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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**

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December 12th, 2020  
At approximately 7:00 **p.m.**  
Brighton Town Hall Zoom meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

**PRESENT:**

WILLIAM PRICE, CHAIRPERSON

KAREN ALTMAN	)	
PAMELA DELANEY	)	
JOHN J. OSOWSKI	)	BOARD MEMBERS
LAURA CIVILETTI	)	
JASON BABCOCK-STINER	)	

DAVID DOLLINGER, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

NOT PRESENT:  
DAVID FADER

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

## BRIGHTON PLANNING BOARD 12/16/2021

CHAIRPERSON PRICE: Good evening, everyone. I would like to welcome everyone to the December 16th, meeting of the Town of Brighton Planning Board. This is our fourth or fifth meeting at least, virtual.

And what I would like to do is introduce all of the Board members and our town staff that are helping us out. My name is Bill Price, I am the chair of the Planning Board, we have John Osowski with us tonight, Pam Delaney, is Jason Babcock here?

MR. BABCOCK-STINER: Yes.

CHAIRPERSON PRICE: Jason, how are you?

MR. BABCOCK-STINER: Good.

CHAIRPERSON PRICE: I think David Fader is not here?

MR. BOEHNER: No, David Fader is not going to be with us tonight.

CHAIRPERSON PRICE: Okay, thank you. And I would like to introduce a new member of our Board, Karen Altman. Karen is filling a vacancy that was just made recently and brings a lot of experience, and a long time resident of Brighton. And we welcome you, Karen, and hope you enjoy this.

MR. BOEHNER: Welcome, Karen, thank you.

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CHAIRPERSON PRICE: I'm sure you will make a great contribution.

Who am I leaving out? Laura Civiletti, I wanted to introduce Laura to everybody. And again, David Fader is not here tonight.

Jeff Frisch is handling the technology, hopefully keeping us out of trouble. Ramsey Boehner is the Secretary to the Planning Board and he is our Town Planner.

Tonight we will have several Public Hearings. First, Ramsey, could I ask you to call the roll please?

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Yes.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Yes.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Yes.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Yes.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Yes.

MR. BOEHNER: Absent is Fader.

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CHAIRPERSON PRICE: Okay, thank you.

We have meeting minutes, Ramsey, I know I read November, is it just November we have?

MR. BOEHNER: Yes, just November. And there was one correction that Member Osowski had.

MR. OSOWSKI: Yes. I move that we approve the minutes with the following correction. On the front page, it did not indicate that Pam Delaney was present for the November meeting, but indeed she was present at the meeting.

CHAIRPERSON PRICE: All right, good catch. Thank you, John.

MS. CIVILETTI: I will second.

CHAIRPERSON PRICE: There's a motion and a second, Ramsey, will you please call the roll?

MR. BOEHNER: Ms. Altman? She's going to abstain.

CHAIRPERSON PRICE: She's going to abstain.

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

MS. ALTMAN: I'll sit closer.

MR. BOEHNER: You should definitely sit closer. I'm going to have you down as abstaining since you were not at the meeting.

MS. ALTMAN: Okay.

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2  
3 MR. BOEHNER: Okay. Mr. Price?

4 CHAIRPERSON PRICE: Aye.

5 MR. BOEHNER: Ms. Civiletti?

6 MS. CIVILETTI: Aye.

7 MR. BOEHNER: Ms. Delaney?

8 MS. DELANEY: Aye.

9 MR. BOEHNER: Mr. Babcock-Stiner?

10 MR. BABCOCK-STINER: Aye.

11 MR. BOEHNER: Mr. Fader?

12 MR. FADER: Aye.

13 MR. BOEHNER: Mr. Osowski?

14 MR. OSOWSKI: Aye.

15 CHAIRPERSON PRICE: All right. So, tonight we  
16 have several Planning Board Public Hearings.

17 Mr. Secretary, can you confirm that the notice  
18 was properly filed?

19 MR. BOEHNER: Yes, the Public Hearings were  
20 advertised in the Brighton-Pittsford Post on December 10,  
21 2020.

22 CHAIRPERSON PRICE: Thank you. We will hear  
23 those now.

24 For the public who may be interested in some  
25 of these applications, I want to point out that Application

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9P-NB1-20, the application for the Baptist Bible Temple and Clover Park Properties LLC, asked for an adjournment to our January 20th meeting, so that application will not be heard tonight.

So, the first application we will hear is 8P-01-20, application of John Geer for preliminary final site plan approval.

## APPLICATION 8P-01-20

8P-01-20 Application of John Geer, owner, for Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot on property located at 2171 West Henrietta Road. All as described on application and plans on file. TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING REMAINS OPEN.

CHAIRPERSON PRICE: Jeff, you have the information to present?

MR. BOEHNER: It's also Stu Baker, if you could let him in.

CHAIRPERSON PRICE: Is there someone representing the applicant?

MR. BOEHNER: It's John and Cade, you guys have anyone else with you?

CADE KRUGER: No, that's it.

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MR. BOEHNER: Sorry for the confusion.

CHAIRPERSON PRICE: Okay, please go ahead and tell us a little bit about the changes and anything with regards to the variances.

CADE KRUGER: Yes. Good evening, Mr. Chairman, members of the Board. Like you said, my name is Cade Kruger with DDS Engineers. I'm here tonight on behalf of Mr. Geer for his restaurant at 2171 West Henrietta Road. Here tonight asking for the preliminary and final approval for the expansion of the existing parking lot for his restaurant.

Since we last spoke, I have been in front of the Zoning Board for a sprinkler system which was ultimately denied. So he will be required to install a fire sprinkler throughout the building. I believe that was one of Ms. Civiletti's concerns at the prior meeting.

He's also been in front of the Zoning Board for the expansion of the use variance and he has received approval for the modifications of the approved use variance to allow for additional seating, as well as a sign variance to allow for a building face sign, building face business sign. And that was at the December 2nd, Zoning Board meeting.

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Since the last time we had with the Planning Board in August, we made some modifications to the plan keeping the Board's feedback in mind. The main thing was we moved the northern parking lot back from the property line per code and kind of use that space a little bit better. I believe that was one of Mr. Wentworth's comments at that meeting.

Additionally, we closed off the second entrance along West Henrietta Road, so now there's no entrances going onto West Henrietta Road. It just will be Furlong and Doncaster. I think that makes it a whole lot safer.

Plans have been received and reviewed by all County and State agencies, including Monroe County Water Authority, the Health Department, New York State DOT, and Pure Waters, and all of the comments have been addressed and anything else standing is just paperwork at this point.

So now I will turn it over to the Board, if you have any questions.

CHAIRPERSON PRICE: All right, thank you.

Board members, do we have any questions for Cade?

MR. BOEHNER: I have a question, if I could



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1  
2  
3 talk to you about the relocated lights? It's that light  
4 along West Henrietta Road and you're going to relocate it?

5 CADE KRUGER: Yeah.

6 MR. BOEHNER: That's LED fixture. Do you know  
7 the color temperature of that light and is it possible to put  
8 some residential shields on it?

9 CADE KRUGER: I don't know the color  
10 temperature off hand, Ramsey. I can look into that for you.  
11 Definitely we would want to put some shields on it, I think  
12 even open to getting rid of that.

13 So the site at night is actually pretty well  
14 lit up off West Henrietta Road. There's street lights I  
15 think every -- staggered every 50 feet, so it's actually  
16 pretty lit up.

17 You have probably seen the building lights  
18 now. At night if you drive by, they look good and do a good  
19 job lighting the walkway. And I think we would be open to  
20 getting rid of the light or to put a shield on it,  
21 definitely.

22 MR. BOEHNER: The other question I have, how  
23 many additional seats are you proposing?

24 CADE KRUGER: Yeah. So, additional seats  
25 would be 24 seats indoors on the second floor, and then eight

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additional outdoor seating.

So originally, there was 62 seats indoor allowed and 24 seats on the patio allowed, so additional would be 32 seats for a total of 118.

MR. BOEHNER: That is what the Zoning Board approved?

CADE KRUGER: Correct, yes. And so, our parking reflects that, we actually have two extra parking spots that are for the takeout window, but we required parking for that which is one per every few patrons.

MR. BOEHNER: Now, will the ice cream window, be like a takeout window so you can pick up food from the restaurant?

CADE KRUGER: Yeah. So, when we were at the Zoning Board meeting, we wanted to make that clear, especially with everything going on with the pandemic, that it is going to be an asset to be a takeout window. So it will be more than ice cream, it will probably be food as well. And they were understanding in that meeting, they were on board with that idea.

MR. BOEHNER: Thank you.

CHAIRPERSON PRICE: Do we have any other questions from Board members? Okay, everybody is set?

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2  
3 MR. OSOWSKI: I'm set.

4 MR. BOEHNER: That's all the questions I had.

5 CHAIRPERSON PRICE: Okay. Just a general  
6 comment, there's some background noise from somebody. If you  
7 are not speaking, kindly mute yourself. Thank you.

8 Okay. This is a Public Hearing, is there  
9 anybody that wishes to comment or make a statement about this  
10 particular application?

11 MR. BOEHNER: Please raise your hand.

12 CHAIRPERSON PRICE: Ramsey and Jeff are  
13 looking for you if you are raising your hand. If you can't  
14 figure that out, which I have a hard with, just start waiving  
15 your arms frantically.

16 Nobody, right, Ramsey? Jeff?

17 MR. BOEHNER: I'm not finding anybody, Jeff?

18 MR. FRISCH: I don't see anybody.

19 CHAIRPERSON PRICE: Cade, thank you.

20 We will move on to our next application, which  
21 I have to find a way to find that. Ramsey, when this screen  
22 is up I'm not able to see my other screen. Do you mind  
23 reading the next application?

24 MR. BOEHNER: Oh, yeah, gotcha. Okay.

25 APPLICATION 11P-03-20

1 BRIGHTON PLANNING BOARD 12/16/2021

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3 11P-03-20 Application of S.E. Baker and  
4 Company, agent, and Brighton Corners, LLC, owner, for 1)  
5 determination of the on-site parking requirement for a  
6 pilates studio, pursuant to Section 205-12 of the Brighton  
7 Comprehensive Development Regulations; and 2) whether or not  
8 the parking requirements for a pilates studio located at 1900  
9 Monroe Avenue (Twelve Corners Plaza) can be reduced pursuant  
10 to Section 205-20 (Combined Spaces) of the Brighton  
11 Comprehensive Development Regulations. All as described on  
12 application and plans on file. POSTPONED FROM THE NOVEMBER  
13 18, 2020 MEETING P 0320.

14 MR. BOEHNER: Stu Baker is one of the people,  
15 Jeff, that will be presenting.

16 STUART BAKER: Good evening.

17 CHAIRPERSON PRICE: Stu, if you would be just  
18 so kind to give us your name and an address for the record,  
19 which I believe I forgot to ask last time.

20 STUART BAKER: That's okay. Stuart Baker,  
21 S.E. Baker and Company, the address is 2401 Monroe Avenue is  
22 my headquarters and the address of the property in question  
23 is 1900 Monroe Avenue, for 12 Corners Plaza.

24 CHAIRPERSON PRICE: Thank you. If you can  
25 walk us through the use a little bit, where in the plaza the

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use is proposed to go. And we saw the traffic, actually the parking study that was done, just kind of walk us through that, if you would please.

STUART BAKER: Sure. The vacant space is the former Great Harvest space, which is roughly 2100 square feet. We've had several prospects come through to look at this space. This particular use matches our zoning and agreed with the zoning of the town.

And upon further investigation of the use called Club Pilates, we met with the franchisees, they are very good to work with and the broker Mr. Gerhim, and felt that this particular use will be very good to excellent for our demographic.

It fits, it's a nonfood use, I guess I'll just get the elephant out of the room, so it's a nonfood use. And we truly feel that the town would benefit from this. And I could elaborate further, but it's pretty straight forward, if you know what Pilates is. If not, I can get into greater detail if you would like.

CHAIRPERSON PRICE: I understand Pilates. I can't do it, but I understand it.

Could you offer us just a little bit about the hours of operation and how those hours of operation contrast

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to some of your other tenants and their peak times?

STUART BAKER: Sure, great question. Well, this is obviously not a traditional retail use, so we don't have the traditional -- that plaza has several types of users. We have a bank, which has traditional banking hours. We have an eyeglass optician, which has unique hours. We have some retailers that have your 10:00 to 11:00, to later hours in the evening, and of course, we have our food users.

And these particular hours are like workout hours. To be specific, we sent you, everybody could reference the Club Pilates estimated hours of operation and schedules that would probably save a lot of energy. But their hours are Monday through Friday, 5:30 a.m. to 2:00 p.m., and 4:30 to 7:30 p.m. And their Saturday hours are 7:00 a.m. to 2:00 p.m., gym-like hours.

And they do have class schedules which are more unique and private, and those are estimated at 5:30 a.m., 6:30 a.m., 8:30 a.m., 9:30 a.m., et cetera, Monday through Friday, up to 6:30 p.m. They're either in thirty minute or one hour intervals, and Saturdays and Sundays 7:00 a.m. to 12:00 noon.

CHAIRPERSON PRICE: Stu, just tell us a little bit about, now, they would be taking the entire space; is

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2  
3 that correct?

4 STUART BAKER: Yes, they will take the whole  
5 space, optimizing it, so they would take that whole corner.

6 CHAIRPERSON PRICE: And the --

7 MR. BOEHNER: How many stations are they  
8 proposing to have?

9 STUART BAKER: They are proposing 14 stations,  
10 Ramsey.

11 MR. BOEHNER: Oh, is it 14?

12 STUART BAKER: It's 12, I'm sorry, I was  
13 adding my employees.

14 MR. BOEHNER: Okay.

15 STUART BAKER: And I have a drawing that I  
16 gave you, a diagram.

17 MR. BOEHNER: How many employees are on the  
18 site?

19 STUART BAKER: Two, max, two; sometimes one,  
20 maximum two.

21 MR. BOEHNER: The reason I'm asking that to  
22 the Board is that one of the things that we have to do  
23 because of the comprehensive development regulations parking  
24 schedule does not list Pilates as a use. Under that code,  
25 the number of off street parking spaces are determined by the

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Planning Board.

As you will see in the report, I based that they would need 14 parking spaces during their most popular times. One space for each station, and one for each employee on site, for a total of 14 spaces.

And that is something that we'll need to make a finding of as we conclude what is the number of parking spaces required for a Pilates studio.

And the next thing is that we need to, under Section 205.20, combine spaces. We're allowed to look at a lot that has different parking requirements and the businesses are operating at different times where we can demonstrate that one or more such uses will be generating a demand for parking primarily during periods when the other uses are not in operation.

That's why Mr. Baker provided the hours of operation, and I think it's kind of complicated and it's a little hard to figure out, but I find based on the information that -- and, Mr. Baker, we need you to verify this for us -- is that right now the Pilates studio has eight parking spaces assigned to it.

STUART BAKER: That's correct.

MR. BOEHNER: And the last time we did the



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parking counts there the yogurt place had, was it 26 seats?

STUART BAKER: Right.

MR. BOEHNER: Now it only has 20?

STUART BAKER: That is correct. We just counted them last week.

MR. BOEHNER: Makes three additional spaces available for 11 spaces. So the whole time they're operating they have 11 spaces available. So now what we want to do is try to find spaces that are available during the peak when they have that thing at full occupancy, which hopefully will be often for them.

And what I found was that Brighton Vision has five parking spaces assigned to it and they're closed on the weekends. So that takes care of the issue of the weekends, because that's one of their most popular days and times is during the weekend.

And the 11th Hour is not open until 11:00 a.m. and they have seven spaces. Joe's Brooklyn Pizzas doesn't open until 12:00 Monday through Wednesday, and 11:00 Thursday through Saturday, and it looks like during the morning hours that there's going to be plenty of spaces for them during the weekdays.

Now, in the evenings Bagel Land closes at

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3:00 a.m., and they're assigned four spaces.

CHAIRPERSON PRICE: It's 3:00 p.m.

MR. BOEHNER: Yes, I am sorry that is what I have written.

CHAIRPERSON PRICE: They are not open at 3:00 a.m.

MR. BOEHNER: So, what I was finding based on that and the information that he submitted, was where I saw there were businesses closed during times that they would need that additional parking to handle their peak hours.

One of the things I wanted to ask Mr. Baker, the yogurt place is not going to increase their seats; is that correct? They're going to remain at 20?

STUART BAKER: That is correct. In fact, I was -- if anything they will decrease their seats.

CHAIRPERSON PRICE: Is it becoming more takeout?

STUART BAKER: It is, Bill, it's becoming more of a takeout and more obviously of a seasonal, very seasonal. And obviously, most of you, all of you who know the plaza know that in the rear of our plaza we are very open with a lot of bicycle traffic, people coming in to get ice cream and yogurt, and go.

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2  
3 And Ramsey and I also had a conversation in  
4 reference, Bill, to the fact of all of the different types of  
5 companies that are now picking food up and delivering,  
6 Grubhub, you name it. And that whether, however relevant to  
7 this session, has indeed impacted our site as we don't have  
8 parking spots being used for long periods of time.

9 And we also have, you know, some dedicated  
10 areas where the Grubhub, et cetera, come in, pick up the food  
11 and leave. That's proven to be successful for during these  
12 times. I also think it's -- I can tell you talking to the  
13 managers or regional managers to whom I do speak with, that  
14 it's helped their profitability during these times -- or  
15 their revenue I will say rather than profitability.

16 So, you know, I thought that was complimentary  
17 rather than impacts your decision or not, I think that's a  
18 positive for all of our parking needs there, going forward as  
19 well. So, I hope to not have anymore vacancies, but you  
20 never know.

21 MS. CIVILETTI: Is there a rear entrance to  
22 the space? It looks like there is on the plan, but it's sort  
23 of --

24 STUART BAKER: There is. It's actually a very  
25 nice one. It's a very nice full glass door that gives people

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entry egress from the area in the back, the nice patio that was designed.

MS. CIVILETTI: Thanks.

STUART BAKER: You're welcome.

MR. BOEHNER: Stuart, I have to point something out. I noticed in the application they put down that they will be opening at 5:30. The district regulations don't allow businesses to open up until 6:00 a.m. If they want to go and start opening at 5:30 they would need to make an application to this Board for a conditional use permit to expand their hours.

STUART BAKER: Thank you, Ramsey. I don't think that will be an issue, but I will definitely confirm.

MR. BOEHNER: It's something they do need to do, because I know other businesses are open also at that time, but they do need to go through that process.

And then the other thing is that they will need to obtain the appropriate certificate of compliance, building planning department with Mr. DiStefano.

STUART BAKER: Correct.

MR. BOEHNER: And last, Stu, did you have any disagreement with what I presented to the Board about the hours of operation of those businesses? And were there any

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changes to the information you provided to us?

STUART BAKER: No. I think you did a great job. I'm pretty comfortable with how you presented it. I think you have been very creative with us, I will commend you and Rick for your guidance off hours and off, you know, in our conversations.

We really like the use and we think it's a good use for the plaza, and not as impactive as a food use, obviously and we are hopeful things will go well.

CHAIRPERSON PRICE: Great. Other questions from Board members?

STUART BAKER: I have none.

CHAIRPERSON PRICE: Good. John or Laura or Pam?

MR. OSOWSKI: I'm all set.

MS. CIVILETTI: I'm all set.

MS. DELANEY: I'm good.

CHAIRPERSON PRICE: Karen, Jason? All right, thank you.

This is a Public Hearing, is there anyone that would care to address this application, please raise your hand? Jeff or Ramsey, we seeing anybody?

MR. BOEHNER: No.

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2  
3 CHAIRPERSON PRICE: Okay. Stuart, thank you.

4 STUART BAKER: Thank you, Bill. You guys all  
5 have a happy holiday. Thank you very much.

6 CHAIRPERSON PRICE: Ramsey, I believe our next  
7 application that is listed did postpone.

8 MR. BOEHNER: That is correct. He asked for  
9 an adjournment to the January 20, 2021, meeting.

10 CHAIRPERSON PRICE: It's the Baptist Bible?

11 MR. BOEHNER: Yes. To be clear, let me start  
12 that again. Application 9P-NB1-20, the application of  
13 Baptist Temple -- Bible Temple, owners and Clover Park  
14 Properties LLC, has requested an adjournment to January 20,  
15 2021, meeting.

16 CHAIRPERSON PRICE: All right. So with that,  
17 Ramsey, would you announce the next application.

18 APPLICATION 12P-NB1-20

19 12P-NB1-20 Application of Wendy Freida and  
20 Bruce Dan, owners, for Preliminary Re/subdivision approval,  
21 Preliminary Site Plan Approval and Demolition Review and  
22 Approval to raze two (2) single family homes, combine two  
23 lots into one, and construct a 3,500+/- sf 2 story single  
24 family home with a 698 +/- sf attached garage and a 517+/- sf  
25 detached garage on properties located at 561 and 575 Winton

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Road South. All as described on application and plans on file.

CHAIRPERSON PRICE: All right, thank you.

Ed, are you here to walk us through this?

EDMUND MARTIN: I am, sir. Can you hear me?

CHAIRPERSON PRICE: We can, thank you.

EDMUND MARTIN: Good evening, everyone. My name is Ed Martin, I'm an engineer with LandTech representing the application read by Mr. Boehner. I believe also in attendance are Bruce Dan and Wendy Freida, the owners and applicants. And I believe we also have Jim Fahy on the line who is the architect on the project.

As Mr. Boehner explained, it's a relatively straight forward project. We're taking two homes and eliminating them both and constructing a new home near the northern half of the combined two lots.

We proposed to utilize this in utilities that are available along the road frontage. We have a net reduction in the surfaces and in spite of that we've gone ahead and put some infiltrator chambers in along the south side of the proposed home.

And finally, I will share with you that the project meets the landscape requirements based on the one

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tree per 5,000 square foot of area. I understand that somebody else from my office presented to the Conservation Board and there were no substantial comments to prevent you from reviewing and approving this.

So, with that, I'd be happy to answer any questions that you might have.

CHAIRPERSON PRICE: Thank you. I guess, could you or the owners or Jim please walk us through a little bit of the rationale. And please just discuss the scale of the home relative to the adjacent community -- or adjacent neighbors and the need for the separate detached garage structure, why is that being proposed?

JIM FAHY: I'll chime in and I'll let Bruce and Wendy make some comments afterwards. This is Jim Fahy from Fahy Design Associates.

The scale and massing, Bill, is, I think, like the neighborhood, not only along Winton Road South but in the neighboring homes, it's somewhat eclectic. I think you will see some very small homes from the thirties and forties, to some homes that were larger in scale after origination, and also some that have had some sizable additions put on.

So, I think it's a somewhat eclectic neighborhood. The home, I think you can see from the



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graphics I provided in our application is really nothing that's out of the scale or massing with the surrounding neighborhood. It's 80 feet wide, 60 feet deep, basically. The maximum roof height is under 30 feet only 26 and a half feet or so from grade to the maximum roof height.

So, as we're looking at something of this Tudor style architecture, that really wants to have those steeply pitched roofs, I think we work pretty hard to make sure that this is within scale with everything in the surrounding area.

CHAIRPERSON PRICE: Yeah. I think, Jim, I am -- although I am -- you know, this is a little bit of a precedent on, you know, combining two lots in this particular section of Winton, I believe as you go further north still in the town you do see larger lots, you do see larger structures in different sections, just not necessarily in this particular section of South Winton.

And could you explain to me a little bit about the separate detached garage?

JIM FAHY: I think that's a really key feature to the entertaining and the storage section use and needs for Bruce and Wendy.

Maybe I'll let you guys kind of chime in of

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what that structure really means to you guys, because I know it has a significance to you.

BRUCE DAN: This is Bruce, thank you. We've lived in this house for about two years, on the south property, 575, and we love it. Our seven grandkids live two blocks away, that's why we moved there from Penfield. We had a really big house all those years in Penfield because we had a lot of kids, like seven grandkids.

We didn't want another big house, we thought this little house would be awesome. And it is kind of cute, a cute backyard. And we're sitting out in the backyard though, we get a lot of nice sun there and it gets very, very hot. So we don't want to be out there as the sun is just blasting us from the west.

And not a whole lot we can do about it except sit out front. And then when we started doing this build project, we realized that our existing garage, which we, no pun intended, kind of got attached to because we spent a lot of money redoing and building a whole new driveway. And we spent a lot of money tearing up the floor in that garage good and making a beautiful epoxy floor. It sounds silly, but we kind of like, like the garage, we put some money into it before we entered this project.

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But, so it kind of dawned on us, wouldn't it be kind of nice if we could keep it, because in those late afternoon, evening hours we could be facing Winton instead of facing the west and have all of the sun blocked behind us but still be out and looking at what would be our new side yard where our grandkids like to play, and where maybe we'll entertain some friends sometimes.

It was really about us being out there with the grandkids, playing basketball and taking them into the side yard without us having to deal with the heat in the back. That's where the whole idea came from, we thought it was kind of a creative use rather than just tearing it down.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: Is this going to be left or is this a new structure?

JIM FAHY: We will be putting the new structure directly over the existing foundation. So, the slab and the stem wall and footings will remain as is and we will be taking the structure right down. The super structure will come down to the foundation level.

MR. BOEHNER: I have a question. Is this a garage or is this something different? Will a car be kept in the garage? Or the use, I'm just looking at the definition,

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main building used for the storage of vehicles, used by occupants of the premises.

JIM FAHY: The design of that building is for storage of a car, but we designed it so that they have the ability, as Bruce was saying, they can pull a car out of the garage and use it like thousands of people do in the Rochester area for sitting and entertaining and enjoying their yard.

I mean, I grew up in a house that we put a screen on our garage in the summertime and hung out there, so I think they have, it's definitely there for the storage of a vehicle, but --

MR. BOEHNER: As long as you're going to keep a car in there, that's fine with me. I just wanted to make sure that what it's going to be for it's primary use.

JIM FAHY: It's principle use, Ramsey, is as a detached garage.

MR. BOEHNER: Okay. I just wanted to be clear on that.

CHAIRPERSON PRICE: Jim, do you want to walk us through the architecture a little bit? I know we are not the ARB.

JIM FAHY: Yeah, where do I start and stop

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1  
2  
3 with that, Bill? It's a Tudor style, I think it's something  
4 that is a mixture of English and French Tudor. I think you  
5 can see from the turret, it has a bit of a Normandy influence  
6 on it. I think the timbering, half timbering on there is one  
7 of the, you know, the distinct features of the Tudor style  
8 home, steeply pitched roofs.

9 With this style, generally with timbering you  
10 don't see shutters on these, so we have all casement style  
11 windows. Even added a little bit of the fleur-de-lis bunting  
12 styles in there.

13 So, I think we have -- I'm not giving you the  
14 3-D views around this, but we've stayed consistent. The nice  
15 thing that Bruce and Wendy have allowed us to do is stay  
16 consistent around the house with a mixture of stone and  
17 stucco.

18 Now, that was the detached garage. So, it's  
19 really a classic Tudor style architecture. We have some a  
20 mixture of indoor and outdoor spaces. There's a fairly  
21 extensive outdoor covered porch on the rear property that  
22 they'll use with French doors that lead out to it.

23 What else would you like me to add to that?

24 CHAIRPERSON PRICE: Just either you or Bruce  
25 to speak a little bit about lighting. Is there any --

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nothing planned to shine into adjacent property owner's, you know, lighting?

JIM FAHY: I think right now, and as far as we've gotten with the design, we will have wall lights at all principle entrances and exits and at the garage doors. Other than that, we haven't gotten into talking about kind of down lighting from soffits, I doubt we'll be doing any of that.

WENDY FREIDA: I'd like to make a comment. I want the Board to understand that it's important to us that this new home feel like it's been in the neighborhood for the last 70 or 80 years, just like the rest of the homes.

Because of we love the feel of the neighborhood, we're very sensitive to our neighbors, as far as not doing anything that would intrude on them. So, I'm very sensitive about the light issue, so we won't have anything that would be glaring or blasting into any of the neighbors on the sides or in the back.

CHAIRPERSON PRICE: Thank you. Have you had an opportunity to speak with any of your neighbors and make them aware of your application?

WENDY FREIDA: Yes. We spoke to all of them.

BRUCE DAN: We did it all before we left for the season, yes, everyone.

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2  
3 CHAIRPERSON PRICE: Okay, thank you.

4 MR. BOEHNER: I have a question. At one time  
5 I know when we did our workshop on this there was discussion  
6 about you guys wanting to live in one of the houses while the  
7 new house was being built. Is that still the case, because I  
8 didn't see it in the actual application or reference of it.

9 BRUCE DAN: Yeah. I mean, at first we thought  
10 we were going to have to go through the major, the obvious  
11 major inconvenience of moving all of our stuff out, and  
12 figuring out where we were going to live next summer.

13 And then when we decided to flip the property  
14 around and start from the north, we did a little measuring  
15 and we realized, wow, we might need permission, you know,  
16 legally to do it.

17 But from a physical standpoint, we could  
18 actually be in our existing house during construction. And  
19 literally, when it was ready to have stuff moved in, we could  
20 hire movers without a truck, right? We would be able to walk  
21 the stuff right in, it's going to be great.

22 So we are hoping that, and that's our plan now  
23 because it fits. We're just hoping we're allowed to do that.

24 MR. BOEHNER: I think an application will need  
25 to be made to the Zoning Board of Appeals to be able to do

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that. You would want to request a temporary revokable permit. Because you cannot have two dwellings on a site at the same time because you're creating one lot. So that would be an application you would need to make.

BRUCE DAN: Okay.

MR. BOEHNER: Has the architectural designs been approved by the Architectural Review Board yet?

JIM FAHY: They haven't gone before the ARB. We are on -- we've submitted our application to the Zoning Board for the January 6th meeting, for the variances required for that screen porch in the back and maintaining the second curb cut.

MR. BOEHNER: That's right. Those are the other two variances you will need. The other one is not a variance, it's a temporary permit to be allowed to have the dwelling. You will need to make that application.

JIM FAHY: Okay.

MR. BOEHNER: Have you guys done a pre-assessment survey report on the houses?

JIM FAHY: We have not initiated anything on that. Ed, have you taken the lead on that yet?

EDMUND MARTIN: No, we have not.

MR. BOEHNER: Because we're going to need



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that. You need to know if there's asbestos in the buildings or not before we do a demolition approval, if that's where this application is going to go.

CHAIRPERSON PRICE: All right. Other Board members have questions or comments?

MS. CIVILETTI: I'm all set.

MR. OSOWSKI: This is John, I'm good.

MS. DELANEY: I'm all set.

MR. BOEHNER: I have one last comment. The Historic Preservation needs to review the demolition of these structures to determine if they want to schedule a Public Hearing to consider designating the properties as local landmarks. That also still needs to be done.

I'm not sure, I tried to dig up some information on the houses. We only have photos at this point, so I'm not sure if they'll be able to get it done tomorrow night, but that does need to be done before this application moves forward. You have to determine if they are able to demolish.

JIM FAHY: Just to be clear, we have filed a letter to the Historic Preservation Commission. With our feeling that our review of the homes have found nothing that would place this as something that had significance to be

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listed as a historic either --

MR. BOEHNER: Was that in the application you submitted?

JIM FAHY: That was sent as a separate letter to the Town and addressed to the Historic Preservation Commission. I wrote that letter and sent it in on December 2nd.

MR. BOEHNER: You sent it to me?

JIM FAHY: I sent it in to Rick, I believe.

MR. BOEHNER: I don't have it. If you could send that again, because we do need that. The only think we got were some photos.

JIM FAHY: Yeah, I know. I sent a cover letter with some supporting photos. In fact, Rick and I went back and forth on that with a couple of e-mails. So I apologize if you didn't receive it, but --

MR. BOEHNER: I guess maybe I -- maybe the letter didn't get to me. That's all right. We will see what happens tomorrow night. Okay.

CHAIRPERSON PRICE: All right. Jim and Bruce and Ed, thank you.

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

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2  
3 MR. BOEHNER: I know there's some people that  
4 are neighbors that are here.

5 MR. FRISCH: Please raise your hand in Zoom or  
6 start the video, if you can.

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

8 MR. FRISCH: Me either.

9 CHAIRPERSON PRICE: No one? Jeff or Ramsey,  
10 you don't see anybody?

11 MR. BOEHNER: No, I'm looking to see if  
12 there's anyone actually --

13 MR. FRISCH: Somebody just sent me a message.

14 MR. BOEHNER: What's that, Jeff?

15 MR. FRISCH: Somebody just sent me a message  
16 telling me to let them in.

17 ROBERTA FELDMAN: Hi, I'm Roberta Feldman, and  
18 we're the owners of the adjacent property to the north of  
19 this project. And we appreciate the owners did come to us  
20 and show us the plans, and we were impressed.

21 A couple of questions. One is, this isn't  
22 really your bailiwick probably, but what are the hours of  
23 construction?

24 CHAIRPERSON PRICE: It kind of is ours, but,  
25 Ramsey, you can answer that. There's --

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MR. BOEHNER: I would have to look it up, but there are noise regulations for construction in the Town of Brighton that they would have to be within.

ROBERTA FELDMAN: Okay. And, then, how long do they anticipate the entire project from start to finish is go to take?

CHAIRPERSON PRICE: Well, let's ask that question of probably Jim, can you answer that?

JIM FAHY: I know we have a builder, Danrich Homes will be constructing the home. So you have a well oiled machine there.

What was our final discussion on that, Wendy and Bruce, on the time frame?

WENDY FREIDA: We had talked about --

BRUCE DAN: It depends when it starts, but I know we've been guessing at it. I know Jim, you warned us these things can take longer than we might have expected. But I seem to remember the Danrich Home guys, Shane and Dan, telling us that from the time we start -- from the time we demolish they can literally start the next day, even in the dead of winter because of the way they pour the foundation these days. Which I thought was kind of cool. So, I'm going to say that that house can be done maybe they've been telling

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us about nine months or so, or --

JIM FAHY: I think that's what we were discussing. I think on the -- I thought they had given you an exact number. But, we are looking somewhere between 9 and 12 months for the construction. It could last as long as a year, but hopefully between 9 and 12 months.

BRUCE DAN: You dutifully warned us that it could take that long and it shocked us, but the damaged home -- they were talking more like 10 months and obviously we want it to be as quick as possible.

ROBERTA FELDMAN: And then, my last question is, our garage is attached to our home on the south side of the property and we have considered adding on to the garage to make it wider. This setback requirement that this project has, do you -- can you tell if that would allow us to expand our garage or --

MR. BOEHNER: It doesn't have --

ROBERTA FELDMAN: -- prevent us?

MR. BOEHNER: -- anything to do with what you can do on your property. It's a percentage of your lot width, your particular lot width, 15 percent of your lot width. It has to be your side setback. They have a very wide lot, that's why they have such a big setback. The

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bigger the lot, the bigger the side setbacks are. So you could calculate what your setback by looking at the width of your lot.

ROBERTA FELDMAN: Okay, thank you.

MR. BOEHNER: And that would dictate if you could do it.

ROBERTA FELDMAN: Okay. Thank you.

MR. BOEHNER: You're welcome. I have an answer to your question too about the hours of operation. It is 7:00 a.m. to 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m., Saturday and Sunday.

ROBERTA FELDMAN: Do you know if they anticipate working on the weekends or not?

JIM FAHY: My guess is typically not, but I'm saying that cautiously. I can tell this and I know Bill and other Board members know the reputation of Danrich Homes. They are a quality group and I know they will do everything in their power to be respectful of all of the neighbors. So, and I've worked with them for 30 years and that's how they operate.

So, any issues that you may have, if you brought that to them I know they'll do their best to respect your privacy and the fact that you are living right next door

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to this.

BRUCE DAN: They have built, Danrich folks and two guys, have built two other homes for us in the past and I don't recall any complaints from neighbors or anything. So hopefully we can replicate that.

We, as owners, certainly will be, it's just our personality, will be sensitive. We've got to live next to you for many, many years, as all around. So, we will do whatever we can to make life as easy as possible.

ROBERTA FELDMAN: Thank you. Thank you. That's all I have.

CHAIRPERSON PRICE: Thank you for joining the conversation. We appreciate you coming out.

ROBERTA FELDMAN: Thank you.

CHAIRPERSON PRICE: Anyone else care to address this application?

Jeff or Ramsey, are you seeing anyone?

MR. BOEHNER: I'm looking.

I don't see anybody.

CHAIRPERSON PRICE: All right.

MR. BOEHNER: Got a few seconds just to see. Anyone else? Jeff, is anyone sending you any messages?

MR. FRISCH: No.

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MR. BOEHNER: I don't see any either.

CHAIRPERSON PRICE: All right. Ed, Jim, Bruce, Wendy, thank you. There's a bunch of other decisions that are kind of ahead of us. So, we will be here to discuss this and render our decision tonight. We will be talking about this after we wrap up the Public Hearings.

You are welcome to stay with us, if you wish or call Ramsey in the morning to find out about our decision.

BRUCE DAN: Thank you, everybody.

WENDY FREIDA: Thank you.

JIM FAHY: Thank you for the time.

CHAIRPERSON PRICE: Thanks, guys.

Ramsey, is that it for our --

MR. BOEHNER: That is it for the hearings, Bill.

CHAIRPERSON PRICE: All right. Would you -- why don't we go back and go through these and then we'll handle the signs.

So, Jeff, if I could ask you to go back to our first application.

\* \* \* \*



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APPLICATION 8P-01-20

8P-01-20 Application of John Greer, owner, for Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot on property located at 2171 West Henrietta Road. All as described on application and plans on file. TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING REMAINS OPEN

CHAIRPERSON PRICE: Everybody still with us, we're all good, just get through this?

MR. BOEHNER: 8P-01.

CHAIRPERSON PRICE: Okay. Do we have a motion to close the Public Hearing?

MS. CIVILETTI: I'll move to close the --

MS. DELANEY: I'll motion --

MS. CIVILETTI: Well, don't --

MS. DELANEY: Oh, guys, I'm trying.

(indiscernible talk)

MS. DELANEY: I'll motion to close the Public Hearing for Application 8P-01-20.

MS. CIVILETTI: Second.

MR. BOEHNER: Civiletti seconded.

CHAIRPERSON PRICE: Moved and seconded. Ramsey, will you call the roll on this?

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MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner.

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Hearing is closed.

CHAIRPERSON PRICE: Okay. Ramsey, have we got enough to go on? We've got the variances accomplished --

MR. BOEHNER: No. He's done everything that he needed to do and he's doing the sprinklers, which I think was the big issue.

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: You know, he's gotta do some, you know, some storm water, where the storm water with Everett, our Town Engineer, felt very confident that he could get that done and that shouldn't hold them up.

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CHAIRPERSON PRICE: All right. Yeah, I don't see anything earth shattering. I was going to complain a little bit about that parking up front, but I think closing that second curb cut, is a -- was a bigger deal than that up front parking.

MR. BOEHNER: I think it works a lot better with that curb cut out.

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: With that parallel parking, something that helped a lot.

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: Yeah. Because I didn't really like that parallel parking either.

CHAIRPERSON PRICE: Right. All right. Is there anyone interested in making a motion?

MS. DELANEY: Okay, I'll do it. I'll do it, you guys. Okay, so I start with this top section, right, the SEQRA section, and then I go to the approval with conditions?

MR. BOEHNER: Yes.

MS. DELANEY: Okay. So I can just read this?

MR. BOEHNER: And put in the application number.

MS. DELANEY: Okay.

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In reference to Application 8P-01-20, I move that the Planning Board finds the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by town staff.

And I move that the Planning Board approves Application 8P-01-20 based on testimony given, plans submitted, and the 22 conditions outlined in the Planning Board report.

**CONDITIONS:**

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

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

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

4. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation

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throughout construction.

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

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

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

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

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

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

11. All County Development Review Comments must be

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submitted.

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

13. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.

14. The parking lot lights shall be placed on a timer.

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

16. All comments and concerns of the Town Engineer as contained in the attached memo dated December 11, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

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

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

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Executive Law.

19. The map and description for the sidewalk easement should be prepared and submitted to this office for review. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.

20. The proposed parallel parking along West Henrietta Road might conflict with the installation of future sidewalks along West Henrietta Road. The nine (9) parallel parking spots might need to be relocated on site to eliminate this conflict if/when sidewalks are constructed in the future.

21. All required NYSDOT permits shall be obtained.

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

CHAIRPERSON PRICE: Can we have a round of applause, please?

MR. BOEHNER: Nice.

MR. BABCOCK-STINER: Very nice. Well done.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: I'm only doing it because Karen is here now and I've got to put on, like, my big girl pants.

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MR. BOEHNER: I know. I forewarned her. You did it, Pam.

Who seconded that?

MR. BABCOCK-STINER: I did.

MR. BOEHNER: Okay, you got Babcock-Stiner seconding and --

CHAIRPERSON PRICE: All right. Moved and approved, any other comments? Okay. Please call the roll.

MR. BOEHNER: Ms. Altman?

MS. DELANEY: Karen, we couldn't hear you.

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

Application is approved with conditions.



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APPLICATION 11P-03-20

11P-03-20 Application of S.E. Baker and Company, agent, and Brighton Corners, LLC, owner, for 1) determination of the on-site parking requirement for a pilates studio, pursuant to Section 205-12 of the Brighton Comprehensive Development Regulations; and 2) whether or not the parking requirements for a pilates studio located at 1900 Monroe Avenue (Twelve Corners Plaza) can be reduced pursuant to Section 205-20 (Combined Spaces) of the Brighton Comprehensive Development Regulations. All as described on application and plans on file. POSTPONED FROM THE NOVEMBER 18, 2020 MEETING P 0320.

CHAIRPERSON PRICE: Okay, thank you. The next application is Stuart Baker.

MR. BOEHNER: This is a different type of application, you're making findings, so it's a little bit different, when the motion comes I will help.

CHAIRPERSON PRICE: All right. Let's get the hearing closed.

MR. BABCOCK-STINER: I move we close the Public Hearing.

CHAIRPERSON PRICE: I will second.

Motion to close the hearing has been made and

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seconded. Ramsey, will you call the roll?

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Motion passes to close the shearing. Okay.

MR. OSOWSKI: Do we just need to move we make the nine findings?

MR. BOEHNER: Yes. And one of the findings, I just want to go through. What the findings is, is that the proposed pilates studio requires 14 parking spaces, one space for each station and one for each employee on site. Next time we get a pilates studio that will also be a stat that we use as we go through.

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And then, the rest of the findings is explaining the hours of operation. What businesses are not in operation during the morning, during the evening, on the weekends that provides the additional parking because it's -- and provides the -- and helps meet the demand for parking.

CHAIRPERSON PRICE: Ramsey, just a broader question. How are things functioning at the plaza? I stop in in the morning, get my coffee, and leave, and once in a while go to Panera, pick something up. I'm not seeing a ton of problems, but I just want to --

MR. BOEHNER: Lunch time is the biggest time, Bill. And this is not open during the lunch time. That's why this is works pretty well --

CHAIRPERSON PRICE: This works.

MR. OSOWSKI: Good use.

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: And if it was peaking during the lunch hours, actually we couldn't make these findings because they wouldn't have it, but their hours of operation jive very well.

CHAIRPERSON PRICE: So, if we were to get a Montana Mills, or whatnot, whatever it was last, that was more of a walk-in bakery, you know, but if you were to get a

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1  
2  
3 sit-down restaurant in here, that just couldn't fly, could  
4 it?

5 MR. BOEHNER: No. That's why Stuart mentioned  
6 that it wasn't a food service. It wouldn't work.

7 CHAIRPERSON PRICE: Has he tried to bring  
8 other applicants in that were restaurants?

9 MR. BOEHNER: It's a little hard because of  
10 the parking. It hasn't worked out.

11 CHAIRPERSON PRICE: Yeah, okay.

12 MR. BOEHNER: Just because they're, you know,  
13 there's no peak, there's no time when they're closed like  
14 this use.

15 CHAIRPERSON PRICE: Yeah.

16 MR. BOEHNER: They would have to go get  
17 variances from the Zoning Board at that point.

18 CHAIRPERSON PRICE: All right.

19 MR. BOEHNER: And, you know, so.

20 CHAIRPERSON PRICE: So, do we make a motion  
21 just to adopt the findings as written?

22 MR. BOEHNER: Yep.

23 CHAIRPERSON PRICE: Who wants to do that?  
24 Pam, you're on a roll, okay.

25 MS. DELANEY: No, I'm good.

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CHAIRPERSON PRICE: John, you want to?

MR. OSOWSKI: Yeah.

I'll propose that we approve Application 11P-03-20. It appears there is no SEQRA, so I'll propose that we approve it based upon testimony given, the plans submitted, and the nine findings made by the Town's Engineering Department.

**CONDITIONS:**

1. The proposed Pilates studio requires 14 parking spaces requires (1 space for each station and 1 for each employee on site).

2. The subject vacant 2,100 sf space has 8 parking spaces assigned to it. Yotality was assigned 13 spots based on 26 seats (1 space per 2 seats) reported on premises in 2013. Per count as of 10/19/20, there are only 20 seats on premises which reduced the number of spaces needed to 10 (a gain of 3 spaces). Therefore, there are 11 parking spaces available for the Pilates Club during all their hours of operation, leaving only 3 additional spaces needed during the most popular classes.

3. Based on experience at Pure Barre Rochester (Pittsford Plaza), the most popular class times are 8:30/9:30am, 5:30/6:30pm weekday, and all weekend classes.

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4. Brighton Vision is assigned 5 parking spaces. Brighton Vision is closed on the weekends which provide 5 available spaces for Club Pilates to use on the weekends.

5. Eleventh Hour is assigned 7 parking spaces and does not open to 11:00 am Tuesday–Friday (closed Sunday and Monday).

Joe’s Brooklyn Pizza is assigned 34 parking spaces and does not open until 12pm Monday–Wednesday and 11:00 am Thursday–Saturday. Adequate parking is available for Club Pilates to use during their popular weekday morning classes.

6. Bagel Land is assigned 4 parking spaces and closes at 3:00 pm which provides 4 additional spaces for Club Pilates to use during their popular evening classes.

7. Adequate parking is available for the proposed use to prevent frequent parking on the street by persons working on or visiting the premises.

8. The proposed use must obtain the necessary Certificate of Compliance from the Building and Planning Department prior to the issuance of any permits or occupancy of the space.

9. The applicant must obtain a conditional use permit from the Planning Board to operate at 5:30 am.

CHAIRPERSON PRICE: All right. Do we have a second?

MS. DELANEY: I will second.

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CHAIRPERSON PRICE: Moved and seconded, any further discussion? Ramsey, please call the roll.

MR. BOEHNER: Member Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

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CHAIRPERSON PRICE: All right. That brings us to the home on South Winton. I guess, Ramsey, this sounds like there's variances outstanding, ARB variance that may have to be added.

MR. BOEHNER: Yeah.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: So, if the Board thinks it needs to be tabled, someone would need to make a motion.

CHAIRPERSON PRICE: I don't -- you don't see us being able to make a decision conditioned on the variances, do you?

MR. BOEHNER: No.

CHAIRPERSON PRICE: I mean, if it was, if it was just ARB and not the variances, but the variances stand to change --

MR. BOEHNER: If it was just ARB that's one thing, Bill.

CHAIRPERSON PRICE: Yeah.

MR. BOEHNER: But you also have HPC.

CHAIRPERSON PRICE: Yeah. I think there's too many outstanding things that could effect this site plan.

MR. BOEHNER: Yeah.

CHAIRPERSON PRICE: So --



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MR. BOEHNER: I, I, I agree. And too we actually need to find out too if they can stay on the property during construction. Because, if not, it affects the phasing plan.

CHAIRPERSON PRICE: Yeah, okay.

MR. BOEHNER: We're trying to figure out how we get all that done.

CHAIRPERSON PRICE: It seems to make sense.

MR. BOEHNER: Oh, no, it makes sense, yeah, it does.

CHAIRPERSON PRICE: If you want to do it, yeah.

MR. BOEHNER: But it's the devil's in the details.

CHAIRPERSON PRICE: Right.

MR. BOEHNER: And you would be reviewing those details and eventually having to sign off on them if you wanted to give it approval.

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APPLICATION 12P-NB1-20

12P-NB1-20 Application of Wendy Freida and Bruce Dan, owners, for Preliminary Re/subdivision approval, Preliminary Site Plan Approval and Demolition Review and Approval to raze two (2) single family homes, combine two lots into one, and construct a 3,500+/- sf 2 story single family home with a 698 +/- sf attached garage and a 517+/- sf detached garage on properties located at 561 and 575 Winton Road South. All as described on application and plans on file.

CHAIRPERSON PRICE: Yeah, okay. All right. What is -- I move we table Application, somebody tell me the number I can't see it.

MS. CIVILETTI: 12P-NB1-20.

CHAIRPERSON PRICE: What Laura said. So, anybody second?

MS. CIVILETTI: Second.

CHAIRPERSON PRICE: Moved and second, any further discussion?

And generally, what does everybody feel about this one? I think it's interesting.

MR. OSOWSKI: Yeah, I've driven up and down that road a couple of times this week, you know, look one way

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or the other across the street. And, it will be a nice house --

CHAIRPERSON PRICE: Yeah.

MR. OSOWSKI: -- on Winton Road.

CHAIRPERSON PRICE: Yeah.

MR. OSOWSKI: Nice neighborhood around it, yeah.

CHAIRPERSON PRICE: It's, you know, when we when we had that rash of McMansions, the teardowns and McMansions, what, 10/15 years ago, Ramsey?

MR. BOEHNER: Yeah.

CHAIRPERSON PRICE: At least, right?

MR. BOEHNER: Yeah.

CHAIRPERSON PRICE: This would not be a spot that I would have expected to see this, but I'm certainly okay with it. The architecture is very interesting.

MR. BOEHNER: But before the McMansion, this house would have been on just one lot.

CHAIRPERSON PRICE: Yeah, right. That's right, yeah. Well, okay --

MR. BOEHNER: So I think it did serve, you know, it's working, it's, you know --

CHAIRPERSON PRICE: Yeah.

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2  
3 MR. BOEHNER: And in character.

4 CHAIRPERSON PRICE: Yeah.

5 MS. CIVILETTI: Remind me, who are the  
6 McMansion builders?

7 MR. BOEHNER: Mike Melder.

8 MS. CIVILETTI: Yeah, who was the realtor he  
9 was working with?

10 MR. BOEHNER: Bob, I can't remember now.

11 MS. CIVILETTI: I think I can see him, but I  
12 can't remember his name.

13 MR. BOEHNER: Yeah. Unfortunately Mike passed  
14 away, got cancer and passed away.

15 CHAIRPERSON PRICE: Mike did?

16 MR. BOEHNER: Yeah.

17 CHAIRPERSON PRICE: When did that happen?

18 MR. BOEHNER: It happened really fast. He  
19 came in, said he was sick, and then he came in and --

20 CHAIRPERSON PRICE: What?

21 MR. BOEHNER: -- said, I'm not doing well, see  
22 ya.

23 CHAIRPERSON PRICE: Wow. He did an addition  
24 on our house and we saw him down at Bristol skiing all the  
25 time.

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MR. BOEHNER: Yeah, no. Happened a few years ago, Bill.

So, we have a tabling motion up and we have --

CHAIRPERSON PRICE: Sorry, wandering off.

MR. BOEHNER: -- 43 items to be addressed.

**CONDITIONS:**

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

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

3. The architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.

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

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

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

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

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

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

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

11. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and

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lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

12. Meet all subdivision filing requirements of the Town of Brighton's Department of Public Works.

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

14. All County Development Review Comments shall be addressed.

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

16. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 9] of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements

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of Section 56-5 are met.

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

18. The height of the proposed house and detached garage shall be shown on plans. Elevation drawings showing the height of the structures in relationship to proposed grade shown on the site plan shall be submitted.

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

20. The zoning notes on the site plan shall include both required and proposed information for each zoning category. The information contained on the submitted Single Family Zoning Information form shall be shown on all plans.

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

22. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation



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drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted.

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

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

25. All comments and concerns of the Town Engineer as contained in the attached memo dated December 15, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

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

27. Consideration should be given to the following comments of the Conservation Board:

A. Investigate incorporating green infrastructure techniques.

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B. Investigate incorporating the use of alternative energy sources (solar, geothermal).

28. The applicant's engineer has submitted an interim demolition and restoration plan to consider while the new house on the north side of the lot is constructed and the existing house on the south is to remain. A demolition and construction phasing plan should be provided.

29. The demolition and restoration plans should depict the grading associated with the restoration of the site should construction of the new house not commence immediately following demolition.

30. Specifications for backfill requirements of the building footprints shall be included on the plans. No existing construction materials (concrete or other) from the existing homes shall remain on-site.

31. The demolition of the two houses must be reviewed by the Historic Preservation Commission to determine if a public hearing should be scheduled to consider designation of the houses as historic local landmarks.

32. The Town of Brighton Department of Public Works (DPW) requires that the existing laterals be televised and the conditions assessed. Replacement laterals will need to be installed if the DPW determines they are required.

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33. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT. All work within the South Winton Road right-of-way will require a permit from the Monroe County Department of Transportation.

34. The project will need to obtain the following variances and approval from the Zoning Board of Appeals:

A. The proposed rear setback for the new home is 34.5', or 5.5" less than the Code minimum.

B. There shall be no more than one access point from any lot to any street.

C. Temporary and Revocable permit to allow two dwellings on one lot while the proposed house is being constructed.

35. A pre-asbestos removal survey shall be submitted.

36. The architectural design and building materials of the proposed buildings have not been reviewed and approved by the Town of Brighton Architectural Review Board.

37. The fence proposed in the front yard, including the gate and all decorative features such as finials, shall not exceed three feet six inches in height above grade or the top of the curb, whichever is higher. Fences and walls are further restricted as required by § 207-1, Clear vision areas, of the Comprehensive Development Regulations. The applicant's engineer shall verify that the proposed front yard fence

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complies with the height requirement and clear vision requirements.

38. The bushes/shrubs planted along the public sidewalk shall be planted back far enough so that when they mature, they will not interfere with pedestrian access to the public sidewalk or create a clear vision problem.

39. The plans shall clearly show all trees proposed to be removed.

40. A landscape plan shall be submitted that show all proposed plantings.

41. A schedule of all easements (existing/proposed, public/private) associated with this project shall be provided. All texts, maps and descriptions of proposed easements shall be prepared and submitted to this office for review. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.

42. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: Demolition, restoration, driveway entrance within the MCDOT right of way, sanitary sewer, water main, stormwater water

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management facilities, landscaping, and sediment and erosion control. The letter of credit should be submitted to the Town

For review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.

43. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.

CHAIRPERSON PRICE: Okay. Moved and seconded, please call the roll.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

CHAIRPERSON PRICE: All right, thank you,

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everyone.

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MR. BOEHNER: Thanks. Now, we got signs.

CHAIRPERSON PRICE: We'll go through signs.

**SIGNS:**

1592 Upper Cervical Chiropractic, for a building face sign, directory sign, freestanding sign, business ID, directory sign, at 749 East Henrietta Road.

1593 Townline Liquor & Wines, for a building face sign at 2852 West Henrietta Road.

1594 Messianic Jewish Congregation, Shema Yisrael Congregation for a freestanding sign.

1595 Cricket, for a building face sign at 2852 West Henrietta Road.

CHAIRPERSON PRICE: Now, two of these are in the same plaza, right?

MS. CIVILETTI: Yes.

MR. BOEHNER: If we could get 1592 up? There we go.

MR. BABCOCK-STINER: 1592 was the one that was denied.

MR. BOEHNER: Oh, okay, 1593.

Jeff, make sure I go back to that later.

MR. FRISCH: Okay.

MR. BOEHNER: So, this is Application 1593,

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the Architectural Review Board approved it as presented.

CHAIRPERSON PRICE: This isn't up yet, is it?

MR. BABCOCK-STINER: No, I don't believe so.

CHAIRPERSON PRICE: Okay. Does the sign application, doesn't include these whiskey barrels in the window, does it?

MR. BOEHNER: No.

CHAIRPERSON PRICE: Just a photo stem, okay.

MS. DELANEY: I don't think there's anyone in there yet.

CHAIRPERSON PRICE: Okay. Yeah, I've been driving by, it's pretty empty. All right. And they recommended approval as is?

MR. BOEHNER: Yeah. Yes, they did.

CHAIRPERSON PRICE: Okay. We have a motion to approve as recommended? I move we approve as recommended by the ARB.

MR. BABCOCK-STINER: Second.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Yes.

CHAIRPERSON PRICE: Go through the roll?

MR. BOEHNER: One second, folks.

CHAIRPERSON PRICE: Yep.



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MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Motion passes.

1594, this sign was approved, but they also forwarded recommendations to them as suggestions.

CHAIRPERSON PRICE: What were they?

MR. BOEHNER: Make the top bump out more circular to match the existing circle or symbol, as opposed to the oval. And then reduce the kerning on the second line of the text and center, and they are just recommendations.

CHAIRPERSON PRICE: What's our font expert have to say?

MR. BABCOCK-STINER: I'm sorry, what was that

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second recommendation?

MR. OSOWSKI: Reduce the kerning.

MR. BOEHNER: Yeah, it's just, like, with the letters closer together.

MR. BABCOCK-STINER: Yeah. No, no, I just didn't hear you. So the kerning.

MS. CIVILETTI: I agree, needs help.

CHAIRPERSON PRICE: Yeah, it needs a -- you have to stand there --

MR. BOEHNER: I would say approved with the recommendations.

MR. BABCOCK-STINER: I actually disagree. I think if you put those letters on the bottom together, it's not your -- and you center it, you're not going to get -- honestly, I think it's going to look better the way it is like this than it is by reducing the kerning.

MR. BOEHNER: And you can just say approved as presented would be that motion.

MR. BABCOCK-STINER: No, no, that said, I do agree with the oval on top is a little odd, but --

MR. BOEHNER: Well, they did get a letter from the Architectural Review Board with their suggestions, so, they were just recommendations. It's up to them.

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2  
3 MR. BABCOCK-STINER: Yeah.

4 MR. BOEHNER: You can give the same  
5 recommendations or you can just approve it as submitted.

6 CHAIRPERSON PRICE: I will make a motion to  
7 approve as recommended by the ARB. Just to get it going,  
8 Jason.

9 MR. BABCOCK-STINER: Yeah.

10 MS. CIVILETTI: Second.

11 CHAIRPERSON PRICE: Ramsey, you want to call  
12 the roll on that?

13 MR. BOEHNER: Yes, I do.

14 Ms. Altman?

15 MS. ALTMAN: Aye.

16 MR. BOEHNER: Mr. Price?

17 CHAIRPERSON PRICE: Aye.

18 MR. BOEHNER: Ms. Civiletti?

19 MS. CIVILETTI: Aye.

20 MR. BOEHNER: Ms. Delaney?

21 MS. DELANEY: Aye.

22 MR. BOEHNER: Mr. Babcock-Stiner?

23 MR. BABCOCK-STINER: Aye.

24 MR. BOEHNER: Mr. Osowski?

25 MR. OSOWSKI: Aye.

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MR. BOEHNER: Approved as recommended.

CHAIRPERSON PRICE: Okay, thank you. One more.

MR. BOEHNER: We have one more to look at and then we have to take action on another one. It's Cricket.

CHAIRPERSON PRICE: Okay. What was ARB's recommendation?

MR. BOEHNER: 1595, they approved it as presented.

CHAIRPERSON PRICE: Okay.

I move we approve as recommended by ARB.

MR. BABCOCK-STINER: Second.

MR. BOEHNER: Mr. Babcock-Stiner -- Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

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2  
3 MR. BOEHNER: Mr. Osowski?

4 MR. OSOWSKI: Aye.

5 MR. BOEHNER: I need to go back up to you'll  
6 see sign 1592. They have not responded and we've tabled this  
7 thing repeatedly to try to contact them. So I recommend  
8 denying it without prejudice.

9 MS. CIVILETTI: Which application is that,  
10 Ramsey?

11 MR. BOEHNER: Application, sign application  
12 1592.

13 MS. CIVILETTI: For what --

14 MR. BOEHNER: Upper Cervical Chiropractic of  
15 Rochester at 749 East Henrietta Road.

16 CHAIRPERSON PRICE: Oh, yeah. So they've --  
17 so, they just never responded?

18 MR. BOEHNER: They never responded.

19 CHAIRPERSON PRICE: Are they occupants of this  
20 location?

21 MR. BOEHNER: Not sure, Bill.

22 CHAIRPERSON PRICE: Yeah. Okay. Well,  
23 it's --

24 UNVIEWABLE SPEAKER: They are. I think  
25 they're the owners of it. And so they were sent notices and

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I tried to contact them several times and I haven't heard back from them after it was tabled.

CHAIRPERSON PRICE: Upper Cervical Chiropractic, man, even chiropractors are getting that specialized.

MS. CIVILETTI: Okay, my neck feels sympathy for them.

CHAIRPERSON PRICE: Does it? Okay, well, all right.

And I make a motion to deny without prejudice Application, what, 1532?

MR. BOEHNER: 1592.

CHAIRPERSON PRICE: 92.

MR. BOEHNER: 1592, I've got a motion by Price, do I have a second?

MS. DELANEY: I'll second.

MR. BOEHNER: Delaney is seconding it.

MS. DELANEY: Yeah, I didn't want to jump in.

CHAIRPERSON PRICE: Go ahead.

MR. BOEHNER: That's what you need to do. Okay.

Mr. Osowski?

MR. OSOWSKI: Aye.

1 BRIGHTON PLANNING BOARD 12/16/2021

2  
3 MR. BOEHNER: Mr. Babcock-Stiner?

4 MR. BABCOCK-STINER: Aye.

5 MR. BOEHNER: Ms. Altman?

6 MS. ALTMAN: Aye.

7 MR. BOEHNER: Mr. Price?

8 CHAIRPERSON PRICE: Aye.

9 MR. BOEHNER: Ms. Civiletti?

10 MS. CIVILETTI: Aye.

11 I think that's all of our business for  
12 tonight, everyone.

13 MS. DELANEY: I don't think you just called me  
14 on that.

15 CHAIRPERSON PRICE: You didn't call Pam.

16 MR. BOEHNER: Pam Delaney?

17 MS. DELANEY: Aye.

18 MR. BOEHNER: Sorry.

19 CHAIRPERSON PRICE: All right.

20 MR. BOEHNER: Okay, now, thank you.

21 CHAIRPERSON PRICE: Thank you everybody.  
22 Happy Holiday.

23 MR. BOEHNER: Happy New Year, Happy Holidays  
24 to all.

25 Hey, Jeff, thank you.

## REPORTER CERTIFICATE

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

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

Dated this 18th day of January, 2021.

At Rochester, New York

Rhoda Collins  
Rhoda Collins