

Brighton Planning Board 12/18/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON DECEMBER 18TH,
2019 AT APPROXIMATELY 7:30 **P.M.**

December 18th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON
JOHN J. OSOWSKI
LAURA CIVILETTI
DAVID FADER
JAMES WENTWORTH

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:
PAMELA DELANEY
JASON BABCOCK-STINER

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

Brighton Planning Board 12/18/19

CHAIRPERSON PRICE: Good evening. I'd like to call to order the December 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: Absent is Delaney and Babcock-Steiner.

CHAIRPERSON PRICE: Thank you. Did everybody get the November 20th meeting minutes?

MR. BOEHNER: They are going to be done at the January 15th meeting.

CHAIRPERSON PRICE: I didn't get them.

MR. BOEHNER: No, you did not.

CHAIRPERSON PRICE: We will move on to our Public Hearings. Mr. Secretary, were the Public Hearings for tonight properly advertised?

MR. BOEHNER: Yes, they were properly advertised in the December 12, 2019, Brighton-Pittsford Post.

CHAIRPERSON PRICE: We will now hear those applications.

12P-01-19 Application of Helio Health, Inc.,

Brighton Planning Board 12/18/19

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

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

We went through and received all of the approvals approximately a year ago for as you mentioned, site plan subdivision EPOD permit and so on. Helio Health has applied for funding to the State, that process is ongoing. Connie talked to the State earlier this week and no obstacle 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

Brighton Planning Board 12/18/19

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

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

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

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

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

ERIC SCHAAF: Maybe six months. They have

Brighton Planning Board 12/18/19

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

CHAIRPERSON PRICE: Yeah, there's just going to be a question. I think I have one question is all.

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

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

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

CONNIE LICKSTEIN: It's difficult to say with certainty, but the last estimate that I received from New 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 --

Brighton Planning Board 12/18/19

MR. BOEHNER: So it's a part of the process you're looking at the construction drawings? Have you prepared construction, like your -- because you're going to take the building, you're going to be rehabbing it?

CONNIE LICKSTEIN: Right. I have not -- so I'm afraid to say exactly what we've given them because I have not personally given them the package. But I would be happy to follow up with you after the meeting to share with you what we've given --

MR. BOEHNER: The reason I'm asking is that after this extension -- the Planning Board can only give you an extension for one year. After that, it expires and you would have to come in and get new approvals. So when you start talking about six months it sounds like, okay, June, but there's always the plan review, the construction drawings. I guess part of what I wanted to say, you may want to look at what you can do while you are waiting for the State approvals.

CONNIE LICKSTEIN: Yes.

MR. BOEHNER: I would be glad to work with you on that. We don't necessarily need to see you back here.

CONNIE LICKSTEIN: I would appreciate that.

MR. BOEHNER: But at the same time if you

Brighton Planning Board 12/18/19

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

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

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

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

MR. BOEHNER: That's right.

MR. FADER: It said 2020 in here.

MR. BOEHNER: No, sorry.

CHAIRPERSON PRICE: You just got an extra year.

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

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

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

Bill, did you have questions?

CHAIRPERSON PRICE: I think you asked them. I

Brighton Planning Board 12/18/19

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

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

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

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

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

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

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

Brighton Planning Board 12/18/19

CONNIE LICKSTEIN: Thank you for your time.

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

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

Brighton Planning Board 12/18/19

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

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

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

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

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

Brighton Planning Board 12/18/19

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

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

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

MR. BOEHNER: How tall is the enclosure?

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

Brighton Planning Board 12/18/19

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

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

DAWN DIMEDIO: Yes.

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

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

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

DAWN DIMEDIO: No.

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

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

Brighton Planning Board 12/18/19

basis to whatever jurisdiction that may be.

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

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

MR. WENTWORTH: What is the projected run time?

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

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

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

Brighton Planning Board 12/18/19

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

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

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

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

DAWN DIMEDIO: Correct.

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

DAWN DIMEDIO: That's exactly correct. Basically all of these patients are considered from a standpoint, self-sustaining. If you have been to a dialysis clinic most of them are trained in the event of an emergency to disconnect themselves, you know, with -- and then they also have support which is, you know, so many nurses per patient as regulated by the DOH.

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

Brighton Planning Board 12/18/19

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

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

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

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

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

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

Brighton Planning Board 12/18/19

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

DAWN DIMEDIO: It would be during daylight hours.

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

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

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

DAWN DIMEDIO: Yes, 75 or 80.

MR. BOEHNER: There's a difference.

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

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

Brighton Planning Board 12/18/19

DAWN DIMEDIO: Yes, 75.

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

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

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

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

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

CHAIRPERSON PRICE: Right next to that area?

DAWN DIMEDIO: Yes.

CHAIRPERSON PRICE: All right.

MR. WENTWORTH: Are you concerned about the

Brighton Planning Board 12/18/19

security of the wood versus chain link fence?

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

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

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

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

Brighton Planning Board 12/18/19

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

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

DAWN DIMEDIO: Yes.

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

DAWN DIMEDIO: Correct.

MS. CIVILETTI: Is it a double wall tank?

DAWN DIMEDIO: I believe it is, yes.

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

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

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

CHAIRPERSON PRICE: Questions?

You okay with an eight-foot wood fence?

Brighton Planning Board 12/18/19

DAWN DIMEDIO: Yes, we will make that work.

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

MR. BOEHNER: Then let me know.

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

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

DAWN DIMEDIO: Yes.

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

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

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

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

CHAIRPERSON PRICE: Okay.

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

CHAIRPERSON PRICE: Yes.

DAWN DIMEDIO: Basically if I'm hearing the

Brighton Planning Board 12/18/19

overall request is, let's not make the enclosure much higher than the unit itself.

MR. BOEHNER: You got it.

DAWN DIMEDIO: You don't want giant pipes sticking out, but if we can tighten that up, we'll tighten that up.

CHAIRPERSON PRICE: A ten-foot chain link fence is going to draw more attention than the unit itself.

DAWN DIMEDIO: Yeah.

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

CHAIRPERSON PRICE: It's not a high traffic area either.

DAWN DIMEDIO: Having driven around there, there's quite a few generators in that park.

CHAIRPERSON PRICE: Okay. Thank you.

MR. WENTWORTH: Before you go, I did have one question. On Page 7 there's the highlighted unit, that's the one you're intending to install?

DAWN DIMEDIO: The State code fuel tank, yes, I believe that's the one.

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

DAWN DIMEDIO: Yes.

MR. WENTWORTH: That's showing . . .

Brighton Planning Board 12/18/19

DAWN DIMEDIO: What's the concern?

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.

MR. BOEHNER: I see what you are saying.

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.

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

Brighton Planning Board 12/18/19

I understand the ask about the fence.

CHAIRPERSON PRICE: Okay, thank you.

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

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

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

CHAIRPERSON PRICE: So eight-foot could
still --

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

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

Brighton Planning Board 12/18/19

protect the immediate proximity.

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

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

CHAIRPERSON PRICE: You can ask for clarification on that.

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

MS. CIVILETTI: 72 at what distance?

MR. BOEHNER: 21 feet, I believe.

MR. OSOWSKI: Seven meters, 23 feet.

DAWN DIMEDIO: 23 feet from what though?

MS. CIVILETTI: From the perimeter of the unit.

DAWN DIMEDIO: Okay.

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

DAWN DIMEDIO: Okay.

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

Brighton Planning Board 12/18/19

is our last Public Hearing.

Let's take care of this right now. Do I have
a motion on Applicant 12P-01-19?

APPLICATION 12P-01-19

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

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

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

CONDITIONS:

Brighton Planning Board 12/18/19

1. Approvals shall expire on January 15, 2021. No further extensions can be granted.
2. All conditions of approved Planning Board application 11P-03-18 remain in effect and must be satisfied.
3. All buildings shall comply with the most current Building & Fire Codes of New York State.
4. Prior to the 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 to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. All outstanding comments and concerns of the Town Engineer shall be addressed.

CHAIRPERSON PRICE: Do we have a second to the motion?

MS. CIVILETTI: Second.

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

Brighton Planning Board 12/18/19

ALL COUNCIL MEMBERS: Aye.

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

APPLICATION 12P-02-19

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.

CHAIRPERSON PRICE: Do I have a motion?

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.

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.

CONDITIONS:

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

Brighton Planning Board 12/18/19

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

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

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

5. 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.

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

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

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

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

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

Brighton Planning Board 12/18/19

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

12. 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.

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

CHAIRPERSON PRICE: Second?

MR. FADER: Second.

CHAIRPERSON PRICE: Any further discussion?
All in favor?

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

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

MR. WENTWORTH: Okay.

CHAIRPERSON PRICE: Moved and seconded, all in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed? Thank you.

Brighton Planning Board 12/18/19

SIGNS:

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

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

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

MS. CIVILETTI: So moved.

MR. WENTWORTH: Seconded.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Thank you.

* * *

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 12th day of January, 2020.

At Rochester, New York


Rhoda Collins