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3 PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT  
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON NOVEMBER 20TH,  
5 2019 AT APPROXIMATELY 7:30 **P.M.**

6

7 November 20th, 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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35 REPORTED BY: RHODA COLLINS, Court Reporter  
36 FORBES COURT REPORTING SERVICES, LLC  
37 21 Woodcrest Drive  
38 Batavia, New York 14020



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

6

ALL COUNCIL MEMBERS: Aye.

7

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

9

MR. BABCOCK-STINER: So moved.

10

MR. OSOWSKI: Second.

11

CHAIRPERSON PRICE: I was not at that.

12

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

14

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

17

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

19

ALL COUNCIL MEMBERS: Aye.

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

22

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

24

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

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

5 APPLICATION 11P-01-19

6 11P-01-19 Application of 157 Sawgrass Drive,  
7 LLC, owner, for extension of site plan approval (9P-04-18)  
8 allowing for the construction of a 85,450 SF combined  
9 pediatric skilled nursing facility and medical office  
10 building on property located at 157 Sawgrass Drive. All as  
11 described on application and plans on file.

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

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

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

25 BRIAN BURRY: No, nothing's changed. The

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

6

CHAIRPERSON PRICE: All right.

7

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

11

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

14

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

17

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

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

25

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

28

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

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3 roadway, part of that property and your client's property.

4 That's what I was trying to flag down.

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

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

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

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

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

19 MR. BOEHNER: Yes.

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

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

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3 because Brian did that part, so that was fairly accurate.

4 What happened when I was looking at it it looked like it was  
5 on two properties.

6 BRIAN BURRY: I will look at that again.

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

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

13 BRIAN BURRY: I will dig that up again.

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

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

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

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

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

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

10                  MR. BOEHNER: Yes, get under construction,

11                  yes. Get the building permit.

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

14                  MR. BOEHNER: Yes.

15                  BRIAN BURRY: I will relay that to them again.

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

19                  CHAIRPERSON PRICE: Any other questions?

20                  Thank you.

21                  BRIAN BURRY: Thank you.

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

25                  (Whereupon Mr. Babcock-Stiner returned.)

APPLICATION 11P-02-19

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3 11P-02-19 Application of 1925 South Clinton,  
4 LLC, owner, for Site Plan Modification allowing for and  
5 alternative stabilization plan in conjunction with the  
6 construction of an approved medical office/retail plaza  
7 (12P-02-17 and 1P-02-18) on property located at 1915 - 1925  
8 South Clinton Avenue. All as described on application and  
9 plans on file.

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11P-02-19 Application of 1925 South Clinton,  
r Site Plan Modification allowing for and  
abilization plan in conjunction with the  
f an approved medical office/retail plaza  
1P-02-18) on property located at 1915 - 1925  
Avenue. All as described on application and

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

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

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

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

22 So we're trying to make the site work for us.  
23 In lieu of that, we would have an exorbitant cost of hauling  
24 this material offsite and bringing in structural materials.  
25 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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3 So what we've tried to demonstrate in the  
4 letter to the Board and in the alternate stabilization plan  
5 is concluding Phase 1, the Doodle Bugs piece and doing all of  
6 the stabilization, the permanent landscape installation  
7 associated with Phase 1, is unchanged. So we would finish  
8 around the pond, we would go to the buffer area, do the bare  
9 root plantings that are required back there, stabilize and do  
10 the finalized stabilization along the backside. Do  
11 everything associated with Doodle Bugs and around the pond.  
12 And then in lieu of separating top soil and seeding that,  
13 we're proposing an alternate stabilization measure which is  
14 placing the subbase material that would be future parking  
15 lots and drives.

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

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

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

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

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

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

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

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

18 PAUL COLUCCI: You want to see some action.

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

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

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

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

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

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

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

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

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

22 PAUL COLUCCI: Yes.

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

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PAUL COLUCCI: Yes. Crushing it --

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CHAIRPERSON PRICE: Any advantage to you to do that?

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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.

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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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3 foundations or utilities?

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

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

25 Now we have probably three times as much

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

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

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

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

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

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

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

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

20 CHAIRPERSON PRICE: What grade are you at now?

21 PAUL COLUCCI: We're at subgrade.

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

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

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

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

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

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

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

21 DALE TWARDOKUS: Yes.

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

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

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

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

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

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

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

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

7 DALE TWARDOKUS: No, it will happen very  
8 quickly.

9 MR. BOEHNER: What is the noise impacts?

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

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

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

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

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

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

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

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

10 DALE TWARDOKUS: Similar, yes.

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

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

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

25 DALE TWARDOKUS: I would say three weeks.

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3 DALE TWARDOKUS: The clearing of the trees?

4 CHAIRPERSON PRICE: Yes.

5 DALE TWARDOKUS: Three weeks.

6 CHAIRPERSON PRICE: This operation will be  
7 shorter than that?

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

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

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

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

23 DALE TWARDOKUS: Yes, absolutely.

24 MR. BOEHNER: During what hours would you be  
25 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.

7

MR. BOEHNER: I have --

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

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

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

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

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

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

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

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3 DALE TWARDOKUS: Just in the driving lanes.

4 CHAIRPERSON PRICE: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

23 MR. BOEHNER: Okay.

24 CHAIRPERSON PRICE: Any questions?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 PAUL COLUCCI: Yes.

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

17 PAUL COLUCCI: Enough for final stabilization.

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

20 PAUL COLUCCI: Yes.

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

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

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3 PAUL COLUCCI: No.

4 MR. BOEHNER: You were copied in on it.

5 PAUL COLUCCI: When did they get issued?

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

7 PAUL COLUCCI: The airport zoning?

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

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

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3 you design the pond that way.

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

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

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

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

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

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

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

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3 to see addition development.

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

10 CHAIRPERSON PRICE: Okay. Do you care to  
11 speak?

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

13 RUSS GRANT: Russ Grant, I own the old  
14 landmark house right next to the property here.  
15 Interestingly enough I watched all that stuff get dumped in  
16 60-odd years ago. Dump truck after dump truck through some  
17 summer of my childhood, there was a lot of it. I guess it  
18 was from the expressway.

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

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3 property.

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

13

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

18

19 The application for the Grace Road Church at  
20 1075 Clover has been withdrawn by the applicant. We don't  
21 have signs. Ramsey, we will wrap this up?

22

MR. BOEHNER: Yes.

23

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

26

APPLICATION 11P-01-19

27

28 11P-01-19 Application of 157 Sawgrass Drive,  
29 LLC, owner, for extension of site plan approval (9P-04-18)  
30 allowing for the construction of a 85,450 SF combined

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

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

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

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

16 **CONDITIONS:**

- 17 1. Site Plan Approval shall expire on November 13, 2020. No  
18 further extensions can be granted.
- 19 2. All conditions of approved Planning Board application  
20 9P-04-18 remain in effect and must be satisfied.
- 21 4. All buildings shall comply with the most current Building  
22 & Fire Codes of New York State.
- 23 5. Prior to issuance of any building permits, all plans for  
24 utility and storm water control systems must be reviewed and  
25 have been given approval by appropriate authorities. Prior

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

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

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

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

12 CHAIRPERSON PRICE: Do we have a second?

13 MR. WENTWORTH: Second.

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

16 ALL COUNCIL MEMBERS: Aye.

17 (Whereupon Mr. Babcock-Stiner returned.)

18 APPLICATION 11P-02-19

19 11P-02-19 Application of 1925 South Clinton,  
20 LLC, owner, for Site Plan Modification allowing for and  
21 alternative stabilization plan in conjunction with the  
22 construction of an approved medical office/retail plaza  
23 (12P-02-17 and 1P-02-18) on property located at 1915 - 1925  
24 South Clinton Avenue. All as described on application and  
25 plans on file.

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10 **CONDITIONS:**

11 1. All conditions of approved application 11P-02-19 shall  
12 remain in effect.

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

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

20 4. All comments and concerns of the Evert Garcia as  
21 contained in the attached memo dated November 19, 2019, shall  
22 be addressed.

23 5. In the event the construction of additional buildings  
24 have not commenced on or before September 1, 2021, the  
25 applicant shall return to the Planning Board to discuss

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3 further site restoration mitigation.

4 6. All County Development Review comments shall be  
5 addressed.

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

8 MR. BABCOCK-STINER: Second.

9 CHAIRPERSON PRICE: So as amended, all in  
10 favor?

11 ALL COUNCIL MEMBERS: Aye.

12 MR. BOEHNER: Approved conditions.

13 \* \* \*

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3                   REPORTER CERTIFICATE  
4  
56                   I, Rhoda Collins, do hereby certify that I did  
7 report in stenotype machine shorthand the proceedings held in  
the above-entitled matter;8                   Further, that the foregoing transcript is a true and  
9 accurate transcription of my said stenographic notes taken at  
10 the time and place hereinbefore set forth.11  
12                   Dated this 16th day of December, 2019.13                   At Rochester, New York  
14  
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16                     
Rhoda Collins  
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2 ADDENDUM TO THE OCTOBER 16, 2019

3 MINUTES OF THE PLANNING BOARD:

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5 PAGE 9, LINE 21, SPDES permit

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