

1 Brighton Planning Board 12/18/19
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3 PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON DECEMBER 18TH,
5 2019 AT APPROXIMATELY 7:30 **P.M.**

6 December 18th, 2019
7 Brighton Town Hall
8 2300 Elmwood Avenue
9 Rochester, New York 14618

10 PRESENT:

11 WILLIAM PRICE, CHAIRPERSON
12 JOHN J. OSOWSKI
13 LAURA CIVILETTI
14 DAVID FADER
15 JAMES WENTWORTH

16 DAVID DOLLINGER, ESQ.
17 Town Attorney

18 RAMSEY A. BOEHNER
19 Town Planner

20 NOT PRESENT:
21 PAMELA DELANEY
22 JASON BABCOCK-STINER

23 REPORTED BY: RHODA COLLINS, Court Reporter
24 FORBES COURT REPORTING SERVICES, LLC
25 21 Woodcrest Drive
Batavia, New York 14020

3 contract vendee, and Genesee Valley Group Health Association,
4 owner, for extension of Site Plan Modification approval,
5 Subdivision approval, and EPOD (woodlot) Permit approval
6 (11P-03-18) in conjunction with the establishment of an
7 inpatient withdrawal and stabilization facility on property
8 located at 1850 Brighton Henrietta Town Line Road. All as
9 described on application and plans on file.

11 ERIC SCHAAF: Good evening, good to see you
12 all again. Eric Schaaf from Marathon Engineering
13 representing Helio Health, with me tonight is Connie
14 Lickstein from Helio Health that may be able to answer any
15 questions. I have a color rendering you saw a little over a
16 year ago when we were here and received approval for each of
17 those. If you would like I can put it up, but our request
18 tonight is extremely simple so I will keep it short.

20 We went through and received all of the
21 approvals approximately a year ago for as you mentioned, site
22 plan subdivision EPOD permit and so on. Helio Health has
23 applied for funding to the State, that process is ongoing.
24 Connie talked to the State earlier this week and no obstacle
25 had been identified, it is simply a long, arduous process
that is ongoing and so it is not yet complete. We
respectfully request as long of an extension as you will give

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3 us because the State at this point is not known for prompt
4 approvals so we don't want to have to come back here again if
5 we don't have to.

6

7 I'd be happy to answer any questions. I have
8 the material and all of their references we can go into
9 anything, but I'm hoping this will be relevantly straight
forward.

10

11 MR. BOEHNER: Has anything or will anything
change on the site plan that you got approval for?

12

13 ERIC SCHAAF: We had not changed anything. It
14 should be noted that in order to save the client a little bit
15 of money there were a couple of minor items that needed to be
16 finalized and we have not signed the mylars. So those items
17 we still owe you, but nothing has changed. We agreed to do
18 everything and we're still agreeing to do what was request.
19 Mr. Price has not had the plans to sign on on behalf of the
20 Planning Board and we will do that once we either receive the
21 funding or we know that it's very, very close. But we simply
22 just haven't spent their last little bit of money.

23

24 MR. BOEHNER: Do you know when the State is
going to be done with the review? Did they give you any
indication?

25

ERIC SCHAAF: Maybe six months. They have

3 done their -- my understanding, and Connie can speak to it
4 better, they have done their preliminary assessment, it now
5 goes to the budget office and they have to go through their
6 things and it takes six months on average. Did you want more
7 information? I'd be happy to have Connie --

9 CHAIRPERSON PRICE: Yeah, there's just going

10 to be a question. I think I have one question is all.

12 ERIC SCHAAF: Connie, why don't you -- I've
13 said everything I know about this element of it. Connie can
14 speak to it.

16 CONNIE LICKSTEIN: Sure. Good evening, my
17 name is Connie Lickstein and I work for Helio Health, I'm the
18 general counsel.

20 MR. BOEHNER: Do you know what the time frame
21 for the State is?

23 CONNIE LICKSTEIN: It's difficult to say with
24 certainty, but the last estimate that I received from New
25 York State Oasis was that once Division of Budget received
 the package it would take three to six months. So they
 have -- I talked to them, exchanged e-mails with them on
 Monday of this week and they were either going to send it
 yesterday or today. And then we'll -- I've just kept
 following up with them pretty much on a weekly --

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3 expire, you would have to come back and get the approvals.

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5 CONNIE LICKSTEIN: I would appreciate the
6 help. That would be great. We are certainly willing to keep
7 things moving even as we wait for the approvals.

8

9 MR. BOEHNER: Once you think you've got them
10 going maybe we can kind of pull it together or try to get you
11 a building permit issued before the end of 2020.

12

13 MR. FADER: I just saw in the note here,
14 looking at some of the written material I have, their
15 approvals will expire January 15th of 2021, right?

16

17 MR. BOEHNER: That's right.

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19 MR. FADER: It said 2020 in here.

20

21 MR. BOEHNER: No, sorry.

22

23 CHAIRPERSON PRICE: You just got an extra
24 year.

25

26 MR. BOEHNER: I gave you a whole couple of
27 days.

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29 CHAIRPERSON PRICE: It's still one year,
30 basically.

31

32 MR. BOEHNER: That's the way the code reads.
33 They can't give you anymore than that one extension.

34

35 Bill, did you have questions?

36

37 CHAIRPERSON PRICE: I think you asked them. I

3 was talking to David, but does the State really review in
4 detail a site plan or do they look to see if it has local
5 approvals and then as long as it's got the local approvals,
6 they aren't going to start changing your site plan on you?

7 CONNIE LICKSTEIN: I don't think there's going
8 to be changes to the site plan on the State's part. I
9 haven't heard any indication that that's going to happen. If
10 it does, I will let you know and we will go from there.

11 MR. OSOWSKI: You said the health department
12 is submitting it to the Division of Budget in the next couple
13 days?

14 CONNIE LICKSTEIN: New York State Oasis, yes.
15 We have been following up with them. We came before the
16 Zoning Board of Appeals in November and we had talked to them
17 then as well, so they're very closely monitoring it too. I
18 think they've just got a lot going on.

19 MR. OSOWSKI: DOT typically looks at things
20 for cash flow, they don't care about the daily, but the cash.
21 You're awaiting funding from them?

22 CONNIE LICKSTEIN: Yes, we are. That's the
23 last step, we are waiting for that.

24 CHAIRPERSON PRICE: Any questions? We're all
25 set, thank you.

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CONNIE LICKSTEIN: Thank you for your time.

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CHAIRPERSON PRICE: This is a Public Hearing
is there anyone in the audience who cares to address this
application? Okay.

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12P-02-19 Application of Dawn DiMedio,
architect, and Anthony J. Costello and Son Development,
owner, for Site Plan Modification to install a diesel powered
standby emergency generator on property located at 2400 South
Clinton Avenue, Building F (Tax ID #140.07-1-6.1). All as
described on application and plans on file.

DAWN DIMEDIO: Good evening, thank you for
your time. I am Dawn DiMedio, I'm with Gerard Associates
Architects, we're actually out of Pittsburgh but we represent
the tenant in this case, Fresenius Kidney Care, who has
occupied I think this location in Clinton Crossings for
decades. It's one of their oldest clinics I think in the
area and in all of New York State.

So this request comes about as part of a
larger program statewide that Fresenius is undertaking in
conjunction with the Department of Health to be able to
provide care even in emergency situations. Obviously you
don't have the nicest weather here so you're prone to outages
and they can be prolonged. And so what happens is if a

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3 clinic would see a prolonged power outage then they have to
4 go about immediately kind of shuffling patients.

5 This is a fairly large clinic. You're talking
6 about probably 30 to 40 patients that then have to be
7 provided transport and have to partner with the local
8 hospital or have to find service at another clinic to
9 basically, you know, for life support and care.

10 So thus the generator, they're basically
11 installing generators in almost all of their existing clinics
12 throughout New York and other jurisdictions where weather and
13 power quality can be a problem. That allows them in the
14 event there is a prolonged outage that they use the generator
15 to power the clinic and they can still see patients.

16 I know there are probably a number of
17 questions about the selection of the equipment. This is a
18 275kw unit. It is sized based on the power requirements
19 needed to run the clinic. My engineer is not here with me
20 today, but there's a certain factor above and beyond the
21 minimum amperage requirements, but the 275kw is basically
22 what we have designed. It is a diesel unit.

23 Fresenius Kidney Care, they operate about 2500
24 clinics nationwide. They buy this unit as part of an ongoing
25 contract with a company called Nardone, who furnishes power

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3 generation equipment, Kohler is the brand. As a rule they
4 generally provide diesel units. One, because they don't have
5 natural gas in all of the areas where they have clinics.

6 They also in some jurisdictions where you can
7 have different kinds of emergencies that affect, you know,
8 plumbing systems and underground systems, you don't always
9 have natural gas if you're in an earthquake zone or hurricane
10 zone or what have you, so diesel is what they select.

11 What we have proposed here for the enclosure
12 is part of their typical standard, I will say. Because they
13 do own and operate so many clinics they have a large
14 portfolio of kind of standard details they employ for their
15 clinics. The enclosure is one they have found success with,
16 but generally resist tampering or any kind of vandalism of
17 the unit, but I will submit that they prefer an enclosure.
18 We have done where jurisdictions have required something
19 other than the chain link fence, you know, we have modified
20 that accordingly if that is a concern.

21 MR. BOEHNER: How tall is the enclosure?

22 DAWN DIMEDIO: We are proposing ten feet. The
23 unit itself is over six feet, the main bulk of the unit. If
24 you are familiar with these generators they have kind of a
25 rectangular footprint but they're kind of odd. Animal ones

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3 you get above that, so the highest point is about 74 or
4 75 inches, then the fencing goes up about three feet beyond
5 that just to kind of protect all of the inlet and outlet
6 structures that come off and on the unit -- or from the unit
7 I should say.

8 MR. BOEHNER: It's a chain link with slats?

9 DAWN DIMEDIO: Yes.

10 MR. WENTWORTH: Is this space governed by
11 Article 28?

12 DAWN DIMEDIO: It's Title 10 of the -- you are
13 referring to the Department of Health?

14 MR. WENTWORTH: Yeah. So it's not regulated
15 as hospital space?

16 DAWN DIMEDIO: No.

17 MR. WENTWORTH: So the generator is not
18 regulated or inspected by the state?

19 DAWN DIMEDIO: By the state, no, I don't
20 believe that it is. Now it is maintained as part of
21 Fresenius Kidney Care. When they install a generator they
22 also basically embark on a service agreement with this
23 company, Nardone, who then has service teams throughout the
24 country. In that case they fulfill any requirement to
25 produce, basically, testing or certification on an ongoing

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3 basis to whatever jurisdiction that may be.

4 But to the question, is this -- does the
5 clinic fall under any of the articles that are typically
6 associated with hospital systems? No. The only one we're
7 bound by is Title 10, in the DOH guidelines. There are some
8 additional that I'm not intimately familiar with.

9 But if you're familiar with CMS Reimbursement,
10 okay, there are basically some operation, maintenance and
11 install requirements as part of the CMS Reimbursement that
12 Fresenius handles if they need to produce certification on
13 the generator or testing certificates for the generator for
14 that, then they schedule those accordingly, if that makes
15 sense.

16 MR. WENTWORTH: What is the projected run
17 time?

18 DAWN DIMEDIO: Well, in terms of the
19 emergency, if there's an emergency the generator would only
20 be use for a prolonged outage.

21 MR. WENTWORTH: Right. But what's the max, I
22 mean, what's the fuel capacity? Like, in hospital space it's
23 96 hours. I was just wondering.

24 DAWN DIMEDIO: That, I don't know for certain.
25 I mean, my understanding is that if there's an outage they

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3 will refuel it, do you know what I mean? It's not so much a
4 maximum run time based on fuel, it's really a maximum run
5 time based on the outage that you have.

6 MR. WENTWORTH: So it's generating the need as
7 a business model not a regulatory model, correct?

8 DAWN DIMEDIO: Yeah. I mean, in providing,
9 you know, health care --

10 MR. WENTWORTH: Right, it's not like you're in
11 the middle of a life-threatening operation or procedure --

12 DAWN DIMEDIO: Correct.

13 MR. WENTWORTH: -- when the power goes out.
14 It's more like, we want to be able to serve our clientele or
15 patients if the power is out for three days or something.

16 DAWN DIMEDIO: That's exactly correct.

17 Basically all of these patients are considered from a
18 standpoint, self-sustaining. If you have been to a dialysis
19 clinic most of them are trained in the event of an emergency
20 to disconnect themselves, you know, with -- and then they
21 also have support which is, you know, so many nurses per
22 patient as regulated by the DOH.

23 But, yeah, this is really to avoid having to
24 shuffle them or find locations. Let's say you had a regional
25 outage, right, and you -- that put 20 clinics out of

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3 commission, kind of getting patients to care would be a
4 problem.

5 MR. OSOWSKI: Does the clinic have regular
6 business hours like nine to five? It's not 24/7, is it?

7 DAWN DIMEDIO: No, it's not 24/7. Typically
8 they're going to be up and they're going to be kind of
9 running, somebody in the clinic I would say around 8:00 a.m.
10 Somebody may be there earlier for set up. And at this
11 particular clinic they don't see their last patient until
12 after 8:00 p.m. So it's almost a 12-hour day operation.

13 MR. OSOWSKI: So there's two options on the
14 fuel tank on the model you've shown us. One is a three-foot
15 tall tank that says it has 48-hours of runtime, or a two-foot
16 tall 555-gallon capacity with 24-hours of runtime. So I
17 don't know which model, but it's the same size generator just
18 one is a smaller tank and one is bigger.

19 DAWN DIMEDIO: That, I would have to clarify
20 for you. Again, the only thing that it really does is it
21 informs in the event of a prolonged outage how many times
22 they refuel for the duration of the outage. So I can confirm
23 that though.

24 MR. WENTWORTH: Ramsey, did Zoning have
25 anything to rule on the fence height being --

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3 MR. BOEHNER: No, because it's an enclosure,
4 more than a fence, like kind of like screening, so it's
5 within your jurisdiction if you want to lower the height,
6 change materials, or whatever you're thinking about. That it
7 is your wheel house, when will the maintenance operation of
8 the generator take place?

9 DAWN DIMEDIO: It would be during daylight
10 hours.

11 MR. BOEHNER: And do you know will the
12 generator have a sound enclosure?

13 DAWN DIMEDIO: It will. Even with the sound
14 enclosure I think the maximum decibels is about 80 decibels
15 coming off the unit. That was how I read the spec sheet. If
16 you have ever heard them run, I equate it to basically a bus
17 running, at least when they initially start up.

18 MR. WENTWORTH: Our literature seems to
19 indicate it is 75.

20 DAWN DIMEDIO: Yes, 75 or 80.

21 MR. BOEHNER: There's a difference.

22 DAWN DIMEDIO: You're right, 75. I was
23 looking at both of them.

24 MR. BOEHNER: You're looking at the sound
25 pressure.

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3 DAWN DIMEDIO: Yes, 75.

4 MR. BOEHNER: That's at full load. Okay.

5 CHAIRPERSON PRICE: Would you be inclined to
6 go with an eight-foot?

7 DAWN DIMEDIO: To drop the enclosure height a
8 little bit?

9 CHAIRPERSON PRICE: Yes, and go with wood.
10 I'm going to tell you, recently found out how expensive
11 ten-foot chain link is. It's a wonder -- does anybody else
12 care about this? Over time, slats in a chain link fence
13 don't last. Again, you're not going to see this much, but
14 those don't hold up. And if at 74 inches high and you're
15 going to a 96-inch, you still have 22 inches above the height
16 of the unit for any pipes or vents that stick up.

17 DAWN DIMEDIO: Yes. I think that would be a
18 fine compromise on Fresenius' end. Again, from a material
19 standpoint we have done other materials, you know, I would
20 say whatever your preference is for that that's agreeable to
21 them. There's a wood enclosure around the Dumpster.

22 CHAIRPERSON PRICE: Right next to that area?

23 DAWN DIMEDIO: Yes.

24 CHAIRPERSON PRICE: All right.

25 MR. WENTWORTH: Are you concerned about the

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3 security of the wood versus chain link fence?

4 DAWN DIMEDIO: You know, my personal
5 standpoint is, is that if somebody wants to do damage they
6 will find a way. From Fresenius' standpoint again, this
7 comes a lot from their detailing and their standards comes
8 from basically what works in the majority of the
9 jurisdictions. So they have had great success with the chain
10 link, but that's not an absolute rule of theirs.

11 MS. CIVILETTI: I have a question about, so
12 you've got -- there's a sound intenerating enclosure which
13 gen set itself, which in my experience typically are fairly
14 secure, they are locked access panels. What is the intent of
15 having an additional fenced yard for it?

16 DAWN DIMEDIO: Well, to give an extra layer of
17 protection, but it also keeps people from putting things
18 against the equipment. And you might think that would be
19 kind of odd, who's going to go back and lean anything up
20 against the generator, but it happens, you know, and you
21 don't want obviously anybody, because this is a clinic that
22 does receive pallet deliveries. We don't want somebody
23 taking extra pallets and leaning them up against an intake or
24 what have you. That's not really set up that way.

25 So I think that's really part of it, is that,

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3 you know, when you, in general, when you look at electrical
4 equipment as part of the national electric code, they always
5 hold to the three-foot clearance in front of panels, around
6 equipment or what have you. The fence helps to guarantee
7 that that space is maintained around the equipment.

8 MS. CIVILETTI: Just a caution, as the
9 required clearance on the equipment depends on the electrical
10 rating on the equipment and can be as much as ten feet.

11 DAWN DIMEDIO: Yes.

12 MS. CIVILETTI: The fuel tank is in the base,
13 correct?

14 DAWN DIMEDIO: Correct.

15 MS. CIVILETTI: Is it a double wall tank?

16 DAWN DIMEDIO: I believe it is, yes.

17 MS. CIVILETTI: What's the height of the tank?
18 I saw the cut sheet but I didn't see any dimensions on it.

19 DAWN DIMEDIO: That I would have to -- I can
20 also verify that, what the final capacity tank selection is
21 and then the corresponding dimensions of that are.

22 MR. OSOWSKI: I interpreted it as one is
23 25 inches or 36 depending on the size. So a good size tank.

24 CHAIRPERSON PRICE: Questions?

25 You okay with an eight-foot wood fence?

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3 DAWN DIMEDIO: Yes, we will make that work.

4 CHAIRPERSON PRICE: Okay. And we'll say if
5 the size of the tank does change the height --

6 MR. BOEHNER: Then let me know.

7 CHAIRPERSON PRICE: -- let's say it goes from
8 74 to --

9 MR. WENTWORTH: Not 74, you said 74 inches?

10 DAWN DIMEDIO: Yes.

11 CHAIRPERSON PRICE: I didn't know if that was
12 based on a two foot --

13 MS. CIVILETTI: That's not including the tank
14 I don't believe.

15 CHAIRPERSON PRICE: This implies it does. I
16 don't know if that's a two-foot tank --

17 DAWN DIMEDIO: Having seen them in person I'm
18 going to say the 74 or 75 inches does include the tank, but I
19 will verify that.

20 CHAIRPERSON PRICE: Okay.

21 MR. BOEHNER: Because if that gets taller,
22 you're saying they need to increase the height of the
23 enclosure?

24 CHAIRPERSON PRICE: Yes.

25 DAWN DIMEDIO: Basically if I'm hearing the

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3 overall request is, let's not make the enclosure much higher

4 than the unit itself.

5 MR. BOEHNER: You got it.

6 DAWN DIMEDIO: You don't want giant pipes

7 sticking out, but if we can tighten that up, we'll tighten

8 that up.

9 CHAIRPERSON PRICE: A ten-foot chain link

10 fence is going to draw more attention than the unit itself.

11 DAWN DIMEDIO: Yeah.

12 MR. BOEHNER: It's not a high crime area.

13 CHAIRPERSON PRICE: It's not a high traffic

14 area either.

15 DAWN DIMEDIO: Having driven around there,

16 there's quite a few generators in that park.

17 CHAIRPERSON PRICE: Okay. Thank you.

18 MR. WENTWORTH: Before you go, I did have one

19 question. On Page 7 there's the highlighted unit, that's the

20 one you're intending to install?

21 DAWN DIMEDIO: The State code fuel tank, yes,

22 I believe that's the one.

23 MR. WENTWORTH: The 275 R-E-O-Z-J-E?

24 DAWN DIMEDIO: Yes.

25 MR. WENTWORTH: That's showing . . .

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DAWN DIMEDIO: What's the concern?

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MR. WENTWORTH: No, I was just wondering because that's showing 113.9 inches max height enclosure and the subbase fuel tank or 124.9. So if it's 124, that could be why there's a ten-foot fence.

8

MR. BOEHNER: I see what you are saying.

9

DAWN DIMEDIO: No, the -- I'm going to verify this. And the best thing for me to do, and I think I had sent this through originally in talking with Rick DiStefano and he wanted what ended up being this document, is this actually goes through that Nardone company. The way I verify what's basically kind of the final selection is via their purchase order, so I'm going go back to them and do here. Part of that, I'm not going to lie, is cost driven too. So I will go back and this is based on the base mold of the 275 R-E-O-Z-J-E. I will verify all the bells and whistles. I know they come with a sound enclosure, I know it's going to be a base model fuel tank. Again, having seen them I have not stood next to one that was more than seven feet high.

22

23

24

25

Now, you know, it also depends too on the kind of final configuration of the slab. In some areas they prop that up, that kind of thing. So let me verify with the actual cut sheet on the equipment via the purchase order and

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3 I understand the ask about the fence.

4 CHAIRPERSON PRICE: Okay, thank you.

5 MR. BOEHNER: How do we want to deal with
6 the --

7 CHAIRPERSON PRICE: We'll have you get the
8 information, confirm what the actual dimensions are and just
9 we'll have to give you the authority based on the height of
10 the fence, on the actual height of the unit.

11 MS. CIVILETTI: Well, does the height of the
12 fence need to match the height of the unit if the intent is
13 more to protect the area right around the generator from
14 people piling stuff against it or, whatever? We're not
15 actually trying to screen the entire height of the generator
16 and the enclosure.

17 CHAIRPERSON PRICE: So eight-foot could
18 still --

19 MR. BOEHNER: Will we say the enclosure shall
20 just be the height of the generator?

21 MS. CIVILETTI: No, because if it's ten
22 feet -- it's actually ten feet plus. What I am saying is I
23 think an eight-foot wood fence would still be sufficient. We
24 don't need to hide the entire thing. It sounds like the
25 intent of the fence, obviously the chain link was just to

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3 protect the immediate proximity.

4 MR. BOEHNER: So, okay, I got it, with the
5 eight-foot high wood fence.

6 MR. WENTWORTH: And with the -- we're also
7 going to mention something about the 75-decibels because this
8 particular unit -- I'm a little confused, I guess.

9 CHAIRPERSON PRICE: You can ask for
10 clarification on that.

11 MR. WENTWORTH: Yeah. At any rate, our
12 requirement is 72, so 75 is --

13 MS. CIVILETTI: 72 at what distance?

14 MR. BOEHNER: 21 feet, I believe.

15 MR. OSOWSKI: Seven meters, 23 feet.

16 DAWN DIMEDIO: 23 feet from what though?

17 MS. CIVILETTI: From the perimeter of the
18 unit.

19 DAWN DIMEDIO: Okay.

20 MR. WENTWORTH: So what I am saying is, it is
21 presented as 75, we will make a judgment based on 75, it
22 can't be more than that.

23 DAWN DIMEDIO: Okay.

24 CHAIRPERSON PRICE: Thank you. Is there
25 anyone who cares to address this application? I think that

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3 is our last Public Hearing.

4

5 Let's take care of this right now. Do I have

a motion on Applicant 12P-01-19?

6

APPLICATION 12P-01-19

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8 12P-01-19 Application of Helio Health, Inc.,
9 contract vendee, and Genesee Valley Group Health Association,
10 owner, for extension of Site Plan Modification approval,
11 Subdivision approval, and EPOD (woodlot) Permit approval
12 (11P-03-18) in conjunction with the establishment of an
13 inpatient withdrawal and stabilization facility on property
14 located at 1850 Brighton Henrietta Town Line Road. All as
15 described on application and plans on file.

16

17 MR. FADER: I will move that we close the
18 Public Hearing and move that the Planning Board approves the
19 extension based on the testimony given and plans submitted,
20 and I think it was seven conditions. And that we also move
21 it is still consistent with the original SEQRA determination,
22 with one modification, and that's Condition 1, the date
23 should be changed.

24

25 MR. BOEHNER: Yes. Condition 1, should read:
The approval shall expire on January 15, 2021. No further
extensions can be granted.

CONDITIONS:

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3 1. Approvals shall expire on January 15, 2021. No further

4 extensions can be granted.

5 2. All conditions of approved Planning Board application

6 11P-03-18 remain in effect and must be satisfied.

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

8 & Fire Codes of New York State.

9 4. Prior to the issuance of any building permits, all plans

10 for utility and storm water control systems must be reviewed

11 and have been given approval by appropriate authorities.

12 Prior to any occupancy, work proposed on the approved plans

13 shall have been completed to a degree satisfactory to the

14 appropriate authorities.

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

16 Department of Public Works.

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

18 indirectly to the applicant's request.

19 7. All outstanding comments and concerns of the Town

20 Engineer shall be addressed.

21 CHAIRPERSON PRICE: Do we have a second to the

22 motion?

23 MS. CIVILETTI: Second.

24 CHAIRPERSON PRICE: Moved and seconded, any

25 further discussion? All in favor?

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ALL COUNCIL MEMBERS: Aye.

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CHAIRPERSON PRICE: Opposed? Thank you, have
safe travels.

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APPLICATION 12P-02-19

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12P-02-19 Application of Dawn DiMedio,
architect, and Anthony J. Costello and Son Development,
owner, for Site Plan Modification to install a diesel powered
standby emergency generator on property located at 2400 South
Clinton Avenue, Building F (Tax ID #140.07-1-6.1). All as
described on application and plans on file.

13

CHAIRPERSON PRICE: Do I have a motion?

14

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MS. CIVILETTI: I move that the Public Hearing
be closed and the Planning Board approve Application
12P-02-19 based on the testimony given, plans submitted, and
11 conditions.

18

19

MR. BOEHNER: I have a 12th condition. The
height of the enclosure should not exceed eight feet. The
enclosure shall be made of wood, revised plans shall be
submitted to and approved by the building and planning
department.

23

CONDITIONS:

24

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1. The generator shall comply with the most current Building & Fire Codes of New York State.

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3 2. Meet all requirements of the Town of Brighton's
4 Department of Public Works.

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

7 4. The project and its construction entrance shall meet the
8 New York State Standards and Specifications for Erosion and
9 Sediment Control.

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

14 6. The generator shall not be located closer than 10 feet to
15 any lot line.

16 7. The placement of the generator shall not interfere with
17 the safe passage of pedestrians or vehicles.

18 8. The generator shall be used only during electrical power
19 outages and as required by the manufacturer for maintenance
20 purposes.

21 9. The generator shall be installed with the sound enclosure
22 feature highlighted in the application.

23 10. All comments and concerns of Evert Garcia as contained
24 in the attached memo dated December 17, 2019 shall be
25 addressed.

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

5 12. The height of the enclosure should not exceed eight
6 feet. The enclosure shall be made of wood, revised plans
7 shall be submitted to and approved by the building and
8 planning department.

9 MR. WENTWORTH: I move that the Planning Board
10 finds that the proposed action will not have a significant
11 impact on the environment and adopt the negative declaration
12 as prepared by the town staff.

13 CHAIRPERSON PRICE: Second?

14 MR. FADER: Second.

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

17 MR. WENTWORTH: I wasn't done. So there's
18 nothing in the conditions that mention the 75?

19 MR. BOEHNER: The 75, the application makes a
20 condition.

21 MR. WENTWORTH: Okay.

22 CHAIRPERSON PRICE: Moved and seconded, all in
23 favor?

24 ALL COUNCIL MEMBERS: Aye.

25 CHAIRPERSON PRICE: Opposed? Thank you.

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3 **SIGNS:**

4 1572 Wax It All / A Mark & M.E. Salon for a building face
5 sign at 2920 Monroe Avenue.

6 1573 Relax and Was, for a building face sign at 2240 Monroe
7 Avenue.

8 MR. BOEHNER: 1572 and 1573, I move they be
9 approved as recommended by the Architectural Review Board.

10 MS. CIVILETTI: So moved.

11 MR. WENTWORTH: Seconded.

12 CHAIRPERSON PRICE: All in favor?

13 ALL COUNCIL MEMBERS: Aye.

14 CHAIRPERSON PRICE: Thank you.

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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 12th day of January, 2020.13 At Rochester, New York
14
15
16 
Rhoda Collins
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