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B R I G H T O N
P L A N N I N G
B O A R D

June 17th, 2020

At approximately 7:00 p.m.

Via Zoom video conference

PRESENT:

WILLIAM PRICE, CHAIRPERSON

PAMELA DELANEY)
JOHN J. OSOWSKI)
LAURA CIVILETTI)
DAVID FADER)
JASON BABCOCK-STINER)
JAMES WENTWORTH)

BOARD MEMBERS

JEFF FRISCH

DAVID DOLLINGER, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

REPORTED BY:

JENNIFER C. VALERIO, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

1 CHAIRPERSON PRICE: Good evening, everyone.
2 Welcome to the June meeting of the Town of Brighton
3 Planning Board. My name is Bill Price, I am the
4 Chairman of the Board. I would like to introduce the
5 remaining Members of our Board that are online
6 tonight: Laura Civiletti, David Fader, John Osowski,
7 Jason Babcock-Stiner, Pam DeLaney and James Wentworth
8 will be joining us shortly.

9 Our Planning Board Secretary is Ramsey
10 Boehner. Helping us tonight with the IT is Jeremy
11 Lutz. Jeff Frisch from the Town is going to be
12 helping us with the applications and posting the plan
13 so that we can discuss them with the applicants and
14 then questions can be asked.

15 Tonight's meeting has -- is being recorded.
16 We did accept comments on applications up 'till today,
17 so some comments were received. We will be reading
18 through those comments and asking applicants any
19 questions regarding anything someone posted prior to
20 today -- or up to today.

21 This is a public hearing. I will call the
22 applications one at a time. We do have applications
23 dating back to our March meeting. This is the first
24 meeting of the Board since we've met in February. So,
25 we know there's a backlog and we want to get through

1 all of these tonight and hopefully keep people moving
2 with their -- their projects.

3 Everybody is, at this time, muted. When you
4 -- it is your turn to speak, relative to a
5 application, if you are the applicant or the
6 applicant's agent, you will be allowed into the
7 meeting to speak to the plans that Jeff will be
8 posting. Once you have presented your application,
9 some of the details and the Board Members will have a
10 chance to ask questions of the applicant. Once we
11 have asked our questions, the same as a live planning
12 board meeting, we will open the floor to the public
13 for questions. You do have a function that allows you
14 to raise your hand, and at that point, we will be
15 letting you in to ask questions. Please remember
16 you're asking the questions of the Planning Board and
17 we will either answer the questions ourselves or ask
18 the applicant to respond to your question.

19 We have a total of eight applications
20 tonight with, I believe, three or four sign
21 applications that we will take care of after the
22 public hearing. Once we close the public hearing, and
23 have heard all of the applications, we will stay
24 around to deliberate as a Board and make our decision
25 on each of the applications.

1 I will ask our Secretary Ramsey Boehner at
2 this point, if the applications for tonight were
3 properly advertised prior to this meeting.

4 MR. BOEHNER: Yes, they were properly
5 advertised in the Brighton-Pittsford Post of June
6 11th, 2020. Also, Chairperson, I would like to also
7 mention that the applications subject to the public
8 hearing tonight are also available for review on the
9 Town's website, which is, townofbrighton.org.

10 CHAIRPERSON PRICE: Thank you. At this
11 time, we are going to start with our first
12 application, which is --

13 MR. BOEHNER: Would you like a roll call,
14 Bill?

15 CHAIRPERSON PRICE: I'm sorry. I'm sorry.
16 Did introduced folks, but let's do a roll call --

17 MR. BOEHNER: Okay. Member Osowski.

18 MR. OSOWSKI Here.

19 MR. BOEHNER: Babcock-Stiner.

20 MR. BABCOCK-STINER: Here.

21 MR. BOEHNER: Delaney.

22 MS. DELANEY: Here.

23 MR. BOEHNER: Civiletti.

24 MS. CIVILETTI: Here.

25 MR. BOEHNER: Fader.

1 MR. FADER: Here.

2 MR. BOEHNER: Price.

3 CHAIRPERSON PRICE: Here.

4 MR. BOEHNER: Wentworth. He's there.

5 CHAIRPERSON PRICE: He's there. Raise his

6 hand.

7 MR. BOEHNER: I thought I saw him.

8 MR. DOLLINGER: Ramsey, can you note that I'm

9 here too?

10 MR. BOEHNER: He raised his hand. Yes.

11 Also, for the record, David Dollinger is here, Deputy

12 Attorney for the Town, for the record.

13 Jeremy, we are recording this, is that

14 correct?

15 MR. LUTZ: That is correct.

16 CHAIRPERSON PRICE: All right.

17 MR. BOEHNER: Um, I -- I don't know what's

18 going on with James. Let me check back --

19 MR. LUTZ: He should be in now.

20 CHAIRPERSON PRICE: Okay.

21 MR. BOEHNER: He's still showing as muted.

22 MR. WENTWORTH: Can you see me?

23 CHAIRPERSON PRICE: I can hear you now. We

24 can see you now.

25 MR. BOEHNER: I see you. Okay, James.

1 James Wentworth, are you here?

2 Okay. We lost him again.

3 MR. WENTWORTH: I'm here.

4 MR. BOEHNER: Oh, okay. All present.

5 CHAIRPERSON PRICE: All right. Thank you.

6 All right, our first application tonight is 1P-02-20;

7 APPLICATION 1P-01-20

8 It's the application of Nicholas Leonardo
9 for a site plan modification to revise the location of
10 a new house at Clover and Greenaway Roads -- Clover
11 Street and Greenaway Road.

12 Is there anyone here to represent the
13 applicant? Please raise your hand.

14 Jeff, if you could bring up the site plan
15 for this, please?

16 Jeremy, do you see anybody raising their
17 hand to speak on behalf of this application?

18 MR. LUTZ: One moment, please.

19 CHAIRPERSON PRICE: Yep. No problem.

20 MR. LUTZ: I do not.

21 CHAIRPERSON PRICE: There's somebody --

22 MR. BOEHNER: I thought -- I thought I saw
23 the applicant earlier on --

24 MR. FRISCH: He's under the (inaudible) --

25 CHAIRPERSON PRICE: He's waiving his hand.

1 He's got a baseball hat on.

2 NICHOLAS LEONARDO: Hey, hi. Sorry, we were
3 -- we were muted but our engineer, I believe, is on
4 this Zoom chat. I see his name but I don't know if
5 he's -- can get into speak or not.

6 MR. BOEHNER: It's a -- it's Greg McMahon.
7 I will un-mute him.

8 NICHOLAS LEONARDO: Okay, thank you.

9 CHAIRPERSON PRICE: Greg, you there? Greg,
10 you there?

11 MR. BOEHNER: I don't know if he knows to
12 un-mute.

13 CHAIRPERSON PRICE: There you go. Greg, you
14 appear to be muted. Okay.

15 GREG MCMAHON: Can you hear me now?

16 CHAIRPERSON PRICE: Now we can hear you.

17 MR. BOEHNER: There you are, Greg.

18 GREG MCMAHON: Yeah, more technology than
19 I'm used to here.

20 CHAIRPERSON PRICE: Okay.

21 GREG MCMAHON: Okay. I can speak to this
22 application if you'd like me to go ahead.

23 CHAIRPERSON PRICE: Please, go ahead.

24 GREG MCMAHON: We were in before the
25 planning board in January, received preliminary

1 approval for a -- a relocation of the house. We then
2 went to the Zoning Board of Appeals for a septic
3 variance in February and were granted that setback
4 variance and we were scheduled before you in March of
5 this year for final approval. So, we're -- we're just
6 back here tonight seeking final approval. We have the
7 variance we needed and you did review this as part of
8 your preliminary approval back in January.

9 CHAIRPERSON PRICE: Thank you, Greg. Greg,
10 please remind us, was there any other approvals that
11 you secured in this removal of trees in the right of
12 way or -- you're -- you're all squared with every
13 other board?

14 GREG MCMAHON: Well, I -- I believe, we're
15 either square or it's in the process. It required a
16 Town Board approval for the removal of, I think a
17 couple trees in the right of way of that extension of
18 Clover Street. And, I know the applicant was working
19 through that with Mike Guyon in the Town to secure
20 that approval.

21 CHAIRPERSON PRICE: Okay. Ramsey, can you
22 speak to that at all?

23 MR. BOEHNER: Yes. They have gone and held
24 the public hearing. There is a -- an appraisal that
25 was done for the trees and that has been done and

1 submitted to the applicant. So, that is satisfied.
2 At this point, just need to make the payment for the
3 tree -- trees that are coming down.

4 CHAIRPERSON PRICE: Okay.

5 MR. BOEHNER: Greg, the house was reviewed
6 by the Architectural Review Board, is that right?

7 GREG MCMAHON: Yes, it was. And, I believe
8 it received all the necessary approvals.

9 MR. BOEHNER: And, you've got your zoning
10 variance?

11 GREG MCMAHON: Yes, we did.

12 CHAIRPERSON PRICE: Okay. So, yes, we have
13 seen this. We do have your variance. I don't believe
14 I have any further questions. Are there questions
15 from Board Members?

16 MS. CIVILETTI: I'm all set.

17 CHAIRPERSON PRICE: James, I see you're all
18 set.

19 MR. WENTWORTH: I have no questions.

20 CHAIRPERSON PRICE: John Osowski?

21 MS. DELANEY: I'm all set.

22 CHAIRPERSON PRICE: Pam DeLaney, okay.

23 Thank you. David Fader?

24 MR. FADER: No questions.

25 CHAIRPERSON PRICE: Okay. All right. Thank

1 you, Greg.

2 GREG MCMAHON: Thank you.

3 CHAIRPERSON PRICE: At this time, this is a
4 -- this is a public hearing. Are there any -- is
5 there anyone in attendance here that wishes to ask any
6 questions or comments about this application?

7 MR. BOEHNER: Raise your hand.

8 CHAIRPERSON PRICE: Please, raise your hand.
9 Jeremy, do you see anybody?

10 MR. BOEHNER: I'm not seeing anyone.

11 MR. LUTZ: I do not.

12 CHAIRPERSON PRICE: Okay. Jeremy, has
13 everybody been let in to the -- into the meeting? I
14 saw there was a couple others in the waiting room.

15 MR. LUTZ: Yes, everyone's in now.

16 CHAIRPERSON PRICE: Thank you. Okay. One
17 -- one last call for questions.

18 Okay, thank you. We will take questions.
19 If you, for some reason can't figure out how to find
20 the raised hand function and you find it later, we
21 will understand. But, at this point, we will move on
22 to application 2P-02-20.

23 APPLICATION 2P-02-20

24 This is the Country Club of Rochester. This
25 is for the construction of a maintenance facility on

1 the east side -- I'm sorry, the west side of their
2 property.

3 Okay. The plans are up. Briefly, the
4 location of this is between East Avenue and Elmwood
5 and the Country Club itself, the buildings are to the
6 right of the screen. This is a location where a
7 maintenance facility currently exists and a proposal
8 is to remove the existing facility and build a new
9 facility. I will let the applicant explain this in
10 further detail. It appears we have Andrew's iPad.

11 MR. BOEHNER: I've got him un-muted, I'm
12 just trying to get the video going for him. There he
13 is, somewhere.

14 ANDREW SPENCER: I don't know if you can see
15 me or not, but --

16 MR. BOEHNER: Yes, we can.

17 ANDREW SPENCER: That's not fair, I can't
18 see myself. I don't know how my hair looks right now.
19 So, I apologize.

20 MR. BOEHNER: I see you have a beard now
21 Andrew so --

22 ANDREW SPENCER: I do. It's been a long
23 three months in my basement, so -- thank you.

24 Good evening, everyone. My name is Andrew
25 Spencer with DME Associates. We did appear before the

1 Planning Board in January to introduce this project
2 and then, again, in February to review it again and
3 the main change that we have made to the proposal is
4 the Country Club of Rochester has removed the 44 space
5 parking lot, which was further east and north. That's
6 correct, thank you very much, in that area. Based
7 upon critique from the Town, as well as resident
8 concerns. So, there will be no activity in that area,
9 other than the typical golf course activity of
10 maintenance of -- of the ground.

11 We did appear before the Zoning Board of
12 Appeals and were granted a variance for the setback of
13 the proposed 8,500 square foot structure from the
14 western property line. We also appeared before the
15 Architectural Review Board and received approval for
16 the building architecture. Also, appeared in front of
17 the Conservation Board, which I'm sure this board has
18 seen the comments, mostly concerned about the parking
19 area, which is now off of the table. We did provide
20 the Town a letter of responses from the comments we
21 received. Also, provided an updated engineer's
22 narrative for the Town's review.

23 At this point, what we are looking for from
24 the Board is preliminary and final site plan approval
25 for this project so that the Country Club of Rochester

1 can move forward and construct this facility. We do
2 know that we also need a demolition permit from the
3 Planning Board and we are requesting a demolition
4 permit as well this evening.

5 That's all I have. Bill, at this point, if
6 you have some questions for me, I'd be more than happy
7 to answer.

8 CHAIRPERSON PRICE: I think -- Jeff, do we
9 have any of the architectural elevations of this?

10 MR. FRISCH: No, I don't think we do, Bill.

11 CHAIRPERSON PRICE: No. Okay. But, you
12 state ARB did review and approve the same that we saw?

13 MR. FRISCH: It was approved by ARB.

14 ANDREW SPENCER: Yes. Basically, it's a
15 hardened plank siding material on the building with a
16 metal roof structure. Jeff, do you have -- Jeff can
17 probably pull that information up.

18 MR. FRISCH: Yeah, I'll try to find it.

19 ANDREW SPENCER: That was in the -- that was
20 the February 25th meeting agenda that we reviewed that
21 information.

22 MR. FRISCH: Thank you.

23 ANDREW SPENCER: And, Bill, to your
24 question, I believe it's the same building that you
25 had seen in the February Planning Board meeting.

1 CHAIRPERSON PRICE: All right. So, variance
2 secured, no -- no real changes to the -- to the sides
3 of the building, orientation, any of the
4 configuration, that's all the same that we saw in
5 February?

6 ANDREW SPENCER: That is correct. The
7 orientations remains the same. That is correct. No
8 size differential. Everything has remained
9 consistent.

10 CHAIRPERSON PRICE: All right.

11 MR. BOEHNER: Andy, are you guys proposing
12 to install a fire sprinkler system?

13 ANDREW SPENCER: We will either install a
14 sprinkler system and/or request a variance from ZBA.
15 That has not been finalized or determined. But, we
16 will comply with the Town as well as the New York
17 State fire code for this structure.

18 MR. BOEHNER: And, has -- have you done a
19 pre-demolition asbestos survey?

20 ANDREW SPENCER: I did check in on that with
21 the Country Club of Rochester. I apologize not
22 getting back to you sooner. I did find out this
23 afternoon, that we do not have a formalized report.
24 What we realize, we need to provide one prior to
25 getting the permit for the demolition from the Town.

1 So, we will be providing that information.

2 CHAIRPERSON PRICE: Okay. This is the
3 architecture proposed. I just wanted to call this up
4 and this is what has received approval from the ARB?

5 MR. FRISCH: Correct.

6 ANDREW SPENCER: That is correct.

7 CHAIRPERSON PRICE: Okay.

8 MR. BOEHNER: Thanks, Jeff.

9 CHAIRPERSON PRICE: Thank you, Jeff. All
10 right. Let me open up the questions from the Board.
11 Does anyone have questions?

12 MR. OSOWSKI: Yeah, this is John. I have a
13 question, because I noticed in the material that was
14 submitted previously, it did say that they'd be
15 requesting a variance from putting in a fire
16 protection sprinkler system. And, I was just -- after
17 what happened to the Town of Irondequoit's DPW garage,
18 you may want to think twice about not installing fire
19 protection sprinklers. That's all I'm going to say.
20 Thank you.

21 CHAIRPERSON PRICE: Okay. Others? James.

22 MR. WENTWORTH: I have (inaudible)
23 questions.

24 CHAIRPERSON PRICE: Please, go ahead.

25 MR. WENTWORTH: I have no questions.

1 CHAIRPERSON PRICE: Oh. Have no questions,
2 all right.

3 MS. DELANEY: I'm -- I'm all set.

4 CHAIRPERSON PRICE: Laura?

5 MS. CIVILETTI: I'm all set also. Thank
6 you.

7 CHAIRPERSON PRICE: Jason?

8 MR. BABCOCK-STINER: I'm good.

9 CHAIRPERSON PRICE: David Fader? I guess
10 he's all good. All right.

11 MR. FADER: I'm good. Sorry, I had trouble
12 un-muting.

13 CHAIRPERSON PRICE: Okay. All right.
14 Andrew, anything else? We're all set?

15 ANDREW SPENCER: Yeah, I don't believe I
16 have anything further than the information I provided
17 up front. Thank you.

18 CHAIRPERSON PRICE: Thank you. All right.
19 This is a public hearing. Is there anyone that cares
20 to comment or ask questions about this application?

21 Give Jeremy a few seconds here to see if
22 there's any questions.

23 MR. LUTZ: I don't see any.

24 MR. BOEHNER: I don't see any either. Give
25 it a few more seconds, Bill.

1 CHAIRPERSON PRICE: Yeah.

2 MR. BOEHNER: Sometimes it takes people a
3 little bit.

4 CHAIRPERSON PRICE: Yup. Still nothing?

5 MR. BOEHNER: I'm not seeing anything.

6 CHAIRPERSON PRICE: All right. Let's move
7 on. The next application is 3P-01-20.

8 APPLICATION 3P-01-20

9 This is Winton Place, LLC. And, please
10 remind me, Ramsey, the formal name of this
11 application?

12 MR. BOEHNER: The -- it's the application of
13 Winton Place, LLC, owner and Brian Root, the Leap 'N
14 Laugh is the lessee for Conditional Use of Permit
15 approval to allow a children's indoor entertainment
16 and recreational facility on property located at 3450
17 Winton Place.

18 CHAIRPERSON PRICE: Thank you.

19 MR. BOEHNER: I did not see this applicant
20 on the list. We did outreach to him a number of
21 times.

22 CHAIRPERSON PRICE: Okay.

23 MR. BOEHNER: Give it a few minutes tonight
24 and if we don't get someone now, we can recall it.

25 CHAIRPERSON PRICE: Okay. If you do see

1 someone enter from this application, let us know,
2 please.

3 All right. At this point, let's move on.
4 You still don't see anybody?

5 MR. BOEHNER: No. No one's raising their
6 hand.

7 CHAIRPERSON PRICE: Okay. Let's move on to
8 the next application, which is 3P-02-20.

9 APPLICATION 3P-02-20

10 This is an application of David Hower, F&H
11 Development, as owner for preliminary and final site
12 plan approval, conditional use permit approval to
13 construct a 720 square foot addition.

14 MR. BOEHNER: I think, Bill, we're on 3 --

15 CHAIRPERSON PRICE: I'm sorry. I went too
16 far.

17 MR. BOEHNER: Yeah, you called the right
18 number, just read the wrong case.

19 CHAIRPERSON PRICE: Wrong one, okay.

20 MR. BOEHNER: Yeah. Winton Place LLC,
21 owner.

22 CHAIRPERSON PRICE: Yeah, OFC Creations --

23 MR. BOEHNER: I'll let you go, Bill.

24 CHAIRPERSON PRICE: Okay. Thank you. This
25 is for conditional use permit approval to allow a live

1 performance theater, classes, reception, rehearsals
2 and shows. Property located at 3450 Winton Place.
3 This is in Winton Plaza. Is there anyone representing
4 the applicant here?

5 DAVID HOWER: If someone can hear me?

6 CHAIRPERSON PRICE: Yes, we can.

7 DAVID HOWER: Okay. My name is David Hower,
8 and also Eric from Marathon Engineering should be on
9 with us.

10 CHAIRPERSON PRICE: Okay.

11 MR. BOEHNER: No, I think it's Eric Johnson.

12 DAVID HOWER: Yes.

13 ERIC JOHNSON: Yes.

14 MR. BOEHNER: Okay.

15 DAVID HOWER: Eric, are you there?

16 ERIC JOHNSON: Yes, I'm here.

17 DAVID HOWER: Okay.

18 CHAIRPERSON PRICE: You've got the right
19 application?

20 MR. BOEHNER: Sorry. Eric Johnson is the
21 right application. Eric, if you want to make your
22 brief presentation.

23 ERIC JOHNSON: Sure. Again, my name is Eric
24 Johnson. I'm the Executive Director of OFC Creations.
25 I'm also a resident of the Town of Brighton at 48

1 Orchard Drive. We're OFC Creations Theater Center and
2 we're applying to open a performing arts and venue and
3 education center in the pre-existing space in Winton
4 Place Plaza. We were founded in 20 -- 2005 as a
5 resource for artists and kids to explore performing
6 arts, camps, classes, anything theater related.

7 The proposed theater center is a
8 multipurpose community resource, focused on housing,
9 educational arts experiencing, mounting local
10 productions and events, as well as bringing in out of
11 town artists. We're going to be offering acting,
12 singing and dance classes to kids as young as four up
13 to ages of eighteen, as well as school break programs,
14 summer camps and receptions and community events.

15 The busiest time of the year for us is
16 definitely summer camps and that's why we're excited
17 about presenting tonight. Hopefully, being open for
18 the summer for our kids in July and August. Over the
19 seven weeks in summer, we'll have five employees in
20 the office teaching artists, as well as interns high
21 school and college age, teaching these kids performing
22 arts.

23 The theater center, the biggest change we're
24 making to the stage, is installing these theater
25 seats. You'll see in the -- in the drawing, there's

1 252 brand new fixed theater seats from an outside
2 company. They recently remodeled Black Friar's
3 Theater downtown. So, these will be all fixed to the
4 floor. And then, we'll also have six accessible seats
5 for those in wheelchairs. We assume there will be
6 additional space for about 60 people in the lobby.
7 So, the maximum capacity with lobby being full, as
8 well as the theater full, would be about 318 premises
9 if we were absolutely completely full.

10 Our office hours is 10:00 a.m. till 2:00
11 o'clock. And then, we have after school classes and
12 programs that take place right at the school about
13 2:30 until 10:00 o'clock at night and on weekends as
14 well.

15 We offer additional home school senior
16 citizen before school and after-school programs.
17 Those take place sporadically throughout the day.
18 Most performances take place Thursday through Sunday.
19 Occasional performances on the weekdays for school
20 (inaudible) field trips, et cetera. And then, we will
21 have concessions and alcohol sold at performances
22 through our catering partner.

23 There's 700 parking spots, up 200 close to
24 the venue as far as the patrons and people attending
25 classes. And then, all deliveries will be taking

1 place behind the building during our normal earlier
2 office hours. And then, we don't plan to have any
3 unusual solid or liquid waste and there won't be any
4 promotion on the street besides our sign that we
5 already have conditionally approved by the Architect
6 Board for us.

7 CHAIRPERSON PRICE: Okay. That is it, Eric?

8 ERIC JOHNSON: That is it.

9 CHAIRPERSON PRICE: Thank you very much.
10 Eric, could I just ask you to go back to your hours of
11 operation. I started jotting down, it said 10:00 to
12 2:00. Is that week -- week-- during the weekdays?

13 ERIC JOHNSON: Correct. So, we have box
14 office hours typical around Rochester is 10:00 a.m.
15 until 2:00. That's for people that purchase tickets
16 or come in and get information. And then, our
17 programing, where we offer classes or offer
18 performances would be after 2:00 o'clock into the
19 evening hours.

20 CHAIRPERSON PRICE: Okay.

21 MR. BOEHNER: Is that the latest that you're
22 open, Eric?

23 ERIC JOHNSON: Say that again.

24 MR. BOEHNER: The latest hours that you'd be
25 operating.

1 ERIC JOHNSON: The latest would be 10:00
2 o'clock.

3 CHAIRPERSON PRICE: Okay. And then --

4 MR. BOEHNER: How will the concession lounge
5 be operated?

6 ERIC JOHNSON: So, there's a pre-existing
7 bar you'll see in the architect drawing. We've worked
8 with a catering partner while we've been running
9 programs the last several years at the Kodak Center.
10 They are a licensed caterer that used to own a bar in
11 Victor. They will be coming on board, you know, we're
12 not in the business of, you know, running a bar
13 ourselves, so they will be our partner in this and
14 they will be handling staffing, the permits,
15 everything, you know, surrounding those sales.

16 CHAIRPERSON PRICE: There any improvements
17 to the front of the building at all or is it just the
18 signage?

19 ERIC JOHNSON: Just the signage.

20 CHAIRPERSON PRICE: Okay. Does anybody have
21 any other questions for Eric?

22 MR. BOEHNER: I think he answered most of my
23 questions in his presentation.

24 MS. CIVILETTI: I'm all set.

25 MR. WENTWORTH: I have a concern, Ramsey.

1 Not with the conditional use permit, but in terms of
2 plan review, I'm assuming it's going through plan
3 review for you. You'll have to work with them on ADA
4 accessibility, the two wheelchair spaces in the front
5 are not on an accessible route. And, the three in the
6 back may be, but they're drawn overlapping the chairs
7 in front of that. Just something for you to work on
8 with them.

9 MR. BOEHNER: Yeah. They were -- just
10 applied for their building permit.

11 MR. WENTWORTH: Okay.

12 MR. BOEHNER: And, we will be reviewing the
13 plans.

14 ERIC JOHNSON: Also, our --

15 MR. BOEHNER: We'll point it out to the
16 architect.

17 ERIC JOHNSON: -- our --

18 MR. BOEHNER: Eric will talk to his
19 architect too.

20 ERIC JOHNSON: -- and, our architect is on
21 the call too if we need to have him speak.

22 CHAIRPERSON PRICE: All right. Ramsey,
23 you're all set?

24 MR. BOEHNER: Yes.

25 CHAIRPERSON PRICE: Board members.

1 MR. BABCOCK-STINER: I'm good.

2 MS. DELANEY: All set.

3 MS. CIVILETTI: I'm all set.

4 MR. BOEHNER: All set.

5 DAVID HOWER: Thank you.

6 CHAIRPERSON PRICE: Eric, anything else?

7 ERIC JOHNSON: No.

8 CHAIRPERSON PRICE: All right. Thank you.

9 This is a public hearing, is there anyone in
10 the audience that cares to address this application?

11 Jeremy, you see anybody?

12 MR. LUTZ: I do not.

13 MR. BOEHNER: I'm not seeing anyone either.

14 CHAIRPERSON PRICE: Okay. Again, if anybody
15 cares to address this in the future and you figure out
16 how to raise your hand on this thing, then we'll
17 entertain your questions or comments. All right. I
18 guess now we'll go to -- thank you very much, Eric.
19 We'll now go to 3P-03-20, this is David Hower.

20 APPLICATION 3P-03-20

21 And David, let me get your narrative here.
22 I think I overshot it again. Yes, I did.

23 Okay. David Hower, FH Development
24 preliminary and final site plan approval and
25 Conditional Use Permit to construct a 720 square foot

1 addition to property at 11 -- I'm sorry, 1338
2 Brighton-Henrietta Townline Road. The application
3 plans are up. Is -- David, I know you started before
4 so you're -- you're probably here.

5 MR. BOEHNER: I muted someone who raised
6 their hand.

7 CHRIS KAWOLSKI: That's me, Chris Kawolski
8 for the downstairs Cabaret Theater regarding OFC.

9 I was trying to get to the -- nobody
10 explained how to get to the raise of the hand, so I --
11 I got to it as quick as I could.

12 CHAIRPERSON PRICE: Okay. All right. So,
13 this is still, for everyone's information, this is a
14 question about the last application. Please, go ahead
15 Chris.

16 CHRIS KAWOLSKI: Chris Kawolski, Downstairs
17 Cabaret Theater since 1992. I -- I do have concerns
18 and I do want to express concerns with OFC moving into
19 the Winton Plaza.

20 Personally, we have experienced unscrupulous
21 actions causing great harm to the Downstairs Cabaret
22 Theater. DCT was misled by Eric and OFC and promises
23 were made without honor. Eric took action behind
24 DCT's back that has caused irreparable damage to DCT,
25 even though he promised not to do anything to hurt

1 DCT. I have a file full of correspondence I'd be
2 happy to share. There was the fact that OFC had
3 submitted an application to Brighton with our staging
4 and platforming before even agreeing to purchasing it
5 through the Downstairs Cabaret. There was a lot of
6 assumptions made that weren't true. There are
7 concerns as to how this will reflect on DCT for his
8 operation. There is a concern that OFC seems to
9 represent themselves as sort of a non-profit, but they
10 are not. They ask and use the word donations
11 frequently, but it's leading the public to think it is
12 a non-profit and it should be of concern because
13 there's no volunteer board of directors, as there is
14 for a typical non-profit organization. So, there's no
15 one for Eric to report to and concern of the general
16 public concerns. He'll make decisions and take action
17 in his own best interest as we have seen, not
18 necessarily of the public interest.

19 I encourage the Board to further investigate
20 OFC and the labor practices as employees versus
21 independent contractors, minimum wage issues, dealings
22 with RAPPA, which has had a devastating effect on
23 RAPPA, and now DCT.

24 The Board should explore the content of the
25 sexually orientated shows that might or may not be

1 appropriate for Brighton audiences and theaters of
2 special non-conditional -- or need conditional
3 approval for special permitted use, you know, we would
4 certainly raise a red flag. OFC has already announced
5 that this is happening, even before Planning Board
6 approval.

7 DCT applied as a non-profit final 1C3
8 organization, and, you know, in my years since
9 managing theater since 1981, I haven't seen a
10 situation like this. I would throw caution to
11 everyone involved not in the public interest to
12 approve OFC into Winton Plaza. Regarding some of the
13 specific building things that the capacity is 318, the
14 air system won't pass the capacity; and, if the stage
15 is expanded the way it is in the drawings, then I
16 think you also need to sprinkle underneath the stage
17 because I think we were at the maximum square footage
18 when we were there and this is expanding it further.
19 And, of course, there's the -- the idea of the latest
20 hour of 10:00 o'clock, if there's a late show, it's
21 going to -- the hours are going to go past 10:00 p.m.
22 so that-- that makes no sense.

23 So, those are my comments but I'd like you
24 to certainly be aware of the concerns that the
25 Downstairs Cabaret has in the way this is handled and

1 I'm happy to provide further information to any and
2 all folks and you will see more about this publicly at
3 a later time anyway. But, I'm happy to share to
4 anyone information and correspondence as requested.
5 Thank you. Thank you for the opportunity to talk.

6 CHAIRPERSON PRICE: Thank you, Chris. Is
7 David Dollinger on a you available meeting?

8 MR. DOLLINGER: Yes.

9 CHAIRPERSON PRICE: David, I don't -- I
10 don't know a lot of the points that Chris has brought
11 up are something, it sounds like there's some type of
12 relationship there, but I'm not sure what is -- what
13 is the concern of the Board about that relationship or
14 any interaction between the two organizations.

15 MR. DOLLINGER: I just -- I don't know how
16 relevant that is at this point. I think that the
17 couple of comments regarding the space are relevant,
18 but the -- obviously, there's some, you know, issue
19 and some animosity or something, but I'm not sure
20 that's relevant. But, yeah.

21 CHAIRPERSON PRICE: But, as far as pulling
22 the building permit, do they have to show a lease?
23 How do we -- how do we know they have control over the
24 space?

25 MR. DOLLINGER: Yeah, you -- I don't know

1 how Ramsey does it as a practical matter, but yes,
2 you've got to be -- you have to be the tenant, yeah.

3 MR. BOEHNER: And the property owner is
4 notified that an application has been made for this
5 evening here. And we've heard no comment back from
6 them saying that they should be making the
7 application.

8 CHAIRPERSON PRICE: All right.

9 ERIC JOHNSON: We do have the lease if you
10 need me to forward it to anybody.

11 CHAIRPERSON PRICE: All right. There was
12 only one other comment there that I'd like to ask Eric
13 to address. What -- what was the context of the
14 comment about sexually explicit or sexually implied
15 performances.

16 ERIC JOHNSON: So, probably 80 percent of
17 our shows are educational based for kids again, ages 4
18 to 18. We have, in the past, run series of
19 entertainers from out of town. Some of them may have
20 some swear words, but there's never been any nudity.
21 We don't, you know, do any shows with nudity. These
22 may be just more of an adult audience. These may be
23 like a cabaret show that you may see on, like, a
24 cruise line. But, this is nothing, like, outside the
25 realm of what other theaters present in the area.

1 CHAIRPERSON PRICE: Okay. David, to what --
2 David Dollinger, to what extent does the content of
3 their performances affect our decision?

4 MR. DOLLINGER: I guess, I think -- I think,
5 and Ramsey can jump in on this too. I think only to
6 the extent that it -- it confronts the -- the use
7 question. You know what I mean? I mean --

8 MR. BOEHNER: Also, adult (inaudible) Town
9 of Brighton that we have to comply with.

10 MR. DOLLINGER: What's that?

11 MR. BOEHNER: There's also adult use
12 ordinance that would have to be complied with.

13 MR. DOLLINGER: Right. And, that's what I
14 mean. It really goes to use. It's like having live
15 music. I mean, you can't squelch that but it brings
16 in a whole bunch of, you know, you can only do it in
17 certain areas, you know, that kind of thing. So, I
18 think that that kind of question is only effective and
19 only relevant to the extent of it's actually to the
20 point where it changes the use. It becomes different
21 use.

22 CHAIRPERSON PRICE: I see. Okay. All
23 right. Did the comment from Chris raise any questions
24 from the rest of the Board?

25 MS. CIVILETTI: I just have a couple

1 questions. So, is this organization -- where is OFC
2 based?

3 ERIC JOHNSON: So, we've been based out of
4 the Kodak Center on West Ridge Road, as well as the
5 Lyric Theater on East Avenue. We run a pretty large
6 summer camp program each year out of those locations,
7 and we also teach in many schools across the area
8 where we go in and run their drama program, you know,
9 for their kids.

10 MS. CIVILETTI: Is this a strictly local
11 organization?

12 ERIC JOHNSON: That is correct, yes.

13 MS. CIVILETTI: Okay. Thank you.

14 CHAIRPERSON PRICE: Other Board Members?

15 MR. BABCOCK-STINER: I'm good.

16 MS. CIVILETTI: I have one more question.
17 Have there been any complaints about the propriety of
18 the shows that are put on, anything like that?

19 ERIC JOHNSON: No. We -- you know, again,
20 majority of our shows are Disney titled: Beauty and
21 the Beast, The Little Mermaid. Shows to be licensed
22 through Disney or other areas we do, or we go directly
23 with the artist. Again, from like a cruise line, we
24 contact their manager and they come and perform for
25 us.

1 MS. CIVILETTI: Okay. Thank you.

2 CHAIRPERSON PRICE: Um, all right. I guess,
3 Ramsey, should -- should I ask if there are any
4 further comments on this application?

5 MR. BOEHNER: Yes.

6 CHAIRPERSON PRICE: Okay.

7 MR. BOEHNER: I'm not seeing anymore.

8 CHAIRPERSON PRICE: Okay.

9 MR. BOEHNER: Marathon Engineering is for
10 the next application.

11 CHAIRPERSON PRICE: Okay. All right. Let's
12 move onto 3P-03-20.

13 APPLICATION 3P-03-20

14 This is David Hower and F&H Development.

15 ERIC SCHOFF: Good evening. This is Eric
16 Schoff with Marathon Engineering. Can you hear me all
17 right?

18 CHAIRPERSON PRICE: Yes, we can.

19 ERIC SCHOFF: All right. And, I believe
20 Dave Hower is on the line. He's the applicant. We
21 are here tonight requesting -- we are here -- first of
22 all, let me say thank you. It's good to be back
23 before the Planning Board, even if it is a Zoom
24 meeting. I do appreciate the fact it's your first
25 time, and so far, it's been going relatively smoothly.

1 So, it's something new -- it's something new for all
2 of us. I will say, off the record, the biggest
3 problem for us as a presenter is, it's impossible to
4 read the room, not that I (inaudible) and I can't do
5 it at all here. Anyways --

6 CHAIRPERSON PRICE: Well, give it a try.

7 ERIC SCHOFF: -- we're here requesting
8 preliminary and final site plan and conditional use
9 permit approval. We understand tonight will be a
10 discussion and the Planning Board is going to defer
11 action until after the Zoning Board of Appeals has met
12 and discussed whether to grant us the two variances
13 that we require.

14 F&H Development has an existing revocable
15 temporary use permit to operate their business in an
16 accessory building at 1338 Brighton-Henrietta Townline
17 Road. That is a 1.5 more or less acre parcel located
18 on the north side of Brighton-Henrietta Townline Road,
19 about a half mile west of West Henrietta Road.

20 Property is zoned IG, light industrial. F&H
21 had a couple of key objectives for this project;
22 improve the esthetics of the site, provide some
23 delineation of the storage area and improve the
24 efficiency and effectiveness of their overall
25 operations. What they're proposing to do, is a

1 constructive addition to their existing building,
2 reconfigure the existing parking facility. The
3 parking facility is sized to accommodate the tenants
4 of the principle structure, while they are occupied
5 now, as well as the owners of F&H Development. By the
6 way, their business is modeled, they do not receive
7 visitors. So, we have a very small parking area that
8 meets the needs of the tenant, as well as the
9 business.

10 A six foot high solid fence will encompass
11 the building, garage and outdoor storage yard.
12 Landscaping is being provided along the
13 Brighton-Henrietta Townline Road side of the fence, as
14 well as on the roadside of the parking area.

15 No new utility work is being proposed. We
16 will require a conditional use permit for
17 construction/contractor facility and outdoor storage.
18 We are also requesting that, along with site plan
19 approval.

20 The equipment is to be stored within the
21 proposed storage yard, and in the letter of intent, we
22 identified what that was. If you'd like, I can read
23 that equipment list, but it was provided, it's typical
24 construction equipment.

25 We have made application of the Zoning Board

1 of Appeals for two variances that we will require.
2 One, is to allow an outdoor storage and what is
3 defined to be the side yard there, to the west. And,
4 to allow a building side setback of 48 feet versus 50
5 feet. We're on the agenda for July 1st. Not quite
6 sure yet whether it will be Zoom or live, but my
7 understanding is we're on the agenda.

8 We respectfully request that you give us a
9 quote, unquote, positive referral to the Zoning Board
10 and I'd be happy to answers any questions.

11 CHAIRPERSON PRICE: Thank you. Could you
12 just define for us, a little bit, some of the
13 materials of the pavement are going to be? Are you
14 looking at asphalt in the new parking area, and gravel
15 in the -- in the back, kind of behind the fence? Just
16 kind of explain the pavement for me and a little bit
17 about drainage and storm water.

18 ERIC SCHOFF: Sure. The -- let me start
19 with the storm water. We are under the thresholds for
20 both the Town of Brighton and State thresholds for
21 area of disturbance.

22 CHAIRPERSON PRICE: Okay.

23 ERIC SCHOFF: So, we do not have to do
24 that. We're adding about 5,900 more or less square
25 feet, which is only a two percent increase in the

1 pervious area. The runoff is going to be directed by
2 sheet flow to a 100 foot buffer, which acts as a
3 repairing buffer. That, and given the previous
4 developed nature of the site, we don't have to do any
5 special mitigation or any of that.

6 In terms of the parking -- let's see here.
7 It's going to be 12 inches, number one. And, number
8 two, crushed stone is the outdoor storage yard. So,
9 it's a stone storage yard. Obviously, the -- the
10 parking facility will be asphalt.

11 CHAIRPERSON PRICE: Okay. And, probably
12 building downspouts will just go to a splash block?

13 ERIC SCHOFF: I believe so, I couldn't say
14 for sure. We can certainly check on that and confirm
15 that at our next meeting.

16 CHAIRPERSON PRICE: Okay. And it's the --
17 the fence that's drawn is all new. Is there some
18 existing but you're going with new fence?

19 ERIC SCHOFF: Right. That fence is not in
20 the correct location and since we've got to install
21 the whole mount, we're just going to install new as
22 outlined here. Completely encompasses the entire
23 area. It does meet one of the objectives by creating
24 a clear delineation. Truth be told, the -- the
25 current operation is not neat and tidy. This will

1 provide a clearly defined area for the storage yard
2 and will help clean that up a little bit. It also
3 provides a separation between that operation and
4 quote, unquote, the front yard. That's also why we're
5 proposing the landscaping. Even though this is an
6 industrial area of Brighton-Henrietta Townline Road,
7 we still want to make it look reasonable and so we
8 added the landscaping there as a screen in front of
9 that fence as well as in front of the parking
10 facility. We've also buffered on the side, the east
11 side, even though that's a vacant parcel, we wanted to
12 be respectful, so we buffered that side of the parking
13 facility as well.

14 CHAIRPERSON PRICE: All right. Thank you.
15 No outdoor lighting is proposed, I'm told no pole
16 mounted lighting. It appears to be a couple of wall
17 packs.

18 ERIC SCHOFF: Correct.

19 CHAIRPERSON PRICE: Okay. All right.
20 Ramsey, I'd like to note that we should make a -- I
21 just want to check on the -- those wall packs and just
22 make sure there's cut off and we don't have glare from
23 those.

24 MR. BOEHNER: Yeah. That was the question I
25 have. Are the fixtures LED, dark sky compliant and

1 are they a little no more that 2,000k?

2 ERIC SCHOFF: I don't have that answer. Oh,
3 wait a minute, it's on page two. It is an LED light,
4 and we'd have to confirm the exact -- it's a general
5 cut sheet for the LED lights. It comes in different
6 sizes. We can confirm the exact illumination for that
7 one for you, Ramsey. But, there it is, in the lower
8 right of that sheet. It is LED.

9 CHAIRPERSON PRICE: Okay. And, it does look
10 like it has cut off.

11 MR. BOEHNER: It does, it looks like it.

12 CHAIRPERSON PRICE: Yeah.

13 MR. BOEHNER: Right. And, the question is
14 the color temperature. And, I think I read it right,
15 I think you can maybe get 3,000k.

16 ERIC SCHOFF: It appears, according to the
17 cut sheet, you can. What I don't know is what they
18 specified, I just wasn't involved in that particular
19 discussion. Dave, I believe you're on the line, you
20 may -- you may know that or you may agree to that if
21 that's going to be one of the requirements. Dave
22 Hower, are you there? He was earlier. Whoops, he
23 sent me some messages here, hold on. He is locked out
24 on video and voice. He says yes to lighting. He's
25 texting me. But, maybe you can un-mute him if you

1 need to hear from the applicant. He's in, he's just
2 been muted.

3 CHAIRPERSON PRICE: Okay.

4 MR. BOEHNER: What's his name? I'm sorry.

5 ERIC SCHOFF: Well, it's Dave Hower. I
6 don't know what it may be showing up on the screen. I
7 thought, at one point, it was an iPhone 2 or
8 something, but --

9 CHAIRPERSON PRICE: Okay.

10 MR. BOEHNER: iPhone 2?

11 ERIC SCHOFF: iPhone 2 is his screen name.

12 DAVID HOWER: Hello?

13 CHAIRPERSON PRICE: Is that you, Dave?

14 DAVID HOWER: Yes, I'm here.

15 ERIC SCHOFF: Hey, Dave Hower, how we doing?

16 DAVID HOWER: Hi, Eric.

17 CHAIRPERSON PRICE: Welcome.

18 DAVID HOWER: Thank you, sir. Thank you to
19 all tonight.

20 CHAIRPERSON PRICE: We're just wondering on
21 the -- we'd like to have a maximum -- we call
22 temperature on the -- on the lighting, on 3,000k.

23 DAVID HOWER: Yes, yes. 3,000k. Yes, Eric
24 was correct on the -- on the -- on the lighting.
25 3,000k on the lighting, and it was, you know, it was

1 defused. There was a deflector on that so it's a
2 downward, direct downward lighting so there's no glare
3 to any surrounding areas, just the door itself in the
4 -- in the entry area.

5 CHAIRPERSON PRICE: All right. Thank you.
6 Now, it looks like there's -- there's good cut off on
7 it and we can keep it to the 3,000 that's our --

8 DAVID HOWER: Yes.

9 CHAIRPERSON PRICE: -- that's our
10 temperature on those.

11 DAVID HOWER: Yes, that's what -- what
12 they're -- they're at.

13 MR. BOEHNER: Will the fence be a solid
14 screen? Solid fencing?

15 DAVID HOWER: Yes.

16 ERIC SCHOFF: Yes.

17 MR. BOEHNER: Are you guys proposing
18 installing a fire sprinkler system?

19 DAVID HOWER: I'm sorry, I couldn't hear
20 you, Ramsey.

21 MR. BOEHNER: Are you planning -- are you
22 proposing to install a fire sprinkler system?

23 DAVID HOWER: I met personally with the fire
24 marshall prior to all of this and prior to the COVID,
25 I met with Chris Roth personally at the Town Hall;

1 and, due to the size of that, he stated that we did
2 not need the sprinkler system but I told him that we
3 do have a security system with a fire alarm system
4 within the security system. He said fine to that, and
5 he also instructed us to have fire extinguishers and
6 illuminated exit signs with wall packs at the two
7 doors.

8 MR. BOEHNER: Will any maintenance of
9 equipment be done on site?

10 DAVID HOWER: It's all just our small -- all
11 the trucks get maintained at Rochester -- at Rochester
12 -- across the road from us. Any small stuff, like,
13 hand tools and small application equipment, we would
14 do on site, but nothing big, no.

15 MR. BOEHNER: How is the wetlands going to
16 be protected during construction? (Inaudible) going
17 right up to the wetlands?

18 DAVID HOWER: There's going to be a soap
19 fence installed on site during construction of that.

20 MR. BOEHNER: You need to be very careful
21 because you're going within five feet of that buffer
22 area.

23 DAVID HOWER: I will personally be doing the
24 work, Ramsey. So, that -- I will be personally there
25 everyday. So, that way, we do not have any issues.

1 MR. BOEHNER: And, will this building have
2 any sanitary sewer connection?

3 DAVID HOWER: No. None of that.

4 MR. BOEHNER: And, it's not a man facility
5 and you don't have visitors?

6 DAVID HOWER: No.

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

9 CHAIRPERSON PRICE: All right. Other Board
10 Members?

11 MS. CIVILETTI: I'm good.

12 MR. WENTWORTH: I'm good.

13 MS. DELANEY: I'm good.

14 MR. OSOWSKI: I'm fine -- I'm fine with it.

15 CHAIRPERSON PRICE: James, John?

16 MR. BABCOCK-STINER: I'm good.

17 CHAIRPERSON PRICE: Okay. Jason, thank you.
18 David Fader? Pam?

19 MS. DELANEY: I'm all set.

20 CHAIRPERSON PRICE: Okay. All right. Thank
21 you, guys. Let me put it out to the audience now. Is
22 there anyone that cares to address this application?

23 MR. BOEHNER: Please raise your hands.

24 CHAIRPERSON PRICE: Please raise your --
25 yes, please raise your hands. Jeremy, if you -- if

1 you're with us, can you --

2 MR. BOEHNER: I don't see anyone.

3 CHAIRPERSON PRICE: -- just remind us where
4 they might find the -- the raise hand function.

5 MR. LUTZ: Yes. If you're on -- if you're
6 on a computer, you can find it under the participants'
7 list. It'll show an option under more to raise your
8 hand there. And then, it'll show up on the
9 participants' list with a little image of a blue hand.
10 If you need information on how to do it on any other
11 platform, we have some information on the Town web
12 page, under the live streaming link that'll tell you
13 how to do all of that.

14 CHAIRPERSON PRICE: And, that's if you're on
15 iPads, iPhone's, different kinds of devices.

16 MR. LUTZ: Correct.

17 CHAIRPERSON PRICE: Coming in different
18 platforms.

19 Okay. David, Eric, thank you very much.

20 DAVID HOWER: Yeah, and thank you everyone
21 for tonight. Thank you very much.

22 CHAIRPERSON PRICE: All right. Let's move
23 on to our next application, which is application
24 4P-01-20.

25 APPLICATION 4P-01-20

1 This is the application of Courtney Hopkins,
2 owner, for preliminary and final site plan approval to
3 construct a 5,200 -- I'm sorry, 2,500 square foot
4 single family home with a 780 square foot attached
5 garage on property located at 11 Babcock Drive. Is
6 Courtney here? Anybody representing Courtney?

7 ED MARTIN: Yes. This is Ed Martin from
8 Landtech here tonight representing Courtney Hopkins
9 and her application before you. It's a rather
10 straight forward one. It's a 4/10 of an acre parcel
11 located at 11 Babcock Drive. The home to be
12 constructed is -- is very typical for the area, well
13 within code for both setbacks and size. Existing
14 utilities are available for us along the Babcock Drive
15 frontage, which is public sewer and public water.
16 Proposed drainage patterns will follow existing
17 drainage patterns, which I understand leads to a
18 previously constructed storm water management system,
19 south of our southern adjoiner. I've spoken briefly
20 with your Town Engineer today and he seems satisfied
21 with everything. He's going to provide me with some
22 numbers on the storm water management system that was
23 designed for this and to make sure that our run off is
24 below what was assumed in those calculations and we're
25 both confident that that will be the case.

1 I will note one change from our submission.
2 In our original submission, we called for all seven on
3 site trees to remain. Courtney spoke with a tree
4 surgeon, if you will, and the two trees closest to the
5 cul de sac are to come down as part of this house
6 construction. It's a 30 -- 36 inch American basswood.
7 Yup, the cursor is on it right there. And also, the
8 12 inch apple tree that's just next to it. Yep. So,
9 that leaves five on site, and code requires four. So,
10 we're well within code as far as that goes. That's --
11 as I said, it's a very straight forward application
12 and I would be happy to answer any questions that you
13 would have.

14 CHAIRPERSON PRICE: Okay. Thank you. And,
15 at this point, there -- you're not requiring any
16 variances for this application?

17 ED MARTIN: That is correct.

18 CHAIRPERSON PRICE: Okay. And, have you --
19 have you made application to the ARB?

20 ED MARTIN: I understand that Courtney and
21 the -- the builder have made application to them. I
22 don't know if they've attended. Last I knew, that
23 they had not attended.

24 CHAIRPERSON PRICE: Okay. All right. Can
25 you speak to -- was the -- did the arborist give you a

1 condition report on those trees as to why it was they
2 needed to come down?

3 ED MARTIN: So, the apple tree -- and, I
4 don't know if we have pictures of it -- the apple tree
5 is in pretty poor shape and I'm no tree person, but
6 it's -- you can tell it's in poor shape. The
7 basswood, apparently, the root system is very
8 extensive and the arborist was concerned with the
9 impact of the construction of the home on the tree as
10 much of the tree is on the home itself in terms of
11 disrupting that root system. And then, either harming
12 the tree, which subsequently could fall and Courtney
13 has at least one young child I recall. So, rather
14 than risk that, they thought they would take it down.
15 It's safest that way.

16 CHAIRPERSON PRICE: Jeff, do we have any --
17 are there any elevations of the house or plans of the
18 home? I don't know if those were submitted or not.

19 MR. FRISCH: They're scanned and they're for
20 the ARB. I'll just have to make sure that they are.

21 MR. OSOWSKI: They are in the stuff you got
22 from Ramsey if -- last week.

23 MR. FRISCH: Okay.

24 CHAIRPERSON PRICE: I just wanted to look
25 that up.

1 MR. BOEHNER: Here you go, Bill.

2 CHAIRPERSON PRICE: Okay. All right. Front
3 elevation rear elevations. Could we see the side
4 elevations? And, so these are not -- the garage doors
5 are away from the existing residence?

6 ED MARTIN: That is correct. The garage
7 will be an EnLow that goes out to the west to the
8 existing private drive that ties into the throat of
9 the cul de sac of Babcock Drive.

10 CHAIRPERSON PRICE: And, all of your storm
11 water is going to be conveyed to a common location?

12 ED MARTIN: It is. We actually have taken
13 the initiative to provide some underground chambers to
14 mitigate a quarter inch of runoff with not allowing
15 any infiltration at all and the soil stuck there
16 pretty good so we'll get a fair amount of
17 infiltration. As I said, the Town Engineer and I are
18 going to be talking about the numbers that were
19 assumed for when that on site storm water management
20 system was designed to make sure that our numbers are
21 below that and I've committed to doing that with him.

22 CHAIRPERSON PRICE: Okay. We know about
23 your -- your storm, your sanitary and water are simple
24 services. Are your electric and cable all coming in
25 underground or coming in overhead, do you know?

1 ED MARTIN: Well, we typically leave that to
2 RG&E; but, if the Town has a requirement that it has
3 to be underground, they will be underground.

4 CHAIRPERSON PRICE: No, I don't believe we
5 do. Do you know where they'd be connecting on the
6 house?

7 ED MARTIN: So, we don't actually do the
8 actual design, we often will show a theoretical and
9 RG&E usually laughs at us for what we show, but my
10 guess is that they would come off the pole at the
11 southeast corner and tie into the back corner of the
12 home. That would be my guess, if it's a overhead
13 wire.

14 CHAIRPERSON PRICE: Okay. All right. At
15 this point, is there any -- any type of a landscape
16 plan that's available for this?

17 ED MARTIN: Well, because we comply with the
18 Town code for trees and landscape, what we've done in
19 the past is not spec one because as, was explained to
20 me, that once you put it on paper, it has to go in
21 exactly that way. And, I don't think Courtney wants
22 me designing her landscaping. I think we'll leave it
23 to her discretion for what she chooses.

24 CHAIRPERSON PRICE: Okay. Are there --
25 Ramsey, do you have questions?

1 MR. BOEHNER: No, I do not. My questions
2 have been answered.

3 CHAIRPERSON PRICE: Okay. Board members?

4 MR. FADER: I don't.

5 MR. BABCOCK-STINER: I'm good.

6 MR. WENTWORTH: All set. I'm good.

7 CHAIRPERSON PRICE: Pam, and Laura, you guys
8 are good?

9 MS. CIVILETTI: Yup. All set.

10 MS. DELANEY: Yup.

11 CHAIRPERSON PRICE: James, you good?

12 MR. WENTWORTH: I'm good.

13 CHAIRPERSON PRICE: All right. Thank you,
14 Ed. At this point -- and Courtney, I did see
15 Courtney. At this point, is there anybody in the
16 audience that cares to address this application?
17 Please raise your hand.

18 MR. BOEHNER: There is one person with their
19 hand raised.

20 CHAIRPERSON PRICE: Yes.

21 MR. BOEHNER: Noel Wolfe.

22 NOEL WOLFE: Hi, thank you. I just had two
23 -- two questions. One, do you know -- I haven't
24 looked at the Brighton Town planning rules, how far
25 from the property line that the house will be built?

1 We're the neighbors on the other side.

2 CHAIRPERSON PRICE: Okay.

3 MR. BOEHNER: On Babcock?

4 NOEL WOLFE: Yeah, on Babcock.

5 CHAIRPERSON PRICE: You're 20?

6 NOEL WOLFE: We're 21. The one with the --
7 where the tree overlaps. Yeah, that's us. From --
8 from our shared property line, do you know for
9 Brighton Town rules, how far the building has to be
10 off the property line? How far back, or from us.

11 CHAIRPERSON PRICE: Yes. There are side
12 setbacks. Ed, what is that side setback?

13 ED MARTIN: The minimum side setback to the
14 east is 19 feet. That's the minimum that we're
15 providing. The minimum code is 18 feet. And, to the
16 west, it's 28.5 feet. And, if you're wondering why we
17 off set it that way, it's to leave room between the
18 garage and the private drive to allow either car to be
19 parked off the road and, most importantly, Courtney's
20 kids to be able to play in that area and not worry
21 about going into the private drive area.

22 NOEL WOLFE: Absolutely. And then, my only
23 other question is, I have two small children, none of
24 us around here on this street fence between our
25 houses, and I have an eight year old, and a five and a

1 half year old who, because of Corona, will be home all
2 summer playing in the backyard. I just want to know
3 what kind of safety precautions will be taken to --
4 you know, for debris. Do you put up a temporary
5 fence? Like, how do you -- I just want to make sure
6 my guys are safe from that kind of stuff.

7 ED MARTIN: Yeah. I would say that from a
8 construction standpoint, the trees -- and there's
9 quite a few between your house and Courtney's -- each
10 of those trees will have a visual barrier, an orange
11 snow fence installed that's per the Town code. And,
12 you know, there's typical safety protocols that all
13 contractors follow, but I think Ramsey's probably in a
14 better position to talk about any code requirements
15 and that sort of thing.

16 MR. BOEHNER: There are no rule code
17 requirements except for protecting the trees. If
18 there is a -- if they're digging the basement and
19 leaving that hole there, they would need to make sure
20 that that basement is fenced off so people can't walk
21 into it at night. But, beyond that, there isn't any
22 real requirements. You may want to talk with the
23 applicant, if you're worried about maybe trying to
24 have some type of construction fencing down that
25 property line, even though that would be between the

1 two of you.

2 NOEL WOLFE: Yeah. I mean, normally, you'd
3 have kids at camp all day, but times are different
4 now, so -- okay. And, I guess, if everything gets
5 approved, how long do we expect constructions to last?

6 ED MARTIN: So, a home like this would
7 usually take between 90 to 150 days. It really
8 depends on the contractor and how complex the home is.
9 I would expect this to be done, if I were to guess,
10 and this is purely a guess because I'm not the
11 contractor, I'd say be done in 120 days.

12 NOEL WOLFE: Okay. I think -- I think
13 that's all. Oh, yeah, just about -- there's not a ton
14 of street parking. I mean, it's a sort of strange --
15 everyone has long driveways on this street, so
16 everyone parks in the street. Just about truck
17 parking and things like that. Has any consideration
18 been given to that?

19 ED MARTIN: So, during construction, the --
20 there's an existing driveway apron that's out there --

21 NOEL WOLFE: Yes.

22 ED MARTIN: -- off of the private drive.
23 That's going to be used both for vehicle access to the
24 site and material staging and that sort of thing. So,
25 the vast majority of the work is actually going to be

1 coming off that private drive. I don't think you'd be
2 seeing a lot of traffic in front of Babcock. It's not
3 to say that you not have a truck parked out there for
4 a while, you know, on various days but --

5 NOEL WOLFE: No, I --

6 ED MARTIN: I mean, the majority of the work
7 would be coming off of the private drive.

8 NOEL WOLFE: Yeah, no. Of course. I mean,
9 mostly safety -- safety is our number one concern,
10 obviously. There's a lot of kids on this street, a
11 lot of kids ride their bikes around the cul de sac.
12 And, so that's -- and I just had an arborist out
13 looking at my trees today. So -- and certainly
14 maintaining that, protecting the trees and whatnot
15 because there's some beautiful ones here. So, thank
16 you.

17 ED MARTIN: Yeah, Brighton is probably the
18 most protective Town that I work in as far as trees in
19 terms of what we have to do on plans in order to make
20 the contractor follow through on doing to protect
21 them. So, I think you'll be safe there.

22 NOEL WOLFE: No. Well, that front -- that
23 front Hickory is the oldest tree on the street and the
24 Sycamore there, I just had someone out to look at it
25 today. Now, the-- that tree -- some of the overhang

1 goes onto Courtney's property, but the trunk and
2 whatnot, do you have to wrap those trunks as well, the
3 ones on our property if there's overhang onto her
4 property?

5 ED MARTIN: Well, we actually don't wrap the
6 trunk and, that's the interesting thing about what
7 Brighton does, we actually have to go to the drip
8 line, the outer edge of the canopy and put the fence
9 in there --

10 NOEL WOLFE: Yeah.

11 ED MARTIN: -- because most trees, the
12 roots, go out at least to the drip edge. So, by --

13 NOEL WOLFE: Yeah.

14 ED MARTIN: -- by doing that, you protect
15 the tree even more.

16 NOEL WOLFE: Yeah, that's what the arborist
17 said today because our tree had a little canopy and he
18 said it'll -- it'll get better. But, it's the drip
19 edge that we have to keep an eye on it. Okay. Great.

20 ED MARTIN: Yeah.

21 NOEL WOLFE: I appreciate it.

22 MR. BOEHNER: Just to add on that, the
23 fencing would not go on your property. They would
24 protect it on their property.

25 NOEL WOLFE: I see it.

1 MR. BOEHNER: But they don't have a right to
2 put fencing on your property.

3 NOEL WOLFE: Okay. Well, I appreciate it.
4 Thank you so much for answering my questions.

5 ED MARTIN: You're welcome.

6 MR. BOEHNER: Thank you for participating.

7 CHAIRPERSON PRICE: Thank you for coming,
8 appreciate it. Are there other persons interested
9 addressing this application? Ramsey, you seeing any?

10 MR. BOEHNER: No, Nicole was the only last
11 one.

12 CHAIRPERSON PRICE: Noel?

13 MR. BOEHNER: Noel, I'm sorry. Thank you,
14 Bill. No, I'm not seeing anyone else,

15 CHAIRPERSON PRICE: All right. Well, just
16 give it a couple more seconds. All right. No more.
17 Thank you, Ed, thank you, Courtney.

18 COURTNEY HOPKINS: Thank you.

19 ED MARTIN: Thank you very much.

20 CHAIRPERSON PRICE: Okay. Next application
21 is 4P-02-20.

22 APPLICATION 4P-02-20

23 This is the application of Joe O'Donnell,
24 with Greater Living Architecture, Sarah D. Realty as
25 owner for preliminary and final site plan to construct

1 a 310 square foot building addition to property at 885
2 Winton Road South. Is anyone here on behalf of the
3 applicant?

4 MR. BOEHNER: I see Joe. I think that's
5 maybe their architect.

6 CHAIRPERSON PRICE: Joe is an architect,
7 yep, he's their architect. Put Joe in.

8 JOE O'DONNELL: Okay. Good evening,
9 everybody. My name is Joe O'Donnell from Greater
10 Living Architecture. I'm representing Sarah D.
11 Realty, LLC, owner, at 885 Winton Road South. We were
12 commissioned to design a small 310 square foot
13 addition on the site, as you can see in the site plan
14 that's up there attached over in the upper left
15 corner. This addition is designed to add one office
16 and one conference room. And, in order to alleviate
17 the use of the -- or the occupancy of two people in
18 one office in the main building, they fairly --
19 research a company of nine employees and four patients
20 at the time. They also have 30 spaces in the existing
21 lot, as you see there. They have a shared parking
22 agreement with the neighbor to the south for another
23 39 spaces. But, as I mentioned with nine employees
24 and only four patients at a time, they are totally
25 under utilizing the parking. This project does not

1 increase impervious surfaces in that, where the
2 proposed addition is going, is already asphalt paving.
3 And, so we're just repurposing a small corner of the
4 building.

5 We did appear to the ARB and got approval
6 with conditions relative to some details of the
7 building, which we've already incorporated into the
8 final drawings.

9 So, it seems pretty straight forward and I'd
10 be more than happy to answer some questions.

11 CHAIRPERSON PRICE: Thank you, Joe.

12 MR. BOEHNER: Joe, you're aware that the
13 project needs a density variance and a parking
14 variance?

15 JOE O'DONNELL: Yes. I've spoken to Rick.
16 He indicated to go to Planning first and then, to go
17 to Zoning afterward.

18 MR. BOEHNER: Have you made those
19 applications yet, Joe?

20 JOE O'DONNELL: We submitted it -- yes, we
21 did submit all the paperwork for the Zoning Board
22 application. But, he held it.

23 MR. BOEHNER: So you've applied?

24 JOE O'DONNELL: Yes.

25 MR. BOEHNER: I'll double check on that.

1 Maybe we should talk tomorrow, I didn't know that.

2 JOE O'DONNELL: Okay. And, let's -- Rick
3 may have just held it. To be honest with you, it was
4 one of my staff members who took the paperwork down.
5 Whether or not he sent it back, waiting for this
6 meeting or he just held it. I will double check
7 tomorrow, Ramsey.

8 MR. BOEHNER: Okay. If you would.

9 JOE O'DONNELL: Yep.

10 CHAIRPERSON PRICE: Joe, is there any
11 lighting or any exterior -- any significant changes to
12 the building beyond the -- beyond the proposed
13 addition?

14 JOE O'DONNELL: No. In fact, if Jeff could
15 call up the building elevations, I could -- I assume
16 they're in the application here. But no, there isn't
17 that. The only light is for the door going out of the
18 building to maintain the -- the proper exiting. So,
19 it'd be a light over a door. I think if he has it, I
20 can show it to you. Might be the one above that,
21 Jeff, the files and plans. I don't know if you have
22 that.

23 CHAIRPERSON PRICE: The elevation.

24 MR. BOEHNER: There's the elevation.

25 JOE O'DONNELL: It'd be in the -- there you

1 go.

2 So, if you just scroll down and see the --
3 just a little bit more, Jeff. It's down in the lower
4 left corner there. You'll see the -- the proposed
5 addition. Just in-filling that back corner of the
6 building. So, they'll be a light outside of door
7 number one, Bill, to answer your question.

8 CHAIRPERSON PRICE: Okay. All right. If
9 that fixture hasn't --

10 JOE O'DONNELL: The exterior elevation is
11 going to -- we were able to locate the brick of the
12 existing building, so we were able to match -- it's
13 going to match color. Windows are all going to be
14 identical to what's there, black anodized frames,
15 clear glass.

16 CHAIRPERSON PRICE: Okay. I would -- I
17 would just say, if you haven't selected the light
18 fixture for over that door, we would just like full
19 cut off, not to exceed 3,000k. On the temperature, if
20 you can go a little bit lower, being adjacent to a
21 resident area, 2,700 would be appreciated.

22 JOE O'DONNELL: Okay. Not a problem.

23 CHAIRPERSON PRICE: It does look like it's
24 consistent with the building. And I -- your -- your
25 downspouts, your scupper -- the scupper is coming off

1 of the parapet.

2 JOE O'DONNELL: Correct. We're basically
3 duplicating exactly what is on that existing exterior
4 wall where we had the designation of wall type number
5 three. That exterior wall has the exact same drainage
6 system.

7 CHAIRPERSON PRICE: Okay. And, those just
8 tie into the subsurface system and go into the --

9 JOE O'DONNELL: Correct.

10 CHAIRPERSON PRICE: -- down system.

11 JOE O'DONNELL: Yep.

12 CHAIRPERSON PRICE: Okay. All the questions
13 I have. Ramsey, how are you?

14 MR. BOEHNER: All set, Bill. Thank you.

15 CHAIRPERSON PRICE: Okay. Board Members?

16 UNIDENTIFIED: I'm good.

17 MS. CIVILETTI: All set.

18 MR. OSOWSKI: Is the existing building
19 sprinkler -- then will this addition have fire
20 protection sprinklers?

21 JOE O'DONNELL: This -- the New York State
22 building code does not require this building with this
23 type of construction to have sprinklers. So, it's
24 going to maintain the same level of, like, safety as
25 the existing building.

1 MR. BOEHNER: Did you evaluate it in
2 relationship to our sprinkler ordinance, the Town of
3 Brighton sprinkler ordinance, Joe?

4 JOE O'DONNELL: Could you say that again,
5 Ramsey?

6 MR. BOEHNER: Joe, did you do the analysis
7 to our sprinkler ordinance, the Town sprinkler
8 ordinance (inaudible).

9 JOE O'DONNELL: We did meet with the fire
10 marshal out there and walk the building, but I didn't
11 the analysis -- the formal analysis, Ramsey. I can do
12 that as part of the building permit.

13 MR. BOEHNER: Okay.

14 CHAIRPERSON PRICE: Other questions? John?

15 MR. OSOWSKI: No further questions.

16 CHAIRPERSON PRICE: Pam, you good?

17 MS. DELANEY: I'm all set.

18 CHAIRPERSON PRICE: David?

19 MR. FADER: I'm good.

20 CHAIRPERSON PRICE: All right.

21 JOE O'DONNELL: And, we would be receptive
22 to those items that were brought up as conditions of
23 approval tonight if that helps keep the project
24 moving.

25 CHAIRPERSON PRICE: Okay. All right. I'm

1 not hearing any other Board questions. I'll open it
2 up to the audience and ask if there's anyone that
3 cares to address this application.

4 Jeremy, or Ramsey, you seeing anybody?

5 MR. BOEHNER: I am not.

6 MR. LUTZ: I'm not either.

7 CHAIRPERSON PRICE: All right, Joe. Thank
8 you.

9 JOE O'DONNELL: Thanks, guys. Appreciate
10 your time.

11 CHAIRPERSON PRICE: Okay. All right, let's
12 continue then. We have our next application, which
13 is, 6P-01-20.

14 APPLICATION 6P-01-20

15 This is an application that I do need to
16 recuse myself and if you could both mute me and cut --

17 MS. CIVILETTI: Okay. So, Bill's been
18 muted. This is application 6P-01-20, application of
19 the Summit at Brighton owner for site plan
20 modification. Excuse me --

21 MR. BOEHNER: Sorry, Laura, that was me. I
22 was trying to (inaudible) Bill.

23 MS. CIVILETTI: Excuse me? Okay. Back to
24 video. The Summit at Brighton owner for site plan
25 modification to construct an outdoor patio, dining

1 area, on property located at 2000 Summit Circle Drive.
2 On the described as application plans on file. Is
3 there someone here to represent this application?

4 SHIRAH CAHILL: Yes, I am.

5 MS. CIVILETTI: Thank you. Could you
6 introduce --

7 SHIRAH CAHILL: Sure.

8 MS. CIVILETTI: -- summarize the
9 application, please.

10 SHIRAH CAHILL: Sure. My name is Shirah
11 Cahill. I'm here from SWBR, and I'm here representing
12 Jewish Senior Life for the dining and lifestyle
13 expansion project at the Summit. We are requesting
14 preliminary and final approval this evening as well.

15 The location of our project is on the Jewish
16 Senior Life campus of South Winton Road. The internal
17 address is 2000 Summit Circle Drive. It is northwest
18 of the main Jewish home tower and south of Wolf
19 Manner, which is the memory care for our residents and
20 it is east of Meridian Center Park.

21 The project is an en-route (inaudible)
22 focused courtyard. It is not visible from the street
23 or from the adjacent park. The purpose of the project
24 is to provide outdoor amenity space to encourage
25 elders to spend more time outside. Currently, there

1 is not a lot of outdoor program space on the campus.

2 The client came to us because they saw a
3 national and international trend that senior
4 communities are programming more outdoor space just
5 because research shows that outdoor -- outdoor time is
6 not only beneficial for humans in general, but very
7 much for elders in senior communities. And, research
8 has shown that only twenty minutes of outdoor time a
9 day is bound to decrease falls, increase sleeping
10 habits, and improve healing times after medical
11 procedures, et cetera.

12 In addition to this, during our design time
13 in a post COVID world, we've been listening to a lot
14 of conversations from industry professionals and I
15 keep hearing a lot now about, you know, what are we
16 going to do? What is senior living look like after --
17 after COVID-19? And everyone keeps repeating outdoor
18 programming, outdoor programming, just because it will
19 be safer for residents, visitors and staff.

20 The existing conditions on site are a
21 concrete slab, a fenced in storm water basin, one door
22 exiting from the lobby, plant beds and a lawn area.
23 What we are proposing is a new concrete slab to
24 replace the existing with slight profile
25 modifications, a cantilevered composite wood deck to

1 allow residents to access the storm water basin's
2 edge. We really wanted to see the storm water basin
3 as an amenity as opposed to a fenced in utility space.
4 A re-graded lawn area that they're going to use for
5 fitness classes, outdoor furniture, two shade pergolas
6 with a retractable fabric awning, a fire pit and
7 modest outdoor kitchen, both powered by natural gas,
8 three new door locations all would be replacing
9 current window locations. There is going to be a
10 gutter added that will be tied into the existing storm
11 system. We also have site lighting proposed. It will
12 be five new building mounted sconces and the
13 replacement of four existing building mounted sconces,
14 in addition to overhead bistro lights, which are dark
15 sky compliant. The bistro lights are 27,000 --
16 2,700k -- excuse me. And, the sconces are 2,000. The
17 lighting will be on during use only and this courtyard
18 is not adjacent to any residential units.

19 We have also put in an application to the
20 Zoning Board of Appeals for an area variance for one
21 of the pergolas, the pergola with the fabric awning,
22 which is proposed at 400 square feet, larger than the
23 250 allowable square footage. And, we also put in an
24 application to the Architectural Review Board for
25 (inaudible) modifications.

1 And, with that, I will open it up for
2 questions.

3 MR. BOEHNER: Does this a project impact any
4 wetlands?

5 SHIRAH CAHILL: We are -- we got comments
6 back from the County that notified us, something that
7 we knew, that we are adjacent to the wetland and
8 Meridian Central Park. However -- and saying that
9 what we could do is get a delineation. We do have a
10 current delineation that was done within the last five
11 years. It was done in 2017 and it shows that we are
12 well within the outside of the 100 foot buffer. We're
13 almost 400 feet away and there's a building between
14 where the wetland is and where we are. So, we
15 shouldn't be impacting that wetland, but we are
16 adjacent to it, or the parcel we're on is adjacent to
17 it. (Inaudible).

18 MR. BOEHNER: How will -- how will they --
19 what type of provisions will they provide for handling
20 trash, litter?

21 SHIRAH CAHILL: So, all of the serving is
22 going to be on china that's in the kitchen and
23 everything is going to be cleaned up at the time. So,
24 cloth napkins, china that's existing. Nothing will be
25 thrown away. No -- you know, one use plates or

1 anything like that. So, it will at time of dinner,
2 the staff that always serves will be cleaning up
3 afterwards.

4 MR. BOEHNER: And, they'll have someone go
5 around checking for litter.

6 SHIRAH CAHILL: Yes. It will be the same
7 with -- you know, as a regular dinner service and
8 lunch service.

9 MS. CIVILETTI: What's the actual condition
10 on that storm water retention?

11 SHIRAH CAHILL: So, right now it's -- it's a
12 pond. I spoke with the engineer that worked on the
13 Wolk Manor to see if they could give me a little bit
14 of insight on what was happening there. It is
15 attached to the storm water basin that's in the front
16 of the building with the equalization pipe, and they
17 said that there's plenty of capacity to handle what
18 we're quoting on there. We're only increasing the
19 pervious surface by 67 square feet and he told me
20 that, after it goes into the front pond, it drains out
21 into the Town system.

22 MS. CIVILETTI: So, I guess I'm curious, is
23 it -- is it open water at this point or --

24 SHIRAH CAHILL: Yeah. It always has the
25 same tap elevation. It always has --

1 MS. CIVILETTI: How about -- how about its
2 vegetation, cattails, (inaudible) anything like that?

3 SHIRAH CAHILL: It's pretty clear of
4 vegetation. Right now, it has grass on a slope that
5 goes down to the water's edge. Our proposal puts
6 planting to the edge of different wetland species,
7 boulders and things like that to make it more
8 esthetically appeasing and to create more habitat.
9 But, right now, it's just a grass slope that goes down
10 to the top of water.

11 MS. CIVILETTI: Okay. Thank you.

12 MR. BOEHNER: I don't have any other further
13 questions, Laura.

14 MS. CIVILETTI: Okay. Anyone else? Any
15 other Board members? Additional questions?

16 MR. OSOWSKI: Yeah. Are residents allowed
17 to fish in that storm water pond and throw the fish
18 back?

19 SHIRAH CAHILL: I don't think so.

20 MS. OSOWSKI: No? That's too bad.

21 SHIRAH CAHILL: I mean, that's a good idea.
22 You know, it was brought up because we held focus
23 groups with -- with the residents. We had three
24 different focus groups where we, you know, talked
25 about the proposal, which is how we ended up with so

1 many shade structures because people were very
2 concerned about being uncomfortable and the
3 micro-climate and we wanted to make sure that people
4 had shade and we did -- we did hear that a couple of
5 times if we could stock it with fish, but, no.

6 MR. OSOWSKI: Okay.

7 SHIRAH CAHILL: Not a bad idea for the flies
8 and bugs.

9 MS. CIVILETTI: Yes. Okay. Anyone else?
10 All right. Hearing no other questions from Board
11 Members, this is a public hearing, would anyone else
12 care to address this application?

13 MR. BOEHNER: Not seeing any.

14 MS. CIVILETTI: Any hands on this?

15 MR. BOEHNER: No hands yet. Just give it a
16 few minutes or few seconds.

17 MS. CIVILETTI: Okay.

18 MR. BOEHNER: That's one thing with Zoom,
19 you have to be patient. You have to slow it down a
20 little bit.

21 SHIRAH CAHILL: It took me till the end to
22 figure out how to raise my hand. Just in time.

23 MR. BOEHNER: I knew you were there though.

24 SHIRAH CAHILL: Yeah. I figured I could
25 just try to un-mute me and waive my hand.

1 MR. BOEHNER: I've done that a few times
2 already.

3 I'm not seeing anyone, Laura.

4 MS. CIVILETTI: Okay. Hearing none. I
5 guess we'll -- that is the last of the public hearings
6 I believe. So, we'll have Bill come back.

7 MR. BOEHNER: I will let him back.

8 SHIRAH CAHILL: Thank you.

9 MS. CIVILETTI: Thank you, Shirah.

10 MR. BOEHNER: Thank you, Shirah.

11 Come on -- come on.

12 CHAIRPERSON PRICE: Can you hear me?

13 MR. BOEHNER: Yes. I'm just trying to get
14 your video back on, Bill.

15 CHAIRPERSON PRICE: Okay. There we go.

16 MR. BOEHNER: There you go.

17 CHAIRPERSON PRICE: Okay. Thank you.

18 Thanks, Laura. All right. That is the last of the
19 public hearings. Is there any -- has anybody raised
20 their hand or any other -- any other of the app -- any
21 of the applications.

22 MR. BOEHNER: No. Could you call the
23 application of Brian Root, which is 1P-01-20?

24 APPLICATION 1P-01-20

25 Is there anybody to represent that

1 application? The application of Winton Place, LLC,
2 owner and Brian Root Leap 'N Laugh. Anyone? I'm not
3 seeing anyone, Bill.

4 CHAIRPERSON PRICE: Okay. All right. And,
5 no other hands raised for general comments on any
6 other application?

7 MR. BOEHNER: No.

8 MR. LUTZ: One hand up right now.
9 (Inaudible) un-muted.

10 TRISTEN ENGLE: Yes, hi. Can you hear me?

11 CHAIRPERSON PRICE: Yes.

12 TRISTEN ENGLE: Yes, hi. My name is Tristen
13 Engle. I'm here to speak on behalf of OFC
14 Creations --

15 CHAIRPERSON PRICE: Yes.

16 TRISTEN ENGLE: -- hearing. Thank you. OFC
17 Creations, I'm familiar with their previous locations
18 at Lyric Theater and I have watched as a mom of a
19 theater child, who actually has cerebral palsy, and I
20 have watched her perform two productions with this
21 organization, which educates hundreds and hundreds of
22 kids in theater. And, this -- this particular
23 organization has changed my child's life and many
24 other children's lives. And, I'm -- I'm a little bit
25 -- very much surprised that Mr. Kawolski, who I've

1 known through the theater world for many years, to
2 speak of OFC Creations the way he did. It's
3 primarily, predominantly, an educational training
4 institute for children over and above.

5 Of course, anybody could depict a theatrical
6 entity and any sort, Broadway, et cetera, as being
7 sexual. So, there might be a show here and there that
8 might tackle a certain issue, but predominately, it's
9 a children's educational institution that we're so
10 excited. We -- we parenting who want our children to
11 learn through the arts are going to have this
12 opportunity and in the safety and the beauty of
13 Brighton.

14 So, I just wanted to speak as a -- as a
15 parent, whose life has been changed by OFC Creations,
16 to let you know that this is an incredible group of
17 people who are very dedicated to youth and the arts.
18 Thank you so much.

19 MR. BOEHNER: Thank you.

20 CHAIRPERSON PRICE: Thank you for
21 participating, we appreciate it. Thank you for taking
22 the time and negotiating the technology issues.
23 Although, we all seem to be getting a little better at
24 it. All right.

25 MS. CIVILETTI: Thanks for your comments.

1 TRISTEN ENGLE: Thank you.

2 CHAIRPERSON PRICE: Folks, seeing anybody
3 else with their hand up? All right. How's everybody
4 doing --

5 MR. BOEHNER: Bill, I don't see anyone else.

6 CHAIRPERSON PRICE: I'm sorry?

7 MR. BOEHNER: I said I don't see anyone
8 else.

9 MR. LUTZ: I don't see anyone either.

10 MR. BOEHNER: Okay. Thank you.

11 CHAIRPERSON PRICE: Everybody doing okay?
12 We'll just proceed into our deliberations?

13 MS. CIVILETTI: All set.

14 CHAIRPERSON PRICE: Okay. Now, let's go
15 back to the beginning. All right. Now, it's been a
16 while since -- since we've done this. Ramsey did send
17 along the cheat sheet for us on making the motion.
18 The first application is 1P-02-20. This is Nicholas
19 Leonardo, the new house -- new house configuration and
20 orientation at Clover and Greenaway. Do we have a
21 motion to table -- or, I'm sorry, not to table but to
22 close the public hearing.

23 MS. CIVILETTI: I'll move to close the
24 public hearing.

25 CHAIRPERSON PRICE: Is there a second?

1 MS. DELANEY: I'll second it.

2 CHAIRPERSON PRICE: Moved and seconded. Is
3 there any discussion on closing the public hearing?
4 All in favor? Aye.

5 MR. BOEHNER: I've got to do the roll call.

6 CHAIRPERSON PRICE: You've got to do the
7 roll call.

8 MR. BOEHNER: Member Wentworth.

9 MR. WENTWORTH: Aye.

10 MR. BOEHNER: Okay. Price.

11 CHAIRPERSON PRICE: Aye.

12 MR. BOEHNER: Fader.

13 MR. FADER: Aye.

14 MR. BOEHNER: Civiletti.

15 MS. CIVILETTI: Aye.

16 MR. BOEHNER: Delaney.

17 MS. DELANEY: Aye.

18 MR. BOEHNER: Babcock-Stiner.

19 MR. BABCOCK-STINER: Aye.

20 MR. BOEHNER: Osowski.

21 MR. OSOWSKI: Aye.

22 MR. BOEHNER: Motion passes.

23 CHAIRPERSON PRICE: Okay. So, they have
24 received variances. I think there's only a condition
25 relative to (inaudible) of a fee based on the assessed

1 values of the trees to be removed. Are we in a
2 position to have someone make a motion on this
3 application?

4 MS. CIVILETTI: Sorry, I'm having a hard
5 time locating all my cheat sheets. I will move
6 approval of application 1P-02-20 based on plans
7 submitted, testimony given, 23 conditions and a
8 determination of non-significance.

9 MR. WENTWORTH: Second.

10 CHAIRPERSON PRICE: Moved and seconded.
11 Thank you.

12 MR. BOEHNER: James, was that you?

13 MR. WENTWORTH: Correct.

14 CHAIRPERSON PRICE: Okay. Is there any
15 discussion?

16 MR. OSOWSKI: Yeah. There's something in
17 the Planning Board report about parklands payment.

18 MR. BOEHNER: Yeah.

19 CHAIRPERSON PRICE: It's typical of
20 residential units, John.

21 MR. OSOWSKI: Okay.

22 CHAIRPERSON PRICE: But Ramsey could explain
23 it. Ramsey, do you mind just explaining that to John?

24 MR. BOEHNER: Oh, I'm sorry, John. Yeah,
25 it's -- it's common in almost all town's that there's

1 a recreational fee that must be paid at the time a
2 building permit issued for a single family dwelling,
3 town home or condo.

4 MR. OSOWSKI: Okay. Thank you.

5 CHAIRPERSON PRICE: Any further discussion?

6 Okay. Ramsey, please call the roll on the
7 vote.

8 MR. BOEHNER: Member Price.

9 CHAIRPERSON PRICE: Aye.

10 MR. BOEHNER: Fader.

11 MR. FADER: Aye.

12 MR. BOEHNER: Delaney.

13 MS. DELANEY: Aye.

14 MR. BOEHNER: Civiletti.

15 MS. CIVILETTI: Aye.

16 MR. BOEHNER: Wentworth.

17 CHAIRPERSON PRICE: James, un-mute.

18 MR. BOEHNER: He's muted? James? He was
19 there just a second ago. How about Member Osowski.

20 MR. OSOWSKI: Aye.

21 MR. BOEHNER: And, I'm not sure -- well, let
22 me see here -- I don't know what happened to James.
23 We lost him because I show him, he's not muted and his
24 screen's on.

25 CHAIRPERSON PRICE: Now, he's gone. There

1 he is.

2 MR. BOEHNER: James, you've got to un-mute
3 yourself. There you go.

4 CHAIRPERSON PRICE: Okay. Did you get --
5 did you get Jason?

6 MR. BOEHNER: Yeah, I did -- I was just
7 trying to -- Jason.

8 MR. BABCOCK-STINER: Aye.

9 MR. BOEHNER: Thank you.

10 CHAIRPERSON PRICE: James, you froze there.
11 What's your vote?

12 MR. WENTWORTH: Aye.

13 MR. BOEHNER: James, if it's aye, raise your
14 hand.

15 MR. WENTWORTH: Aye.

16 MR. BOEHNER: Thank you.

17 CHAIRPERSON PRICE: Is that everybody?

18 MR. BOEHNER: Yes, that's everyone, Bill.

19 CHAIRPERSON PRICE: All right. Thank you.

20 Let's move on to application 2P-02-20, application of
21 CCR for the maintenance building.

22 MR. FADER: I move to close the public
23 hearing.

24 CHAIRPERSON PRICE: I'll second that. Moved
25 and seconded to close the public hearing. Please call

1 the roll.

2 MR. BOEHNER: Wentworth.

3 MR. WENTWORTH: Aye.

4 MR. BOEHNER: Price.

5 CHAIRPERSON PRICE: Aye.

6 MR. BOEHNER: Fader.

7 MR. FADER: Aye.

8 MR. BOEHNER: Civiletti.

9 MS. CIVILETTI: Aye.

10 MR. BOEHNER: Delaney.

11 MS. DELANEY: Aye.

12 MR. BOEHNER: Babcock-Stiner.

13 MR. BABCOCK-STINER: Aye.

14 MR. BOEHNER: Osowski.

15 MR. OSOWSKI: Aye.

16 MR. BOEHNER: It's approved.

17 CHAIRPERSON PRICE: All right. Okay. So,

18 variances have been granted. ARB, they did grant the

19 approval for this, right, Ramsey?

20 MR. BOEHNER: Yes.

21 CHAIRPERSON PRICE: Okay.

22 MR. BOEHNER: Oh, no. It's being reviewed.

23 I'm sorry, Bill.

24 CHAIRPERSON PRICE: Being reviewed?

25 MR. BOEHNER: Yes.

1 MR. FRISCH: No, it was. ARB was approved.

2 MR. BOEHNER: It was? Thank you.

3 CHAIRPERSON PRICE: Did someone say ARB was
4 approved?

5 MR. BOEHNER: Oh, yes, it was. I'm sorry.
6 Yes, it was approved at the February 25th meeting.

7 CHAIRPERSON PRICE: Okay.

8 MR. BOEHNER: That was Jeff speaking up
9 because he does the Architectural Review Board.

10 CHAIRPERSON PRICE: Thank you, Jeff.

11 MR. BOEHNER: Thank you, Jeff.

12 CHAIRPERSON PRICE: Okay. All right --

13 MR. FADER: I --

14 CHAIRPERSON PRICE: -- do we have a motion?

15 MR. FADER: Yes. I move that the Planning
16 Board adopts a negative declaration prepared by Town
17 staff and that we approve the application based on
18 testimony given, plans submitted and the 24 conditions
19 outlined in the Planning Board report.

20 MR. BABCOCK-STINER: I second.

21 MR. BOEHNER: Jason Babcock-Stiner seconds.

22 CHAIRPERSON PRICE: All right. Moved and
23 seconded. Any further discussion? Hearing none.
24 Please call the roll.

25 MR. BOEHNER: Member Wentworth. Looks like

1 we lost him again.

2 MR. WENTWORTH: Aye.

3 MR. BOEHNER: Oh. Price.

4 CHAIRPERSON PRICE: Aye.

5 MR. BOEHNER: Fader.

6 MR. FADER: Aye.

7 MR. BOEHNER: Civiletti.

8 MS. CIVILETTI: Aye.

9 MR. BOEHNER: Delaney.

10 MS. DELANEY: Aye.

11 MR. BOEHNER: Babcock-Stiner.

12 MR. BABCOCK-STINER: Aye.

13 MR. BOEHNER: Osowski.

14 MR. OSOWSKI: Aye.

15 MR. BOEHNER: Approved with conditions.

16 CHAIRPERSON PRICE: Very good, thank you.

17 Okay. We -- could we get a motion please to table

18 3P-01-20, Winton Place, LLC.

19 MR. BOEHNER: Table for representation at

20 the next Planning Board meeting.

21 MS. CIVILETTI: So moved.

22 MR. FADER: I'll second that.

23 CHAIRPERSON PRICE: Moved and seconded. Is

24 there any discussion? Ramsey, please call the roll.

25 MR. BOEHNER: Wentworth.

1 MR. WENTWORTH: Aye.
2 MR. BOEHNER: Price.
3 CHAIRPERSON PRICE: Aye.
4 MR. BOEHNER: Fader.
5 MR. FADER: Aye.
6 MR. BOEHNER: Civiletti.
7 MS. CIVILETTI: Aye.
8 MR. BOEHNER: Delaney.
9 MS. DELANEY: Aye.
10 MR. BOEHNER: Babcock-Stiner.
11 MR. BABCOCK-STINER: Aye.
12 MR. BOEHNER: Osowski.
13 MR. OSOWSKI: Aye.
14 MR. BOEHNER: Application is tabled for
15 representation at the next Planning Board meeting.
16 CHAIRPERSON PRICE: All right. Thank you.
17 Next application is OP -- I'm sorry, 3P-02-20, this is
18 OFC Theater Creations -- Creations Theater. Is there
19 a motion -- hang on. Let's be clear what we're
20 approving here.
21 MR. BOEHNER: I think you're right, Bill.
22 Let me check. 3P-02 --
23 CHAIRPERSON PRICE: -- 02. This is for
24 Conditional Use Permit to allow for the live theater
25 performance, classes, reception rehearsals and shows

1 at 3450 Winton Place. So, do we have a motion to
2 close the public hearing.

3 MS. DELANEY: I'll move that we close the
4 public hearing.

5 MR. FADER: I'll second that.

6 MR. BOEHNER: Delaney making a motion, Fader
7 seconded it.

8 MR. FADER: Yes.

9 CHAIRPERSON PRICE: Any discussion on
10 closing the hearing. Ramsey, please call the roll.

11 MR. BOEHNER: Wentworth.

12 MR. WENTWORTH: Aye.

13 MR. BOEHNER: Price.

14 CHAIRPERSON PRICE: Aye.

15 MR. BOEHNER: Fader.

16 MR. FADER: Aye.

17 MR. BOEHNER: Civiletti.

18 MS. CIVILETTI: Aye.

19 MR. BOEHNER: Delaney.

20 MS. DELANEY: Aye.

21 MR. BOEHNER: Babcock-Stiner.

22 MR. BABCOCK-STINER: Aye.

23 MR. BOEHNER: Osowski.

24 MR. OSOWSKI: Aye.

25 MR. BOEHNER: Hearing is closed.

1 CHAIRPERSON PRICE: Okay. Thank you. All
2 right. For a Conditional Use Permit do we have a
3 motion on the application?

4 MR. FADER: I'll move the Planning Board to
5 adopt a negative declaration prepared by Town staff.
6 And, if we approve the application based on the
7 testimony given, plans submitted and the 12 conditions
8 outlined in the planning report.

9 MR. BABCOCK-STINER: Second.

10 CHAIRPERSON PRICE: Moved and seconded.
11 David Dollinger, did you hear anything in the public
12 testimony or the public comments that concerns you at
13 all, that concerns the Town at all?

14 MR. DOLLINGER: No, I don't -- I don't think
15 so. I -- you know, it's one of those ones that it's
16 really Rick, you know, that -- that -- the fire
17 marshal, that's got to go through and make sure that
18 -- that's all, you know, copesthetic.

19 MR. BOEHNER: And they have to go through
20 plan review to get a building permit also.

21 MR. DOLLINGER: Right. I mean, I'm not sure
22 that it's that different of a use that it -- that --
23 it's been used for this kind of stuff for a while now.

24 MR. BOEHNER: Yes, it has.

25 MR. DOLLINGER: And, the question is, is the

1 way that they're doing this, does the fire marshal
2 think that they way that they're doing this and the
3 Town, as part of the permit process, you know, think
4 this is acceptable. I mean, I -- above and beyond our
5 -- our decision. You know what I mean?

6 CHAIRPERSON PRICE: Okay. Okay. Thank you.
7 Any further discussion amongst the Board on the -- on
8 the motion? Ramsey, please call the roll.

9 MR. BOEHNER: Wentworth.

10 MR. WENTWORTH: Aye.

11 MR. BOEHNER: Price.

12 CHAIRPERSON PRICE: Aye.

13 MR. BOEHNER: Fader.

14 MR. FADER: Aye.

15 MR. BOEHNER: Civiletti.

16 MS. CIVILETTI: Aye.

17 MR. BOEHNER: Delaney.

18 MS. DELANEY: Aye.

19 MR. BOEHNER: Babcock-Stiner.

20 MR. BABCOCK-STINER: Aye.

21 MR. BOEHNER: Osowski.

22 MR. OSOWSKI: Aye.

23 MR. BOEHNER: Approved with conditions.

24 CHAIRPERSON PRICE: Thank you. All right.

25 Next application will be the 3P-03-20, David Hower,

1 and F&H Development. This is for preliminary and
2 final site plan approval and Conditional Use Permit
3 for the addition on his property at 1338
4 Brighton-Henrietta Townline Road. Is there a motion
5 to close the public hearing?

6 Ms. CIVILETTI: I'll move to close the
7 public hearing.

8 CHAIRPERSON PRICE: Thank you.

9 MS. DELANEY: I'll second.

10 MR. BOEHNER: That's a motion by Civiletti,
11 seconded by Delaney.

12 CHAIRPERSON PRICE: Ramsey, please call the
13 roll. This is to close the hearing.

14 MR. BOEHNER: Yeah. Sorry, I'm a little
15 behind.

16 CHAIRPERSON PRICE: No worries.

17 MR. BOEHNER: Wentworth.

18 MR. WENTWORTH: Aye.

19 MR. BOEHNER: Price.

20 CHAIRPERSON PRICE: Aye.

21 MR. BOEHNER: Fader.

22 MR. FADER: Aye.

23 MR. BOEHNER: Civiletti.

24 MS. CIVILETTI: Aye.

25 MR. BOEHNER: Delaney.

1 MS. DELANEY: Aye.

2 MR. BOEHNER: Babcock-Stiner.

3 MR. BABCOCK-STINER: Aye.

4 MR. BOEHNER: Osowski.

5 MR. OSOWSKI: Aye.

6 MR. BOEHNER: Hearing's closed.

7 CHAIRPERSON PRICE: Thank you. Do we --
8 now, again, this is preliminary and final with a
9 conditional use permit. Do we have a motion for this
10 application?

11 MR. FADER: I'll move we accept the negative
12 declaration prepared by Town staff, and I move
13 approval of preliminary and final approval, based on
14 the testimony given, plans submitted, and the 23
15 conditions outlining the planning of the Board. And,
16 I say 23 because, I believe it's mis-numbered, if you
17 look carefully at number one.

18 MR. BOEHNER: Let me take a look there,
19 Dave.

20 MR. BABCOCK-STINER: Oh, yeah. Yeah, David
21 is correct.

22 MR. WENTWORTH: Second.

23 CHAIRPERSON PRICE: Good catch. Moved and
24 seconded. Is there any -- can we just clarify who
25 seconded? James?

1 MR. WENTWORTH: James.

2 CHAIRPERSON PRICE: Okay. Any -- any
3 discussion? Ramsey, when you're ready, please call
4 the roll for the vote.

5 MR. BOEHNER: Wentworth.

6 MR. WENTWORTH: Aye.

7 MR. BOEHNER: Price.

8 CHAIRPERSON PRICE: Aye.

9 MR. BOEHNER: Fader.

10 MR. FADER: Aye.

11 MR. BOEHNER: Civiletti.

12 MS. CIVILETTI: Aye.

13 MR. BOEHNER: Delaney.

14 MS. DELANEY: Aye.

15 MR. BOEHNER: Babcock-Stiner.

16 MR. BABCOCK-STINER: Aye.

17 MR. BOEHNER: Osowski.

18 MR. OSOWSKI: Aye.

19 MR. BOEHNER: Motion passes.

20 CHAIRPERSON PRICE: Thank you. Okay.

21 Moving on, next application is 4P-01-20. This is
22 Courtney Hopkins, her new home on Babcock. Does this
23 have an address?

24 MR. BOEHNER: It's 11 Babcock, Bill. Hold
25 on.

1 CHAIRPERSON PRICE: That seems right. 11
2 Bab --
3 MR. BOEHNER: 11 Babcock.
4 CHAIRPERSON PRICE: -- 11 Babcock.
5 MR. BABCOCK-STINER: I move to close the
6 public hearing.
7 MR. BOEHNER: Is that Babcock-Stiner?
8 MR. BABCOCK-STINER: Yes.
9 CHAIRPERSON PRICE: Thank you.
10 MS. DELANEY: I'll second.
11 MR. BOEHNER: That's Delaney seconding.
12 CHAIRPERSON PRICE: Moved and seconded. Any
13 discussion? Ramsey, please call the roll.
14 MR. BOEHNER: Wentworth.
15 MR. WENTWORTH: Aye.
16 MR. BOEHNER: Price.
17 CHAIRPERSON PRICE: Aye.
18 MR. BOEHNER: Fader.
19 MR. FADER: Aye.
20 MR. BOEHNER: Civiletti.
21 MS. CIVILETTI: Aye.
22 MR. BOEHNER: Delaney.
23 MS. DELANEY: Aye.
24 MR. BOEHNER: Babcock-Stiner.
25 MR. BABCOCK-STINER: Aye.

1 MR. BOEHNER: Osowski.

2 MR. OSOWSKI: Aye.

3 MR. BOEHNER: Hearing closed.

4 CHAIRPERSON PRICE: Thank you. All right.
5 Again, preliminary and final site plan approval for
6 this. Do we have a motion?

7 MR. FADER: I'll move that we accept the
8 negative declaration prepared by Town staff and that
9 we approve the application, based on testimony given,
10 plans submitted, and the 23 conditions outlined in the
11 Planning Board.

12 MR. BOEHNER: Do you have a 24th condition?
13 All trees presented to be removed shall be shown on
14 the site plan?

15 MR. FADER: Fine.

16 MR. BABCOCK-STINER: Second.

17 MR. BOEHNER: Second. Thank you, Babcock.

18 CHAIRPERSON PRICE: Moved and seconded. We
19 have a 24th condition -- Ramsey, the condition of
20 placing construction fencing for the protection of
21 trees does include the drip line of trees that are
22 where the trunk is not on their property but the
23 canopy projects over the property line?

24 MR. BOEHNER: That's an interesting
25 question, Bill. We could do that because that's the

1 -- that's the purpose of it.

2 MR. WENTWORTH: I support that.

3 CHAIRPERSON PRICE: I -- I think with the
4 size of that Hickory, that's an important tree. It
5 appears we do have some trenching that's going to go
6 on, but I think that area has pretty good soil, well
7 drained soil. So, trenching and backfill should
8 happen in the same day, but it -- I would like that to
9 -- if that -- if that takes a condition, I'd like to
10 -- I'd like to add it, if we could.

11 MR. BOEHNER: Look at condition number nine,
12 which read, all trees to be saved shall be protected
13 with orange construction fencing, placed at the drip
14 line or distance greater than the drip line. Trees
15 shall be pruned, watered, fertilized prior to and
16 after construction, materials and equipment storage
17 should not be allowed in fenced areas.

18 CHAIRPERSON PRICE: That -- that is --
19 that's the right condition. I just want to make sure
20 it applies to even -- even trees that are -- are not
21 within where the trunk is not within the property. I
22 mean, we could just add that to -- to condition number
23 nine.

24 MR. BOEHNER: The drip line, all site trees
25 shall also be protected.

1 MR. WENTWORTH: Yeah.

2 CHAIRPERSON PRICE: Yes, that's good.

3 MR. BOEHNER: If that's okay with David
4 Fader?

5 CHAIRPERSON PRICE: Right.

6 MR. FADER: I have -- go ahead.

7 MR. WENTWORTH: I have a question about
8 construction fencing. I was unclear whether or not we
9 were -- the applicant had intended that.

10 MR. BOEHNER: I don't think the applicant
11 presented that they were going to fence off the
12 property. Is that what you're asking, James?

13 MR. WENTWORTH: Yes. Based on the testimony
14 in the public hearing from one of the neighbors and
15 the concern about kids accessing the construction
16 site.

17 I guess, the suggestion would be if you're
18 concerned, that you could put a condition that the
19 site should be fenced with orange construction
20 fencing, just to try to give people an indication,
21 don't come in here.

22 MR. WENTWORTH: I would be comfortable
23 adding that.

24 MR. BOEHNER: Let me just write up a
25 condition; orange construction fencing shall be

1 installed along the perimeter of the site to provide
2 -- to provide safety? Let's see --

3 CHAIRPERSON PRICE: Just --

4 MR. BOEHNER: -- along the perimeter of the
5 site.

6 CHAIRPERSON PRICE: (Inaudible.)

7 MR. BOEHNER: Orange construction fencing
8 shall be installed around the perimeter of the site.

9 MR. WENTWORTH: I think disturbance
10 (inaudible) sake of disturbance.

11 CHAIRPERSON PRICE: Don't say anything about
12 safety, I'm nervous about that.

13 MR. BOEHNER: Yeah, I know because --

14 CHAIRPERSON PRICE: That's not our job.

15 MR. BOEHNER: It's just a barrier so I just
16 said orange construction fencing shall be installed
17 along the perimeter of the site.

18 MR. WENTWORTH: I'd be more comfortable
19 around the area of disturbance.

20 CHAIRPERSON PRICE: They've got to do that
21 if they leave that excavation open or an excavations
22 opened.

23 MR. WENTWORTH: Correct.

24 CHAIRPERSON PRICE: Once it's -- the
25 foundation is done and backfilled, then you would just

1 have the -- the fencing along the property line that
2 isn't already there to protect the trees.

3 MR. WENTWORTH: The reason why I say area of
4 disturbances is because it -- I don't -- well, forgive
5 me, but I don't remember if this is vegetation
6 (inaudible) or it's just (inaudible).

7 CHAIRPERSON PRICE: So, a lot of that shared
8 property line with the neighbor, Noel, is going to get
9 orange fencing as a result of protecting the trees.
10 So, we would just ask them to in-fill between the two
11 trees, or the property line between the two, so that
12 the kids are at least alerted that, you know, they're
13 wandering onto a construction site. But --

14 MR. BOEHNER: That's all I was trying to do.
15 That's why I wanted it around the perimeter to just
16 stay off the property.

17 CHAIRPERSON PRICE: That's all we can -- you
18 know, that's all we can say.

19 MR. WENTWORTH: Okay.

20 MR. BOEHNER: So, summary of what my notes
21 shows that we modified condition number nine, to add
22 the drip line of off site trees shall be -- also be
23 protected. There's two additional conditions, all
24 trees presented to be removed, shall -- shall be shown
25 on the site plan, and the last condition is, orange

1 construction fencing shall be installed along the
2 perimeter of the site.

3 CHAIRPERSON PRICE: It looks like they can
4 probably attach it right to the soap fence.

5 MR. BOEHNER: Yeah.

6 CHAIRPERSON PRICE: Okay.

7 MR. BOEHNER: That's all I've got.

8 CHAIRPERSON PRICE: All right. Any other
9 discussion? All right. Are the conditions okay? Who
10 moved this?

11 MR. FADER: I did. I'm fine with them.

12 CHAIRPERSON PRICE: Okay. Thank you. And,
13 whoever seconded?

14 MR. BABCOCK-STINER: Me.

15 CHAIRPERSON PRICE: You good with those?

16 MR. BABCOCK-STINER: I'm good.

17 CHAIRPERSON PRICE: Okay. As amended,
18 please, please take the roll.

19 MR. BOEHNER: Member Wentworth.

20 MR. WENTWORTH: Aye.

21 MR. BOEHNER: Fader.

22 MR. FADER: Aye.

23 MR. BOEHNER: Civiletti.

24 MS. CIVILETTI: Aye.

25 MR. BOEHNER: Delaney.

1 MS. DELANEY: Aye.

2 MR. BOEHNER: Babcock-Stiner.

3 MR. BABCOCK-STINER: Aye.

4 MR. BOEHNER: Osowski.

5 MR. OSOWSKI: Aye.

6 MR. BOEHNER: Approved with conditions.

7 CHAIRPERSON PRICE: Did you ask me? I guess
8 I said yeah.

9 MR. BOEHNER: Member Price. Just to make
10 sure.

11 CHAIRPERSON PRICE: Aye.

12 All right. That brings us to application
13 4P-02-20, Joe O'Donnell and Greater Living
14 Architecture on behalf of Sarah D. Realty for and
15 final preliminary and final site plan approval for a
16 310 square foot building addition at 885 Winton Road
17 South. Is there a motion to close the public hearing?

18 MR. FADER: I move to close the public
19 hearing.

20 MR. BOEHNER: I got Fader on that. Do I
21 have a second?

22 MR. BABCOCK-STINER: I'll second.

23 CHAIRPERSON PRICE: Thank you. Please take
24 the roll to close the public hearing.

25 MR. BOEHNER: Wentworth.

1 MR. WENTWORTH: Aye.
2 MR. BOEHNER: Price.
3 CHAIRPERSON PRICE: Aye.
4 MR. BOEHNER: Fader.
5 MR. FADER: Aye.
6 MR. BOEHNER: Civiletti.
7 MS. CIVILETTI: Aye.
8 MR. BOEHNER: Delaney.
9 MS. DELANEY: Aye.
10 MR. BOEHNER: Babcock-Stiner.
11 MR. BABCOCK-STINER: Aye.
12 MR. BOEHNER: Osowski.
13 MR. OSOWSKI: Aye.
14 MR. BOEHNER: Hearing's closed.
15 CHAIRPERSON PRICE: Thank you. All right.
16 So, we have a couple of outstanding approvals. It
17 sounds like a variance on the parking. Is that right,
18 Ramsey?
19 MR. BOEHNER: Density and parking.
20 CHAIRPERSON PRICE: Site density. Okay.
21 MR. BOEHNER: Yeah. Density of the
22 building.
23 CHAIRPERSON PRICE: Okay. You consider
24 these significant enough that we would -- I mean, if
25 they're just -- if they don't get it, they don't get

1 it. Would they have to come back to us or can we
2 conditionally approve this?

3 MR. BOEHNER: Given the -- all the
4 applications had to wait so many months, that if we
5 were to approve it with conditions, that they get
6 their variances, it may save them a considerable
7 amount of time or make up time that they've lost.

8 CHAIRPERSON PRICE: I would -- I would -- I
9 would encourage that. If we can -- if we can do that
10 I'd entertain a motion for approval or a motion,
11 sorry, with conditions.

12 MR. FADER: Okay. I was just going to say,
13 I don't see a conditions for variance in there
14 currently.

15 MR. BOEHNER: Number four, I believe.

16 CHAIRPERSON PRICE: Yeah.

17 MR. FADER: Oh, you're right, sorry.

18 MR. BOEHNER: Yeah. No, there is a
19 condition in there. Thank you.

20 MR. FADER: All right. Then I'll move the
21 Planning Board adopt a negative declaration prepared
22 by Town staff, and that we -- we approve the
23 application, based on testimony given, plans submitted
24 and the 17 conditions in the Planning Board report.

25 MR. WENTWORTH: Second.

1 CHAIRPERSON PRICE: Moved and seconded.
2 Thank you. Is there any discussion? Okay. Hearing
3 none. Ramsey, please call the roll.
4 MR. BOEHNER: Wentworth.
5 MR. WENTWORTH: Aye.
6 MR. BOEHNER: Price.
7 CHAIRPERSON PRICE: Aye.
8 MR. BOEHNER: Fader.
9 MR. FADER: Aye.
10 MR. BOEHNER: Civiletti.
11 MS. CIVILETTI: Aye.
12 MR. BOEHNER: Delaney.
13 MS. DELANEY: Aye.
14 MR. BOEHNER: Babcock-Stiner.
15 MR. BABCOCK-STINER: Aye.
16 MR. BOEHNER: Osowski.
17 MR. OSOWSKI: Aye.
18 MR. BOEHNER: Motion passes.
19 CHAIRPERSON PRICE: Thank you. Laura, do
20 you want to take this one over?
21 MS. CIVILETTI: Sure.
22 MR. BOEHNER: Give me a second, Bill. I'm
23 just going to shut down for a second.
24 CHAIRPERSON PRICE: Yep.
25 MR. BOEHNER: You ready, Laura?

1 MS. CIVILETTI: Yep. You ready, Ramsey?

2 MR. BOEHNER: Yeah.

3 MS. CIVILETTI: All right. This is
4 Application 6P-01-20 of Shirah Cahill, SWBR agent and
5 the Summit at Brighton, owner for a site plan
6 modification to construct an outdoor patio and dining
7 area on property located at 2000 Summit Circle Drive.
8 Do we have a motion regarding the public hearing?

9 MS. DELANEY: I'll move to close the public
10 hearing.

11 MR. BOEHNER: Delaney, motion.

12 MR. WENTWORTH: Second.

13 MR. BOEHNER: Wentworth. Thank you, James.

14 MS. CIVILETTI: Any discussion on that?
15 Okay. Ramsey, could you call the roll.

16 MR. BOEHNER: I will. Wentworth.

17 MR. WENTWORTH: Aye.

18 MR. BOEHNER: Fader.

19 MR. FADER: Aye.

20 MR. BOEHNER: Civiletti.

21 MS. CIVILETTI: Aye.

22 MR. BOEHNER: Delaney.

23 MS. DELANEY: Aye.

24 MR. BOEHNER: Babcock-Stiner.

25 MR. BABCOCK-STINER: Aye.

1 MR. BOEHNER: Osowski.

2 MR. OSOWSKI: Aye.

3 MR. BOEHNER: Public hearing's closed.

4 MS. CIVILETTI: Do we have a motion
5 regarding this application?

6 MR. FADER: I'll move Planning Board adopts
7 negative declaration prepared by Town staff, and that
8 we approve the application, based on testimony given,
9 plan submitted, and the 20 conditions outlined in the
10 planning report.

11 MS. CIVILETTI: Ramsey, do you have any
12 additional conditions?

13 MR. BOEHNER: No, I do not.

14 UNIDENTIFIED: I'll second.

15 MS. CIVILETTI: Okay. Moved and seconded.
16 When you're ready, Ramsey, could call the roll?

17 MR. BOEHNER: Member Wentworth.

18 MR. WENTWORTH: Aye.

19 MR. BOEHNER: Fader.

20 MR. FADER: Aye.

21 MR. BOEHNER: Civiletti.

22 MS. CIVILETTI: Aye.

23 MR. BOEHNER: Delaney.

24 MS. DELANEY: Aye.

25 MR. BOEHNER: Babcock-Stiner.

1 MR. BABCOCK-STINER: Aye.

2 MR. BOEHNER: Osowski.

3 MR. OSOWSKI: Aye.

4 MR. BOEHNER: We have some signs to do,
5 folks. Jack, if you're still with us, if you could
6 get the sign applications up.

7 **SIGNS:**

8 MR. FADER: Do you want to get Bill Price?

9 MR. BOEHNER: Yeah, I think it would be a
10 good idea.

11 MS. CIVILETTI: Nah, leave him locked out.

12 UNIDENTIFIED: Just keep him locked out and
13 we'll end the meeting.

14 MR. BOEHNER: Let me get him back. He
15 should be coming in any second.

16 CHAIRPERSON PRICE: I heard all of that.

17 MR. BOEHNER: I let you back in, Bill. I
18 let you back. (Inaudible).

19 Okay. The first sign that we have is sign
20 1580. It was approved as presented by the
21 Architectural Review Board. Everyone's okay with it.
22 It's for Otis. If you're okay with that, and you guys
23 have enough information there?

24 CHAIRPERSON PRICE: Were there options here,
25 Ramsey?

1 MR. BOEHNER: No.

2 CHAIRPERSON PRICE: Okay.

3 MS. CIVILETTI: Why do we have two different
4 views?

5 CHAIRPERSON PRICE: Is the one existing?

6 MR. FRISCH: No, the one on the right is
7 (inaudible).

8 MS. CIVILETTI: Not that I object to either
9 one of them. I'm just curious as to why there's two
10 different versions.

11 MR. BABCOCK-STINER: Either works, I'm fine.

12 MR. BOEHNER: Oh, yeah. There's -- they've
13 got something there at the bottom that they added in.

14 MR. FRISCH: The one on the right is the
15 existing one and the one on the left is the new one.

16 MS. CIVILETTI: All right.

17 CHAIRPERSON PRICE: Looks like we're fine
18 with it? I'm good with it.

19 MR. BOEHNER: Okay. I'm going to ask that
20 we go sign by sign so if I could have a motion and a
21 second to approve it as recommended.

22 CHAIRPERSON PRICE: Approved as recommended.

23 MS. CIVILETTI: Approved as recommended.

24 MR. BOEHNER: That's Civiletti who seconded
25 it?

1 CHAIRPERSON PRICE: Me.
2 MR. BOEHNER: Member Wentworth.
3 MR. WENTWORTH: No.
4 MR. BOEHNER: No?
5 CHAIRPERSON PRICE: It was me.
6 MS. CIVILETTI: Everybody's a wise guy.
7 CHAIRPERSON PRICE: Getting late.
8 MR. BOEHNER: Price.
9 CHAIRPERSON PRICE: Aye.
10 MR. BOEHNER: Fader.
11 MR. FADER: Aye.
12 MR. BOEHNER: Civiletti.
13 MS. CIVILETTI: Aye.
14 MR. BOEHNER: Delaney.
15 MS. DELANEY: Aye.
16 MR. BOEHNER: Babcock-Stiner.
17 MR. BABCOCK-STINER: Aye.
18 MR. BOEHNER: Osowski.
19 MR. OSOWSKI: Aye.
20 MR. WENTWORTH: Did you ask me? I missed
21 that.
22 MR. BOEHNER: I thought you said no.
23 CHAIRPERSON PRICE: You said no.
24 MR. WENTWORTH: Oh, no. Aye.
25 MR. BOEHNER: Oh, okay. I didn't want to

1 question your vote. I didn't understand why, but I
2 didn't want to question it. So, okay. So, it's
3 approved.

4 MR. WENTWORTH: My connection is horrid.

5 MR. BOEHNER: Okay. Next sign is the sign
6 for OFC Creations. The Architecture Review Board
7 recommended approval with conditions. The sign shall
8 not exceed 85.5 feet, square feet, based on the
9 building's frontage and code requirements for variance
10 must be obtained.

11 CHAIRPERSON PRICE: Works for me.

12 MR. BOEHNER: So, if I could get a motion
13 that if someone would want to make a motion to approve
14 with conditions, as stated.

15 CHAIRPERSON PRICE: I move to approve with
16 conditions, as stated by the narrative.

17 MR. WENTWORTH: Second.

18 MR. BOEHNER: Wentworth.

19 MR. WENTWORTH: Correct. Aye.

20 MR. BOEHNER: Fader.

21 MR. FADER: Aye.

22 MR. BOEHNER: Civiletti.

23 MS. CIVILETTI: Aye.

24 MR. BOEHNER: Delaney.

25 MS. DELANEY: Aye.

1 MR. BOEHNER: Babcock-Stiner.

2 MR. BABCOCK-STINER: Aye.

3 MR. BOEHNER: Osowski.

4 MR. OSOWSKI: Aye.

5 MR. BOEHNER: Okay. This last sign, 1582,
6 it's for Pet Supply Plus. They've been waiting months
7 for their sign. They got caught up, right when COVID
8 hit. So, what I'm asking is to review it, give our
9 blessing if you feel that way. And then, I would ask
10 that the ARB look at it on Tuesday at the next
11 meeting. By doing it this way, we'd save them a lot
12 of time.

13 CHAIRPERSON PRICE: Ramsey, does it
14 technically meet the -- the size requirements.

15 MR. BOEHNER: Yes, that's my understanding.
16 It does.

17 CHAIRPERSON PRICE: Okay.

18 MR. BOEHNER: And, that the conditions would
19 be, the sign shall be reviewed as approved by the
20 Architectural Review Board.

21 MR. WENTWORTH: The font --

22 CHAIRPERSON PRICE: I think it's the Twelve
23 Corners.

24 MR. BOEHNER: Do we have a --

25 CHAIRPERSON PRICE: I move approval with the

1 condition.

2 MR. BABCOCK-STINER: I second.

3 MR. BOEHNER: Who was the second? I'm
4 sorry.

5 MR. BABCOCK-STINER: Babcock-Stiner.

6 MR. BOEHNER: Thank you, Jason. Wentworth.
7 James, you still there?

8 MR. WENTWORTH: Aye.

9 MR. BOEHNER: Page -- I mean, Price.

10 CHAIRPERSON PRICE: Aye.

11 MR. BOEHNER: Fader.

12 MR. FADER: Aye.

13 MR. BOEHNER: Civiletti.

14 MS. CIVILETTI: Aye.

15 MR. BOEHNER: Delaney.

16 MS. DELANEY: Aye.

17 MR. BOEHNER: Babcock-Stiner.

18 MR. BABCOCK-STINER: Aye.

19 MR. BOEHNER: Osowski.

20 MR. OSOWSKI: Aye.

21 MR. BOEHNER: Approved with conditions. So,
22 I think that's everything.

23 CHAIRPERSON PRICE: We're good. Thank you.

24 Thank you to anybody, all the applicants who maybe
25 listening, anybody in the general public, thank you

1 for participating. For the Board Members, we do want
2 to have a little de-brief on this. If you have
3 thoughts on how this went, technically, from an IT
4 input, but also from just the process that we
5 typically operate versus changes having been made on
6 virtual meeting, then bring those e-mails, comments to
7 Ramsey.

8 But, let's see if we can get comments to
9 make it even better next month. Thank you everyone.
10 And, let us know if you can't make it. Summer's
11 coming, but let us know.

12 MR. BOEHNER: Everyone in July. And,
13 Jeremy, thank you for all your hard work and help.

14 MR. BABCOCK-STINER: Yeah, thank you.

15 MR. LUTZ: You're very welcome. Thank you.

16 MR. OSOWSKI: Thank you.

17 CHAIRPERSON PRICE: And, Jeff.

18 MR. BOEHNER: Yeah, thank you for your help
19 too, both you guys. Thank you.

20 MR. BABCOCK-STINER: All right. See
21 everybody in July.

22 (Deposition concluded at 9:15 p.m.).

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S T E N O G R A P H E R C E R T I F I C A T I O N

I DO HEREBY CERTIFY as a Notary Public in and for
the State of New York, that I did report the video
recorded Zoom internet conference proceeding, using
required transcription equipment.

Further, that such transcript, numbered
pages one through one hundred and nine, is an accurate
and correct record of the video Zoom internet
conference proceeding.

Jennifer C. Valerio
Notary Public.