

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

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

13 KAREN ALTMAN)
13 PAMELA DELANEY)
14 JOHN J. OSOWSKI) BOARD MEMBERS
14 LAURA CIVILETTI)
15 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

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.

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.

11

12

Tonight we will have several Public Hearings.

First, Ramsey, could I ask you to call the roll please?

13

MR. BOEHNER: Mr. Babcock-Stiner?

14

MR. BABCOCK-STINER: Yes.

15

MR. BOEHNER: Ms. Civiletti?

16

MS. CIVILETTI: Yes.

17

MR. BOEHNER: Mr. Price?

18

CHAIRPERSON PRICE: Yes.

19

MR. BOEHNER: Ms. Altman?

20

MS. ALTMAN: Yes.

21

MR. BOEHNER: Mr. Osowski?

22

MR. OSOWSKI: Yes.

23

MR. BOEHNER: Ms. Delaney?

24

MS. DELANEY: Yes.

25

MR. BOEHNER: Absent is Fader.

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3 CHAIRPERSON PRICE: Okay, thank you.

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

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

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

12 CHAIRPERSON PRICE: All right, good catch.

13 Thank you, John.

14 MS. CIVILETTI: I will second.

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

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

19 CHAIRPERSON PRICE: She's going to abstain.

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

21 MS. ALTMAN: I'll sit closer.

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

25 MS. ALTMAN: Okay.

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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

2

3 9P-NB1-20, the application for the Baptist Bible Temple and
4 Clover Park Properties LLC, asked for an adjournment to our
5 January 20th meeting, so that application will not be heard
6 tonight.

7

8 So, the first application we will hear is
9 8P-01-20, application of John Geer for preliminary final site
plan approval.

10

APPLICATION 8P-01-20

11

12 8P-01-20 Application of John Geer, owner, for
13 Preliminary/Final Site Plan Approval to expand the existing
14 restaurant parking lot on property located at 2171 West
15 Henrietta Road. All as described on application and plans on
16 file. TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING
REMAINS OPEN.

17

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

19

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

21

22 CHAIRPERSON PRICE: Is there someone
representing the applicant?

23

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

25

CADE KRUGER: No, that's it.

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3 MR. BOEHNER: Sorry for the confusion.

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

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

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

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

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

10

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

15

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

20

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

22

23 CHAIRPERSON PRICE: All right, thank you.

24

25 Board members, do we have any questions for
Cade?

26

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

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23 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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3 additional outdoor seating.

4 So originally, there was 62 seats indoor
5 allowed and 24 seats on the patio allowed, so additional
6 would be 32 seats for a total of 118.7 MR. BOEHNER: That is what the Zoning Board
8 approved?9 CADE KRUGER: Correct, yes. And so, our
10 parking reflects that, we actually have two extra parking
11 spots that are for the takeout window, but we required
12 parking for that which is one per every few patrons.13 MR. BOEHNER: Now, will the ice cream window,
14 be like a takeout window so you can pick up food from the
15 restaurant?16 CADE KRUGER: Yeah. So, when we were at the
17 Zoning Board meeting, we wanted to make that clear,
18 especially with everything going on with the pandemic, that
19 it is going to be an asset to be a takeout window. So it
20 will be more than ice cream, it will probably be food as
21 well. And they were understanding in that meeting, they were
22 on board with that idea.

23 MR. BOEHNER: Thank you.

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

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23 MR. OSOWSKI: I'm set.
45 MR. BOEHNER: That's all the questions I had.
67 CHAIRPERSON PRICE: Okay. Just a general
8 comment, there's some background noise from somebody. If you
9 are not speaking, kindly mute yourself. Thank you.
1011 Okay. This is a Public Hearing, is there
12 anybody that wishes to comment or make a statement about this
13 particular application?
1415 MR. BOEHNER: Please raise your hand.
1617 CHAIRPERSON PRICE: Ramsey and Jeff are
18 looking for you if you are raising your hand. If you can't
19 figure that out, which I have a hard with, just start waiving
20 your arms frantically.
2122 Nobody, right, Ramsey? Jeff?
2324 MR. BOEHNER: I'm not finding anybody, Jeff?
2526 MR. FRISCH: I don't see anybody.
2728 CHAIRPERSON PRICE: Cade, thank you.
2930 We will move on to our next application, which
31 I have to find a way to find that. Ramsey, when this screen
32 is up I'm not able to see my other screen. Do you mind
33 reading the next application?
3435 MR. BOEHNER: Oh, yeah, gotcha. Okay.
3637 APPLICATION 11P-03-20
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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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3 use is proposed to go. And we saw the traffic, actually the
4 parking study that was done, just kind of walk us through
5 that, if you would please.

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

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

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

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

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

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3 to some of your other tenants and their peak times?

4 STUART BAKER: Sure, great question. Well,
5 this is obviously not a tradition retail use, so we don't
6 have the traditional -- that plaza has several types of
7 users. We have a bank, which has traditional banking hours.
8 We have an eyeglass optician, which has unique hours. We
9 have some retailers that have your 10:00 to 11:00, to later
10 hours in the evening, and of course, we have our food users.11 And these particular hours are like workout
12 hours. To be specific, we sent you, everybody could
13 reference the Club Pilates estimated hours of operation and
14 schedules that would probably save a lot of energy. But
15 their hours are Monday through Friday, 5:30 a.m. to
16 2:00 p.m., and 4:30 to 7:30 p.m. And their Saturday hours
17 are 7:00 a.m. to 2:00 p.m., gym-like hours.18 And they do have class schedules which are
19 more unique and private, and those are estimated at
20 5:30 a.m., 6:30 a.m., 8:30 a.m., 9:30 a.m., et cetera, Monday
21 through Friday, up to 6:30 p.m. They're either in thirty
22 minute or one hour intervals, and Saturdays and Sundays
23 7:00 a.m. to 12:00 noon.24 CHAIRPERSON PRICE: Stu, just tell us a little
25 bit about, now, they would be taking the entire space; is

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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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3 Planning Board.

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

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

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

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

24 STUART BAKER: That's correct.

25 MR. BOEHNER: And the last time we did the

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

4 STUART BAKER: Right.

5 MR. BOEHNER: Now it only has 20?

6 STUART BAKER: That is correct. We just
7 counted them last week.8 MR. BOEHNER: Makes three additional spaces
9 available for 11 spaces. So the whole time they're operating
10 they have 11 spaces available. So now what we want to do is
11 try to find spaces that are available during the peak when
12 they have that thing at full occupancy, which hopefully will
13 be often for them.14 And what I found was that Brighton Vision has
15 five parking spaces assigned to it and they're closed on the
16 weekends. So that takes care of the issue of the weekends,
17 because that's one of their most popular days and times is
18 during the weekend.19 And the 11th Hour is not open until 11:00 a.m.
20 and they have seven spaces. Joe's Brooklyn Pizzas doesn't
21 open until 12:00 Monday through Wednesday, and 11:00 Thursday
22 through Saturday, and it looks like during the morning hours
23 that there's going to be plenty of spaces for them during the
24 weekdays.

25 Now, in the evenings Bagel Land closes at

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23 3:00 a.m., and they're assigned four spaces.
45 CHAIRPERSON PRICE: It's 3:00 p.m.
67 MR. BOEHNER: Yes, I am sorry that is what I
8 have written.
910 CHAIRPERSON PRICE: They are not open at 3:00
11 a.m.
1213 MR. BOEHNER: So, what I was finding based on
14 that and the information that he submitted, was where I saw
15 there were businesses closed during times that they would
16 need that additional parking to handle their peak hours.
1718 One of the things I wanted to ask Mr. Baker,
19 the yogurt place is not going to increase their seats; is
20 that correct? They're going to remain at 20?21 STUART BAKER: That is correct. In fact, I
22 was -- if anything they will decrease their seats.
2324 CHAIRPERSON PRICE: Is it becoming more
25 takeout?
2627 STUART BAKER: It is, Bill, it's becoming more
28 of a takeout and more obviously of a seasonal, very seasonal.
29 And obviously, most of you, all of you who know the plaza
30 know that in the rear of our plaza we are very open with a
31 lot of bicycle traffic, people coming in to get ice cream and
32 yogurt, and go.
33

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

5 MS. CIVILETTI: Thanks.

6 STUART BAKER: You're welcome.

7 MR. BOEHNER: Stuart, I have to point
8 something out. I noticed in the application they put down
9 that they will be opening at 5:30. The district regulations
10 don't allow businesses to open up until 6:00 a.m. If they
11 want to go and start opening at 5:30 they would need to make
12 an application to this Board for a conditional use permit to
13 expand their hours.14 STUART BAKER: Thank you, Ramsey. I don't
15 think that will be an issue, but I will definitely confirm.16 MR. BOEHNER: It's something they do need to
17 do, because I know other businesses are open also at that
18 time, but they do need to go through that process.19 And then the other thing is that they will
20 need to obtain the appropriate certificate of compliance,
21 building planning department with Mr. DiStefano.

22 STUART BAKER: Correct.

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

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3 changes to the information you provided to us?

4 STUART BAKER: No. I think you did a great
5 job. I'm pretty comfortable with how you presented it. I
6 think you have been very creative with us, I will commend you
7 and Rick for your guidance off hours and off, you know, in
8 our conversations.9 We really like the use and we think it's a
10 good use for the plaza, and not as impactful as a food use,
11 obviously and we are hopeful things will go well.12 CHAIRPERSON PRICE: Great. Other questions
13 from Board members?

14 STUART BAKER: I have none.

15 CHAIRPERSON PRICE: Good. John or Laura or
16 Pam?

17 MR. OSOWSKI: I'm all set.

18 MS. CIVILETTI: I'm all set.

19 MS. DELANEY: I'm good.

20 CHAIRPERSON PRICE: Karen, Jason? All right,
21 thank you.22 This is a Public Hearing, is there anyone that
23 would care to address this application, please raise your
24 hand? Jeff or Ramsey, we seeing anybody?

25 MR. BOEHNER: No.

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

5 CHAIRPERSON PRICE: All right, thank you.

6 Ed, are you here to walk us through this?

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

8 CHAIRPERSON PRICE: We can, thank you.

9 EDMUND MARTIN: Good evening, everyone. My
10 name is Ed Martin, I'm an engineer with LandTech representing
11 the application read by Mr. Boehner. I believe also in
12 attendance are Bruce Dan and Wendy Freida, the owners and
13 applicants. And I believe we also have Jim Fahy on the line
14 who is the architect on the project.15 As Mr. Boehner explained, it's a relatively
16 straight forward project. We're taking two homes and
17 eliminating them both and constructing a new home near the
18 northern half of the combined two lots.19 We proposed to utilize this in utilities that
20 are available along the road frontage. We have a net
21 reduction in the surfaces and in spite of that we've gone
22 ahead and put some infiltrator chambers in along the south
23 side of the proposed home.24 And finally, I will share with you that the
25 project meets the landscape requirements based on the one

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23 tree per 5,000 square foot of area. I understand that
4 somebody else from my office presented to the Conservation
5 Board and there were no substantial comments to prevent you
6 from reviewing and approving this.7 So, with that, I'd be happy to answer any
8 questions that you might have.9 CHAIRPERSON PRICE: Thank you. I guess, could
10 you or the owners or Jim please walk us through a little bit
11 of the rationale. And please just discuss the scale of the
12 home relative to the adjacent community -- or adjacent
13 neighbors and the need for the separate detached garage
14 structure, why is that being proposed?15 JIM FAHY: I'll chime in and I'll let Bruce
16 and Wendy make some comments afterwards. This is Jim Fahy
17 from Fahy Design Associates.18 The scale and massing, Bill, is, I think, like
19 the neighborhood, not only along Winton Road South but in the
20 neighboring homes, it's somewhat eclectic. I think you will
21 see some very small homes from the thirties and forties, to
22 some homes that were larger in scale after origination, and
23 also some that have had some sizable additions put on.24 So, I think it's a somewhat eclectic
25 neighborhood. The home, I think you can see from the

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

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

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

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

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

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

1 BRIGHTON PLANNING BOARD 12/16/2021
23 what that structure really means to you guys, because I know
4 it has a significance to you.5 BRUCE DAN: This is Bruce, thank you. We've
6 lived in this house for about two years, on the south
7 property, 575, and we love it. Our seven grandkids live two
8 blocks away, that's why we moved there from Penfield. We had
9 a really big house all those years in Penfield because we had
10 a lot of kids, like seven grandkids.11 We didn't want another big house, we thought
12 this little house would be awesome. And it is kind of cute,
13 a cute backyard. And we're sitting out in the backyard
14 though, we get a lot of nice sun there and it gets very, very
15 hot. So we don't want to be out there as the sun is just
16 blasting us from the west.17 And not a whole lot we can do about it except
18 sit out front. And then when we started doing this build
19 project, we realized that our existing garage, which we, no
20 pun intended, kind of got attached to because we spent a lot
21 of money redoing and building a whole new driveway. And we
22 spent a lot of money tearing up the floor in that garage good
23 and making a beautiful epoxy floor. It sounds silly, but we
24 kind of like, like the garage, we put some money into it
25 before we entered this project.

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

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

15 CHAIRPERSON PRICE: Okay.

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

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

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

1 BRIGHTON PLANNING BOARD 12/16/2021
23 main building used for the storage of vehicles, used by
4 occupants of the premises.5 JIM FAHY: The design of that building is for
6 storage of a car, but we designed it so that they have the
7 ability, as Bruce was saying, they can pull a car out of the
8 garage and use it like thousands of people do in the
9 Rochester area for sitting and entertaining and enjoying
10 their yard.11 I mean, I grew up in a house that we put a
12 screen on our garage in the summertime and hung out there, so
13 I think they have, it's definitely there for the storage of a
14 vehicle, but --15 MR. BOEHNER: As long as you're going to keep
16 a car in there, that's fine with me. I just wanted to make
17 sure that what it's going to be for it's primary use.18 JIM FAHY: It's principle use, Ramsey, is as a
19 detached garage.20 MR. BOEHNER: Okay. I just wanted to be clear
21 on that.22 CHAIRPERSON PRICE: Jim, do you want to walk
23 us through the architecture a little bit? I know we are not
24 the ARB.

25 JIM FAHY: Yeah, where do I start and stop

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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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23 nothing planned to shine into adjacent property owner's, you
4 know, lighting?5 JIM FAHY: I think right now, and as far as
6 we've gotten with the design, we will have wall lights at all
7 principle entrances and exits and at the garage doors. Other
8 than that, we haven't gotten into talking about kind of down
9 lighting from soffits, I doubt we'll be doing any of that.10 WENDY FREIDA: I'd like to make a comment. I
11 want the Board to understand that it's important to us that
12 this new home feel like it's been in the neighborhood for the
13 last 70 or 80 years, just like the rest of the homes.14 Because of we love the feel of the
15 neighborhood, we're very sensitive to our neighbors, as far
16 as not doing anything that would intrude on them. So, I'm
17 very sensitive about the light issue, so we won't have
18 anything that would be glaring or blasting into any of the
19 neighbors on the sides or in the back.20 CHAIRPERSON PRICE: Thank you. Have you had
21 an opportunity to speak with any of your neighbors and make
22 them aware of your application?

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

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

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

7 BRUCE DAN: Okay.

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

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

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

19 JIM FAHY: Okay.

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

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

24 EDMUND MARTIN: No, we have not.

25 MR. BOEHNER: Because we're going to need

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23 that. You need to know if there's asbestos in the buildings
4 or not before we do a demolition approval, if that's where
5 this application is going to go.6 CHAIRPERSON PRICE: All right. Other Board
7 members have questions or comments?

8 MS. CIVILETTI: I'm all set.

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

10 MS. DELANEY: I'm all set.

11 MR. BOEHNER: I have one last comment. The
12 Historic Preservation needs to review the demolition of these
13 structures to determine if they want to schedule a Public
14 Hearing to consider designating the properties as local
15 landmarks. That also still needs to be done.16 I'm not sure, I tried to dig up some
17 information on the houses. We only have photos at this
18 point, so I'm not sure if they'll be able to get it done
19 tomorrow night, but that does need to be done before this
20 application moves forward. You have to determine if they are
21 able to demolish.22 JIM FAHY: Just to be clear, we have filed a
23 letter to the Historic Preservation Commission. With our
24 feeling that our review of the homes have found nothing that
25 would place this as something that had significance to be

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23 listed as a historic either --
45 MR. BOEHNER: Was that in the application you
6 submitted?
78 JIM FAHY: That was sent as a separate letter
9 to the Town and addressed to the Historic Preservation
Commission. I wrote that letter and sent it in on
December 2nd.10 MR. BOEHNER: You sent it to me?
1112 JIM FAHY: I sent it in to Rick, I believe.
1314 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.15 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 --
1617 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.
1819 CHAIRPERSON PRICE: All right. Jim and Bruce
20 and Ed, thank you.
2122 This is a public meeting, is there anyone in
23 the audience that cares to address this application?
24

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23 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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3 MR. BOEHNER: I would have to look it up, but
4 there are noise regulations for construction in the Town of
5 Brighton that they would have to be within.

6

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

10

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

13

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

17

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

20

21 WENDY FREIDA: We had talked about --

22

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

1 BRIGHTON PLANNING BOARD 12/16/2021
23 us about nine months or so, or --
45 JIM FAHY: I think that's what we were
6 discussing. I think on the -- I thought they had given you
7 an exact number. But, we are looking somewhere between 9 and
8 12 months for the construction. It could last as long as a
9 year, but hopefully between 9 and 12 months.10 BRUCE DAN: You dutifully warned us that it
11 could take that long and it shocked us, but the damaged
12 home -- they were talking more like 10 months and obviously
13 we want it to be as quick as possible.14 ROBERTA FELDMAN: And then, my last question
15 is, our garage is attached to our home on the south side of
16 the property and we have considered adding on to the garage
17 to make it wider. This setback requirement that this project
18 has, do you -- can you tell if that would allow us to expand
19 our garage or --20 MR. BOEHNER: It doesn't have --
21

22 ROBERTA FELDMAN: -- prevent us?

23 MR. BOEHNER: -- anything to do with what you
24 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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23 bigger the lot, the bigger the side setbacks are. So you
4 could calculate what your setback by looking at the width of
5 your lot.

6 ROBERTA FELDMAN: Okay, thank you.

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

9 ROBERTA FELDMAN: Okay. Thank you.

10 MR. BOEHNER: You're welcome. I have an
11 answer to your question too about the hours of operation. It
12 is 7:00 a.m. to 7:00 p.m., Monday through Friday, and between
13 9:00 a.m. and 6:00 p.m., Saturday and Sunday.14 ROBERTA FELDMAN: Do you know if they
15 anticipate working on the weekends or not?16 JIM FAHY: My guess is typically not, but I'm
17 saying that cautiously. I can tell this and I know Bill and
18 other Board members know the reputation of Danrich Homes.
19 They are a quality group and I know they will do everything
20 in their power to be respectful of all of the neighbors. So,
21 and I've worked with them for 30 years and that's how they
22 operate.23 So, any issues that you may have, if you
24 brought that to them I know they'll do their best to respect
25 your privacy and the fact that you are living right next door

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3 to this.

4 BRUCE DAN: They have built, Danrich folks and
5 two guys, have built two other homes for us in the past and I
6 don't recall any complaints from neighbors or anything. So
7 hopefully we can replicate that.8 We, as owners, certainly will be, it's just
9 our personality, will be sensitive. We've got to live next
10 to you for many, many years, as all around. So, we will do
11 whatever we can to make life as easy as possible.

12 ROBERTA FELDMAN: Thank you. Thank you.

13 That's all I have.

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

16 ROBERTA FELDMAN: Thank you.

17 CHAIRPERSON PRICE: Anyone else care to
18 address this application?

19 Jeff or Ramsey, are you seeing anyone?

20 MR. BOEHNER: I'm looking.

21 I don't see anybody.

22 CHAIRPERSON PRICE: All right.

23 MR. BOEHNER: Got a few seconds just to see.

24 Anyone else? Jeff, is anyone sending you any messages?

25 MR. FRISCH: No.

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

4 CHAIRPERSON PRICE: All right. Ed, Jim,
5 Bruce, Wendy, thank you. There's a bunch of other decisions
6 that are kind of ahead of us. So, we will be here to discuss
7 this and render our decision tonight. We will be talking
8 about this after we wrap up the Public Hearings.9 You are welcome to stay with us, if you wish
10 or call Ramsey in the morning to find out about our decision.

11 BRUCE DAN: Thank you, everybody.

12 WENDY FREIDA: Thank you.

13 JIM FAHY: Thank you for the time.

14 CHAIRPERSON PRICE: Thanks, guys.

15 Ramsey, is that it for our --

16 MR. BOEHNER: That is it for the hearings,
17 Bill.18 CHAIRPERSON PRICE: All right. Would you --
19 why don't we go back and go through these and then we'll
20 handle the signs.21 So, Jeff, if I could ask you to go back to our
22 first application.

23 * * * *

24

25

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3 APPLICATION 8P-01-20

4 8P-01-20 Application of John Greer, owner, for
5 Preliminary/Final Site Plan Approval to expand the existing
6 restaurant parking lot on property located at 2171 West
7 Henrietta Road. All as described on application and plans on
8 file. TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING
9 REMAINS OPEN

10

11 CHAIRPERSON PRICE: Everybody still with us,

12 we're all good, just get through this?

13

14 MR. BOEHNER: 8P-01.

15

16 CHAIRPERSON PRICE: Okay. Do we have a motion

17 to close the Public Hearing?

18

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

20

21 MS. DELANEY: I'll motion --

22

23 MS. CIVILETTI: Well, don't --

24

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

19

(indiscernible talk)

20

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

22

23 MS. CIVILETTI: Second.

24

25 MR. BOEHNER: Civiletti seconded.

24

25 CHAIRPERSON PRICE: Moved and seconded.

25

Ramsey, will you call the roll on this?

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3 MR. BOEHNER: Ms. Altman?

4 MS. ALTMAN: Aye.

5 MR. BOEHNER: Mr. Price?

6 CHAIRPERSON PRICE: Aye.

7 MR. BOEHNER: Mr. Osowski?

8 MR. OSOWSKI: Aye.

9 MR. BOEHNER: Mr. Babcock-Stiner.

10 MR. BABCOCK-STINER: Aye.

11 MR. BOEHNER: Ms. Civiletti?

12 MS. CIVILETTI: Aye.

13 MR. BOEHNER: Ms. Delaney?

14 MS. DELANEY: Aye.

15 MR. BOEHNER: Hearing is closed.

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

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

21 CHAIRPERSON PRICE: Yeah.

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

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

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

10

CHAIRPERSON PRICE: Yeah.

11

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

13

CHAIRPERSON PRICE: Yeah.

14

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

16

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

18

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

21

MR. BOEHNER: Yes.

22

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

23

MR. BOEHNER: And put in the application
24 number.

25

MS. DELANEY: Okay.

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

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

11 **CONDITIONS:**

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

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

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

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

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3 throughout construction.

4 5. All trees to be saved shall be protected with orange
5 construction fencing placed at the drip line or a distance
6 greater than the drip line. Trees shall be pruned, watered,
7 and fertilized prior to, during and after construction.8 Materials and equipment storage shall not be allowed in
9 fenced areas.10 6. Maintenance of landscape plantings shall be guaranteed
11 for three (3) years.12 7. Any contractor or individual involved in the planting,
13 maintenance or removal of trees shall comply with the
14 requirements of the town's Excavation and Clearing (Chapter
15 66), Trees (Chapter 175) and other pertinent regulations and
16 shall be registered and shall carry insurance as required by
17 Chapter 175 of the Comprehensive Development Regulations.18 8. The parking lot shall be striped as per the requirements
19 of the Brighton Comprehensive Development Regulations.20 9. All outstanding Site Plan comments and concerns of the
21 Town Engineer and Fire Marshal shall be addressed.22 10. All outstanding Site Plan comments and concerns of the
23 Town Engineer regarding soil erosion, storm water control,
24 water system and sanitary sewer design shall be addressed.

25 11. All County Development Review Comments must be

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3 submitted.

4 12. All other reviewing agencies must issue their approval
5 prior to the Department of Public Works issuing its final
6 approval.7 13. A letter of credit shall be provided to cover certain
8 aspects of the project, including, but not limited to
9 landscaping, stormwater mitigation, infrastructure and
10 erosion control. The applicant's engineer shall prepare an
11 itemized estimate of the scope of the project as a basis for
12 the letter of credit.

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

14 15. Erosion control measures shall be in place prior to site
15 disturbance.16 16. All comments and concerns of the Town Engineer as
17 contained in the attached memo dated December 11, 2020 from
18 Evert Garcia, Town Engineer, to Ramsey Boehner, shall be
19 addressed.20 17. A letter or memo in response to all Planning Board and
21 Town Engineer comments and conditions shall be submitted.22 18. All new accessible parking space signage to be installed
23 or replaced shall have the logo depicting a dynamic character
24 leaning forward with a sense of movement as required by
25 Secretary of State pursuant to section one hundred one of the

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3 Executive Law.

4 19. The map and description for the sidewalk easement should
5 be prepared and submitted to this office for review. Upon
6 satisfactory completion of these documents, the easements
7 shall be filed at the Monroe County Clerk's Office with the
8 Town being provided copies of each Town easement with the
9 liber and page of filing. All easements must be filed at the
10 MCCO prior to obtaining Town signatures.11 20. The proposed parallel parking along West Henrietta Road
12 might conflict with the installation of future sidewalks
13 along West Henrietta Road. The nine (9) parallel parking
14 spots might need to be relocated on site to eliminate this
15 conflict if/when sidewalks are constructed in the future.

16 21. All required NYSDOT permits shall be obtained.

17 22. All conditions of the Zoning Board of Appeals shall be
18 met.19 CHAIRPERSON PRICE: Can we have a round of
20 applause, please?

21 MR. BOEHNER: Nice.

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

23 MR. BOEHNER: Ms. Delaney?

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

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3 APPLICATION 11P-03-20

4 11P-03-20 Application of S.E. Baker and
5 Company, agent, and Brighton Corners, LLC, owner, for 1)
6 determination of the on-site parking requirement for a
7 pilates studio, pursuant to Section 205-12 of the Brighton
8 Comprehensive Development Regulations; and 2) whether or not
9 the parking requirements for a pilates studio located at 1900
10 Monroe Avenue (Twelve Corners Plaza) can be reduced pursuant
11 to Section 205-20 (Combined Spaces) of the Brighton
12 Comprehensive Development Regulations. All as described on
13 application and plans on file. POSTPONED FROM THE NOVEMBER
14 18, 2020 MEETING P 0320.

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

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

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

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

24 CHAIRPERSON PRICE: I will second.

25 Motion to close the hearing has been made and

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3 seconded. Ramsey, will you call the roll?

4 MR. BOEHNER: Ms. Altman?

5 MS. ALTMAN: Aye.

6 MR. BOEHNER: Ms. Civiletti?

7 MS. CIVILETTI: Aye.

8 MR. BOEHNER: Ms. Delaney?

9 MS. DELANEY: Aye.

10 MR. BOEHNER: Mr. Babcock-Stiner?

11 MR. BABCOCK-STINER: Aye.

12 MR. BOEHNER: Mr. Osowski?

13 MR. OSOWSKI: Aye.

14 MR. BOEHNER: Mr. Price?

15 CHAIRPERSON PRICE: Aye.

16 MR. BOEHNER: Motion passes to close the
17 shearing. Okay.18 MR. OSOWSKI: Do we just need to move we make
19 the nine findings?20 MR. BOEHNER: Yes. And one of the findings, I
21 just want to go through. What the findings is, is that the
22 proposed pilates studio requires 14 parking spaces, one space
23 for each station and one for each employee on site. Next
24 time we get a pilates studio that will also be a stat that we
25 use as we go through.

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7

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.

8

9

10

11

12

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 --

13

14

15

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 --

16

CHAIRPERSON PRICE: This works.

17

MR. OSOWSKI: Good use.

18

CHAIRPERSON PRICE: Yeah.

19

20

21

22

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.

23

24

25

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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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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3 CHAIRPERSON PRICE: John, you want to?

4

MR. OSOWSKI: Yeah.

5

I'll propose that we approve Application
6 11P-03-20. It appears there is no SEQRA, so I'll propose
7 that we approve it based upon testimony given, the plans
8 submitted, and the nine findings made by the Town's
9 Engineering Department.

10

CONDITIONS:

11

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

14

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

23

3. Based on experience at Pure Barre Rochester (Pittsford
24 Plaza), the most popular class times are 8:30/9:30am,
25 5:30/6:30pm weekday, and all weekend classes.

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

6 5. Eleventh Hour is assigned 7 parking spaces and does not
7 open to 11:00 am Tuesday-Friday (closed Sunday and Monday).
8 Joe's Brooklyn Pizza is assigned 34 parking spaces and does
9 not open until 12pm Monday-Wednesday and 11:00 am
10 Thursday-Saturday. Adequate parking is available for Club
11 Pilates to use during their popular weekday morning classes.

12 6. Bagel Land is assigned 4 parking spaces and closes at
13 3:00 pm which provides 4 additional spaces for Club Pilates
14 to use during their popular evening classes.

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

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

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

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

25 MS. DELANEY: I will second.

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

5 MR. BOEHNER: Member Price?

6 CHAIRPERSON PRICE: Aye.

7 MR. BOEHNER: Ms. Altman?

8 MS. ALTMAN: Aye.

9 MR. BOEHNER: Ms. Civiletti?

10 MS. CIVILETTI: Aye.

11 MR. BOEHNER: Mr. Babcock-Stiner?

12 MR. BABCOCK-STINER: Aye.

13 MR. BOEHNER: Ms. Delaney?

14 MS. DELANEY: Aye.

15 MR. BOEHNER: Mr. Osowski?

16 MR. OSOWSKI: Aye.

17

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

7

MR. BOEHNER: Yeah.

8

CHAIRPERSON PRICE: Okay.

9

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

11

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

14

MR. BOEHNER: No.

15

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

18

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

20

CHAIRPERSON PRICE: Yeah.

21

MR. BOEHNER: But you also have HPC.

22

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

24

MR. BOEHNER: Yeah.

25

CHAIRPERSON PRICE: So --

1 BRIGHTON PLANNING BOARD 12/16/2021
23 MR. BOEHNER: I, I, I agree. And too we
4 actually need to find out too if they can stay on the
5 property during construction. Because, if not, it affects
6 the phasing plan.

7 CHAIRPERSON PRICE: Yeah, okay.

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

10 CHAIRPERSON PRICE: It seems to make sense.

11 MR. BOEHNER: Oh, no, it makes sense, yeah, it
12 does.13 CHAIRPERSON PRICE: If you want to do it,
14 yeah.15 MR. BOEHNER: But it's the devil's in the
16 details.

17 CHAIRPERSON PRICE: Right.

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

21

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3 | APPLICATION 12P-NB1-20

4 12P-NB1-20 Application of Wendy Freida and
5 Bruce Dan, owners, for Preliminary Re/subdivision approval,
6 Preliminary Site Plan Approval and Demolition Review and
7 Approval to raze two (2) single family homes, combine two
8 lots into one, and construct a 3,500+/- sf 2 story single
9 family home with a 698 +/- sf attached garage and a 517+/- sf
10 detached garage on properties located at 561 and 575 Winton
11 Road South. All as described on application and plans on
12 file.

13

14 What is -- I move we table Application, somebody tell me the
15 number I can't see it.

16

MC - CHISETTTI 100-ND1-00

17

18

anybody second?

19

MS. CIVILLETI: Second.

20

21

CHAIRPERSON PRICE: Moved and second, any further discussion?

22

23

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

24

25

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

1

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

5

CHAIRPERSON PRICE: Yeah.

6

MR. OSOWSKI: -- on Winton Road.

7

CHAIRPERSON PRICE: Yeah.

8

MR. OSOWSKI: Nice neighborhood around it,
9 yeah.

10

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

13

MR. BOEHNER: Yeah.

14

CHAIRPERSON PRICE: At least, right?

15

MR. BOEHNER: Yeah.

16

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

19

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

21

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

23

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

25

CHAIRPERSON PRICE: Yeah.

1 BRIGHTON PLANNING BOARD 12/16/2021

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3 MR. BOEHNER: And in character.

4

CHAIRPERSON PRICE: Yeah.

5

6 MS. CIVILETTI: Remind me, who are the

McMansion builders?

7

MR. BOEHNER: Mike Melder.

8

9 MS. CIVILETTI: Yeah, who was the realtor he

was working with?

10

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

11

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

13

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

15

CHAIRPERSON PRICE: Mike did?

16

MR. BOEHNER: Yeah.

17

CHAIRPERSON PRICE: When did that happen?

18

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

20

CHAIRPERSON PRICE: What?

21

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

23

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

1 BRIGHTON PLANNING BOARD 12/16/2021

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4

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

5

6

7

CHAIRPERSON PRICE: Sorry, wandering off.

8

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

9

CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 14. All County Development Review Comments shall be
12 addressed.

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

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

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3 of Section 56-5 are met.

4 17. Prior to the issuance of a demolition permit or building
5 permit, asbestos shall be removed according to NYS and the
6 Town of Brighton requirements and verification shall be
7 submitted from a qualified company that asbestos has been
8 removed.9 18. The height of the proposed house and detached garage
10 shall be shown on plans. Elevation drawings showing the
11 height of the structures in relationship to proposed grade
12 shown on the site plan shall be submitted.13 19. Prior to any framing above the deck, an instrument
14 survey showing setback and first floor elevation shall be
15 submitted to and reviewed by the Building and Planning
16 Department.17 20. The zoning notes on the site plan shall include both
18 required and proposed information for each zoning category.
19 The information contained on the submitted Single Family
20 Zoning Information form shall be shown on all plans.21 21. Erosion control measures shall be in place prior to site
22 disturbance.23 22. The applicant shall review the site plan, elevations,
24 and floor plans to ensure that the areas and dimensions
25 provided on those plans agree with one another. Elevation

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

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

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

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

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

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

24 A. Investigate incorporating green infrastructure
25 techniques.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3 complies with the height requirement and clear vision

4 requirements.

5 38. The bushes/shrubs planted along the public sidewalk

6 shall be planted back far enough so that when they mature,

7 they will not interfere with pedestrian access to the public

8 sidewalk or create a clear vision problem.

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

10 removed.

11 40. A landscape plan shall be submitted that show all

12 proposed plantings.

13 41. A schedule of all easements (existing/proposed,

14 public/private) associated with this project shall be

15 provided. All texts, maps and descriptions of proposed

16 easements shall be prepared and submitted to this office for

17 review. Upon satisfactory completion of these documents, the

18 easements shall be filed at the Monroe County Clerk's Office

19 with the Town being provided copies of each Town easement

20 with the liber and page of filing. All easements must be

21 filed at the MCCO prior to obtaining Town signatures.

22 42. A letter of credit shall be provided to cover certain

23 aspects of the project, including, but not limited to:

24 Demolition, restoration, driveway entrance within the MCDOT

25 right of way, sanitary sewer, water main, stormwater water

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23 management facilities, landscaping, and sediment and erosion
4 control. The letter of credit should be submitted to the
5 Town6 For review and approval. An original Letter of Credit must
7 be received by the Town prior to the start of construction.8 43. The contractor shall obtain all necessary Highway
9 Access, Sewer Construction, Demolition, or other permits from
10 the Town or other agencies prior to starting work.11 CHAIRPERSON PRICE: Okay. Moved and seconded,
12 please call the roll.

13 MR. BOEHNER: Ms. Altman?

14 MS. ALTMAN: Aye.

15 MR. BOEHNER: Mr. Price?

16 CHAIRPERSON PRICE: Aye.

17 MR. BOEHNER: Ms. Civiletti?

18 MS. CIVILETTI: Aye.

19 MR. BOEHNER: Ms. Delaney?

20 MS. DELANEY: Aye.

21 MR. BOEHNER: Mr. Babcock-Stiner?

22 MR. BABCOCK-STINER: Aye.

23 MR. BOEHNER: Mr. Osowski?

24 MR. OSOWSKI: Aye.

25 CHAIRPERSON PRICE: All right, thank you,

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everyone.

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

4

CHAIRPERSON PRICE: We'll go through signs.

5

SIGNS:

6

7

8

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

9

10

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

11

12

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

13

14

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

15

16

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

17

MS. CIVILETTI: Yes.

18

19

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

20

21

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

22

MR. BOEHNER: Oh, okay, 1593.

23

Jeff, make sure I go back to that later.

24

MR. FRISCH: Okay.

25

MR. BOEHNER: So, this is Application 1593,

1 BRIGHTON PLANNING BOARD 12/16/2021
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3 the Architectural Review Board approved it as presented.

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

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

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

9 MR. BOEHNER: No.

10 CHAIRPERSON PRICE: Just a photo stem, okay.

11 MS. DELANEY: I don't think there's anyone in
12 there yet.13 CHAIRPERSON PRICE: Okay. Yeah, I've been
14 driving by, it's pretty empty. All right. And they
15 recommended approval as is?

16 MR. BOEHNER: Yeah. Yes, they did.

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

20 MR. BABCOCK-STINER: Second.

21 MR. BOEHNER: Mr. Babcock-Stiner?

22 MR. BABCOCK-STINER: Yes.

23 CHAIRPERSON PRICE: Go through the roll?

24 MR. BOEHNER: One second, folks.

25 CHAIRPERSON PRICE: Yep.

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3 MR. BOEHNER: Ms. Altman?

4 MS. ALTMAN: Aye.

5 MR. BOEHNER: Mr. Osowski?

6 MR. OSOWSKI: Aye.

7 MR. BOEHNER: Ms. Civiletti?

8 MS. CIVILETTI: Aye.

9 MR. BOEHNER: Ms. Delaney?

10 MS. DELANEY: Aye.

11 MR. BOEHNER: Mr. Babcock-Stiner?

12 MR. BABCOCK-STINER: Aye.

13 MR. BOEHNER: Mr. Price?

14 CHAIRPERSON PRICE: Aye.

15 MR. BOEHNER: Motion passes.

16 1594, this sign was approved, but they also
17 forwarded recommendations to them as suggestions.

18 CHAIRPERSON PRICE: What were they?

19 MR. BOEHNER: Make the top bump out more
20 circular to match the existing circle or symbol, as opposed
21 to the oval. And then reduce the kerning on the second line
22 of the text and center, and they are just recommendations.23 CHAIRPERSON PRICE: What's our font expert
24 have to say?

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

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3 second recommendation?

4

MR. OSOWSKI: Reduce the kerning.

5

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

6 letters closer together.

7

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

9

MS. CIVILETTI: I agree, needs help.

10

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

12

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

14

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

19

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

21

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

23

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

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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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3 MR. BOEHNER: Approved as recommended.

4 CHAIRPERSON PRICE: Okay, thank you. One
5 more.

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

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

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

12 CHAIRPERSON PRICE: Okay.

13 I move we approve as recommended by ARB.

14 MR. BABCOCK-STINER: Second.

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

17 MS. ALTMAN: Aye.

18 MR. BOEHNER: Mr. Price?

19 CHAIRPERSON PRICE: Aye.

20 MR. BOEHNER: Ms. Civiletti?

21 MS. CIVILETTI: Aye.

22 MR. BOEHNER: Ms. Delaney?

23 MS. DELANEY: Aye.

24 MR. BOEHNER: Mr. Babcock-Stiner?

25 MR. BABCOCK-STINER: Aye.

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3 MR. BOEHNER: 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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3 I tried to contact them several times and I haven't heard
4 back from them after it was tabled.

5 CHAIRPERSON PRICE: Upper Cervical

6 Chiropractic, man, even chiropractors are getting that
7 specialized.

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

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

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

14 MR. BOEHNER: 1592.

15 CHAIRPERSON PRICE: 92.

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

18 MS. DELANEY: I'll second.

19 MR. BOEHNER: Delaney is seconding it.

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

21 CHAIRPERSON PRICE: Go ahead.

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

23 Okay.

24 Mr. Osowski?

25 MR. OSOWSKI: Aye.

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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.

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3 REPORTER CERTIFICATE
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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.

11
12 Dated this 18th day of January, 2021.

13 At Rochester, New York
14
15

16 Rhoda Collins
17 Rhoda Collins
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