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3 PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JULY 17TH, 2019
5 AT APPROXIMATELY 7:30 **P.M.**

6

7 July 17th, 2019
8 Brighton Town Hall
9 2300 Elmwood Avenue
10 Rochester, New York 14618

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PRESENT:
WILLIAM PRICE, CHAIRPERSON
PAMELA DELANEY
JOHN J. OSOWSKI
LAURA CIVILETTI
DAVID FADER
JASON BABCOCK-STINER
JAMES WENTWORTH

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

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

3 10,000+/- sf medical office building with related site
4 improvements on property located at 3300 Brighton Henrietta
5 Town Line Road. All as described on application and plans on
6 file.

CHAIRPERSON PRICE: Before you get started, I
8 just need to know are you under contract with the University
9 of Rochester as a tenant?

JESS SUDOL: No.

CHAIRPERSON PRICE: Thank you.

13 JESS SUDOL: I will get into that in a moment
14 here. Good evening, I'm Jess Sudol of Passero Associates
15 Civil Engineers representing FSI Construction. Also here
16 with me this evening is Dave Merrick from FSI and Josh Saxton
17 also from Passero. The subject parcel is 2.2 acres that is
18 located on the northwest corner of Canal View Boulevard and
19 Brighton Henrietta Town Line Road. Of the 2.2 acres we have
20 some encumbrances that we're dealing with. For example,
21 Allens Creek which runs through the site, and as this Board
22 well knows has an EPOD associated with it of 100 feet, which
23 is represented on the plans that we have provided.

Really, that combined with the required
25 setbacks in this particular technology park zoning district
really leave us a challenging building envelope to deal with.

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3 What we've done is this right here that you're looking at now

4 is more or less the preferred site plan. This is our first

5 meeting, we are very early in the process and we are here

6 this evening looking for input. What we want to do is kind

7 of walk this Board through the various alternatives that we

8 looked at so that way we can proceed with an application once

9 we've taken that input into consideration.

10 Joining us now is Frank Imburgia from FSI, I

11 just want to point that out. Before I get too far along here

12 I do want to mention, you know, we do not have a defined

13 tenant yet. There was an elevation provided in our

14 application, that was an example of what we do. We do plan

15 to have a 10,000-square-foot medical office building. The

16 current concept plan as shown here, or site plan, meets all

17 of the applicable zoning regulations at 2.2 acres. We're

18 actually allowed up to 22,000 square feet and we are well

19 under half of that. And again, that's due to the

20 restrictions associated with not just the stream and the EPOD

21 associated with the steam, but also that stream does have a

22 floodway and also a floodplain associated with it.

23 So what we really did was try to balance all

24 of the factors here to get allowable use that is going to

25 work, you know, 2.2 acres in the zoning district that's in

3 the location, you know, we do have to get some amount of
4 density here in order to make the project financially
5 feasible. And we really do think that the 10,000 square feet
6 is probably the most appropriate use.

8 This particular layout that you're looking at
9 here, which is Alternative 1 in the application, seeks to do
10 a few things. For starters what we want to do is avoid
11 access on Brighton Henrietta Town Line Road. Obviously
12 that's a fairly large arterial, and it makes a lot of sense
13 for us to get through the boulevard and out to the signal
14 light, so we don't have left turns trying to cross multiple
lanes of traffic.

16 So that is what's currently proposed, and that
17 starts to lend itself to the particular layout we currently
18 have. I don't necessarily -- I'm happy to go through all the
19 various alternatives in the application, and I'll get into it
20 in a minute. But this kind of speaking to this one first,
21 one of the things that we see as an opportunity here is
22 really the restoration of Allens Creek. There's a
23 single-family home that's been located on this site for a
24 long time. It's got a very large manicured yard and that
25 yard is really manicured all the way up to the top of the
bank of the south bank of Allens Creek.

3 We think that, you know, being a fairly large
4 creek, it's classified as a Type B, which is fairly
5 significant in our eyes. We see it as an opportunity to
6 really do some stream or really more appropriately repairing
7 restoration where we can really go along that bank all the
8 way from Brighton Henrietta Town Line Road through our site
9 and do a series of plantings to really get a lot more shade
10 onto the greens to really get a lot more ground cover and
11 stabilization so that it's not manicured lawn right up to
12 that.

14 Along with that if you look at our concept
15 plan and some of the graphics or illustrations, I'll throw
16 one of those up now. We also believe that there is an
17 opportunity to provide some active recreation zones that
18 really allow this building to interact with that heavily
19 landscaped area between the building and the creek.

21 Being a medical office building we do plan to
22 have a patio out back, a place where people could eat lunch
23 outside. While they eat their lunch they could basically use
24 the new trail system that we're proposing. That would be in
25 that area which would all work in conjunction with the
landscaping associated with the restoration.

This graphic right here doesn't show it, but I

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3 do want to point out that one of the things we do plan to do
4 is extend this sidewalk that's on the north side of Brighton
5 Henrietta Town Line Road through our site that would then
6 connect to the trail system.

7

8 Just flipping through some of these
9 alternatives quickly, we did look at alternative building
10 placements where we're kind of taking this 10,000 square foot
11 box and we're moving it around what we define as developable
12 area. What we don't want to do certainly is have any impact
13 whatsoever to the floodway, and if possible we would like to
14 avoid any impact to the floodplain.

15

16 The thing that we found is we start to place
17 this building on the Canal View Boulevard side of the parcel
18 is that it takes this parking and it pushes it further to the
19 north and also further to the east towards that creek,
20 towards the floodway and towards the floodplain. So in order
21 to get the required parking that we need for this particular
22 concept, we would fall short of the parking. You know, we
23 start to have had some more of those environmentally
24 sensitive impacts which we're trying to avoid.

25

26 This particular layout has the building way up
27 front which allows the access to come in by avoiding the
28 floodway, but the fact is that the building will only be

3 roughly 20 feet off the right of way. If you look at the
4 adjacent buildings, namely the building on the other side of
5 Canal View Boulevard I think this building gets to be a
6 little bit too far forward. It starts to impact potential
7 sight lines for cars at the intersection of Canal View
8 Boulevard and Brighton Henrietta Town Line Road. And I think
9 it starts to feel out of place with that far forward.

I know there are certain places in town where
11 we want to have the buildings as far forward as possible, but
12 based on the precedent that's been set here, this is a really
13 highly mixed use or pedestrian kind of corridor. I think
14 something this far forward would really fall out of place.

When we keep the building on the Canal View
16 Boulevard side and move it back we need to require a 75-foot
17 setback. What that essentially does is it blocks our access
18 point. Keep in mind our access to Canal View Boulevard, we
19 really want to have it as far back as possible from Brighton
20 Henrietta Town Line Road to avoid any potential conflicts
21 with the cue set. So cars waiting to leave Canal View
22 Boulevard start to cue up that are southbound, we're trying
23 to get behind them so we don't have any of the potential
24 conflicts.

When we come move this building up, we really

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3 block that access and that really gets kind of this crazy
4 drive aisle that comes around the front of it. I don't think
5 we want to impact our lawn area by having this really
6 circuitous drive aisle. And again, this pushes that parking
7 further back so it's really starting to impact the floodway
8 and the floodplain which we're not too much of a fan of.

9 On the other side of our preferred plan we did
10 look at moving the building forward, but staying on the
11 western part of the site. Again, I think that's really
12 important that we maintain kind of that existing setback to
13 the building that are to the east of us. Moving this
14 building far forward, while it does work, the parking lot
15 stays in the same spot and we swap the storm water management
16 and the medical office building, you know, it just really
17 gets far forward so it's only 20 feet off the right of way
18 line where there's that 75-foot front setback.

19 I think to go in and ask for a variance of
20 that magnitude might be asking a little bit too much. Which
21 really led us back to our preferred plan here where we would
22 have this manicured storm water management area. We could
23 still maintain green space along the front. And really the
24 only variance that we do need would be for some of this
25 parking that creeps over that front yard, and based on the

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3 way the interpretation works it exists between the building
4 and the public street which does trigger the need for the
5 variance.

6 Again, the nice thing about this proposed
7 layout is it doesn't avoid any impact to the floodway and
8 also the floodplain. We are a little bit into that EPOD but
9 again, that 100-foot EPOD that comes off the south side of
10 Allens Creek really is void of any significant vegetation.
11 And this project gives us the opportunity to really do a lot
12 of stream and repairing zone restoration, which is where we
13 landed here today.

14 Again, just in summary, we do have
15 encumbrances, we think we've kind of kicked it around enough
16 and come up with what we feel is the most suitable plan. Not
17 just because we've been limiting the number of variances that
18 we need, but really again it provides that opportunity for
19 that patio out back, an interaction with the creek, the
20 ability for all that stuff to work together without having a
21 parking lot segregated.

22 We think that is probably the most appropriate
23 plan, it also matches the front setback of the building
24 across Canal View Boulevard. So in short, that's more or
25 less what we've come up with to date and we'd love to hear

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3 this Board's comments as we move through the design process.

4 CHAIRPERSON PRICE: Thank you, Jess. A couple
5 of initial questions. Has the property been surveyed?

6 JESS SUDOL: Yes, it has. We actually
7 surveyed it before we had started because we knew that the
8 survey would dictate the limits of the floodplain.

9 CHAIRPERSON PRICE: These are accurate as far
10 as --

11 JESS SUDOL: Yes, sir.

12 MR. BOEHNER: Is that an approximate location
13 of the plan?

14 JESS SUDOL: Approximate location of?

15 MR. BOEHNER: The floodplain?

16 JESS SUDOL: No, it has been surveyed so that
17 is the new location.

18 MR. BOEHNER: Okay.

19 JESS SUDOL: Or engineers like to use the word
20 approximate a lot as an escape route.

21 CHAIRPERSON PRICE: Okay. When it comes to
22 the access point do you have rights to Canal View?

23 JESS SUDOL: Yes. It is actually a private
24 road not a public road, but we have a verbal commitment to
25 the rights and currently processing an access agreement. So

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3 we've prepared the legal descriptions, the maps and all
4 that's contingent on approvals of course. We don't
5 necessarily want to give access to this piece until they know
6 what the project's going to be.

7 CHAIRPERSON PRICE: We want to be careful how
8 far we go before we --

9 JESS SUDOL: Yeah, with the help of this Board
10 we can work on getting something on the record that might
11 give you the confidence that we do have access.

12 CHAIRPERSON PRICE: As long as you're telling
13 us that you are close and you're in the process because
14 looking at, you know, you mentioned it early on, one of the
15 criterias to avoid was access onto Brighton Henrietta Town
16 Line Road. Okay, thank you.

17 The way that we typically do this is to just
18 let each of the Board members mention what some of their
19 thoughts and concerns are of the alternatives, and then I try
20 to summarize it at the end and give you some idea on
21 direction.

22 James, do you want to --

23 MR. WENTWORTH: I'm wondering if you feel that
24 the access road is as far north as it can be?

25 JESS SUDOL: Yes. We've essentially located

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3 where the grading off of that north pavement line would end
4 and that ends about ten feet short of the floodways, that we
5 make sure we have a comfortable zone. Really the floodway is
6 what's dictating the location of that access road. We push
7 this as far away as we can without impacting the floodway.

8 And based on one of the things we are planning
9 on supplying with our design application is a traffic study
10 which will show the actual cue length of the southbound
11 vehicles to make sure that our access is clear of that
12 85 percentile cue.

13 CHAIRPERSON PRICE: Any thoughts on which
14 alternative is better than another?

15 MR. WENTWORTH: I'm kind of in agreement that
16 this one makes the most sense. You didn't explore one that
17 splits the difference, but I agree that it's too close when
18 you push it up to the street for this particular area.

19 JESS SUDOL: One of the things when we split
20 the difference is red line the floodplain. You can see how
21 it kind of goes up and greets that pocket for us and then
22 dives back down. So if you split the difference and move
23 this to the east, we start to encumber that floodplain.

24 CHAIRPERSON PRICE: I think he's thinking
25 south.

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3 JESS SUDOL: Oh, I see, I'm sorry. We are
4 trying to avoid the variance. Could we move it 10 or 20 feet
5 south? Yes, we could, but --

6 CHAIRPERSON PRICE: You only need one variance
7 for this?

8 JESS SUDOL: Currently I believe we only need
9 one, which is the parking in the front yard.

10 MR. BOEHNER: Jess, are any existing trees
11 able to be saved with this plan?

12 JESS SUDOL: Most of them, we're actually
13 impacting very few. Again, if you go out there it's pretty
14 much a wide open yard. All of the trees that are on the back
15 of the property -- there are some trees along the creek and
16 all those will be saved. We will be filling in the gaps in
17 between.

18 MR. BOEHNER: With this plan you are not
19 impacting the floodplain or the floodway, but impacting the
20 EPOD?

21 JESS SUDOL: Yes, sir.

22 MR. BOEHNER: Could you show where the EPOD
23 is?

24 JESS SUDOL: It's this kind of dark line here.
25 You can see that with the location of the creek and the EPOD

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3 offset being fairly significant, it takes up the vast
4 majority of that yard area.

5 MR. BOEHNER: One more question, I don't know
6 if you know the answer. Is the EPOD from the bank or is the
7 from the 100-foot floodplain?

8 JESS SUDOL: We've shown it from the bank.

9 MR. BOEHNER: That is the way you would do it.
10 Because if it was from the floodway it comes down further.

11 JESS SUDOL: That would be the whole parcel.

12 MR. WENTWORTH: So do you need a variance
13 because you're pushing into the EPOD?

14 JESS SUDOL: We will need an EPOD permit which
15 has another form. The variance is just for the parking in
16 the front setback.

17 CHAIRPERSON PRICE: The EPOD is us.

18 MR. BOEHNER: The code reads parking should
19 not be between the building front and a private street or a
20 public street. That's what they have here.

21 MR. BABCOCK-STINER: I generally agree that
22 I'd like to see it up closer than too close. First meeting
23 in the middle, I'm not as concerned, but it is a fairly --
24 the preferred concept is a fairly considerable encroachment
25 in the EPOD. And the purpose of this EPOD is it's a water

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3 quality buffer. I would like to see some green
4 infrastructure to see what we can do.

5 JESS SUDOL: Absolutely. There's going to be
6 a lot of the green infrastructure, more than is typically
7 require of us to help establish that buffer. That today is
8 just pesticides on lawns going into the creek.

9 MR. BOEHNER: You will doing something within
10 the floodplain with vegetation?

11 JESS SUDOL: Plantings, yes, no grading.

12 MR. BOEHNER: Then you'll have your storm
13 water control in the front where that water will be treated
14 and cleaned?

15 JESS SUDOL: Yes.

16 MR. FADER: I am going to give my wording
17 here, but I will say it anyway. The building coming up
18 doesn't really bother me, I kind of like the pond back there.
19 It kind of blends in with the whole creek, natural setting,
20 and trail, whereas up front it just kind of looks like a
21 storm water pond safe.

22 CHAIRPERSON PRICE: So does that mean
23 you're --

24 MR. FADER: I like two.

25 CHAIRPERSON PRICE: Laura?

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3 MS. CIVILETTI: I have to say I like two also.
4 In some regards I think that if you maybe play with the
5 proportions of the building, we have basically a square block
6 there. It's elongated to one dimension, narrowed in the
7 other. Could that shape be manipulated so it's a little less
8 awkward? Especially looking at that option one, it seems
9 like it would be a good opportunity right now with that
10 understanding your limitations and setback and those sort of
11 odd configurations of the property.

12 JESS SUDOL: I think what we could do is make
13 that a little bit longer, slide the front building forward.
14 Not as forward as it showed on option two, and maybe swing
15 the storm water management area around to the side and put a
16 green lawn out in front of the building.

17 MS. CIVILETTI: And probably have it align
18 with the parking a little bit better.

19 JESS SUDOL: Yes, it's not that weird offset.

20 MS. CIVILETTI: It does have an odd offset
21 because of the front yard setback. But I do like the option
22 one, the Dumpster probably.

23 JESS SUDOL: Yes, that's a harmless spot where
24 it is now. I looked at that before I came over.

25 MR. FADER: I have a question along your idea,

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3 which way would you increase the east/west way or would you
4 increase the north/south way?

5 MS. CIVILETTI: I would look at both options.

6 JESS SUDOL: I will say making it longer on
7 the east/west access is going to start to infringe on that
8 floodplain and floodway. But certainly making it a little
9 bit longer on the north/south access will better align it
10 with the parking and allow us to move storm water management
11 area over there, and allow us to give you that green lawn up
12 front.

13 MS. CIVILETTI: Is this single story?

14 JESS SUDOL: Yes.

15 MS. CIVILETTI: Did you look at a two-story
16 option?

17 JESS SUDOL: Yes. We've done a lot of two
18 story analytics on office buildings and what we found over
19 the course of time is that any office building that has under
20 a footprint of approximately 15,000 square feet, by the time
21 you factor in circulation and stairs and elevators you really
22 are not saving much. In order to have the same square
23 footage you end up with only a marginally smaller building.

24 MR. OSOWSKI: Try to play with the dimensions
25 and see if the rectangle will work better. I was looking to

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3 the different ones to see, and a light bulb went off and said
4 the other way should be, but I know you're entertaining
5 ideas.

6 JESS SUDOL: Yeah. I'll also point out that
7 our side setback has got a little bit additional restriction.
8 But we will certainly explore that, but I think I've got a
9 pretty good idea of what can work a little bit better.

10 MR. FADER: You could probably get a variance
11 on that considering there's nobody over there.

12 JESS SUDOL: Probably.

13 CHAIRPERSON PRICE: So John, that leaves you
14 in favor of modified one or 1.5?

15 MR. OSOWSKI: 1.5.

16 CHAIRPERSON PRICE: Pam?

17 MS. DELANEY: Jess, I had a question about the
18 sidewalks. You mentioned bringing them from the corner to
19 the walking trails? I'm assuming they will continue the
20 entire length of the parcel?

21 JESS SUDOL: Right now we are planning to
22 bring it at least to the floodway, but certainly something we
23 can explore. We have to look at the creek crossing to see
24 what that looks like, but we will take that into
25 consideration.

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3 MS. DELANEY: Okay. I don't feel I have a
4 super strong opinion on one versus two. Do I have to give a
5 vote?

6 CHAIRPERSON PRICE: No, say 1.5.

7 MS. DELANEY: I agree with my colleagues.

8 CHAIRPERSON PRICE: Okay. There are, of
9 course, reasons to consider three, but I am afraid they will
10 never pass muster with the Zoning Board of Appeals. Even if
11 you were to change the configuration of them, of the
12 building, I think that you are able to slide it actually
13 closer to Canal View, further away from Brighton Henrietta
14 Town Line, and then by yourself it becomes a double bunch of
15 setback variances.

16 JESS SUDOL: Yes, that and I think the problem
17 of three you lose the interaction between our outdoor patio
18 area and streamscape that we think makes the parcel.

19 CHAIRPERSON PRICE: I wouldn't want to see the
20 back of the building be placed along the entrance into the
21 office park, that puts your decorative side of the building
22 on the west side. Just making sure there was nothing
23 positive about four. No, there isn't.

24 So I think I agree with everybody with 1.5
25 somewhere. You have to come back to -- unfortunately you're

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3 in a catch 22. You have to go to the Zoning Board of
4 Appeals, I don't know if you come back to us, they're always
5 looking for you to minimize the amount of setback or amount
6 of variance you're asking for. And going to look to the
7 least amount of impact on the EPOD.

8 JESS SUDOL: Yes. I think what we plan to do
9 is submit our engineered packet to this Board. Probably get
10 tabled pending the variance. And then if you guys like our
11 version 1.5, then we go to the Zoning Board and try to get it
12 done there.

13 MR. BOEHNER: You are right.

14 CHAIRPERSON PRICE: Can the building have -- I
15 know you've got to go to ARB, but can there be some more
16 window openings?

17 JESS SUDOL: Yeah, we're still trying to get
18 some general concurrence on the idea which will allow us to
19 move forward with our discussions with prospective tenants.
20 But absolutely more pleasing is something to look for.

21 CHAIRPERSON PRICE: I guess the consensus is
22 somewhere between one and two.

23 JESS SUDOL: I think that's a good compromise
24 and makes a lot of sense.

25 CHAIRPERSON PRICE: Hopefully you find

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3 something to work with. Any other comments? We wish you
4 luck.

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JESS SUDOL: Thank you.

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3 **SIGNS:**

4 1557 Salon Crystallia for a building face sign at 2340 Monroe
5 Avenue.

6 1558 Empreinte Consulting for a building face sign at 2401
7 Monroe Avenue.

8 MR. BOEHNER: I recommend that they be
9 approved as recommended by the Architectural Review Board.

10 CHAIRPERSON PRICE: All in favor?

11 ALL COUNCIL MEMBERS: Aye.

12 1559 S.E. Baker & Co. for a building face sign at 2401 Monroe
13 Avenue.

14 MR. BOEHNER: I recommend that Sign 1559 be
15 approved with the condition that the wording integrated
16 service for real estate management, brokering and acquisition
17 shall be removed or a d/b/a shall be submitted verifying that
18 it is covered by the d/b/a. And that the vinyl, if it is to
19 remain, the white vinyl background will be changed to cream
20 to match the color of the other text and logo. And that
21 approved with conditions.

22 CHAIRPERSON PRICE: All in favor?

23 ALL COUNCIL MEMBERS: Aye.

24 CHAIRPERSON PRICE: I will leave for
25 Sign 1560.

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3 1560 Brighton Village Luxury Apartments for a freestanding

4 sign at 1625 Crittenden Road.

5 MR. BOEHNER: I recommend that they be

6 approved as recommended by the Architectural Review Board.

7 MS. CIVILETTI: All in favor?

8 ALL COUNCIL MEMBERS: Aye.

9 MR. BOEHNER: Come back in, Bill.

10 CHAIRPERSON PRICE: Thank you.

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3 **OLD BUSINESS:**

4 1552 Hotel on Monroe for building face signs at 2323 Monroe
5 Avenue.

6 MR. BOEHNER: I recommend that Sign 1552 be
7 tabled for a detailed scaled sign plan that shows all full
8 signage and lighting shall be submitted. All required
9 variances shall be obtained.

10 CHAIRPERSON PRICE: All in favor?

11 ALL COUNCIL MEMBERS: Aye.

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REPORTER CERTIFICATE

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8

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

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10

11

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.

12

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Dated this 20th day of August, 2019.

14

At Rochester, New York

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Rhoda Collins

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