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December 15th, 2021  
At approximately 7:00 **p.m.**  
Brighton Town Hall Zoom meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON		
KAREN ALTMAN	)	
JASON BABCOCK-STINER	)	
PAMELA DELANEY	)	BOARD MEMBERS
DAVID FADER	)	
JOHN J. OSOWSKI	)	

KEN GORDON, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

NOT PRESENT:  
Member Ford

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

## BRIGHTON PLANNING BOARD 12/15/2021

CHAIRPERSON PRICE: Okay. Good evening, everyone, and welcome to the December 15th meeting of the Town of Brighton Planning Board. I want everybody to know that public gathering restrictions because of COVID-19 and adoption of Chapter 417 of the laws of 2021, the Planning Board will be conducting remotely beginning at 7:00 p.m., which is happening now.

Members of the public are most welcome and able to view this meeting via Zoom, and there is a link on the town website, go to the live streaming at the landing page.

Written comments may be submitted to Ramsey Boehner, our executive secretary at town hall, 2300 Elmwood Avenue, Rochester, 14618, via basic mail or via e-mail to Ramsey.Boehner, which is B-O-E-H-N-E-R @townofbrighton.org.

The public may join the Zoom meeting and share comments with the Board, we welcome you to do so. The Zoom meeting information -- for Zoom meeting information, please visit the website, Town of Brighton dot org, like I said, on the landing page, look for the icon that says live stream.

Our agenda tonight, beginning here at 7:00, we will have a roll call, and then this evening we are going to actually have as our first item as the head of the public

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meetings, public hearings an agenda review with staff and the Board members.

Let's start. Ramsey, will you please call the roll?

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Here.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Here.

MR. BOEHNER: Mr. Fader? I see you, can you unmute yourself? Want to unmute yourself and say here? Mr. Fader is having trouble --

MR. FADER: Yes, I'm here.

MR. BOEHNER: Thank you, David.

MR. FADER: Here.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Here.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Here.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Here.

MR. BOEHNER: Absent is Member Ford.

CHAIRPERSON PRICE: All right, thank you. We are going to, we are adding a kind of a new segment that's

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actually an old segment for the Board and staff, which is we would typically meet prior to the start of the meeting and we are reinstituting that beginning tonight as an agenda item on the meeting, at the meeting.

So tonight, Ramsey, do you want to just kind of walk through the agenda for the Board members?

MR. BOEHNER: The first item, which is Application 12P-01-21.

APPLICATION 12P-01-21

12P-01-21 Application of Premium Mortgage Corporation, owner, and Charles Sciortino, agent, for Site Plan Modification to install a roof top standby emergency generator on property located at 2541 Monroe Avenue. All as described on application and plans on file.

MR. BOEHNER: Is for a site plan modification to install a roof top standby emergency generator. Our code says it doesn't meet certain regulations that they have the ability to come to the Planning Board and seek approval from you guys.

The issue is that it's supposed to be behind the building, and this application, it's on top of the building. That is why it's in front of you.

The two things that staff is concerned about,

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is obviously structural capability of the roof and to make sure the decibel level won't exceed, I think it's 676 VDs.

Does anyone have any questions on that?

The next application is FSI Construction, Application 12P-02-21.

APPLICATION 12P-02-21

12P-02-21 Application of FSI Construction - Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for Preliminary/Final Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single family home and construct a 10,000 sf medical office building on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. BOEHNER: We heard that a couple years ago, granted it approval. They are back again because all their approvals have lapsed and they need to come back and get new approvals. You will see in the report that we are recommending that the gable is a one, they need to go out and get their variances.

And two, they still never addressed the comments that we gave them the last time. So, we would like them to finish up the comments that were outstanding the last

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time and get the zoning variance.

CHAIRPERSON PRICE: Ramsey, did we grant an extension to this approval?

MR. BOEHNER: Yes, we did.

CHAIRPERSON PRICE: And how many times can we grant an extension?

MR. BOEHNER: It was granted for an additional year.

CHAIRPERSON PRICE: Okay, all right.

MR. GORDON: I'm sorry, I was just going to say on that extension, that extension has since lapsed, Bill, so you could not grant an extension anyhow. You have to grant an extension before it lapses.

CHAIRPERSON PRICE: Yes.

MS. DELANEY: Is this otherwise the same application?

MR. BOEHNER: Pretty much, yes.

MS. DELANEY: Okay.

MR. BOEHNER: That's what we just want to check for.

APPLICATION 10P-NB1-21

10P-NB1-21 Application of 1950-1966 Monroe Avenue, LLC (Quicklee's), owner, for Preliminary Subdivision

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Approval, Preliminary Site Plan Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one and construct a 2,500 +/- sf convenience store, three new gas pump islands and a new gas pump canopy on properties located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file. POSTPONED AT APPLICANTS REQUEST.

MR. BOEHNER: The next application, which is Application of 10P-NB1-21 is postponed. They are still working on -- they are revising their application to make a presentation to the Public Works Committee.

The next application we will be hearing tonight is 10P-NB2-21.

## APPLICATION 10P-NB2-21

10P-NB2-21 Application of James Tabbi, owner, for Preliminary Site Plan Approval and Preliminary EPOD (steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first floor garage and storage area on property located at 830 Highland Avenue (Tax ID #136.07-1-28.2). All as described on application and plans on file.

MR. BOEHNER: The application is in a steep slope woodlot and it has gotten Architectural Review Board

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approval. Right now where we are, they need a variance in the driveway location or they need to figure out a way to regrade the property where that driveway can meet our code.

And there's also some engineering issues that they need to clear up regarding the storm and the sanitary and how they're designed. And then, some other general housekeeping on the dorms and the information that they submitted.

We believe that there may be neighbors that may be speaking tonight regarding this application. I don't know if anyone has any questions or anything about this?

CHAIRPERSON PRICE: Well, I read through the material, I will be interested to see if there's some ways to resolve some of those.

MR. BOEHNER: Yeah, I think there would be, but that's for discussion.

The next application is 12P-NB1-21.

MR. GORDON: Ramsey, can I just jump in? I see that we have an individual raising his hand to comment. This is not the time for public comments right now, this is staff reviewing the agenda with the Board and only for discussion between the Board and staff. We do it in public so that you all can see what we are talking about, but we



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will be opening Public Hearings on each of these matters when we have the presentation.

You lost me.

MR. BOEHNER: Yeah.

MR. GORDON: Well, I don't know why.

MR. BOEHNER: We hear you right now.

CHAIRPERSON PRICE: Now you're good.

MR. GORDON: I don't know what happened there. I was just -- I don't know how much of my comments were heard, but we had an individual who had raised his hand to make comments at this time. I said that this is not the time for the public to make comments, this is simply a discussion between staff and the Board, for the Board's purposes. And, we do it in public so that the public will know what we are discussing as a Board.

There will be a time for public comments on each of these applications, that will be during the Public Hearings which will be called in a little while and the public will have an opportunity to comment after each applicant presents.

CHAIRPERSON PRICE: Thank you.

MR. GORDON: That's all.

CHAIRPERSON PRICE: And, Ramsey, you had

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started on 12P-NB1.

APPLICATION 12P-NB1-21

12P-NB1-21 Application of University of Rochester, owner, for Preliminary Site Plan Approval, Preliminary EPOD (woodlot) Permit Approval and Preliminary Conditional Use Permit Approval to construct a 61,000 sf, three-story building addition to the Laboratory for Laser Energetics and construct an additional 100 parking spaces on property located at 250 East River Road. All as described on application and plans on file.

MR. BOEHNER: Yes, which is a preliminary site plan approval, preliminary EPOD approval for woodlot, and preliminary conditional use permit to construct a 61,000, three-story addition to the Laser Lab.

As you can see from my comments, the drawings, and the submission is incomplete. There are a number of items that we still need to have submitted. One of the things I think we need to do is start the SEQRA process and that would be to start with a coordinated review and seek lead agency status.

Right now the Town Board is the lead agent for the project. And that we still need the master plan and a number of things that I mentioned in the Planning Board

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report.

I believe that part of the reason the application in this is up to the applicant's engineer to explain. They submitted this application before the last Planning Board meeting, then after they tried to get in front of you guys to see.

CHAIRPERSON PRICE: I see.

MS. DELANEY: I had a question about this. I can't fully remember when the time is to ask these questions, because it's been a while since we did an agenda review. But, I thought last month at conceptual review there was no additional parking proposing, or did I just misunderstand last month? I thought when they showed the plans last month that -- or they just didn't show it last month? I feel like --

MR. BOEHNER: No, when --

MS. DELANEY: -- because I think a comment said they were happy to see the parking had been removed. So then I was confused this month that it was there.

MR. BOEHNER: There was parking removed from an original proposal behind the Laser Lab, but they did redistribute a hundred or so parking spots around the campus.

MS. DELANEY: Okay.

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2  
3 MR. BOEHNER: You will see in my comments,  
4 still trying to understand that the hundred spaces don't  
5 really -- not consistent with what they're saying for trip  
6 generation. So, that's one of the comments we're going to  
7 need to have addressed before we can, you know, do a  
8 determination of significance for this project.

9 We'll give them an opportunity to, you know,  
10 do a full submission to start the process.

11 MS. DELANEY: Thanks.

12 CHAIRPERSON PRICE: You're comments that we've  
13 got were based on an application submitted prior to last  
14 month's meeting.

15 MR. BOEHNER: That's right.

16 CHAIRPERSON PRICE: Okay, all right. And,  
17 what do we got in the way of signs tonight, Ramsey, Jeff?

18 MR. BOEHNER: We have the three signs. I  
19 think that at that time Jeff can present them to the Board.

20 CHAIRPERSON PRICE: All right.

21 MR. BOEHNER: I don't know if the Board has,  
22 you know, any questions? Again, hopefully having the reports  
23 a little bit earlier will help you. And again, call Jeff or  
24 us and we can try to get it to you. Otherwise, calling is  
25 certainly better than e-mail, I get 15 a day easily.

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CHAIRPERSON PRICE: All right. Any other questions or comments?

MR. OSOWSKI: Hey, Ramsey, I have a question regarding the Terrance site development on Elmwood. I saw something in the Democrat and Chronicle newspaper on Sunday, November 28th. An article about development and it mentioned Home Leasing and Providence Housing teaming up to build town homes and some other potential apartments on the east side of that site. Can we expect to see anything submitted to us soon regarding that, or have you --

MR. BOEHNER: I'm not sure. I did talk with them. A little bit of the problem is the bank freeing up some financing and I believe that they were still working with the city on their incremental development plan, was the last I heard. But that is a -- their proposal right now. And what they're doing at the city is really to get the infrastructure and the road in, and then they want to build the residential portion of the project, is my understanding where we are.

MR. OSOWSKI: There was a positive spin in the article, so.

MR. BOEHNER: Well, yeah, yeah. No, what they're proposing, from what I've seen, is kind of exciting.

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I think it's a good use of the land and I hope they can pull it together and we can do something about the Terrance building.

MR. GORDON: And just so everyone knows, this is -- this housing is proposed to be affordable housing. I will say, Ramsey, it was about three months ago that the developer presented to the Public Works Committee, I think it's been that long.

MR. BOEHNER: Yeah.

MR. GORDON: And we just haven't heard much back since then.

MR. BOEHNER: I did talk to them when they did the article, just to give some background, and that was the latest, since the article was written, John.

CHAIRPERSON PRICE: All right.

MR. OSOWSKI: Thank you.

MR. BOEHNER: You're welcome.

CHAIRPERSON PRICE: All right, folks. Let's move on. We have meeting minutes that will be reviewed at our January 19th meeting from both October and from November meetings, so those will be reviewed and discussed at that time.

At this time we are going to hear our Public

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Hearings. Mr. Secretary, were these Public Hearings properly advertised for tonight?

MR. BOEHNER: Yes, they were. They were properly advertised in the Daily Record of December 9, 2021.

CHAIRPERSON PRICE: All right. We will hold those now.

And for just to tell folks, application of Quicklee's in 12 Corners, that's 10P-NB1-21, has been postponed at the applicant's request.

So we start tonight with Application 12P-01-21, application Premium Mortgage Corporation, owner. APPLICATION 12P-01-21

Application 12P-01-21 of Premium Mortgage Corporation, owner, and Charles Sciortino, agent, for Site Plan Modification to install a roof top standby emergency generator on property located at 2541 Monroe Avenue. All as described on application and plans on file.

CHAIRPERSON PRICE: Who do have with us tonight representing the applicant?

CHARLES SCIORTINO: Good evening, everybody, Charles Sciortino.

CHAIRPERSON PRICE: Good evening, welcome.

CHARLES SCIORTINO: Thank you.

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CHAIRPERSON PRICE: Would you just give a brief description of the proposal? I think we all know the building, but I am not sure I gathered exactly where on top of the building that this is proposed to be located?

CHARLES SCIORTINO: Yes. So, as you know we are located at 2541 Monroe Avenue. On the roof of the building we have an elevator shaft that cuts the building in half horizontally. It would be, I guess, towards the Monroe Avenue side close, back street side of the building.

The elevator shaft will be approximately seven feet wide by nine feet long, in that part right there. There is a roof membrane on there, a modified minimum roof membrane and we are seeking permission to put a 35-kilowatt generator, nature gas, smallest three phase commercial generator.

We're looking to put it running parallel with the building on the seven-foot site, for lack of a better term, it will be on the two steel beams, the Rochester steel, and they're going to be sitting on four posts that will be anchored, secured and to be cement block in the elevator shaft.

CHAIRPERSON PRICE: Okay. And you said this is running length wise, is that essentially parallel with Monroe Avenue or parallel with the long side parallel with



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the face of the building?

CHARLES SCIORTINO: Right. And I took a measurement from the edge of the building to the right edge of the generator, it will be closest to Monroe Avenue for approximately 14 and a half feet from the edge of the building.

CHAIRPERSON PRICE: Does the red indicate the actual size and dimension of the generator itself or are there any screen walls?

CHARLES SCIORTINO: That will be the generator. We are going to enclose it level to the enclosure. The enclosure size is approximately 38 inches by 54 and a half inches by 95 inches. So, that is just a rendering that our engineer came up with for potentially looking at.

CHAIRPERSON PRICE: Right. John, you kind of know a little bit more about this stuff than I do.

MR. OSOWSKI: Yes. I have a few questions. Is there -- how is access to get to the roof to provide routine maintenance for the generator?

CHARLES SCIORTINO: We have two stairwells, we will call one on the Tom Wahl side, and one on the Sherwin Williams side. They both free access from the ground all the

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way up.

MR. OSOWSKI: All right, that's good. I have a question about the structure, the elevator shaft structure. Did the structural engineer, was he able to determine if there were vertical reinforcing bars in the concrete block walls to give them a fair amount of structural rigidity, or do you know that?

CHARLES SCIORTINO: I don't know if they are in there, but we -- he gave me a rendering that's going to be one foot tall stud posts and then, they're going to sit on a -- what's the word I'm looking for -- a base, lack of a better term. And then, the base is going to be bolted into the concrete, and he had said that if the cement blocks are hollow, they're going to fill those in with concrete.

MR. OSOWSKI: I would have hoped that that top course of concrete masonry units around the top of the elevator shaft would have been a solid, what's called a bond beam around the top of the wall. By putting in that cement to grout it, it's not solid, makes me a little concerned about the structural integrity of this fair sized generator with a pretty good face being, you know, getting a wind load against it and making sure that it has enough structural support underneath it so that it's not going to get uplifted

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possibly. You know, blow around, or make sure the vibrations when it does operate isn't going to provide some vibrations transmitted to the elevator shaft, and start shaking concrete blocks loose.

Anyway, it's worth some follow-up with the structural engineer to make sure he feels totally comfortable with the situation.

CHARLES SCIORTINO: Understood. We are assuming that the wall would not easily open up.

MR. OSOWSKI: Where -- is natural gas already up at the roof or rooftop, gas units there?

CHARLES SCIORTINO: Yes. There's a pipe about four feet away from here that is feeding one of ours, and they should go right in there and simple.

MR. OSOWSKI: All right, that's good. Thank you.

CHARLES SCIORTINO: That's the easiest part.

MR. BOEHNER: What would be the decibel level of the generator with the enclosure?

CHARLES SCIORTINO: The representative from Generack, said in the enclosure at full load going to be 61 decibels.

MR. BOEHNER: Okay. And what time of day will

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the generator be tested?

CHARLES SCIORTINO: Well, they are telling me they can do it whenever we request it. Obviously, we would request daytime hours, preferably Monday through Friday, unless you want me to do it on a Saturday, in the morning, but definitely daytime and not overnight.

MR. BOEHNER: That's only going to be used during emergencies?

CHARLES SCIORTINO: Emergencies only, yes. For our interest in our financial location, we're trying to protect our server equipment and our door access controls to make sure the building is secure. It is just in case, but the primary reason we wanted to go as small as possible with a big bang on the cost.

CHAIRPERSON PRICE: Are there any other questions from Board members?

MS. DELANEY: I'm all set, thank you.

CHAIRPERSON PRICE: David?

MR. FADER: I'm all set.

CHAIRPERSON PRICE: Jason?

MR. BABCOCK-STINER: Good.

CHAIRPERSON PRICE: Karen?

MS. ALTMAN: I am set.

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3 CHAIRPERSON PRICE: Ken?

4 MR. GORDON: All good.

5 CHAIRPERSON PRICE: All right, okay. Thank  
6 you, Chuck.

7 This is a Public Hearing and I'd like to  
8 invite anyone interested in speaking to this application,  
9 please do so by raising your hand. I guess if all else  
10 fails, by waiving your arms around and Jeff and Ramsey will  
11 be looking for you. If there's anybody interested, please  
12 indicate by raising your hand.

13 JEFF FRISCH: I don't see anybody, Bill.

14 CHAIRPERSON PRICE: All right. At this point  
15 we are going to move on to our second application.

16 Thank you, Chuck.

17 APPLICATION 12P-02-21

18 12P-02-21 Application of FSI Construction -  
19 Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for  
20 Preliminary/Final Site Plan Approval, EPOD (watercourse)  
21 Permit Approval and Demolition Review and Approval to raze a  
22 single family home and construct a 10,000 sf medical office  
23 building on property located at 3300 Brighton Henrietta Town  
24 Line Road. All as described on application and plans on  
25 file.

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CHAIRPERSON PRICE: Who do we have representing FSI?

DAVID COX: Good evening, Board members. I am David Cox, I'm one of the owners of Passero Associates, and I'm here representing FSI tonight.

So, as mentioned and talked about previously, this project was approved by the Planning Board on October 16, 2019. That approval has since expired. These plans are the exact plans that were submitted and approved previously. It was one of the easiest applications, I just had to hit print. So, yeah, like I said, no changes whatsoever, the exact same plans.

And as mentioned, we need the EPOD watercourse permit, a demo permit, and then the site plan. We have submitted for the variances that were brought up earlier, so we will going before the ZBA for that.

Then, real quick to refresh everyone, it's a 10,000-square-foot medical office building, there is 69 parking spaces, 67 is required so we meet that. The NTDOT reviewed the traffic study and they approved that, they were good with that. Right now, the single-family house has a curb cut onto Brighton Henrietta Town Line Road, we will be closing that and coming off Canalview, so any time we can

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eliminate a curb cut on Brighton Henrietta Town Line Road  
it's very good.

We do have a quite robust landscaping plan  
that has 33 trees and 247 shrubs. So, I'll see if Jeff goes  
to that.

Yeah. They're shown on the cover sheet. So,  
yeah, there it shows all the different trees and shrubs. So,  
we tried to fill in every spot we could, you know, with some  
really nice landscaping there. The project has 43 percent  
green space, and all lighting is, you know, starts with  
compliance and 3,000-K temperature to meet all town  
requirements.

And then, the building was, you know, approved  
by the ARB. I don't know if you have the architectural, of  
the building, 3-D? So there's a proposal of what the  
building is going to look like, but that's pretty much it.

CHAIRPERSON PRICE: All right. Thank you,  
David. This is what I do recall. And, are the -- could you  
just clarify, had you secured the variances previously as  
well?

DAVID COX: Yes. Previously, but they  
expired, so we need to get them.

CHAIRPERSON PRICE: Okay. This is kind of a

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formality where we likely, I'm sure we did, waited until you had your variances secured before we gave preliminary and final site plan approval, as well ARB approval was necessary for us to give you final approval. And, it seems like it's going to be the same situation this time, but as long as this is all the same, we just need to --

MR. BOEHNER: One of the things, Bill, is that they never addressed the outstanding comments that we had the last time. We approved them with conditions, and then they just dropped it.

CHAIRPERSON PRICE: I see.

MR. BOEHNER: This time, we're saying, no, you need to address all of the comments.

DAVID COX: Yeah. We can certainly address all those comments and look at the town staff comments that were issued in lieu of full, you know, address all of those in writing and make revisions as necessary.

CHAIRPERSON PRICE: All right.

MR. BOEHNER: That's all I had.

CHAIRPERSON PRICE: All right. Thank you, Ramsey, appreciate it.

Other Board members have questions or concerns?



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3 MR. OSOWSKI: I have no comments, this is  
4 John.

5 CHAIRPERSON PRICE: Okay.

6 MR. GORDON: Hey, Bill, this is Ken. I just  
7 wanted to make what is probably an obvious point, is since  
8 the approvals have all expired, we're on a brand new record  
9 here. So, whatever is going to justify your approvals,  
10 whatever might justify ZBA's approvals, that that's the  
11 decision made by ZBA, and that's the decision made by the  
12 Planning Board, this record needs to support that. Whatever  
13 happened in the past is erased, doesn't exist. It has no  
14 impact.

15 Your discretion is being exercised anew. We  
16 even have some new Board members, as does the Zoning Board of  
17 Appeals. So, I don't know if that discretion is going to be  
18 exercised in the same manner as it was before.

19 So, I just wanted to make that point, that  
20 although making the application might have been very easy,  
21 whatever happened before this is a brand new record.  
22 Whatever decisions are made are going to be based on this  
23 record not the past report.

24 CHAIRPERSON PRICE: Okay, thank you. And I  
25 guess, in light of that, Ramsey, would you see yourself using

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your last letter, just getting retitled with the conditions that were -- that you had sent out previously?

MR. BOEHNER: Yes, and the engineering comments.

CHAIRPERSON PRICE: Okay, okay. So, those just get -- those will be updated with a new letter and --

MR. BOEHNER: Yeah, that's where the recommendations and conditions that are for consideration were derived from.

CHAIRPERSON PRICE: Okay, all right. So, let's see, Karen, you probably were not involved with this. Do you, yourself, have any questions or concerns about this application?

MS. ALTMAN: I will wait and comment later perhaps. Thank you.

CHAIRPERSON PRICE: All right. Anybody else, other questions for the applicant?

MR. BOEHNER: David, do you know when they're planning to commence demolition, any idea on construction?

DAVID COX: Yeah. When they have all their approvals in place, that's the plan.

MR. BOEHNER: Do they have someone for the building?

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2  
3 DAVID COX: Yes.

4 MR. BOEHNER: They do. And, so then have you  
5 guys contacted New York State DEC yet?

6 DAVID COX: Yes. We have the required  
7 approval for the storm discharge pipe.

8 MR. BOEHNER: Okay. And the -- and any other  
9 permits you might need for the stream encroachment?

10 DAVID COX: Correct.

11 MR. BOEHNER: Okay. I don't have any other  
12 questions myself.

13 CHAIRPERSON PRICE: All right, all right.  
14 Thank you, Ramsey and David.

15 This is a Public Hearing, is there anyone  
16 attending tonight's meeting that cares to address this  
17 application?

18 JEFF FRISCH: I don't see anybody.

19 CHAIRPERSON PRICE: All right, thank you.

20 We will move on to our next application.

21 Again, the application of Quicklee's in 12 Corners is being  
22 postponed. That brings us to the Application 10P-NB2-21.

23 APPLICATION 10P-NB2-21

24 10P-NB2-21 Application of James Tabbi, owner,  
25 for Preliminary Site Plan Approval and Preliminary EPOD

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(steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first floor garage and storage area on property located at 830 Highland Avenue (Tax ID #136.07-1-28.2). All as described on application and plans on file.

CHAIRPERSON PRICE: Who is here tonight representing the applicant?

EVAN GEFELL: Evan Gefell from Costich and we have Jerry Coon from Hanlin Architects.

CHAIRPERSON PRICE: Great. Evan, do you want to give us a brief?

EVAN GEFELL: Sure. Just going to give a heads up with these Zoom calls, sorry for any of the background noise with the three kids upstairs, but just a warning, so.

CHAIRPERSON PRICE: We get it.

EVAN GEFELL: So, the property located at 830 Highland Avenue is about a half acre. We are looking to propose a single-family residential house on the lot. As it has been discussed, it is steep slope and woodland.

I'm going to start with the existing conditions of the site. The site currently now has a curb cut that we're trying to utilize from Highland Avenue. And

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then, it kind of the driveway comes up, as you can see in the dark gray, and shares access with the neighbor to the west. That is being proposed to be removed, while trying to utilize the existing curb cut for this purpose.

Kind of situated based on code, and where the slopes and the least amount of impact affected the building is kind of center of the site. We will impact a number of trees for the driveway access up mostly and some of the grading. The total number of trees that will be impacted are 15 total, and they range from being locus, Elm, arborvitae, ash, walnut. And a number of them are in poor condition, just because of the species.

Again, the house, the whole point or the whole objective of this was to minimize impact. And really, you know, respect this spot and fit the house into it.

The house is designed to step into the slope, which allows us to use the building and to minimize the amount of grading needing to achieve this. Then, what comes with the two is erosion control and drainage. When we made our first initial application, we did receive town comments and we currently have addressed some of them and are continuing to work through them.

We are setting up a time to meet Everett and

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the town staff to review some of the additional comments or some of the detailed engineer concerns.

You know, we've modified our erosion control, following the blue books, with multiple levels to divert the storm water, to capture it, to control it, to slow it down, stabilize all of that.

Let's see. The driveway with the variance being four feet away from the property line, that was brought to our attention through the staff comments. You know, we were originally utilizing that curb cut to reduce the impact. We will be talking to Rick DiStefano of town staff and Everett regarding this.

We did a preliminary look at it today, I think we can shift that curb cut to the west and still achieve, you know, the amount of grade that's allowed per code and shifting that the four feet off the line will also prevent any grading to -- it would contain everything within the site.

I think that is the majority of it. The landscape plan, the whole, the idea is to get the house built, stabilize it as quick as possible. The client wants to build this into and create a, you know, preserve the natural setting or enhance it. So, we have a couple of

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different environmental conditions going on within the site. Dealing with steep slope, there's some black walnut, that certain plant material needs to be designed to allow that to work underneath their canopies in the area. And then, there's some other areas that will be more, we're calling showy or sunny that will be a mix of plants.

So, we have three plant pallets that are designed of different species, that are mostly native that will be installed, stabilize the soil. And, you know, the idea is to not have a highly manicured landscape that's going to take a lot of disturbance or access or, you know, maintenance on a routine basis. Kind of set it and let it do its thing.

So, we have a few things to work out with the staff and we're trying to coordinate that. I guess our plan is to set that up as soon as possible and then, make any adjustments as needed and come back to Planning Board, resubmit in January, I think would be the plan. A significant amount of time to work through the comments. I think that's it.

CHAIRPERSON PRICE: Evan, are there variances required to accomplish this particular plan that we are looking at?

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EVAN GEFELL: There isn't with this one, it was the one that was brought up that the driveway's within the four feet of the property line or pavement is within four feet. You know, we were again utilizing that existing curb cut, but we think we can shift that to eliminate that need of a variance.

CHAIRPERSON PRICE: Okay. Are there other questions from staff or Board members?

MR. BOEHNER: I have a few. Have the -- has the house been approved by the Architectural Review Board yet?

JERRY COON: We have not gone to the Architectural Review Board, no.

EVAN GEFELL: Since we were doing preliminary and then final, we were intending to do that step in between.

MR. BOEHNER: Okay. You may want to get that going.

EVAN GEFELL: With this change and I think the time line, I think we'll jump right on that.

MR. BOEHNER: Yeah. Just, that's up to you guys, but are the -- oh, the other thing, are you removing any trees in the right of way?

EVAN GEFELL: No.



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3 MR. BOEHNER: Please verify that. Especially  
4 if the grading is going to be damaging any trees in the right  
5 of way, because that's a town right of way that kind of  
6 shoots up there.

7 EVAN GEFELL: Sure.

8 MR. BOEHNER: Do you see where I'm talking  
9 about it, in there, those are some town trees?

10 EVAN GEFELL: Yes. We are go to need to  
11 evaluate that with changing that driveway location, so we  
12 will.

13 MR. BOEHNER: Because under our town law, you  
14 would have to go to the Town Board to remove those trees.

15 EVAN GEFELL: Okay.

16 MR. BOEHNER: So, I would kind of recommend to  
17 you to try to avoid removing those trees unless they are  
18 dead, dying, anything like that, but we can talk more about  
19 that.

20 EVAN GEFELL: Okay, appreciate it.

21 MR. BOEHNER: And there's going to be an  
22 easement for the lateral, for the neighboring property; is  
23 that correct?

24 EVAN GEFELL: That is correct and I apologize  
25 for not bringing that up. This property was part of a

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subdivision from 155 Summit Drive, just above and the intent is to stub a sewer connection, a four-inch sewer connection, one single sewer connection that that landowner will make application for. With that, there will be a ten-foot easement that runs on the east side of the property allowing for that connection.

MR. BOEHNER: Is that ten-foot easement wide enough?

EVAN GEFELL: We have to get into the final design plans of it, once we get that application. But, I think it is, we can verify that as well.

MR. BOEHNER: Because it's not going to be our easement, it's going to be the easement between the two of them, but it's not our problem, but it would be their problem.

EVAN GEFELL: Sure.

MR. BOEHNER: Thanks. I don't have any other questions, Bill.

CHAIRPERSON PRICE: All right, thank you.

Other Board members have questions?

MR. FADER: I don't have any.

MS. DELANEY: I don't have any either.

MR. OSOWSKI: This is John. I saw there was a

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lot of discussion regarding sanitary sewer laterals and two and one, anyway it was kind of confusing. So, does the property up above 155 Summit, does that not have a sanitary sewer now and this new house being built will take care of that situation; is that correct?

EVAN GEFELL: Correct. So, the sewer, the -- running parallel in this is a sewer extension to provide sewer to this property. So, when that is approved or moves forward the stub would -- a single stub would be provided for that property at 155 Summit Drive.

MR. OSOWSKI: Okay, thank you. What is the sanitary sewer, the flow? Does it flow to the east or to the west?

EVAN GEFELL: It flows to the east.

MR. OSOWSKI: Okay, thank you. Towards Clinton Avenue, all right.

EVAN GEFELL: Correct.

MR. OSOWSKI: Tell me, is the domestic water being proposed, is that enough pressure and large enough to provide for fire protection sprinklers in the house?

EVAN GEFELL: Yep. One of the engineer's comments was from the town, was to provide those calculations. We have them and will be providing them to

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engineering.

MR. OSOWSKI: All right, thank you.

EVAN GEFELL: Yes, thank you.

CHAIRPERSON PRICE: Anyone else? Pam, Jason,  
you're all set?

MS. DELANEY: Yes, I am all set.

MR. BABCOCK-STINER: I am good.

CHAIRPERSON PRICE: Ken, any questions?

MR. GORDON: I'm all set, thanks.

CHAIRPERSON PRICE: All right, all right.

Thank you, guys.

And this is a Public Hearing, is there anyone  
attending the meeting tonight that cares to address this  
application?

MR. BOEHNER: FDC Scott Gudell, has raised his  
hand.

JEFF FRISCH: Yes.

CHAIRPERSON PRICE: Okay. Good evening,  
Scott.

SCOTT GUDELL: Good evening. Can you hear me?

CHAIRPERSON PRICE: Yes.

SCOTT GUDELL: Great, terrific. Good evening,  
I appreciate the opportunity to ask a couple questions. I

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3 have been following this closely because, as some of you guys  
4 know, and Ramsey knows this, my ex-wife and I built a house  
5 in 1995 on Summit Drive and we love Brighton. So, we've been  
6 here a quarter of a century and we want to be here another  
7 quarter of a century. I don't know if I can make it that far  
8 but, anyway.

9 One of the things we did when we first  
10 proposed building on Summit, was we did have a neighborhood  
11 meeting to apprise everybody in the area about what we were  
12 going to do. So, I think some of the unanswered questions  
13 for myself, and I'm not an engineer, but we are kind of  
14 curious about the laterals that are proposed to come up to  
15 Summit. It looks like it's only offering to provide sewer to  
16 one single house.

17 So, one of my questions is, has Tabbi and  
18 Ferrara, which is 830 Highland and 155 Summit, have offered  
19 to have a discussion with anybody else on Summit to see if  
20 they would like to tie in with these laterals? I understand  
21 it would change the dimensions of the laterals. Again, I'm  
22 not an engineer, but some of us might like to tap into that,  
23 and have people talk to the neighbors and offer them this  
24 option.

25 And, a lot of us are on septic. I know it's

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not a requirement, but if we can't or don't tie into the laterals right now, could a stub be put in place where some of the neighbors or myself elect to tie into that stub in the future?

So, I think to distill it down to a simple question, it sounds like it's only coming to one house, which I'm not even sure why it's coming to that house because I don't think they're approved to have at this point. But, I'm not saying it would not be a good idea, but how do we maybe get more of the neighbors involved in this?

CHAIRPERSON PRICE: All right. Thank you, Scott.

I guess what I will ask Evan, is Evan could you -- you know, I heard your description of this before, what is the legal reason that you're even providing one stub to the adjacent neighbor? And, does Scott's question, have you considered this or is this new, something you haven't heard before?

EVAN GEFELL: So, this is new. I have not heard, you know, or don't know if Tom -- I mean, clearly Tom hasn't spoken to the neighbors up there, so that part I don't know.

Also, you know, I would need the town to kind

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of guide us on, you know, legally how would that move forward with multiple properties.

I do know that, you know, this was part of Tom's original property, and that, you know, the easement was discussed as part of the sale and to provide access through there.

And, legally, you know, the property, it's James Tabbi, the owner of 830 allows for that, I believe, then it can move forward.

Ramsey, I don't know if the town has any --

MR. BOEHNER: This is not something for the town and as was stated, this property was owned by the same person that this lateral is for. He owns both lots and as part of selling this lot, he's going to require an easement so he can run a lateral down to the main and South Clinton Avenue.

The town has no sanitary sewer study for up on Summit. I have no idea what it would take to put in a main, because we're not talking about constructing a main, we're talking about a lateral to one single-family house.

They will need to come in to the town for that lateral because it's an EPOD and they will need to show how this lateral is connecting to the existing house if they want

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3 to make that connection. This is certainly reserving their  
4 right to do that, this is not a subdivision.

5 MR. GORDON: No, but I think I'm right on  
6 this, Ramsey. Tell me if I am not, please. But, I think  
7 they would still need to come in to the Town Board to get  
8 approval for extension of that, that lateral off the main  
9 line, so it's not like it's automatic.

10 MR. BOEHNER: No. They would only need to get  
11 a district extension to have the property in the district,  
12 which I thought they might have done already, but I'm not  
13 sure.

14 EVAN GEFELL: Yes. We have that process  
15 going. The petition is about to, I think we can --

16 MR. GORDON: I have not seen it yet before the  
17 Town Board, Ramsey, so.

18 MR. BOEHNER: I was going to talk to them  
19 about that, Ken.

20 EVAN GEFELL: Like you said, Ramsey, you know,  
21 it could be a lateral to serve one single property. If  
22 multiple properties do join in, then it becomes a main  
23 extension, like you said, which is a bigger picture project.

24 MR. BOEHNER: Yeah, no, that's a much bigger  
25 project. You know, that you would need a lot of, a lot of



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work and I don't know if that's the way that you'd want to go about trying to get sewers up there.

CHAIRPERSON PRICE: Ramsey, how many -- and this is probably a silly question, but how many laterals can be supported within an easement? Could they have -- could -- rather than it be in one pipe, could there be multiple pipes in this easement? And I understand --

MR. BOEHNER: That, I don't know. Normally what I have seen, everyone having their own separate easement, but I am not a real estate attorney and that's not something I would want to advise them on.

MR. GORDON: You also need to know, like, you know, from a sewer construction perspective what you need, the diameter of each of those laterals would need to be, how much space you need between the laterals. I don't know that engineering.

CHAIRPERSON PRICE: Okay. So, this parcel was transferred, sold to this Mr. Tabbi with the condition that he provide this easement for Mr. Ferrara to put this lateral in?

MR. BOEHNER: That's my understanding. I do not represent them, but that is my understanding.

CHAIRPERSON PRICE: Okay. So, there was --

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it's simply a one-to-one transaction, this is --

MR. BOEHNER: A private transition, it does not involve the town.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: Except that they need to get their approvals, you know, to make the connection.

MR. GORDON: And, to Ramsey's earlier point, just because there's this agreement between these two private landowners, that doesn't mean that the town is necessarily going to approve the extension, the district extension for the lateral. And that's, you know, or that it's big enough to accommodate what the town might require.

CHAIRPERSON PRICE: Sure. All right.

And Scott, approximately is it the entire street that isn't served by sewer?

SCOTT GUDELL: Yes. So, if I could offer an additional comment. As far as I understand, most, if not all of Summit is without sewers. And, through the years there hadn't been a united front ongoing for sewers. This may offer us an option, and at this point I have more questions than either a pro or con statement. It could be good, it may not be good, you know, to be determined.

And I understand that any lateral is kind of

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like a spoke off of a wheel. If you try to add additional houses, then that lateral will get bigger as per the calculations of the engineers.

So, that's all we're trying to determine is, can this lateral or several laterals serve two, three, four houses, not my wheel house, not something I understand. But, I think we're kind of going out of order. I think offering the option to people on Summit would be wonderful.

You know, kind of like when we had our meeting 25 years ago and we met with the neighbors and we said, what would you like to see? So, I think I'd like to understand what Evan is proposing and what the options are. And if they make sense, great. If they don't, we're, you know -- at least we understand it.

MR. BOEHNER: Scott, just understand that when you came in you were doing a four lot subdivision.

SCOTT GUDELL: Correct.

MR. BOEHNER: This is a site plan to build a single-family home. This is a little bit different. And, two, understand that the town has no plans, nothing, no plans ever discussed or showing a sanitary main of the town going up the side of that hill.

SCOTT GUDELL: Correct, understood.

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MR. BOEHNER: This is a lateral. It's private. The town has no say in what the private property owners will allow to have happen on their property.

SCOTT GUDELL: Is there a recommendation on how we learn more about the potential of bringing something up?

MR. BOEHNER: You probably would want to get together with your neighbors and start looking at, hey, do we want to start getting into a sanitary sewer district, and looking at the engineering options. I don't -- that whole area doesn't have sanitary sewer.

SCOTT GUDELL: Right, okay.

MR. BOEHNER: I mean, this is not -- we have know about this problem for years and years. And, the sanitary sewer is located in the same spot it was when you built your subdivision.

SCOTT GUDELL: Right.

MR. BOEHNER: It hasn't changed.

SCOTT GUDELL: Yeah, the only thing I see is there's a potential for an option here for some, maybe not all of the houses on Summit, but some of the houses.

MR. BOEHNER: Yeah, I understand. But maybe at the time we wanted to do when we did the subdivision, but

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that's going backwards.

SCOTT GUDELL: Right.

MR. BOEHNER: What I would do is, I would talk to your neighbors.

SCOTT GUDELL: Okay.

CHAIRPERSON PRICE: Scott, any other comments or questions?

SCOTT GUDELL: No. Just, if Evan can kind of address it with the town that would be great.

CHAIRPERSON PRICE: Thank you.

Is there anyone else that cares to speak to this application?

Jeff, anybody?

JEFF FRISCH: I don't see anybody.

CHAIRPERSON PRICE: All right. Let's give that one last call, anybody else for --

MR. BOEHNER: Let me take a look. Let me look, let me look.

JEFF FRISCH: Nope, I don't see anyone.

CHAIRPERSON PRICE: All right, moving on.

APPLICATION 12P-NB1-21

12P-NB1-21 Application of University of Rochester, owner, for Preliminary Site Plan Approval,

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Preliminary EPOD (woodlot) Permit Approval and Preliminary Conditional Use Permit Approval to construct a 61,000 sf, 3 story building addition to the Laboratory for Laser Energetics and construct an additional 100 parking spaces on property located at 250 East River Road. All as described on application and plans on file.

CHAIRPERSON PRICE: Good evening.

DAVID COX: Good evening, Board members. I'm David Cox with Passero Associates, also with me is Clayton Jones from University of Rochester with some other U of R people, and some people from Canon, the architects.

But, I would like to have Canon give some -- or, sorry, Clayton Jones with the U of R give some opening comments and then I can go through the presentation.

CLAYTON JONES: Thank you, David.

Hopefully you can hear me okay.

CHAIRPERSON PRICE: Yes, thank you.

CLAYTON JONES: Excellent. Good evening, members of the Board. As David alluded to, I'm Clayton Jones the senior director of local government, community relations at the University.

As with all these presentations, we just want to really start out by thanking you for your time this

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evening and allowing us to come before you again to talk about the Lazer Lab. The University really feels that the town's partnership in working with us on this project has been critically important. We're so appreciative of all of the interaction and engagement from the staff-level meetings to the public forums.

That the town has a full understanding of the project, as well as our intensions and goals. Those are things we really want to be clear on. We want to ensure that all of the I's are dotted, the T's are crossed, and your questions are answered.

So, you know, we're thankful for the time and your level of interaction. And, as it's been shown through the modifications we have made to the project over the past eight months, we truly value the feedback that we received from the town and we're certainly eager to engage with you this evening to move forward.

We know the Lazer Lab continues to be a world leading research center that has significant impact across the world, as well as right here in the local economy. We continue to be grateful that the facility is located right here in the Town of Brighton.

So, we look forward to the continued

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engagement and partnership. We're so appreciative of the time on tonight's agenda and we look forward to the discussion.

So, with that, I'll turn it over to my colleague David, from Passero, who will go into our plan. Thank you very much.

DAVID COX: Thanks, Clayton. And good news for everyone on the call, I will have a shorter presentation tonight than I did at the last meeting.

So, first I just want to go through, and I will repeat some things that I did say at the last meeting because it is a Public Hearing. I just want to make sure for the benefit of anyone who has just tuned in, to get the high level of things on the project.

And also, which was brought up before, the comment that we did submit this preliminary application prior to our last Planning Board meeting, so the documents you see aren't going to have any of those revision that we talked about at the last Planning Board meeting.

So, the plan is to gather anymore remaining comments here, and then make another submission for the January, which would address any comments the Boards have brought up so far, any town staff comments will be addressed,



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and any other agency comments, so that you will get a, you know, everything should be all good, packaged up for the January meeting.

So, just to reiterate, the preliminary application we made, there was quite a bit in there and I will go through quickly just so that you have an idea of everything submitted. So, we did submit the Planning Board application, which included the request for site plan approval, a conditional use permit, and the EPOD permit.

We did submit a full environmental assessment form. We submitted an IPD code analysis, we also submitted an IPD finding statement matrix which went line by line looking at all the different items of that and addressed those.

We did submit a parking demand analysis. We submitted architectural drawings that were also approved by the ARB on 9/28/21. We submitted some potential future development plans for the LLE, and then we submitted some programming plans that really kind of showed why the building addition is where it is.

We submitted the wetland delimitation report that was done this year. We submitted the approved wetland jurisdictional determination from the Army Corps. We

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submitted a wetland ecological evaluation, which really looked at the quality of the wetlands that was done by Environmental Resources LLC.

We submitted a wetland plan, which outlined some of the mitigation, it has since been revised. We submitted our SHIPPO no impact letter, so there's no archeological impact to this, from the project.

We submitted the fire apparatus access and fire hydrant worksheet. We submitted a comment response letter to all of the town staff comments received up until that date. We did receive the staff comments today, so we will go through those and address those.

We also submitted correspondence from the New York State DOT, the MC DOT, that both referenced that no additional traffic study is required for this building addition.

We submitted a Phase 1, A1, B cultural resource inventory plan, which that goes hand in hand with that SHIPPO no sign off -- or no impact letter. And then, finally we issued the site plans, the preliminary site plans.

Then, just to kind of give a high level of where we have been so far with the Town of Brighton, and the engagement. On May 25th, town staff workshop meeting and

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then, July 20th we went before this Planning Board with a concept submission -- or, we submitted, sorry, on that.

And we went before the Board on August 18th, and then on 9/7/21, we went before the Conservation Board. On 9/14/21, we went back before the Planning Board. On 9/28/21, we went before the Architectural Review Board. 10/12/21, went before the Conservation Board. 10/20/21, we had another town staff workshop meeting. Then, 11/17, last month we had our last Planning Board concept meeting. And then, on December 7th, we had another Conservation Board meeting. And then, tonight we are here for our first preliminary Planning Board meeting.

All right. So, now I'll kind of just run through the plans a little bit here. So, to make sure I emphasize, the parking used to be -- there used to be a hundred car parking lot south of our proposed building addition with a loop road that went out and tied into Imaging. That was one of the first concepts that we had that we brought in -- oh, perfect, yes.

This is where we started the process and after meeting with the Planning Board and the Conservation Board, it was, you know, that's a lot of woodlot impact. There's an impact to the vernal pool. You need to do something about

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that, you need to change that. So, we did revise that and we got rid of that loop road that went through the vernal pool.

Then, we just had the parking lot, and then it was, you know, hey, is there anything you can do with that parking lot, can you get it completely out of there. So, we removed that parking lot completely out of there, and that's when we put parking -- maybe if you can go to, Jeff, if you can go back to the cover sheet of the site plans. There we go.

So, there's some -- we're putting some parking on the west side of the building, that's kind of hatched in, yes. We're adding some parking there. There's already a drive lane there, we're just adding parking, perpendicular parking off the drive lane that's already there, so we're able to pick up a bunch of spots there.

And then, just to the south of there, there's already a drive aisle, we're adding some perpendicular parking there. And then, on the east side of the site, we are adding some additional parking to the existing parking lot.

So, instead of having one giant, or not giant, but one hundred car parking space in the woodlot, we scattered it kind of on the east side and the west side of

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the site near existing parking. So, that's a huge benefit to having not near as much impact on the woodlot or environmental things.

So, yeah, we can go to the next page. So here is our site plan, that has the zoomed in view of the building addition that we have. So, the building addition is in that gray area right there where Jeff's marking there.

Just to the south of that, we do have a fire department turnaround, so that right there is for emergency access and fire department's to be able to turn in. And that is all per appendix D, meets those requirements.

We do have -- there is kind of a little bit of a finger to that wetland area that we are proposing to disturb and fill about .05 acres of that existing wetland. And we -- it's not shown here, but we talked about it at the last meeting, that we're going to be adding some more wetland to the south, yeah, right in that area.

So, we're going to be adding in .17 acres of new wetland in that area, so that the total wetland area will be 0.55 acres, which brings the wetland back up to the acreage that was part of the IPD.

And then, also as part of that mitigation plan is, when the wetland biologist went out there to look at the

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existing wetland and judge the quality of the wetland, he said it was low quality mainly due to the part of phragmites, which is an invasive species, that was really kind of taking over, and phragmites really degrades habitat quality.

So, as part of our mitigation plan it is to remove those phragmites and take to a landfill, get those off site, and then replant with native wetland plantings to increase the habitat of that area, as well as make some additional wetland mitigation measures such as adding some tree logs and some boulders. Amphibians like to, over winter, under logs or boulders, so we're going to add some of those components for that.

And then, as well as adding some low mow, no mow, upland area mitigation, that's kind of to the right of the vernal pool, at the top right there's kind of a hatch there.

Keep going to the right, Jeff. That's kind of -- nope, keep going a little bit more, there's a big, kind of weird -- yeah, that thing.

That's going to be wildflower, and no mow area. So, that creates enough, a nice transition from woodlot to a higher grass, taller grass, all the way to the storm water pond. So, that gives a nice area for amphibians

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3 to traverse from the woodlot vernal pool to that storm water  
4 pond, where they're not going into a mowed grass area, where  
5 they have a little more protection with some taller grasses.  
6 That the, a lot of the amphibians like a woodlot near a  
7 taller grass or a meadow area.

8 So, the -- when we submit the next round of  
9 revised plans, it will show that additional .17 acres of  
10 wetland that we are adding, so that there's that total of .55  
11 acres of wetland.

12 You can go to the next slide. That's just the  
13 existing conditions, we can go to the next one. Yes, this is  
14 our tree survey. This shows all of the trees in that area,  
15 and the area in kind of the gray hatch is the area that's  
16 going to be disturbed where the trees were coming down.

17 We do have 93 trees that are being taken down  
18 in this area. And later on in the set you will see we do  
19 have a tree mitigation plan to off set those.

20 Next slide. So, this plan is the utility  
21 plan, so there's a gas main that we're going to extend from  
22 East River Road down to the building addition. There is  
23 currently a loop, a water main loop that goes all the way  
24 around the Lazer Lab building and that loop is going to go  
25 right through this building addition, so we're relocating

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that water main around the addition.

And, as well as we will be making a water main connection to the West Henrietta Road higher pressure zone. And, that will take more water from the higher pressure zone and will free up extra capacity to the lower pressure system mainly the residence to the south. So, making that connection is going to free up additional capacity and help the area to the south.

There's already a sanitary sewer just east of the building, so we're going to run a new stub, tie right into that sanitary sewer. Then, drainage there is a infiltration -- or, I mean, a bio-retention area east of the -- east of the building, north of the vernal pool that the roof drainage will go to for green infrastructure treatment, and then it will discharge to the existing storm water pond just to the east of it or to the right of it.

We can go to the next slide. This is just the grading plan, not a whole lot to comment there.

We can go to the next slide. So, here is this landscaping and tree mitigation plan showing so that we're removing trees in the back of the property that are all clumped together and we're taking those and proposing trees all over the whole Lazer Lab property. Really, beautifying



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the entire site, filling in gaps, or anything that's lacking landscaping to really fill it in and spread it out over the whole campus. So, those trees will be a lot more visible from the public and the people who use the Lazer Lab in the parking lot or going down East River Road.

The next slide. And the next few plans just are detailed site plans for those parking additions on the west side and the east side. The west side has its own green infrastructure treatment, as well the west side has its own green infrastructure treatment, so those are kind of stand alone.

So, that kind of sums up the site plans. And then, Jeff, can you go to the architectural plans? And then, I will be handing it over to Mike DeLuca with Canon to just briefly talk about the architecture.

JEFF FRISCH: Mike, we can't hear you.

DAVID COX: We can't hear you, Mike.

JEFF FRISCH: No, you're unmuted, but I don't know if it's picking up your computer mic.

MICHAEL DELUCA: Are you guys able to hear me?

JEFF FRISCH: Yes.

MICHAEL DELUCA: Sorry about that. Thank you all for giving us this opportunity to present the project to

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1  
2  
3 this committee again, the Board, we were looking forward to  
4 the conversation.

5 Can we start with the 89? As we've talked in  
6 the past, the project is located in the southeast corner of  
7 the existing Lazer Lab. And it's an addition to that area to  
8 support the adjacent laboratory spaces that we'll use as  
9 space to assist us with the research.

10 So, the project is very specifically located  
11 at that location to support the laboratories in that area.  
12 And also, the mechanical systems that are adjacent to it.  
13 So, it's formed by the existing conditions of the existing  
14 building, and to benefit its research.

15 The project is also situation in a way that it  
16 is not visible from the road, and we've provided a few  
17 sketches as you see on this sheet with view one. And, the  
18 view one idea is the existing building is there in gray, we  
19 removed the existing landscape there and showed it at a  
20 distance, as what you would see from East River Road. This  
21 is simply taken from a Google map, doesn't have the contours  
22 or any other landscapes.

23 So, the lower view on the lower left is an  
24 existing view and the existing building is there, and in the  
25 yellow we show where that building would be. This was taken

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1  
2  
3 in, you know, at a time where the trees aren't really having  
4 any foliage on it, but again, that building is way off in the  
5 distance and you'd have to be as with this view, up higher  
6 from, instead of being in a car, floating above the car to  
7 see it. Upper right, two views also would reiterate that.

8 So, the building is tucked back, but at the  
9 same time we wanted to make sure we addressed the  
10 architecture in a way that is supportive of the existing  
11 building. You can going to slide 90. And, in doing so,  
12 maintain the existing materials, of brick, glass and metal  
13 panel that was already on the existing building. And the  
14 intent of also, trying to advance the character of it, but  
15 maintain the quality of that space.

16 So, as you will see here with this rendering,  
17 we have a curtain wall on the what would be the east side,  
18 that looks into open office area to give daylight to the  
19 researchers in the area. On the back left where you see the  
20 brick and the vertical windows, that is to a hallway that  
21 runs along that southern end.

22 Between the existing building and that curtain  
23 wall is what we call a light wedge, and that would be a large  
24 gathering space that would occur within the building for the  
25 existing building and the new building to have its users

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congregate in that area.

Also, with this space you can see with this rendering the LLE and the users of that LLE do like to congregate outside, so this is an earlier rendition of showing outdoor seating that would be in that area.

If you could go to 91 please. This is from the southeast side looking to the north, northwest. Thank you. The curtain wall you can see on the right is as shown in the previous slide, again the brick, the existing brick with vertical windows show in line with the hallways.

And the tall gray is a metal panel and the intent of the metal panel is, if there's a future expansion to this property that it aligns, it is an easy material to take off, would not be long term and permanent on the building if there's an addition.

We also aligned window wall of vertical windows in this wall with the hallways, with a full intent of if there is an addition to this area, that they would not have to do significant work to the existing building, it would be an attachment.

The brick that you see on the left, just to the left of that, thank you, is a stair tower. We're adding an additional floor on that stair tower. We will maintain

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the existing brick, and that will be supporting the storage and mechanical space that's on the third floor of the building.

If you go to 92 please. These are elevations, essentially the same facades I was just talking to you. The top is the south facade, you'll see those two vertical window slits in there that aline with hallways within the existing building.

And, you'll see that this is a three-story addition with mainly mechanical and storage space. And, the upper floors, laboratories on floors one and two. On the lower plan, which would be the east elevation, again maintaining the existing brick, trying to maintain a glazing with some reference to the existing building in that process.

And again, we'll have cast stone sills, similar to the existing building. Campus brick throughout, curtain wall, and dark gray metal panel. Which, again is consistent with the existing property.

So, the intent of the design is to compliment the existing building, but not be too far off from the venacular that's already on campus and at this building. And again, from the community's view, they won't be able to see this property from the street, it will be set back and

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vegetated around in a way that won't be visible.

So, thank you. David, I think I'll turn it back to you.

DAVID COX: Okay. Jeff, you can go keep scrolling through the slides. Go back up to that kind of the LLE development plan, the 97.

Okay. So, before we talk about this slide, just right now I'm going to kind of get into some of the things that the Planning Board brought up last time that we were here. One of them was RTS, so the U of R did reach out to you, to RTS, and RTS provided some stats and some information. They said, from 2019 -- so this is pre-COVID -- the U of R medical center had for the year, had 153,000 riders that went to there. For the U of R River campus, there was 9,000 riders. And then, for the U of R south campus, which would be the Imaging Lazer Lab here, there was only 496 riders, so about 1.5 people per day to this south campus.

So, they reiterated that, that was the main reason for removing that bus stop. And they also reiterated that there is a bus stop on West Henrietta Road, kind of where the imaging building is, so it's about a .4-mile walk from the bus stop to the Lazer Lab, which is about a six to

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seven-minute walk.

And, you know, their point was that that's, you know, not that bad, and that the medical campus, some of the parking for the medical campus, you would have a much further walk than six to seven minutes to get to the building.

So, they said that they were going to issue a letter kind of highlighting that. Looks like Justin has his hand up, I don't know if he wants to comment on that?

JUSTIN FALLON DOLLARD: Yeah, I just want to reiterate that we, the University, did not pull out the bus service. We were paying for that additional service for the 400 annual riders, that we were more than happy to work with the Town of Brighton, to sit down and directly interface and discuss with RTS to restore the service. We were subsidizing, literally subsidizing that service. RTS chose to pull the service through a Public Hearing process which would include an application to the Town of Brighton and we were not in favor of elimination of that service.

MR. BOEHNER: Could you give your name for the record please?

JUSTIN FALLON DOLLARD: Oh, my apologies, I just, with the Zoom and all that. Justin Fallon Dollard,

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Executive Director of planning and project management,  
University of Rochester.

MR. BOEHNER: Thank you.

JUSTIN FALLON DOLLARD: You bet.

DAVID COX: And then, the other thing was at the last Planning Board meeting we were talking about this plan here, and we will be submitting a slightly modified revised plan that addresses some of the comments that were brought up at the last Planning Board meeting. One of them was kind of a breakdown of the differences between the 2015 plan and this plan, and I can just go over some of the stats.

So, this plan that we have is proposing about 45,000 square feet less of parking area, so it's less impervious for parking. It was around 20,000 square feet less for buildings and structures, so less impervious there.

The woodlot disturbance was -- is 2.34 acres less for this plan versus the 2015 plan. And this plan also has 3.57 acres more green space, so as well as this plan continues to have a wildlife connection from that wetland vernal pool area to the south that then could go east or west to really tie in that wildlife.

Where the root 2015 plan had a road from the Imaging building over and had a lot more parking and things



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1  
2  
3 like that that would, you know, kind of block off that  
4 habitat path, I guess you would say.

5 The other thing that was brought up was a  
6 conservation easement discussion. So, the U of R is  
7 proposing a hundred foot wide conservation easement across  
8 the rear of the property along those neighboring properties.  
9 So, it would be around 786 feet long or so, by a hundred  
10 feet. So, that would go from Merlin Drive all the way to  
11 that kind of road that goes down from the Imaging in that  
12 block there that would obviously put into permanent  
13 conservation easement and would protect that, those woodlot  
14 and the neighborhood to the south.

15 MR. BOEHNER: Are there restrictions there of a  
16 hundred feet now?

17 DAVID COX: There is a buffer now.

18 MR. BOEHNER: Required by the incentive  
19 zoning?

20 DAVID COX: Yes.

21 MR. BOEHNER: And you're saying the  
22 conservation easement is how wide?

23 DAVID COX: A hundred feet.

24 MR. BOEHNER: But that area is already  
25 protected.

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DAVID COX: So, the conversation easement obviously is more strict and more protective, I would say.

MR. BOEHNER: I think the conservation was for the new areas and mitigation for the areas that you were disturbing that you weren't supposed to. We have a hundred foot buffer already established. The conservation easement over that restrict area isn't doing anything more because can't do anything in that area now as it is.

JUSTIN FALLON DOLLARD: I'll defer to Jared.

DAVID COX: Jared Lusk has his hand up.

JARED LUSK: Good evening, everyone. Let me turn the video on. I have it sometimes as unstable. Hope you can see me, I'm seeing the plan.

Good evening, everyone. I appreciate the opportunity to speak. Again, the conservation easement, Ramsey, again, you asked about a conservation easement, the University is willing to discuss the conservation easement with you. I think the hope is to sit down and talk about what type of restrictions are in place and how we can enhance those restrictions. I think we'd like to have that discussion with you.

MR. BOEHNER: I think what we need, Jared, is probably a proposal from you guys to start with. I would

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2  
3 recommend looking at a conservation easement from the south  
4 of the LEE parking and service area, is where that  
5 conservation would want to go start and head south to the  
6 hundred foot buffer that's been already established, would be  
7 my suggestion. I will leave that to you guys to submit your  
8 proposal when you submit.

9 JUSTIN FALLON DOLLARD: So, may I ask feedback  
10 from the Planning Board, since you're the decision makers in  
11 this process in terms of what their expectations are?

12 MR. FADER: My understanding at our last  
13 discussion --

14 MR. GORDON: Actually, can I just step in  
15 here, David? This is Ken Gordon, I'm sorry.

16 But, now is not the appropriate time for  
17 Planning Board members to be commenting. So, this is a time  
18 for the applicant to make their presentation, while they make  
19 their presentation it seems as if we really don't have your  
20 application complete, at least with respect to the details of  
21 the conservation easement.

22 And, I welcome the opportunity to review, as  
23 Ramsey has indicated, whatever you propose. So, now is not  
24 the time for the conservation board to comment on something  
25 that you haven't even yet submitted.

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JARED LUSK: I understand that and I respect what you're saying, Ken, but the Town of Brighton introduced the conservation easement and concept in earlier discussions and given the Planning Board are the decision makers, I guess it would be mindful for we would want to respect the Planning Board's, you know, view informally or not. I guess I'll defer to the Planning Board on that, in terms of expectations around what would be a sufficient conservation easement since we also have to take that back to our Board of Trustees.

MR. BOEHNER: I also think there's more information that's needed because we don't even know the full areas of disturbance. But, I think I stand with Ken on his comments. It's a proposal for you members have something they want to say, there will be an opportunity.

MR. GORDON: I will just let you know, we haven't commented -- we haven't had the Board comment on any of the proposals that have been before it yet. We're still in a Public Hearing phase. So, why don't we --

JUSTIN FALLON DOLLARD: But, this is a Preliminary Hearing, so isn't now the time to discuss such ideas?

MR. GORDON: You're absolutely right. It's a

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2  
3 hearing for you to present to the Board and the Board to  
4 listen. That's what a hearing is, we listen to the  
5 information that you present. And then, later on in the  
6 agenda the Board will be discussing what action it wishes to  
7 take, it will talk about probably many of these issues. Now  
8 is not the time.

9 JUSTIN FALLON DOLLARD: I'll defer to you,  
10 Ken. I was expecting the Board to be more active than  
11 passive, but I'll defer to you.

12 MR. GORDON: Well, the Board is very active,  
13 you just wait and see when we have a discussion, but now is  
14 your time to present. If there's nothing further you have to  
15 present, we can close -- we can move on to the next matter.  
16 And, if you have anything further that any one of your team  
17 wants to present, I'd urge you to do it at this time.

18 JARED LUSK: Ken, I appreciate your position  
19 on that and obviously, at the last meeting Ramsey asked the  
20 question whether we would consider a conservation easement.  
21 I think that the University's come back and said, yes, they  
22 will consider a conservation easement. I think they've made  
23 movement here and I think they want the opportunity to  
24 discuss where staff, et cetera, thinks the conservation  
25 easement should go.

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Again, as Justin indicated, this has to go back to the Board of Trustees to convey land. And so, I think there needs to be a discussion before we can actually propose something. We'd like to sort of have that discussion and discuss, to be able to go back to the trustees.

It's not something that we can propose and go back and forth, again, we want the opportunity to work with the town and the Planning Board on what they are thinking so that we can get back to the Board of Trustees and work through that process. It's not a chicken or an egg thing.

And, I understand the desire for it to have us propose it. I think that, as I stated initially, there was a request to be able to have a workshop, discuss the merits. I know Ramsey just indicated he'd prefer that it go from the parking lot south. I think that that's a discussion point.

I think in the circumstance given the dynamics here, that a meeting to discuss is appropriate. And if staff's going to lead that discussion, instead of the Planning Board, then we'd appreciate the opportunity to talk to you about the specifics of the site and why you're thinking that way so that we can, again, go back to the University Board of Trustees, et cetera, and discuss that and be prepared to come back and make the suggestion.

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Just offering a conservation easement without more, isn't particularly productive given the circumstances here. It's not as though it's a homeowner or a particular property you're dealing with, it's complicated by the Board of Trustees issue.

MR. BOEHNER: Well, I will have to say, it was well documented at the beginning of this meeting, all the time we have spent on this project discussing about it, identifying the impacts, and giving you guys a submitted proposal for mitigation, which we are still waiting for.

We do need your proposal, staff did give you a very direct response to what staff was feeling and suggesting about the conservation easement. As the town attorney has just said, later in the evening the Planning Board will discuss this matter. It is your right, up to the Board. The Board will discuss it later.

JUSTIN FALLON DOLLARD: Is that a close --

MR. BOEHNER: The town attorney has said, I would suggest that you go back to your presentation please.

JUSTIN FALLON DOLLARD: Is that a closed door discussion or is that part of the Public Hearing?

MR. GORDON: Oh, absolutely open.

JARED LUSK: We look forward to hearing that

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discussion.

David, I'll turn it back to you.

DAVID COX: I have nothing further to add as part of my presentation, and unless there was something from U of R, that they wanted to add in.

JUSTIN FALLON DOLLARD: We look forward to hearing the discussion points between staff and the Planning Board. We want to be cooperative and transparent in the process, understanding that whatever comes out of this we need to take back to our Board of Trustees, and certainly want to go through and identify an acceptable conservation easement that would meet the requirements for mitigation above and beyond the buffer requirements.

With, of course, knowing we have to take it back to the Board of Trustees for final approval.

CHAIRPERSON PRICE: All right. David, you say you are done?

DAVID COX: Yes, I am done.

CHAIRPERSON PRICE: Okay, thank you.

All right, that is the last Public Hearing for this evening. At this point --

MR. BOEHNER: We have questions, right?

CHAIRPERSON PRICE: I'm sorry, I apologize.



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2  
3 Yes, this is --

4 MR. BOEHNER: And then we have to open it up  
5 to the public.

6 CHAIRPERSON PRICE: -- the last Public  
7 Hearing, 12P-NB1 is a Public Hearing. Is there anyone who  
8 cares to address this application?

9 MR. BOEHNER: I might have some questions too,  
10 Bill. I never got the chance to answer any questions for the  
11 record.

12 CHAIRPERSON PRICE: Yeah, okay. Well, lets --  
13 yeah.

14 MR. BOEHNER: They made their presentation,  
15 are you comfortable with that? It is a Public Hearing and I  
16 do want to create the record.

17 CHAIRPERSON PRICE: Oh, no. I'm not  
18 comfortable, and I'm not comfortable with the direction that  
19 the applicant took in the last ten minutes here. So, Ramsey,  
20 why don't you go ahead and ask your questions.

21 MR. BOEHNER: I guess I have a couple of  
22 questions. I won't spend a lot of time.

23 As discussed, the submitted plans are  
24 incomplete, and just so you know, and they do not contain  
25 sufficient information, as additional comments will be

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developed as the plans progress. I just want you guys to know that.

The other question I have, is it you guys have you revised the current plan? And, is it your plan to submit that to this Board?

DAVID COX: Yes. We will be submitting revised documents to this Board for the January meeting.

MR. BOEHNER: And will that current plan that you're going to be submitting, will all of the potential impacts of the proposed modifications to that current plan be identified and mitigations presented?

DAVID COX: Yeah. Justin has his hand up.

JUSTIN FALLON DOLLARD: Yes, Ramsey, our attention will be to make revisions based on a meeting with yourself and/or your attorney and anyone else to receive feedback, valuable feedback, constructive feedback in terms of how we can make a proposal that better meets the expectations of the Planning Board.

Again, the intention is not here to be adversarial, it's just go through the process and understand at what point of interactions are proper through the Public Hearing process, through staff and then taking it back to members of the Planning Board. And then, what's informal and

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not formal.

I am new to the area and new to the process,  
so apologies if anything is taken as adversarial.

But, we do want to respond to that --

MR. BOEHNER: Mr. Dollard?

JUSTIN FALLON DOLLARD: -- and go back to  
with an updated proposals in January, based on your feedback.

MR. BOEHNER: I'm sorry, so that's a no, or a  
yes?

JUSTIN FALLON DOLLARD: That is a yes, we will  
make an updated proposal based on staff feedback.

MR. BOEHNER: Which you've already gotten, and  
you'll get that in writing by our comments. It is, once  
again, your proposal to make.

JUSTIN FALLON DOLLARD: We look forward to  
making a revised proposal accordingly.

MR. BOEHNER: What's that?

JUSTIN FALLON DOLLARD: We look forward to  
making a revised proposal accordingly.

MR. BOEHNER: The other thing is, I had  
already said, we'll need to do a SEQRA lead agency. So,  
depending on what you submit, will probably depend on who  
will be lead agency for this project.

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2  
3 JUSTIN FALLON DOLLARD: Will the Town of  
4 Brighton form its own review, or will it go actually defer to  
5 the State?

6 MR. BOEHNER: I'm sorry, I don't understand  
7 your question.

8 CHAIRPERSON PRICE: You guys don't have the  
9 right guy asking the questions. David, can you answer the  
10 question?

11 DAVID COX: The Town of Brighton will be the  
12 lead agency.

13 JUSTIN FALLON DOLLARD: That's what I was  
14 asking. You have the ability to do so under State law,  
15 that's why I was asking.

16 MR. GORDON: Yeah. So, if I could just speak  
17 to this briefly. Depending on what you're application shows,  
18 what changes ultimately you settle on that you want to make  
19 from this approved IPD, the lead agency will either be the  
20 Planning Board, the Board you are before right now, or  
21 possibly the Town Board depending upon how much needs to be  
22 revised with the IPD itself, which was a proposal that went  
23 before the Brighton Town Board.

24 So, it could be the Brighton Town Board that  
25 could be your lead agency. Likely, I think the way that

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we're thinking now it's probably the Planning Board from what we have seen.

JUSTIN FALLON DOLLARD: Apologies, I was confusing SEIS with SEQRA review, so my apologies.

MR. GORDON: So, it's going to be a Town Board, whether it's the Town Board or whether it's the Brighton Planning Board, is yet to be determined. But, it will be helpful to have your full and complete proposal so that we can lay it bear and understand everything that you are proposing to do that is different than what the IPD as approved by the Town Board and the site development as approved by the Planning Board was original.

JUSTIN FALLON DOLLARD: May I ask a clarifying question then, regarding if we propose a conservation easement from the owner's side, would that then be considered to be a change to the PD, rather than tied to the specific development proposal?

MR. GORDON: No, not necessarily. But, an conservation easement is something that you enter into with the Town of Brighton, and it would be for the Town Board.

JUSTIN FALLON DOLLARD: Yeah. It would be for the Town Board to recommend, I understood that part --  
(Inaudible overtalk occurred)

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MR. GORDON: -- Authorize for lead agency purposes under SEQRA, that doesn't mean that the Town Board would need to be lead agency just because there's a conservation easement.

JUSTIN FALLON DOLLARD: Okay, good. Just, thank you for --

MR. BOEHNER: Would have to present that to them once we know what your proposal is. Just like you have someone you have to go, I would need to do the same thing, Mr. Dollard.

JUSTIN FALLON DOLLARD: Thank you. I appreciate your educating me on that fact.

MR. FADER: I have two questions regarding the presentation. If you guys could go to Page 95 of your -- yes, okay. So, I, in reading the correspondence and stuff that went back, there's been some discussions about the wetland and the fact you've gone partly into the wetland, and the Conservation Board has pushed back and said they would like mitigations somewhere, and I think you've agreed to do that.

I just wanted to clarify one thing, so both you and the conservation Board and the people involved are clear. Could you go to the next slide now?

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Okay. So, that area there, I think the graded lines are the area of disturbance, is that correct?

DAVID COX: That's correct.

MR. FADER: And that, you proposed some sort of mitigation for that eventually?

DAVID COX: Yes, correct.

MR. FADER: Okay. I just want to make sure, just so we don't end up discussing it later, the reason that area seems to be larger than I would expect is because -- if you go to the next slide -- you have included that future access road as part of that disturbance, is my assumption correct?

DAVID COX: So, we're -- it's for more constructability to get equipment around the building and we do have some utilities that go around the building. So, it would be very difficult not to -- constructability wise, not to disturb that wetland.

MR. FADER: But, if you did put that future access road in, it would be going through that area that you already had identified as being disturbed?

DAVID COX: Yes, correct.

MR. FADER: Okay. That was the one thing I wanted to clarify. Now, the other question more interesting,

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2  
3 the other one is on the same exact picture, because hearing  
4 the more recent discussion I'm starting to get a little  
5 confused. You had said that you had no plans for any  
6 construction beyond to the south of the proposed parking lot  
7 shown on your future plan. That that was one reason this has  
8 less disturbance, that you are not planning any construction  
9 south of where the cursor is.

10 DAVID COX: Yeah, that is correct. Per the  
11 best of our knowledge today.

12 JUSTIN FALLON DOLLARD: The goal is, then to  
13 reduce the development footprint that's in the IPD as a  
14 concept plan. So, that the area south of that would not be  
15 for future development, that we're limiting to this  
16 particular proposal and then anticipating a second phase for  
17 the EP Opal laser.

18 And then, what we have to have requirements  
19 for fire access and some parking, but specifically reducing  
20 that what was the understood development footprint, under the  
21 concept plan that was incorporated into the PPD.

22 MR. FADER: Yes, I understand. I'm just  
23 saying that this new plan, assuming you built it out to  
24 everything you're showing on the potential, you don't have  
25 plans to go beyond that into the area that currently is



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showing undisturbed.

JUSTIN FALLON DOLLARD: Yeah, that's correct.  
And that's the discussion which was again --

MR. FADER: Okay.

JUSTIN FALLON DOLLARD: I understand I'm  
speaking out of order --

MR. FADER: Okay.

JUSTIN FALLON DOLLARD: -- and I appreciate  
that folks are informed on this around the question of, what  
is a sufficient conservation easement to meet the  
requirements or at least the concerns of mitigation.

MR. FADER: Okay.

CHAIRPERSON PRICE: And I think that's where  
we had left the last meeting was, a discussion of this  
particular plan where the square footage that you're showing  
a building and the circulation and parking required, to  
support this plan and current addition and future additions,  
and how that compared to the IPD in the lower right corner.

And, you know, so, this particular plan we all  
saw at our last meeting as being an improvement over the  
original IPD plan, where you're not building parking garages.  
There may be square footage of buildings that end up  
someplace else in the IPD, but you wouldn't necessarily need

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the volume of parking that was shown.

And therefore, you know, I think everybody finally realized, you know, what you're proposing currently with this plan versus what the IPD shows and it was after the discussion that indicated this was your intended build-out of this particular section that Ramsey said, would you be willing to put a conservation easement on the land to the south, knowing that this would probably be the intended full build-out, we would receive substantial benefits from an environmental standpoint. Buffer, retention of woodlot, protect the habitat in this particular area. And knowing that possibly, that additional square footage that may have been thought of for this area would be then going someplace else on campus.

JUSTIN FALLON DOLLARD: That is correct. You said the same thing as Mr. Price, and that's the intention. It's a combination of the conservation easement, however that's defined in the workshop that would be staffed, and then the trying to enhance and mitigate disturbance for the area that's understood to be wetland, however that's defined under Town of Brighton versus Army Corps of Engineers to enhance that area.

So, that is a net gain at least in terms of

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3 habitat, that also then providing substantial permanent  
4 buffering above and beyond what's required between our  
5 development footprint and the neighbors to the south.

6 CHAIRPERSON PRICE: Yeah. So, I think we were  
7 all pretty energized over the proposal and the possibility of  
8 accomplishing a lot of goals that everybody had with this.

9 And it's, you know, I guess you do have to --  
10 we would ask you to go back and think about, you know, how  
11 far off the south edge of that parking area would it be  
12 reasonable that we could, you know, start a conservation  
13 easement. No, you can't answer, you know, all things that  
14 might happen in the future, but I think there's a point there  
15 somewhere below or south of that parking line that's  
16 something, you know, that a conservation easement could  
17 begin.

18 And, I think you want to just work with David  
19 and between yourselves and figure out where is it -- where is  
20 that reasonable? It's still allows us flexibility, but  
21 knowing that we're kind of achieving the square footage  
22 needed in this particular section for the future of the Lazer  
23 Lab is being achieved.

24 MR. FADER: And there's one other thing that  
25 we discussed, and I am very bad with names and I apologize,

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3 it was the woman that was at the last meeting. Was the point  
4 was, some of the areas of mitigation you have there, they're  
5 completely isolated from all other natural areas, then they  
6 provide no mitigation.

7 So, the conservation easement, the advantage  
8 of it was, and I don't know if, David, you could move the  
9 cursor, but if you put it on the -- yeah, you would need --  
10 you would want at least some path south. Yes, yes. You need  
11 some, I would think you would want some minimum order there,  
12 because that's what's provided you your --

13 JUSTIN FALLON DOLLARD: Yeah, so I understand  
14 what you're saying. So, I'm actually a transatlantic  
15 architect that's done this kind of work before. And,  
16 actually I've been in, worked in some of the roles that  
17 Ramsey has, a different municipality on the west coast.

18 So, in terms of landscape ecology and wildlife  
19 mitigation and corridors, you want to have connected habitats  
20 like that that make sense. Certainly, that's something we  
21 would want to work through.

22 And, I understand from your staff's  
23 perspective, they can only work to what's presented. They  
24 can't advise because of liability and other considerations.  
25 We certainly want to work in partnership with that. We do

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understand there's limitations to what staff can advise on. They typically need to react to what's presented, based on the IPD and applicable code and any considerations being expressed here by the Planning Board.

CHAIRPERSON PRICE: Do any other Board members have questions? John, you good? Jason?

MR. OSOWSKI: I'm good so far, thank you.

CHAIRPERSON PRICE: All right. Pam?

MS. DELANEY: I don't have anything additional to add. Thanks.

CHAIRPERSON PRICE: All right. Karen?

MS. ALTMAN: Could you go over again the increase in employees that is anticipated to be happening in the Lazer Lab over time and what the anticipated phasing of that is, please?

JUSTIN FALLON DOLLARD: Clayton is probably the best person to talk about that, or Milt Shoup from the LLE.

MR. BOEHNER: Do you see him?

Can you state your name for the record, please?

MILTON SHOUP: Milton Shoup, Laboratory for Lazer Energetics, project manager for this building project.

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We are currently estimating on the order of 50 people to be occupying the new lab office building. I don't remember the exact projections, I can't even recall where we actually included that documentation in any submittals. But, it was certainly over the first five years of the life of the building, maybe even earlier than that, but that's the rough time frame.

And that's only for the lab office expansion that is before you, that does not address any of the potential future areas.

MS. ALTMAN: Okay, thank you.

CHAIRPERSON PRICE: All right. Ramsey, you all set?

MR. BOEHNER: Yes, I am, thank you.

CHAIRPERSON PRICE: All right. And, Ken, you're all set?

MR. GORDON: Well, like I said before, I'm just looking to see them complete the plans and submit the revisions, and then I think we'll all have a lot more questions.

CHAIRPERSON PRICE: All right. So, I jumped the gun on the public comment side, but now I'd open it up to anybody in the audience that cares to ask a question or

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discuss this application.

Do you see anybody?

JEFF FRISCH: I don't see anybody.

CHAIRPERSON PRICE: All right. Okay, folks, thank you very much everybody from Passero and U of R. Please stick around we'll start our deliberations and discussion of the applications.

Is everybody good to continue?

MS. DELANEY: Yeah.

CHAIRPERSON PRICE: All right, everybody's good.

Let's go back to Application 12P-01-21, this is Premium Mortgage Corp. For the generator at 2541 Monroe Avenue.

Is there a motion to close the Public Hearing?

MS. ALTMAN: I move that we close the Public Hearing.

MR. BOEHNER: That's Altman?

MS. ALTMAN: Yes.

CHAIRPERSON PRICE: Is there a second?

MR. BABCOCK-STINER: I'll second.

MR. BOEHNER: That's Babcock-Stiner seconding.

CHAIRPERSON PRICE: All right, any discussion?

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Ramsey, would you call the roll on that  
please?

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Motion passes, hearing's closed.

CHAIRPERSON PRICE: Okay. Anybody care to  
make a motion on this?

MR. FADER: I move the Board adopts the  
negative declaration prepared by town staff and the Board --

MR. BOEHNER: David, this should be tabled is  
my recommendation.

MR. FADER: The first one, 12P-01 --

MR. BOEHNER: I'm sorry, I was jumping to the



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next application, I apologize. You got me back on focus here.

MR. FADER: I move the Board adopts the negative declaration prepared by town staff and the Board approves Application 12P-01-21 based on testimony given, plans submitted and the seven conditions.

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).

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. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed within 30 days.

5. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

6. All comments, concerns and requirements of the Assistant Engineer as contained in the attached memo dated December 14, 2021 from Brendan Ryan, Assistant Engineer, to Ramsey Boehner, shall be addressed.

7. The location of any proposed generator is approved.

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Documentation shall be submitted that shows that all other requirements for generators in the Comprehensive Development Regulations will be met or Planning Board approval for the generator will be obtained. The generator shall not exceed 72 Decibels.

MS. DELANEY: I'll second.

MR. BOEHNER: Delaney.

CHAIRPERSON PRICE: Probably good to say your name when you're moving or seconding just so we can keep track of it. Thank you, Pam.

You are calling roll, okay.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

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3 MS. ALTMAN: Aye.

4 MR. BOEHNER: Approved with conditions.

5 CHAIRPERSON PRICE: Very good, thank you.

6 The next Application 12P-02-21, application of  
7 FSI construction, Frank Imburgia, 3300 BHTL, Partners,  
8 Preliminary/Final Site Plan Approval, EPOD permit and  
9 demolition review and approval. This is at 3300 Brighton  
10 Henrietta Town Line Road.

11 I think we have a recommendation to table.

12 MR. FADER: Dave Fader moves that the Board  
13 tables Application 12P-02-21, based on the testimony given  
14 and plans submitted, and the 38 items of additional  
15 information outlined in the Planning Board report, are  
16 requested to make a determination of significances to have a  
17 complete application.

18 MR. BOEHNER: There's one thing I would  
19 recommend that condition number 36 be deleted. It was a  
20 holdover from the last time we reviewed this application and  
21 is no longer needed.

22 MR. FADER: I have no problem with that.

23 1. An Operational Permit shall be obtained from the Town of  
24 Brighton Fire Marshal (Chris Roth, 585-784-5220).

25 2. The entire building shall comply with the most current

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Building & Fire Codes of New York State.

3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

4. All conditions of the Zoning Board of Appeals shall be met.

5. The proposed sidewalk must meet all town requirements.

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

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

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

9. 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.

10. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the

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requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

11. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction.

Materials and equipment storage shall not be allowed in fenced areas.

12. Erosion control measures shall be in place prior to site disturbance.

13. Maintenance of landscape plantings shall be guaranteed for three (3) years.

14. Deciduous shade trees shall be planted at 3 - 3 1/2 inches in diameter. Pine trees shall be planted at 7 - 8 ft. in height.

15. A detailed lighting plan which shows the type, location and lighting contours shall be submitted. Specifications for the proposed light shall be submitted and light shall not exceed 3000k.

16. The dumpster shall be enclosed with building materials that are compatible with the existing building. The

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enclosure shall equal the height of the dumpster. The plans shall be revised to include details of the proposed dumpster.

17. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.

18. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

19. Fire hydrants shall be fully operational prior to and during construction of the building.

20. All County Development Review Comments shall be addressed.

21. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

22. The location of any proposed generator is approved. Documentation shall be submitted that shows that all other requirements for generators in the Comprehensive Development Regulations will be met or Planning Board approval for the generator will be obtained. The generator shall not exceed 72 decibels.

23. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, storm water mitigation, infrastructure and erosion control.

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The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.

24. The proposed building shall be sprinklered in accordance with Town requirements.

25. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.

26. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

27. The location of the HVAC shall be shown on the site plan.

28. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.

29. A letter or memo in response to all Planning Board and Town Engineer comments shall be submitted prior to the

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issuance of a building permit.

30. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

31. Construction activities shall be limited to 7 AM to 6 PM Monday to Friday, and 9 AM to 6 PM on Saturday.

32. Prior to the issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.

33. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements



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of Section 56-5 are met.

34. Prior to above ground construction, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.

35. Prior to the final plans being signed by the Commissioner of Public Works, the easement to allow access to Canal View Boulevard shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Town of Brighton for its records.

36. The Town of Brighton's Floodplain Development Permit Application shall be completed by the applicant's engineer and submitted to the Town of Brighton for review and approval.

37. All comments and concerns contained in the attached memo dated December 14, 2021 from Brendan Ryan to Ramsey' Boehner, shall be addressed.

MR. BABCOCK-STINER: Babcock-Stiner seconds.

MR. BOEHNER: Babcock-Stiner seconds.

CHAIRPERSON PRICE: Any further discussion?

All right, please call the roll.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

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3 CHAIRPERSON PRICE: Aye.

4 MR. BOEHNER: Mr. Fader?

5 MR. FADER: Aye.

6 MR. BOEHNER: Ms. Delaney?

7 MS. DELANEY: Aye.

8 MR. BOEHNER: Mr. Babcock-Stiner?

9 MR. BABCOCK-STINER: Aye.

10 MR. BOEHNER: Mr. Osowski?

11 MR. OSOWSKI: Aye.

12  
13 CHAIRPERSON PRICE: All right, thank you.

14 Application 10P-NB2-21, the Application of  
15 James Tabbi for Preliminary Site Plan Approval and  
16 Preliminary EPOD Permit at 830 Highland Avenue.

17 MR. FADER: I have a question for staff  
18 regarding their report. I'm curious. I know that we are  
19 probability going to table this, but I was wondering if you  
20 want to go ahead and make the negative declaration and the  
21 decision on recreational land tonight?

22 MR. BOEHNER: No, because I need to -- it is a  
23 type one action and one of the things I was going to add, is  
24 that we need to establish lead agency.

25 MR. FADER: Okay. Then, in that case, David

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Fader, then I will move the Board tables Application 10P-NB2-21, based on testimony given, plans submitted and the, I think it's wrong, the additional information outlined in the Planning Board report so that we can have a determination of significance and have a complete application. And, I have to look at the exact number of items.

MR. BOEHNER: And there are 29 in the report, I have a 30th, if I could. The Planning Board should establish lead agency pursuant to SEQRA as a 30th requirement.

MR. FADER: I don't have a problem about adding that.

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.

2. The entire building shall comply with the most current Building & Fire Codes of New York State.

3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the

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appropriate authorities.

4. All conditions of the Zoning Board of Appeals shall be met.

5. Prior to the issuance of any permits the architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.

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

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

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

9. 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.

10. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in

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fenced areas.

11. A landscape plan and a pre, during and post protection plan for trees to be saved and moved shall be reviewed by the Conservation Board with final approval by the Planning Board.

12. All proposed landscaping shall be installed prior to the issuance of any certification of occupancy.

13. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.

14. Maintenance of landscape plantings shall be guaranteed for three (3) years.

15. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

16. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.

17. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final

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approval.

18. All easements must be shown on the subdivision map with ownership, purpose, and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.

19. Prior to the issuance of any building permits, a letter of credit shall be provided to the Town to cover the cost of materials and installation for all landscaping to ensure that all landscaping conforms to the approved plans and that the landscape survives in a healthy condition.

20. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.

21. Erosion control measures shall be in place prior to site disturbance.

22. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the

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Building and Planning Department and may require Planning Board approval.

23. Prior to the issuance of any permits, the Single-Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.

24. The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.

25. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated October 19, 2021 From Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

26. The site is within two Environmental Protection Overlay Districts, the Steep Slope Protection District and the Woodlot Protection District, making it a Type 1 Action in the Town. All Town standards and requirements for these districts shall be adhered to and along form EAF shall be submitted prior to Final Site Plan Approval.

27. Provided calculations in the geotechnical report using

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the stable angle of repose as required by the Town's EPOD requirements.

28. The proposed sanitary sewer main shall be designed and installed in accordance with the Town of Brighton minimum specifications and requirements for dedication. The sewer dedication process shall be completed subsequent to the installation of the sewer and final inspection by the Town of Brighton Sewer District.

29. Revise documentation to reconcile the difference in sewer lateral number and alignment between plans and submitted engineering and geotechnical reports. The reports show two laterals going to the northern property and the plans show none.

30. The Planning Board should establish lead agency pursuant to SEQRA.

MR. BABCOCK-STINER: Babcock Steiner seconds.

MR. BOEHNER: Babcock Steiner seconds.

CHAIRPERSON PRICE: One question before the call on this. Who, as a type one action, but is there any involved agencies? Who are the other --

MR. BOEHNER: There's the water authority and there's going to be Pure Waters because there's a new main being run.



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3 CHAIRPERSON PRICE: A new main, okay. All  
4 right, thank you.

5 MR. BOEHNER: Yeah, because then I wouldn't  
6 have to coordinate it. A little less work.

7 CHAIRPERSON PRICE: Understood, thank you.  
8 Please call the roll on the motion and the  
9 second.

10 MR. BOEHNER: Ms. Altman?

11 MS. ALTMAN: Aye.

12 MR. BOEHNER: Mr. Price?

13 CHAIRPERSON PRICE: Aye.

14 MR. BOEHNER: Mr. Fader?

15 MR. FADER: Aye.

16 MR. BOEHNER: Ms. Delaney?

17 MS. DELANEY: Aye.

18 MR. BOEHNER: Mr. Babcock-Stiner?

19 MR. BABCOCK-STINER: Aye.

20 MR. BOEHNER: Mr. Osowski?

21 MR. OSOWSKI: Aye.

22 CHAIRPERSON PRICE: Okay, thank you.

23 The last action for tonight, well, before  
24 signs, will be 12P-NB1-21, the University of Rochester for  
25 site plan approval, preliminary EPOD permit approval and

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preliminary conditional use permit approval.

At this point, let's -- does anybody have or want to make a motion to table the application?

MR. FADER: I can do that, David Fader. I move the Board tables Application 12P-NB1-21, based on the testimony given and plans submitted, and the 34 items of additional information outlined in the Planning Board report, are requested to make a determination of significance and to have a complete application.

CHAIRPERSON PRICE: Is there a second?

MR. BABCOCK-STINER: Babcock-Stiner seconds.

MR. BOEHNER: Babcock-Stiner seconds.

CHAIRPERSON PRICE: Prior to the vote, let's just see if there's any outstanding discussion on this, or anything that's perceived differently by members of the Board then, where our discussion kind of ended here tonight. Particularly with the elements of the drawing that is still up and in front of us, being what we understand to be both the current application, as well as the potential longer range future expansion of the facility, and how that -- this proposal compares to the master plan that was approved.

I believe David Cox went through some of the variances or the differences between things like disturbance

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3 and building square footage, and impervious surface things,  
4 items, in the initial part of the presentation, and we do  
5 realize that this application had been submitted prior to our  
6 meeting of last month, therefore there's a little bit of  
7 catching up with some of those comments and clarifications of  
8 some of the items between the master plan and the currently  
9 proposed plan.

10 So, does everybody believe we've given some  
11 direction on, you know, how to perceive and -- I'm sorry, how  
12 to proceed with thinking through a conservation easement and  
13 where that might best be placed on the property? Looking for  
14 any thoughts that everybody has.

15 MR. FADER: I guess my question is, is there a  
16 scenario where, you know, maybe there's a preliminary, or --  
17 I'm just wondering if there is -- what are the situations  
18 where a workshop would be appropriate? I guess, Ramsey,  
19 that's my question.

20 MR. BOEHNER: We have had a number of  
21 workshops. I don't know what more we can discuss at this  
22 point. I've shared what my thoughts are multiple times in  
23 the workshops and in the reviews that we've had with this  
24 Board.

25 MR. FADER: Okay. I, I --

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MR. BOEHNER: As of right now, we just need to start to get a proposal from them, based on what they heard from us. And I give them my thoughts, and they don't want to do that, then they need to come back with something different. I think Bill did a pretty good job of summarizing it. It is not our intention to box them in. Something they need to take a hard look at and give us a proposal.

MR. FADER: I was curious, because I know we've done workshops in the past. But, I also think when the discussion happens, it's pretty clear what our desire is.

MR. BOEHNER: Yeah. And, we've had numerous workshops on this thing.

MR. FADER: Okay. I wasn't aware of it.

MR. BOEHNER: -- we are where we are.

CHAIRPERSON PRICE: Well, other Board members?

MR. OSOWSKI: Yeah. This is John. It's finally going in the right direction. It is a lot better plan than what the original IPD from 2015 was that didn't have the wildlife part that this one does. So, at least it's kind of going in the right direction. It's not bad.

CHAIRPERSON PRICE: Any other thoughts?

MR. BABCOCK-STINER: I generally agree. I wanted the final plans submitted, but I think, you know, we

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provided them decent guidance on what we want to see. And, I think it is going in the right direction, so.

CHAIRPERSON PRICE: Yeah, okay.

Pam?

MS. DELANEY: I don't think I have anything additional to add to what has already been said.

CHAIRPERSON PRICE: All right.

Karen?

MS. ALTMAN: I'm set, thank you.

CHAIRPERSON PRICE: All right.

MR. GORDON: Bill, if I could, it's Ken Gordon. So, just to add my perspective from the legal side on this issue of the conservation easement. The new build area, including the --

MR. BOEHNER: Ken, we're not hearing you.

MR. GORDON: -- of the determination they provided --

MR. BOEHNER: Ken, we're not hearing you.

MR. GORDON: How about now?

CHAIRPERSON PRICE: Yeah.

MR. GORDON: Nothing, anything?

MR. BOEHNER: Well, you're good right now.

MR. GORDON: I'll try again. So, the no build

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3 areas that were part of the -- the no build areas in the  
4 wetlands and the uplands were an essential part of the  
5 determination of significance, and the findings that were  
6 made by the Town Board. So, the idea that at least I  
7 understood as Counsel, for the conservation easement that was  
8 discussed but not detailed previously, was that it would  
9 provide some mitigation for what would be building at least  
10 in some parts a disturbance to some extent in those no build  
11 zones, the wetlands and the uplands.

12 If all that the U of R is going to propose, is  
13 a hundred foot conservation easement in the very same area  
14 that is being proposed as back, that's already covered by the  
15 hundred foot buffer, that's not, in my opinion as Counsel,  
16 any kind of additional mitigation.

17 I would be very hard pressed to make a  
18 recommendation to this Board or any Board, that is lead  
19 agency that that doesn't change in an essential way the  
20 findings and significance of the environmental impacts of  
21 what is being proposed.

22 So, I think, from what I've been looking at,  
23 the proposal that is put forth by the University of Rochester  
24 needs to be something more than what was already previously  
25 approved in order for it to be considered to be any kind of

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mitigation of what it is that they are planning to change.

I want to put that out there, I know the University is listening, but I also want that in the Board's head as it considers what conservation easements would be acceptable to the Board.

CHAIRPERSON PRICE: Yeah, okay. I do believe that both of the U of R representatives and their consultants have kind of heard the message, and possibly, you know, I get this, you know, whoever goes first loses concept on things like, you know, land, you know, conservation easements, and things.

But, I think they go back and work out and just kind of understand what, you know, how this can work as an environmental system, and as a facility system for their needs and honestly evaluate it, they will come back with something that is certainly more than a hundred feet wide that's currently under a buffer restriction. But, probably something that isn't going right up to the edge of the parking that they're showing.

So, we will probably anticipate something somewhere in between that allows for adequate environmental and wildlife corridors to remain and be enhanced, and the facility to operate the way it needs to. We need this Board

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3 to complete an application that kind of puts all of this  
4 together.

5 MR. FADER: I guess I just struggle with if  
6 there is no plan to develop that area, then what's, you know,  
7 why not? I don't see what the loss is, or what the reticence  
8 is.

9 CHAIRPERSON PRICE: Oh, you're saying if  
10 there's no plans by the University to develop south of the  
11 parking, what would be the apprehension? And, well, I don't  
12 disagree. It's, you know, knowing that they have, you know,  
13 the IPD developed a standards for the total amount of square  
14 footage. So, I don't believe it's a matter of them loosing  
15 the square footage that isn't being built here. They have  
16 the ability to build that someplace else on the campus. But,  
17 they just wouldn't be building it here.

18 And, this proposal is satisfactory. So, I  
19 understand your point, but let's see where they feel they  
20 need to have the flexibility. It might be, you know, just  
21 enough room to snowplow the parking lot. I am not sure. Or,  
22 grade and maintain it, or put in a light trail or something,  
23 but let's see what they have to say.

24 But, I think everybody's had an opportunity to  
25 say their piece on how we think about this, and not just, you



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2  
3 know, wouldn't say arbitrarily or prescribed specifically  
4 where it needs to go. So, let's -- I think everybody knows  
5 where they need to go now.

6 We do have a motion and a second to table. Is  
7 there -- Ramsey on the SEQRA lead agency, are you seeing --  
8 I'm hearing things that, you know, DOT and Monroe County DOT,  
9 you're going to have water authority. Are you thinking this  
10 is unlisted coordinator review?

11 MR. BOEHNER: Yes.

12 CHAIRPERSON PRICE: Okay.

13 MR. BOEHNER: Well, the reason coordinating  
14 the review is more because the Town Board's lead agency.

15 CHAIRPERSON PRICE: And Town Board was lead  
16 agency based on the IPD?

17 MR. BOEHNER: On the IPD there.

18 CHAIRPERSON PRICE: Okay.

19 MR. BOEHNER: But, I'm trying to get a  
20 proposal for this to say to the Town Board, we got a good  
21 proposal and let the Planning Board continue being lead  
22 agency so we can get a wrap on this.

23 CHAIRPERSON PRICE: Okay. But, as far as lead  
24 agency letters and any coordination, that goes out reading as  
25 the Town of Brighton not necessarily the Planning Board

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versus Town Board?

MR. BOEHNER: No. We would write the Town Board as lead agency, the Planning Board for questioning lead agency, and --

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: -- we have a little work to do there, but that's the idea.

CHAIRPERSON PRICE: Understood, all right.  
Thank you.

I guess moved and seconded on the motion to table, Ramsey will you call the roll?

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

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MR. BOEHNER: Motion passes, the application  
is tabled.

We can move on with signs, which I think Jeff  
is going to call up; is that right?

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**SIGNS:**

1631 Echelon Wealth Advisors, for a building face at 1441 Monroe Avenue.

1632 Conway Beam Truck Group, for a building face at 2674 West Henrietta Road.

1633 Lattimore Physical Therapy, for a building face at 1655 Elmwood Ave, Suite 130.

JEFF FRISCH: Yes. The first sign is 1631 located of 1441 Monroe Avenue, it's a building face sign for Echelon Wealth Advisors.

CHAIRPERSON PRICE: They're moving two doors down. They're on the corner of Sylvan right now.

MR. BOEHNER: I don't think they are, are they?

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: No, I think it's a different one.

CHAIRPERSON PRICE: So it's just another --

MR. BOEHNER: Think about where you are. Wealth Advisors, there's a number of them up and down the avenue, Bill.

CHAIRPERSON PRICE: Wealth advisors and nail salons.

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3

MR. BOEHNER: And boutiques.

4

CHAIRPERSON PRICE: All right.

5

MR. BOEHNER: Good signage though.

6

MS. ALTMAN: Looks really nice.

7

CHAIRPERSON PRICE: Move to -- this was  
8 approved as presented, so this is number Application 1631,  
9 motion to approve as presented.

10

MS. ALTMAN: I will move it, Altman.

11

MR. BABCOCK-STINER: Second, Babcock-Stiner.

12

MR. BOEHNER: Babcock-Stiner's got it.

13

MR. BOEHNER: All right.

14

Mr. Osowski?

15

MR. OSOWSKI: Aye.

16

MR. BOEHNER: Ms. Altman.

17

MS. ALTMAN: Aye.

18

MR. BOEHNER: Mr. Price?

19

CHAIRPERSON PRICE: Aye.

20

MR. BOEHNER: Mr. Fader?

21

MR. FADER: Aye.

22

MR. BOEHNER: Ms. Delaney?

23

MS. DELANEY: Aye.

24

MR. BOEHNER: Mr. Babcock-Stiner?

25

MR. BABCOCK-STINER: Aye.

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3 MR. BOEHNER: Approved as presented.

4 CHAIRPERSON PRICE: Okay.

5 JEFF FRISCH: The next sign is for 1632, it's  
6 for 2674 West Henrietta. This one needs a variance for  
7 additional signage that they're removing some signage from  
8 the building, and they are adding other signage. But,  
9 they're taking down some of these signs here, and replacing  
10 them with the blue signs.

11 And then on the other face, they're kind of  
12 like legalizing these new signs, so they weren't approved  
13 before, but they're going to go through the Zoning Board  
14 process and approve the brand signs that are there currently.

15 CHAIRPERSON PRICE: Okay, all right. Is this  
16 ARB approved this conditionally, can we --

17 MR. BOEHNER: But, they don't get their  
18 variances, they're down. You could approve with the  
19 condition that all variances are obtained.

20 CHAIRPERSON PRICE: Yes. I know you don't  
21 like to do that, but is this one of those we could?

22 MR. BOEHNER: Jeff, your thoughts?

23 JEFF FRISCH: Yeah. The application has been  
24 through the Zoning Board. I think it will be okay, approve  
25 with conditions.

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MR. BOEHNER: If you guys don't have any problems with it, go for it.

CHAIRPERSON PRICE: I will make a motion to approve as presented, in the application.

MR. BOEHNER: It will be approved with conditions that all variances be obtained.

CHAIRPERSON PRICE: I was just going to say that.

MR. BOEHNER: Approved as presented.

CHAIRPERSON PRICE: Now, I get one my chance, Ramsey.

MR. BOEHNER: No.

MS. ALTMAN: I will second.

CHAIRPERSON PRICE: All right, moved and seconded. Let Jeff call the roll.

JEFF FRISCH: Ms. Altman?

MS. ALTMAN: Aye.

JEFF FRISCH: Mr. Price?

CHAIRPERSON PRICE: Aye.

JEFF FRISCH: Mr. Fader?

MR. FADER: Aye.

JEFF FRISCH: Ms. Delaney?

MS. DELANEY: Aye.

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3 JEFF FRISCH: Mr. Babcock-Stiner?

4 MR. BABCOCK-STINER: Aye.

5 JEFF FRISCH: Mr. Osowski?

6 MR. OSOWSKI: Aye.

7 JEFF FRISCH: Is approved with conditions.

8 MR. BOEHNER: Jeff, this is all yours. I'm  
9 sensing from Bill he doesn't want to hear from me anymore.

10 CHAIRPERSON PRICE: You cut me off, I'm  
11 cutting you.

12 MR. BOEHNER: I'm done for the night.

13 JEFF FRISCH: The next sign is 1633 at 1655  
14 Elmwood Ave for Lattimore Physical Therapy.

15 CHAIRPERSON PRICE: Anybody have any issues  
16 with that?

17 JEFF FRISCH: Was approved as present by the  
18 Architectural Review Board.

19 CHAIRPERSON PRICE: Make a motion to approve  
20 as presented as approved by the ARB.

21 MS. DELANEY: I will second.

22 CHAIRPERSON PRICE: Tie goes to Delaney.

23 JEFF FRISCH: Ms. Altman?

24 MS. ALTMAN: Aye.

25 JEFF FRISCH: Mr. Price?



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CHAIRPERSON PRICE: Aye.

JEFF FRISCH: Mr. Fader?

MR. FADER: Aye.

JEFF FRISCH: Ms. Delaney?

MS. DELANEY: Aye.

JEFF FRISCH: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

JEFF FRISCH: Mr. Osowski?

MR. OSOWSKI: Aye.

JEFF FRISCH: Approved as presented.

CHAIRPERSON PRICE: Very good.

MR. BOEHNER: One last thing. I wanted to double check, is this group, now that we're getting the reports out earlier and doing the agenda review, do you still want to move our meeting time up? We had last time talked about moving from 7:00 to 6:45.

MR. GORDON: Just to be clear, whenever we start, it's going to be in this public forum. There's not going to be any private pre-meeting. So, whether we start at 6:45 or 7:00 the meeting will run like you ran tonight, call the order in public, whether in person or on Zoom, then with staff report and discussion as done tonight.

MR. BABCOCK-STINER: 7:00 honestly works

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3 better for me, in regards to getting dinner. 7:00 does work  
4 better for me.

5 CHAIRPERSON PRICE: I'm okay with either, but  
6 7:00 is fine.

7 MS. DELANEY: Sure.

8 MR. OSOWSKI: 7:00 is good, this is John.

9 MR. BOEHNER: Again, if you guys have  
10 questions too, we can talk. The reason we are doing the  
11 review before was just that I was going to need the reports  
12 that night. I wanted run through them with you, so we can  
13 work on this as we go along too.

14 CHAIRPERSON PRICE: All right. Well, we'll  
15 keep it at 7:00, and I did like the pre-meeting, I thought  
16 the conservation felt like the old days, sans pizza.

17 MS. DELANEY: I was still waiting for my  
18 pizza.

19 MR. BOEHNER: Maybe we should send little  
20 pizzas to everyone's house right at 7:00.

21 MS. DELANEY: I feel like Laura should have to  
22 deliver it though.

23 MR. BOEHNER: No change when Laura left, you  
24 can blame her.

25 CHAIRPERSON PRICE: Well, everybody, have a

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good holiday.

MR. BOEHNER: Happy holidays.

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REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did  
report in stenotype machine shorthand the proceedings held in  
the above-entitled matter;

Further, that the foregoing transcript is a true and  
accurate transcription of my said stenographic notes taken at  
the time and place hereinbefore set forth.

Dated this 15th day of February, 2022.

At Rochester, New York

Rhoda Collins  
Rhoda Collins