and it becomes a weed field and it looks horrible. If we do this we manage those so it doesn't become weeds growing through gravel. That is part of what we do as a property management function.

The goal is to make this site look that much more shovel ready. That much more, we can get a building built and put a tenant in in a very short amount of time. So if you're looking for, you know, a commitment as to how long until I have the next plan in, it's hard for me to give you something where I could then say I'd be in default of some approval you gave me.

CHAIRPERSON PRICE: Yes, I was just curious. Are you presenting this proposal but you're really still concerned you might be moving material twice? Or do you feel comfortable that by doing this you're really only moving it once, you're not going to have to come in, take this up, more

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foundations or utilities?

PAUL COLUCCI: Yeah, part of what the proposal was and what I sent in is installing a little bit more of the sanitary infrastructure, a little bit more of the storm water infrastructure, you deal with that, increase in imperviousness. That was a discussion I had with Mike Guyon. He said, if you are going to do this I would like to see some storm water collection that we give this runoff a place to go rather than let it all flow down to the bio retention areas, we're putting in as part of Phase 1. Phase 1 will bring this bio retention area, it's collected and goes to the pond. And then the other one then installs other storm sewer to collect that.

And it is two-fold, Bill, it's -- I don't want to crush it, stockpile it, spread top soil, strip top soil, haul it off site, because it does have to go. Ultimately, we have a massive amount of top soil more than what we anticipated. Because initially it was, we looked at what was the depth of top soil off our test pits and we averaged that across the site, and we figure there's ten inches across the site and we're going to place back 4 to 6 inches in landscaping areas and the rest goes.

Now we have probably three times as much

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because of what was varied and commingled with these boulders and that's why that pile is just huge.

So the site contractor will be moving that off site. Over the winter he is working with, all right, where who needs top soil, because ultimately it goes somewhere else. I don't have a designated location but he is charged with, in the spring, moving that off and then spreading the stone, getting it stabilized so that we can, A, satisfactory swift concerns and have the site look -- we want it to look tight. We want Doodle Bugs to be operating in an environment that looks like a first class development.

MR. BOEHNER: So when do you think the top soil piles will be removed by?

PAUL COLUCCI: Dale and I had that conversation earlier today. It will start this spring and likely somewhere in the middle to end of the summer is where we would only be left with what is permanently and useable stockpile. That in the back corner, as different buildings come on we'll take in stabilized areas.

MR. BOEHNER: What is the issue? Why is it taking through the summer? Why can't it be gone by spring? I'm just trying to get rid of the stockpiles. Just wanting all that stuff off that doesn't need to be there. If you can

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give that some consideration, because that's something that Mike talked to me about, said find out, you know, when those stockpiles, because we're going to do this, let's get rid of those stockpiles.

PAUL COLUCCI: Yes. Part of it is just over winter it's going to collect a lot of moisture. And as a massive pile you normally would tarp or cover a pile so it doesn't collect so much moisture. But it's going to take on some more water, there's going to be activity where Dale's trying to find locations where, who needs top soil elsewhere. So he's hauling it off in bulk and not small, little, you know, truck trips at a time.

So find bulk locations where it can go and I'm pushing him to get rid of it because we want it gone. But I will say it's likely going to start in the spring and somewhere in the summer we will be down to what we need for the remainder.

CHAIRPERSON PRICE: What grade are you at now?

PAUL COLUCCI: We're at subgrade.

CHAIRPERSON PRICE: You can go where you are to more --

PAUL COLUCCI: Actually we are about eight inches better than subgrade. And part of what we have going

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for us is strip about another eight inches across the site to do road box, parking lot boxes, but that is going to make up for the deficit of what he had over excavated places. So we have some areas that are a little bit low, when we strip the rest to place the stone we'll be able to balance everything out.

MR. BOEHNER: The unsuitable material, when is that going to come off?

PAUL COLUCCI: Most of the unsuitable stuff has come off and it has been going off so there's roots and stumps and chunks of wood and organic debris that's been in there and can't stay on site. We don't have anywhere. Typically on a large site you have some place you can tuck it in the berm or something, but we do not have that.

MR. BOEHNER: So you've begun that and you think it will be done this winter?

PAUL COLUCCI: Yes, I'm fairly certain. Dale, if you want to weigh in on anything?

DALE TWARDOKUS: Yes.

MR. BOEHNER: If you can come up and once again give us your name.

DALE TWARDOKUS: I am Dale Twardokus, owner of Victor Excavating and back on the top soil our -- so I'm

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stepping back to a couple questions earlier -- is that our goal is to move it as fast as possible. Because while the subgrade is very close underneath those piles, it obviously makes a lot of sense to us to move that top soil pile because then we can restore into it, so that it's basically shovel ready for any building too.

And regarding the, for example, the wood weight of those products, we've taken 90 percent of that off already. And I would have to look, but the remaining quantities that are there are pretty, about ten percent less. And our goal is to be able to go in and when the site dries up a little bit we've got the undercut of where the stone will go. We'll perform that undercut, spread the stone, and we would basically take care of it at that point so that we are not continuing to just not only spin our wheels but also to have more disturbance than is necessary too.

CHAIRPERSON PRICE: Can you tell us about the crushing operation?

DALE TWARDOKUS: Yes. So the crushing operation will take one week between mobilization, moving the equipment in, and then it will take one week of actual crushing itself. So it would not be a long drawn out process, it actually would have to be very quickly. I'm over

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exaggerating a little bit on the week for mobilization and a week to move, you know, the equipment out.

CHAIRPERSON PRICE: You have three months, you're not going to be there --

DALE TWARDOKUS: No, it will happen very quickly.

MR. BOEHNER: What is the noise impacts?

DALE TWARDOKUS: So the noise impact would be similar to two bulldozers running, the equivalent of what we've had out there for the duration of the project to date. So the equivalent of an excavator, and a bulldozer, two bulldozers. It will not be, you know, a magnitude of five times or even twice what is currently --

MR. BOEHNER: The crushing, I would think that would be loud.

DALE TWARDOKUS: Well, what is very, very loud is when you get into dry screening gravel. So two different aggregate quarries and when you get involved with the screening operation with gravel, that is extremely loud.

MR. BOEHNER: That's not what you are doing?

DALE TWARDOKUS: Correct. This is going to be crushing it into a crusher run product which it does not require dry screening where you have metal and stone, you

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know, basically that metal on dry screens is extremely loud. It is just steel hitting -- or stone hitting this.

The crushing, and I'm not -- it's not quiet but it isn't greater than the equivalent of two bulldozers out there running, so it isn't really that loud.

MR. BABCOCK-STINER: Is it like a chipper for landscape?

DALE TWARDOKUS: Similar, yes.

MR. WENTWORTH: It breaks the rock through pressure, right, not through impact?

DALE TWARDOKUS: It's an impact crusher actually. It takes the rock in a chamber and basically keeps whacking that rock until it breaks it down into size. But it does it in a pretty condensed chamber, where, you know, a lot of the sound doesn't escape. I know it doesn't sound practical, you know, how can that happen? But we have chippers, tree chippers for example. And I would say that our chippers are probably, you can hear it from a further distance because they have a line. It's got that a lot of line.

CHAIRPERSON PRICE: How long did it take you to clear the site, do you recall?

DALE TWARDOKUS: I would say three weeks.

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DALE TWARDOKUS: The clearing of the trees?

CHAIRPERSON PRICE: Yes.

DALE TWARDOKUS: Three weeks.

CHAIRPERSON PRICE: This operation will be shorter than that?

DALE TWARDOKUS: Oh, yes. While the pile was big, the crusher is pretty substantial. So that it won't, you know, it will crush those piles quickly.

MR. BOEHNER: Is there a dust associated with that.

DALE TWARDOKUS: No. Well, there won't be in this application, but there is definitely dust suppression methods we have to utilize, like in on site, in the gravel pit, because everything is so dry. But in this situation we don't run into that, and if there was, we -- which there won't be at this -- there are ways we took a water truck up and it has spray, water spray injections into the machine. We won't need to do it because it's not going to be an issue.

MR. BOEHNER: You will able to do it if needed?

DALE TWARDOKUS: Yes, absolutely.

MR. BOEHNER: During what hours would you be doing the crushing?

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DALE TWARDOKUS: We would have the normal business hours, so we would not need to work outside of the, you know, the Town's allocated hours, operation for the construction.

MR. BOEHNER: I have --

MR. DOLLINGER: So how are you going to stabilize the site between now and spring?

DALE TWARDOKUS: So we actually, there's an easy answer for that. What I was hoping was that we weren't going to see some of the rain and we were going to finish our undercut literally this week, and then we would crush and spread the stone, like, right now. So our goal is to perform that work yesterday, And my gut is that we'll still have that opportunity to do that.

But, you know, I don't want to overpromise and under deliver, so that's the reason why we need more time. But the reality is, we don't want more time we want to take action on this right away, and we're watching it literally day by day from a weather standpoint. If we didn't have the snow we recently had and that really, really cold snap, that would have had a significant impact.

And just from my hope and opinion is that we should be able to see a little bit of a stretch between now

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and Christmas that this work is all completed. But, you know, I can't predict the weather, so if the weather doesn't take shape for us, because we don't need to have perfect July and August weather to perform the work, then we'll obviously have to get involved with some intermediary type of stabilization.

CHAIRPERSON PRICE: Do you crush and spread as your desire rather than get all the crushing done, stockpile it and spread it or a little bit both?

DALE TWARDOKUS: The crushing will happen so fast that ultimately we will end up having a pile. Then we will move it off because we won't be able to spread it as fast as we crush it.

CHAIRPERSON PRICE: Okay. You would get in your own way.

DALE TWARDOKUS: Yes, exactly. Just from the logistics, the moving of the equipment, makes you go in and crush it and then you would utilize it. Because we have to compact, make sure that, you know, everything has to be compacted and we have to make sure those tests are being performed. So it would take longer to put it down.

CHAIRPERSON PRICE: Is everything separated subbase from the crushed stone?

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DALE TWARDOKUS: Just in the driving lanes.

CHAIRPERSON PRICE: Okay.

DALE TWARDOKUS: Just where you're going to get the heavy traffic.

MR. BOEHNER: How are you going to handle the increase in the truck traffic? There's going to be a fair amount of trucks coming and going to get this material off.

DALE TWARDOKUS: It's actually going to dramatically reduce the amount of trucks because what we are basically doing is, we will mobilize the crusher, the crusher is there so instead of moving all of the subbase in, which would have been a material --

MR. BOEHNER: Yes. If we don't allow you to do that it's going to be even more. But --

DALE TWARDOKUS: So all of the subbase is going to be produced on site. So in lieu of trucks coming and going, a trip, two trips for every load, we are going to dramatically reduce that because all of that subbase is produced right on site.

MR. BOEHNER: But because you have discovered so much more than you were anticipating, there are more truck trips. Do you have a traffic management plan with DOT? Are the trucks coming during rush hour traffic? Those type of

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things, because you're talking about -- you're still going to have a fair amount more traffic.

DALE TWARDOKUS: Yeah, I think you're getting into maybe the top soil.

MR. BOEHNER: Yes, at this point you have the --

DALE TWARDOKUS: Yes. We actually were going to cut -- even considering that we did not anticipate, you know, the subsurface soils, the way they are, the truck traffic in general is still going to be less because we don't have to bring in the gravel that was originally was planned to bring in. So the import number, is actually less than originally planned, when you look at the total quantities. So the total quantities are going to be less now. So the one it may not seem like that because we have -- it's stockpiled top soil right now. So from a visual standpoint it looks like more.

MR. BOEHNER: It looks like a lot, yes.

DALE TWARDOKUS: But the reality is that we're actually reducing that total yardage.

MR. BOEHNER: Okay.

CHAIRPERSON PRICE: Any questions?

MR. BABCOCK-STINER: You didn't seem to want

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to plant the trees along that 500-foot long stretch of Clinton Avenue, four/five Maple trees?

PAUL COLUCCI: No, we will. Those were required as part of Phase 1.

MR. BABCOCK-STINER: You were talking about them being in the way of utility lines and what not.

PAUL COLUCCI: Yeah, when you look at the full blown, the overall landscaping plan that we did, in between all these trees, there's quite a bit of shrubs and smaller plantings. We had the dialogue with this Board at times that it probably doesn't make sense to put all that because it would come right up to the foundations. And until we know where these buildings sit it may not make sense, the way the landscape situates itself against the foundations and then I have water surface coming in, another water service goes back to these buildings. There will be individual gas services for every building rather than one main that loops around. Everything is coming off the right of way.

MR. BOEHNER: I had asked them if they do more to look into it, to see if they could put more landscaping in and that was his response.

PAUL COLUCCI: This is Phase 1 and I just highlighted these saying, we're going to stabilize this,

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we're going to plant these trees, but then all of this goes in now.

MR. OSOWSKI: Since it's kind of late in the year for getting grass to grow on top soil, do you plan to bring in turf maybe to help along that edge?

PAUL COLUCCI: This, we probably would not be doing any sod or any installation. This will be mulched to stabilize it and then we would come in in the spring and do the turf establishment along the areas that I was showing.

CHAIRPERSON PRICE: Just to be kind of clear, the Phase 1, the original Phase 1 plan, where we had anticipated, prior to what you found, was mass Earth work, pond's already been done for a while, landscape, the road is connected to the adjacent property. So we're going all the way to the south property line with mass Earth work, but what were you going to do to finish that? Are you going to just seed that?

PAUL COLUCCI: It will be top soil and seeded. That's really the request is in lieu of that, we would like to stabilize all of the future parking and drive lanes with the stone material in lieu of the top soil.

CHAIRPERSON PRICE: Okay. All buffer plantings are all the same as --

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PAUL COLUCCI: Yeah. All the bare root stuff has to go on back here, all of this is in and then we would stabilize the right of way and install the trees and this permitter over here we would stabilize.

CHAIRPERSON PRICE: So if granted, by the first of the year, ideally and might be earlier, you will have all of those kind of cobbles, boney piles are gone, material spread. We have rest of the minor amount of the debris pile that's gone and we're left with top soil. And top soil could start moving as you have somebody who would take it.

PAUL COLUCCI: Yes.

MR. BOEHNER: There would be some left on the site?

PAUL COLUCCI: Enough for final stabilization.

CHAIRPERSON PRICE: You had always anticipated as an export on top soil, right?

PAUL COLUCCI: Yes.

CHAIRPERSON PRICE: So you're just exporting more top soil, importing less soil.

MR. BOEHNER: Paul, did you see the County's comments from the Department of Planning and Development on the airport zone?

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PAUL COLUCCI: No.

MR. BOEHNER: You were copied in on it.

PAUL COLUCCI: When did they get issued?

MR. BOEHNER: A couple days ago, the 18th.

PAUL COLUCCI: The airport zoning?

MR. BOEHNER: Remember you had to do the airport form, from which I have never seen, because they say it is in the flight path. I have never seen this before and I don't think either -- you were nice enough just to do it, I appreciate that. Because it's in the flight path they said the site is located with the approach departure corridor for the Greater Rochester International Airport. Airport approval has been granted for this application with the following condition: As per the Federal Aviation Administration requirements the proposed project should develop storm water measurements including positive edge detail -- examples, large stone or wire -- designed to minimize the congregation of birds from the storm water basins.

The applicant should contact Gary Gaskin at the International Airport if you have any questions or would like additional information. I think they're trying to keep birds or geese from going in there. And I don't know, did

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you design the pond that way.

PAUL COLUCCI: No grass. That's a good question. Typically they, I'm not an expert on geese, but I know we don't like them at our plazas.

MR. BOEHNER: I don't think you would.

PAUL COLUCCI: Cleaning the sidewalks up a lot more than we'd like to. Typically they like to be able to walk out of the -- or swim up to the edge and walk out on grass. We have a pretty heavy buffer of vegetative planting plan around the perimeter that's going to have a nice edge treatment that won't allow them to just land and waddle out. So I think we have taken care of that but anything we can do to keep geese out, we do.

MR. BOEHNER: I just wanted to point that out. I have never seen this before and this was news to me.

PAUL COLUCCI: Typically we have the token swan that works for a while to scare the geese off, but our property management folks are typically battling that.

MR. BOEHNER: So look at that and I would, you know, double check.

CHAIRPERSON PRICE: Paul, we know there's no crystal balls on this. Is it going to give you heartburn? We're probably going to have to tie some kind of time on it

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to see addition development.

PAUL COLUCCI: Yes. I don't have a problem with you saying, putting a time line on it, if we don't have activity I need to come back and explore some measures with you. I would be open to that for certain. My hope is that before he's mobilized off we're back in with the next phase. The name of the game is rent.

CHAIRPERSON PRICE: Okay. Do you care to speak?

MR. BOEHNER: Come up and give us your name.

RUSS GRANT: Russ Grant, I own the old landmark house right next to the property here. Interestingly enough I watched all that stuff get dumped in 60-odd years ago. Dump truck after dump truck through some summer of my childhood, there was a lot of it. I guess it was from the expressway.

Anyway, I have very little to say except, you know, I'm concerned about my 125-year old barn next door. Any vibrations or heavy duty work, keep it as far away from my barn as possible. The barn like I say is old and there's a couple stone pillars to the southwest corner, I don't trust them and it's a concern. I don't think anything is going to happen, but the less vibrations or anything near the

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property.

There is, you have a machine about 30 feet away from it at the moment but I think you just parked it there. That's pretty much it. As I said before maybe you can do berms or anything to minimize the noise eventually. Truthfully I have been listening to this all summer. I'm more annoyed by the noise coming from Tops across the street. I wish they would stop that, but that's another battle. That's pretty much all I have to say. Thank you.

CHAIRPERSON PRICE: Thank you. And the week duration or two weeks, that's going to go by quick. Thank you for coming, Russ. Anyone else have any questions? All set? Okay, thank you.

The application for the Grace Road Church at 1075 Clover has been withdrawn by the applicant. We don't have signs. Ramsey, we will wrap this up?

MR. BOEHNER: Yes.

CHAIRPERSON PRICE: We are back to the extension requested by 157 Sawgrass Drive.

APPLICATION 11P-01-19

11P-01-19 Application of 157 Sawgrass Drive, LLC, owner, for extension of site plan approval (9P-04-18) allowing for the construction of a 85,450 SF combined

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pediatric skilled nursing facility and medical office building on property located at 157 Sawgrass Drive. All as described on application and plans on file.

(Whereupon Mr. Babcock-Stiner recused himself and left the room.)

CHAIRPERSON PRICE: Do we have a motion on closing the hearings?

MR. FADER: I move that we close the Public Hearing and approve the Application 11P-01-19 based on testimony given and plans submitted and eight conditions and that the Planning Board finds that the proposed extension is consistent with the November 14, 2018, negative declaration adopted by the Planning Board for this project.

CONDITIONS:

1. Site Plan Approval shall expire on November 13, 2020. No further extensions can be granted.
2. All conditions of approved Planning Board application 9P-04-18 remain in effect and must be satisfied.
4. All buildings shall comply with the most current Building & Fire Codes of New York State.
5. 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

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to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

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

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

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

CHAIRPERSON PRICE: Do we have a second?

MR. WENTWORTH: Second.

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

ALL COUNCIL MEMBERS: Aye.

(Whereupon Mr. Babcock-Stiner returned.)

APPLICATION 11P-02-19

11P-02-19 Application of 1925 South Clinton, LLC, owner, for Site Plan Modification allowing for and alternative stabilization plan in conjunction with the construction of an approved medical office/retail plaza (12P-02-17 and 1P-02-18) on property located at 1915 - 1925 South Clinton Avenue. All as described on application and plans on file.

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MR. WENTWORTH: I move that we close the Public Hearing be closed and that the Planning Board approves application 11P-02-19 based on the testimony given, plans submitted and the seven conditions outlined in the Planning Board report. And we find the proposed modifications consistent with the November 15, 2017, negative declaration adopted by the Planning Board for this project.

CONDITIONS:

1. All conditions of approved application 11P-02-19 shall remain in effect.
2. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
3. 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.
4. All comments and concerns of the Evert Garcia as contained in the attached memo dated November 19, 2019, shall be addressed.
5. In the event the construction of additional buildings have not commenced on or before September 1, 2021, the applicant shall return to the Planning Board to discuss

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further site restoration mitigation.

6. All County Development Review comments shall be addressed.

7. A letter or memo in response to all Planning Board and Evert Garcia comments and conditions shall be submitted.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: So as amended, all in favor?

ALL COUNCIL MEMBERS: Aye.

MR. BOEHNER: Approved conditions.

* * *

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 16th day of December, 2019.

At Rochester, New York


Rhoda Collins

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ADDENDUM TO THE OCTOBER 16, 2019

MINUTES OF THE PLANNING BOARD:

PAGE 9, LINE 21, SPDES permit