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

February 17, 2021

Brighton Town Hall

2300 Elmwood Avenue

Brighton, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON
LAURA CIVILETTI
JASON BABCOCK-STINER
JOHN OSOWSKI
DAVID FADER
PAMELA DELANEY
ALICE ALTMAN

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

REPORTED BY: ALEXANDRA K. WIATER, Court Reporter
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1 CHAIRPERSON PRICE: Good evening, everybody
2 and welcome to the February meeting of the Town of
3 Brighton Planning Board. This meeting is virtual and
4 we will still be presenting all of our plans and the
5 applications and asking applicants to present their
6 applications that they've got and -- whether it's the
7 applicant or their consultants or agents. And then we
8 will open up to any questioning to the Board Members.
9 And once the Board Members have asked applicants
10 questions then we do open it up to the public.

11 And we would ask that you would kindly raise
12 your hand if you're interested in participating. If
13 you don't know how to do that, I might ask Jeff to
14 help with that or you can just wave your arms
15 frantically and we'll hopefully catch you and be able
16 to let you in and make some -- make some comments.

17 I'd like to introduce the Board even though
18 we do a roll call after this. I'm Bill Price and I
19 live in the Roselawn neighborhood. I'm the Chairman.
20 Laura Civiletti that's on the Board, Karen Altman, Pam
21 Delaney, we've got David Fader, Jason Babcock-Stiner.
22 And am I forgetting any Board Members? Yeah, John
23 Osowski. You were hiding up there, John. And Ramsey
24 Boehner is our Secretary Town Planner, who's the
25 secretary to the Planning Board. Our Planning Board

1 Attorney is Ken Gordon. And Jeff -- I don't know
2 where -- if everybody can see you -- but Jeff Frisch
3 is handing the technology side of things for the Town
4 tonight.

5 So, now that I've made that introduction we
6 do have to technically call the roll for recording
7 purposes. Ramsey, will you please call the roll?

8 MR. BOEHNER: Member Altman?

9 MS. ALTMAN: Here.

10 MR. BOEHNER: Price?

11 CHAIRPERSON PRICE: Here.

12 MR. BOEHNER: Fader?

13 MR. FADER: Here.

14 MR. BOEHNER: Civiletti?

15 MS. CIVILETTI: Here.

16 MR. BOEHNER: Delaney?

17 MS. DELANEY: Here.

18 MR. BOEHNER: Babcock-Stiner?

19 MR. BABCOCK-STINER: Here.

20 MR. BOEHNER: Osowski?

21 MR. OSOWSKI: Here.

22 MR. BOEHNER: All present.

23 CHAIRPERSON PRICE: All right. We do have
24 meeting minutes from our December 16th meeting. And
25 let's see, we also have the December 20th -- I'm

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1 sorry, the January 20th meeting.

2 MR. BOEHNER: Yes, we do.

3 CHAIRPERSON PRICE: Do I have a motion to
4 approve the December 16th, 2020, Planning Board
5 meeting minutes?

6 MR. OSOWSKI: I'll move -- this is John.
7 I'll move that we approve the December Planning Board
8 minutes.

9 MR. BOEHNER: Osowski moves.

10 MS. CIVILETTI: Second.

11 MR. BOEHNER: Civiletti seconds.

12 CHAIRPERSON PRICE: Moved and seconded. Any
13 other discussion? Edits? Okay. Ramsey, call the
14 roll on that, please.

15 MR. BOEHNER: Altman?

16 MS. ALTMAN: Aye.

17 MR. BOEHNER: Price?

18 CHAIRPERSON PRICE: Aye.

19 MR. BOEHNER: Fader?

20 MR. FADER: Abstained.

21 MR. BOEHNER: Civiletti?

22 MS. CIVILETTI: Aye.

23 MR. BOEHNER: Delaney?

24 MS. DELANEY: Aye.

25 MR. BOEHNER: Babcock-Stiner?

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1 MR. BABCOCK-STINER: Aye.

2 MR. BOEHNER: Osowski?

3 MR. OSOWSKI: Aye.

4 MR. BOEHNER: Minutes approved.

5 CHAIRPERSON PRICE: Thank you. We also have
6 the January 20th meeting minutes. Could I get a
7 motion to approve them?

8 MR. FADER: I'll move --

9 MS. CIVILETTI: I'll move approval.

10 MR. FADER: I'll second.

11 MR. BOEHNER: I've got Civiletti makes the
12 motion. Fader seconds it.

13 CHAIRPERSON PRICE: Okay. Any other
14 discussion? Okay. Ramsey, please call the roll.

15 MR. BOEHNER: Osowski?

16 MR. OSOWSKI: Aye.

17 MR. BOEHNER: Babcock-Stiner?

18 MR. BABCOCK-STINER: Aye.

19 MR. BOEHNER: Delaney?

20 MS. DELANEY: Aye.

21 MR. BOEHNER: Civiletti?

22 MS. CIVILETTI: Aye.

23 MR. BOEHNER: Fader?

24 MR. FADER: Aye.

25 MR. BOEHNER: Price?

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1 CHAIRPERSON PRICE: Aye.

2 MR. BOEHNER: Altman?

3 MS. ALTMAN: Aye.

4 MR. BOEHNER: Thank you. Minutes approved.

5 CHAIRPERSON PRICE: Ramsey, we have
6 apparently two Public Hearings tonight. And one has
7 two different numbers I believe. But were the Public
8 Hearings for tonight's meeting properly advertised?

9 MR. BOEHNER: Yes. Before we start the
10 evening we should announce that Application 9P-NB1-20,
11 the application of Baptist Temple, owner, and Clover
12 Park Properties LLC, has requested an adjournment to
13 the March 17th Planning Board meeting.

14 The meeting has been properly advertised in
15 the Brighton-Pittsford Post of February 11th, 2021.

16 CHAIRPERSON PRICE: All right. Thank you.
17 We'll hear those applications now.

18 The first application is 2P-01-21.
19 Application -- Ms., your first name is Nelson and
20 I'm -- I'm going to do nothing but butcher your name.
21 So, this is Mr. Siew Hioe, own -- and his wife,
22 owners. This is for an EPOD permit, woodlot EPOD,
23 approval to remove trees with a -- with decay and
24 trees which pose danger to the property and
25 neighboring properties. And to clear brush on the

1 property located at 440 French Road.

2 MR. FROMBERGER: Good evening, Bill. Tom
3 Fromberger here with MRB Group.

4 CHAIRPERSON PRICE: Tom, how are you?

5 MR. FROMBERGER: Doing good. The owners,
6 Foek and Siew Hioe Nelson, are also online here. And
7 I don't know if they've been unmuted.

8 MR. NELSON: I just want to say that was
9 actually the best pronunciation of our name and last
10 name. So...

11 CHAIRPERSON PRICE: Well, thank you very
12 much. I -- I've been stressing over this one all day.

13 MR. BOEHNER: You did good, Bill.

14 MR. FROMBERGER: As our letter outlines, the
15 owners received two violation letters for not
16 obtaining the necessary permits for clearing brush and
17 removing trees that have significant decay on the
18 property. They actually have two contractors doing
19 the work.

20 The first contractor performed clearing
21 around the house and removed approximately 14 trees.
22 The remaining brush clearing was performed by the
23 second contractor who strictly removed the brush, took
24 down additional diseased trees, and began digging a
25 borrow pit in the back of the property, which would be

1 on the right side of the screen. That was not the
2 intention. The owners were unaware that they were in
3 an EPOD permit. They have done similar clearing in
4 the past, approximately 20 years ago. And as soon as
5 they found out and they notified, they stopped.

6 And so, our involvement was to come in and
7 do an assessment on what had been removed and to
8 evaluate the existing trees. And in looking at them,
9 you can clearly tell that the roots -- you know, what
10 was left of the stump, which was cut close to the
11 ground, was diseased on a bunch of them. There was
12 still branches and debris that had been chipped up.
13 And we also got a letter from the first contractor who
14 did the tree removal and he also confirmed that these
15 were trees that -- that did need to come down.

16 In regards to what is left to be done on the
17 site up in the front of the property are two pine
18 trees. One is leaning towards the neighboring
19 property and the other one is up closer to the house.
20 Those are still -- need to come down as they pose --
21 pose a threat in terms of disease.

22 The owner would like to install a wood fence
23 and similar look to his existing one, which is shown
24 in the dashed line at the bottom of the screen there.
25 It's approximately extending from the rear lot where

1 it ends up to -- just to the north base of this -- the
2 clearing on the existing neighbor's house.

3 That's kind of the overview of our project.

4 CHAIRPERSON PRICE: Okay, Tom. So, the --
5 the additional trees to be cut down are -- are labeled
6 on this with the "x" on them?

7 MR. FROMBERGER: That is correct, yup. Just
8 two -- two pine trees.

9 CHAIRPERSON PRICE: Okay. And the others
10 were the ones that had already been --

11 MR. FROMBERGER: Removed.

12 CHAIRPERSON PRICE: There was something, I
13 think, in one of the reports that said the material
14 was chipped and left on site, is that -- or was that
15 buried in a -- in the borrow pit?

16 MR. FROMBERGER: The majority of it is --
17 was chipped on site. Some of the trees around the
18 house were removed initially. But the -- in the back
19 of the borrow pit is remaining branches and some --
20 some logs that were cut up. Those were pushed into
21 it. Those had -- that need to be pulled out of there,
22 the topsoil, and soil, subsoil, push back into the
23 hole fill. And then we're proposing that they put
24 down seed and that they use the chippings as cover
25 over it.

1 CHAIRPERSON PRICE: Okay. Ramsey, could you
2 just offer a little background on the location and
3 process that you went through on this?

4 MR. BOEHNER: Well, a couple of things is
5 that, as they said, they weren't aware of the need for
6 the permits. They did stop work. They did hire the
7 contractor. I told them to make sure that when they
8 made the application that there was any additional
9 work that they were planning to do now would be the
10 time to let the Town know what their intentions were.
11 The matter has been adjourned. The contractor that
12 was part of it is no longer working on the project and
13 has resolved the matter with the Town.

14 And right now, what they need is the
15 Environmental Overlay Protection District permit -- or
16 what they did in the EPOD -- they also need an
17 excavation and clearing permit from the Town due to
18 the size of the property. Not all the trees that were
19 removed were in the EPOD. The ones that they --
20 additional trees that they want to remove are not in
21 the EPOD. They are subject to the excavation and
22 clearing ordinance.

23 So, what we're understanding that this is
24 all the work that they want to do.

25 Tom, if I'm incorrect on that, if you could

1 correct me.

2 MR. FROMBERGER: You are correct, Ramsey.
3 That's the only work that they would like to do.

4 MR. BOEHNER: Tom, I have -- what is going
5 to happen to the stumps of the trees that -- trees
6 that were removed? Are you planning to grind them?

7 MR. FROMBERGER: I'll let the folks -- the
8 Nelsons speak up. My understanding is that they are
9 going to leave them as they are. There wasn't an
10 intention to cause additional soil or site
11 disturbance.

12 CHAIRPERSON PRICE: Are they accessible?
13 They were accessible to -- to cut down but are they
14 accessible for a -- to a grinder?

15 MR. FROMBERGER: They are -- they are
16 accessible for a stump -- a stump grinder.

17 CHAIRPERSON PRICE: Okay.

18 MR. BOEHNER: Is there any other additional
19 clearing of trees or brush that you're proposing as
20 part of the project?

21 MR. FROMBERGER: No additional tree clearing
22 for the fence construction. There may be some minor
23 additional brush clearing but their real intention is
24 to -- to -- now knowing the sensitivity of the area,
25 is just to -- to work with what they have and complete

1 the fence installation.

2 MR. BOEHNER: Tom, what is the condition of
3 the ground cover in the areas where the work has
4 occurred? It's a little hard with the snow. I know
5 you sent some pictures.

6 MR. FROMBERGER: Yeah, the ground cover
7 consists of a mix of grass. You know, with moss,
8 some -- there's obviously where the brush was cut,
9 they've just been cut flush to the surface so there is
10 no disturbance -- there you go. Moss, leaf litter.
11 And then there's also the -- the mulch and chippings,
12 which are scattered further out on the site. There's
13 an example.

14 So, this is -- this picture is in the far
15 back of the property. And as you can see, you know,
16 the -- the trees have been kind of mulched and
17 shredded in the back there. So, brush hog -- a
18 typical brush hog. That is a picture of the
19 excavation, the pit, and you can see the brush pile on
20 the back. Our intention would be -- the contractor
21 would come in, continue chipping that up. And then we
22 put that on top of the seed and soil area. You can
23 still see there's a significant amount of trees. The
24 trees really weren't removed. The only trees that
25 were intended to get removed were ones that were

1 significantly diseased.

2 MR. BOEHNER: Does the installation of the
3 proposed fence require any removal of trees?

4 MR. FROMBERGER: No, it doesn't. I did look
5 down that line. If it -- the tree is in the way they
6 -- they can work around it. They've actually done
7 that in the past. They are very sensitive to the tree
8 preservation. One of the -- and they accommodated --
9 initially when they constructed the fence, they built
10 it around one of the trees.

11 MR. BOEHNER: Are they going to be able to
12 restore their borrow pit to, like, the original grade,
13 Tom?

14 MR. FROMBERGER: Yes. I don't see that as
15 an issue at all. The grades back there are relatively
16 flat and easily accommodate.

17 MR. BOEHNER: And how does the equipment get
18 back there?

19 MR. FROMBERGER: There's enough space. They
20 -- there is an area where they would need to clear or
21 cut down trees. There's adequate spacing between the
22 existing trees. They -- they got the equipment back
23 there to begin with to -- to cut down the brush so it
24 was a -- you know, a typical construction vehicle size
25 that drove back with tracks or rubber wheels.

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1 MR. BOEHNER: Do you know what type of
2 equipment's going to be used?

3 MR. FROMBERGER: I don't because a
4 contractor has not been selected to complete this work
5 yet.

6 MR. BOEHNER: Now, what will happen to that
7 access road that go -- or, you know, path back to the
8 borrow pit, how's that going to be restored?

9 MR. FROMBERGER: I'm not -- I'm not
10 anticipating a lot of disturbance through that just
11 because of the ground cover that exists out there. If
12 there is a need for restoration it would again be, you
13 know, seed and straw or seed and wood chippings.

14 MR. BOEHNER: What is the area of your
15 disturbance on this project?

16 MR. FROMBERGER: The borrow pit is
17 approximately 1,500 square feet in size. The length
18 back to that is about 560 so feet times around an
19 8-foot wide path plus maybe some additional clearing
20 and other areas that have been disturbed. So, we're
21 -- we're under 10,000 square feet of total
22 disturbance.

23 In our SEQR we put in just kind of a brush
24 clearing square footage and it was listed at 3.73
25 acres.

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1 MR. BOEHNER: And that was for the brush.
2 But your actual disturbance is that you just said, is
3 that right --

4 MR. FROMBERGER: Yes.

5 MR. BOEHNER: -- if I understood you right?
6 Okay.

7 I -- the last thing I have is just a
8 comment. Any further work that will be done on the
9 property as far as tree services need to be registered
10 with the Town. And I just need to -- that's more of a
11 statement than anything. No one has to respond. I
12 just -- that's -- that's an important aspect of what
13 happened here.

14 CHAIRPERSON PRICE: You mean, the -- the
15 contractor has to be registered?

16 MR. BOEHNER: Yes. Sorry. Thank you for
17 clarifying that, Bill. Thank you. I don't have any
18 other questions.

19 MR. FROMBERGER: The owners are aware of
20 that.

21 CHAIRPERSON PRICE: Okay. I think I'm all
22 set. Do any other Board Members have questions?

23 MS. CIVILETTI: I'm good.

24 CHAIRPERSON PRICE: Laura's --

25 MS. DELANEY: I'm all set.

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1 CHAIRPERSON PRICE: Pam. And --

2 MR. BABCOCK-STINER: All set.

3 MR. FADER: I'm okay.

4 CHAIRPERSON PRICE: David. John Osowski?

5 John Osowski's -- we're going to assume all set.

6 All right. This is a Public --

7 MR. OSOWSKI: Yeah. This is John. I'm
8 good.

9 CHAIRPERSON PRICE: Oh, thank you, John.
10 This is a Public Hearing. Is there anybody in the
11 audience that cares to address this application?

12 MR. BOEHNER: If you could raise your hand
13 with the raise hand command so we know that you're out
14 there, that would be great.

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

16 CHAIRPERSON PRICE: Okay.

17 MR. GORDON: Bill, this is Ken Gordon. I do
18 want to just comment that I think that the Board
19 received correspondence from a neighbor and they asked
20 for that correspondence to be part of the Public
21 Hearing record --

22 CHAIRPERSON PRICE: All right.

23 MR. GORDON: -- is that correct, Ramsey?

24 MR. BOEHNER: I did put it on as a
25 communication. I think that's fine to add it in as

1 part of the record, Ken.

2 MR. GORDON: Yeah. I thought he asked that.

3 CHAIRPERSON PRICE: It's Edward Pelta.

4 MR. BOEHNER: That's -- I -- I haven't read
5 it but I -- that's fine, Ken.

6 MS. CIVILETTI: So, given his concerns about
7 the impact of the trees from the applicant's property,
8 is it accurate to say that overhanging trees on
9 Mr. Pelta's property, he can have them trimmed back as
10 necessary?

11 MR. BOEHNER: Yes. In the EPOD regulations,
12 you can maintain, prune trees, without having to come
13 in and get a -- a permit.

14 MS. CIVILETTI: But -- so, the tree that --
15 if the actual trunk is on the neighboring property, if
16 it's overhanging on his property, he has the ability
17 to trim it back as necessary?

18 MR. BOEHNER: I don't necessarily -- would
19 not want to give the legal advice on how you handle
20 trees overhanging your property. All I was responding
21 to Member Civiletti is that the regulations do permit
22 the pruning of trees and maintaining trees.

23 MS. CIVILETTI: Well, it sounds like that --
24 that's his primary concern is that the -- the
25 overhanging trees from the adjacent property are -- is

1 impacting his ability to do some of his own
2 landscaping.

3 So, Ken Gordon, I'm not sure if you're
4 prepared to comment on it.

5 MR. GORDON: Sure. So, in terms of the
6 legal responsibility, I would say that's sort of
7 beyond the jurisdiction of the Planning Board to
8 allocate that.

9 Under New York State Law, it is the tree
10 owners' responsibility to properly maintain their
11 trees and it is -- wherever the base of the tree is
12 landing, sometimes those trunks can cross property
13 lines, and then there can be shared maintenance
14 responsibility.

15 But in terms of what the application is
16 before the Planning Board presently, I don't see that
17 as being a condition that would relate to the work
18 that is being asked for unless you tie it into the
19 fence in some way, Ramsey. If they want to -- the
20 fence is actually on the other side of the property.

21 MR. BOEHNER: Yes, it is, Ken. It's on the
22 other side of the property.

23 MR. GORDON: So -- so, I was -- I just don't
24 see -- I don't see how it is that you can make that a
25 condition of what approvals are being sought.

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1 MR. BOEHNER: I agree with that, Ken.

2 MR. GORDON: I do believe that if Mr. Pelta
3 does have an issue his remedy is to contact the
4 property owner and request that the property owner
5 trim the trees back. I do believe that it is within
6 Mr. Pelta's rights if those branches are overhanging
7 his property to trim them back himself as long as he
8 doesn't do so in such a way to cause damage to the
9 trees in such a way that would jeopardize the health
10 of the trees. And if he doesn't want to pay for it or
11 if he pays for it and then wants to recover his
12 remedies then go to Small Claims Court to recover that
13 cost. But I don't think Planning Board is where he
14 gets his remedies.

15 MS. CIVILETTI: Yeah, understood. Just was
16 looking at the actual, you know, the content of that
17 communication and wondering if there was some response
18 that the Town would be able to make on, you know,
19 regarding his -- his concerns.

20 MR. GORDON: Yeah, I don't know if you
21 responded at all or not, Ramsey.

22 MR. BOEHNER: No, I just accept --
23 acknowledged that I had received it. And that I was
24 putting it on the communications for this evening's
25 meetings.

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1 MR. GORDON: And -- and he doesn't express,
2 Lisa, he wants it to be part of the Public Hearing
3 that --

4 MR. BOEHNER: It's fine. I -- I think it
5 should have been discussed. You're right, Ken.

6 MR. GORDON: He does make --

7 MR. BOEHNER: That was his intent.

8 MR. GORDON: -- a point saying that --
9 right -- that I received this application. Here's my
10 comments on this application. I think it's
11 appropriate.

12 MR. BOEHNER: Yeah. I know, Ken. I think
13 that was his intent.

14 MR. FROMBERGER: I guess I would just like
15 to add, I'm not giving, again, any legal advice, but
16 from a property rights standpoint that I've heard as
17 well, that if the branches did hangover and -- like
18 you said, if it does not impact the health of the tree
19 that the adjacent property owner could do that pruning
20 themselves, then I could -- speaking for -- for the
21 Nelson and folk, I don't think they would have an
22 issue with the owner performing that work themselves.
23 And, obviously, if -- if they needed a permit then
24 they should contact the Town to do that.

25 MR. GORDON: Yeah. And I think -- I think

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1 we hear Ramsey saying it does not need a special
2 permit, is that kind of --

3 MR. BOEHNER: Right. That's correct.

4 MR. GORDON: Not?

5 MR. BOEHNER: That is correct.

6 MR. GORDON: The actual tree clearing on
7 this lot both because of the EPOD and because of the
8 size of the lot need --

9 MR. BOEHNER: Needs permits. That's
10 correct.

11 MR. GORDON: Not the -- not the trimming
12 arrangements.

13 MR. BOEHNER: That's right.

14 CHAIRPERSON PRICE: All right. Thank you.
15 Jeff, did you see anybody?

16 MR. BOEHNER: Yeah, let's check again for
17 the last time.

18 MR. FRISCH: All right. I still don't --

19 CHAIRPERSON PRICE: Does anyone else wish to
20 address this? All right. Thank you. We'll move on.

21 Ramsey, I think I'd like to combine
22 Application 12P-NB1-20 with 2P-02-21.

23 MR. BOEHNER: Yes. If you could, Bill -- I
24 think in preparing your report does that.

25 CHAIRPERSON PRICE: Okay. Very good.

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1 MR. BOEHNER: Except preliminary -- just
2 combining preliminary and final approval.

3 CHAIRPERSON PRICE: Right. Application --

4 MR. FROMBERGER: Thank you, everyone.

5 CHAIRPERSON PRICE: Of Wendy Frieda and Dan
6 -- oh, I'm sorry. Bruce Dan, owners, for final
7 resubdivision approval, final site plan approval, as
8 well as demolition review and approval for 3 -- oh,
9 I'm sorry -- 561 and 575 Winton Road. Okay. Go
10 ahead.

11 MR. MARTIN: Good evening. This is Ed
12 Martin. I'm here tonight representing Bruce Dan and
13 Wendy Frieda. If you'll recall that we last presented
14 to the Board at the December 16th meeting. At which
15 time you had no comments, questions, or concerns.
16 Since that time we did obtain the required area
17 variances for the property. The architect did meet
18 and receive approval from the Architectural Review
19 Board. And so, we're back here tonight as Ramsey
20 mentioned, requesting preliminary final approval for
21 the site plan and I'd be happy to answer any questions
22 that you might have. I should mention also that Bruce
23 and Wendy are also online.

24 CHAIRPERSON PRICE: Good evening. Thank you
25 for coming. All right. Ed, thank you.

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1 Ramsey, I guess this goes back to -- we were
2 waiting on the variances and ARB approval. Those --
3 those have been secured. Were there comments from
4 this Board that -- that you can confirm if they've all
5 been addressed?

6 MR. BOEHNER: That's the only question we
7 had. One of the bigger questions I have is the
8 first-floor elevation of the structure as any
9 consideration being to lowering that down. It's much
10 higher than what the original house is that was there
11 before.

12 MR. MARTIN: Ramsey, you're talking about
13 the 506 for the new hope -- new house?

14 MR. BOEHNER: Yeah. Because I think the
15 existing was at what, 502? 503?

16 MR. MARTIN: 503.9. So, we're -- we're 2
17 feet higher than the old one. I -- I would say
18 that -- I mean, we can take a look at it. But
19 generally speaking, when we do this, it's based
20 primarily on the architecturals, whatever openings
21 there are, and building up from there.

22 CHAIRPERSON PRICE: So --

23 MR. BOEHNER: So -- so, it would be
24 something that the architect would need to look into?

25 MR. MARTIN: Yeah, I -- I can take a look at

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1 it. And Jim Fahey, the architect, wasn't able to make
2 it tonight. He had a conflict that he wasn't able to
3 reschedule otherwise I'd ask him right now. And --

4 MR. BOEHNER: Okay.

5 MR. MARTIN: If -- if I can lower it and it
6 doesn't impact the architectural, I'd be happy to.

7 MR. BOEHNER: Okay. The -- the other thing
8 that we need to do is that we need to relate the
9 proposed existing -- the grade that you're proposing
10 to the elevations just to confirm the height
11 requirements are being met. You gave the corner
12 elevations and the architectural elevations need to be
13 tied to your grading plan. I know that Jim, your
14 architect, did look into it the last time and said
15 that he felt that it met the height requirements. I
16 just need to get verification of it.

17 MR. MARTIN: Okay.

18 CHAIRPERSON PRICE: For -- for our
19 clarification on that, Ramsey, you're looking at what
20 he's claiming the roof height at 26.7 feet. And is
21 it -- are you asking the question whether that's 26.7
22 above the 506 elevation?

23 MR. BOEHNER: No. It's of the corner
24 elevations of the -- of the site and you go side --
25 side by side of the house.

1 And what I'm looking at when I'm looking at
2 the first floor elevation, that this is going to be
3 close to 4 feet higher than the house to the north.
4 And I understand what Mr. Martin said about it being
5 tied to the architectural. And my question was was it
6 just considered.

7 CHAIRPERSON PRICE: Okay. All right.

8 MR. OSOWSKI: And this is John. While
9 you're talking about elevations, I'd like to mention
10 too that -- I don't know how many steps there are
11 leading into the house but it might be worth
12 considering universal accessibility to have a -- if --
13 if there's less than an elevation change, to have a
14 low slope ramp going into the house rather than having
15 steps. But --

16 MR. BOEHNER: Yeah. It looks like you're --
17 you're definitely doing steps to get into the house.
18 But I don't know the plans that well.

19 MR. OSOWSKI: Yeah.

20 MR. BOEHNER: That's why I was just bringing
21 it up.

22 And the other thing is, Ed, was a
23 pre-asbestos survey done for both houses?

24 MR. MARTIN: It was. I just spoke with
25 Shane only this afternoon. It's been completed.

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1 Whether or not it's been put in your hands, I -- I
2 can't confirm that but I know it has been done.

3 MR. BOEHNER: Okay. Do you know what the
4 results were by any chance?

5 MR. MARTIN: All clear.

6 MR. BOEHNER: That one's all clear? Okay.

7 MR. MARTIN: Yup.

8 MR. BOEHNER: And you've received all your
9 variances. Architectural Review Board. I don't have
10 any other questions myself. Thank you.

11 CHAIRPERSON PRICE: Okay. Planning Board
12 Members -- anything else, John?

13 MR. OSOWSKI: Not -- not at this time, no.
14 Thank you.

15 CHAIRPERSON PRICE: Okay. David Fader?

16 MR. FADER: Nope.

17 CHAIRPERSON PRICE: Karen?

18 MS. ALTMAN: All set.

19 CHAIRPERSON PRICE: Okay. Pam?

20 MS. DELANEY: I'm all set.

21 CHAIRPERSON PRICE: Jason?

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

23 CHAIRPERSON PRICE: And Laura?

24 MS. CIVILETTI: All set.

25 CHAIRPERSON PRICE: Okay. Bruce and Wendy,

1 you understand the conversation that Ramsey's asking
2 of Ed?

3 MR. BOEHNER: Are they muted?

4 CHAIRPERSON PRICE: They're muted.

5 MR. DAN: Now -- now we're good. Okay.
6 Well, kind of. I really -- I -- I didn't know that we
7 were elevated more than the previous house. I think
8 what I'm hearing is that was Jim Fahey's architectural
9 way of making that happen. So, I don't -- I -- unless
10 Wendy was with --

11 MS. FRIEDA: I just -- can you clarify? I
12 think I heard something about the -- the height of the
13 new house will be 2 feet higher than our neighbor's
14 house?

15 MR. BOEHNER: In the existing house that you
16 have now, yes.

17 MS. FRIEDA: I think part of that --

18 MR. BOEHNER: Would be 4 feet higher.

19 MS. FRIEDA: Okay. I -- my --

20 MR. BOEHNER: This is the first floor
21 elevation.

22 MS. FRIEDA: The first floor elevation?
23 Okay.

24 MR. DAN: So, does this give us a better
25 view of Winton?

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1 So, I think -- I think our answer is we have
2 to defer to Jim because --

3 MR. BOEHNER: I think he's --

4 MR. DAN: -- I'm assuming he had his reasons
5 why. I don't recall any discussion. It certainly
6 wasn't a request of ours.

7 MS. FRIEDA: Yeah.

8 CHAIRPERSON PRICE: Okay. All right. So,
9 just please bring that up with him.

10 MR. DAN: Absolutely.

11 CHAIRPERSON PRICE: It's -- it's -- it's
12 just so that you're not abnormally higher than your
13 adjacent neighbors --

14 MR. DAN: Sure.

15 CHAIRPERSON PRICE: -- homes.

16 MR. BOEHNER: And it may help accessibility
17 into the house at some point.

18 MR. DAN: Okay.

19 CHAIRPERSON PRICE: Please don't be offended
20 by that.

21 MR. BOEHNER: Nobody's raising their hand to
22 speak at some point here.

23 MS. FRIEDA: Their point is closer than we
24 are without things, right?

25 CHAIRPERSON PRICE: All right. Okay. We do

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1 have someone that's raised their hand. Jeff, would
2 you --

3 MR. BOEHNER: Are there any other questions
4 I guess, Bill? I have none.

5 CHAIRPERSON PRICE: I -- I don't have any
6 questions, no.

7 MR. FRISCH: I'll let them --

8 CHAIRPERSON PRICE: Jeff, you've got anybody
9 -- you've got Roberta?

10 MR. BOEHNER: I believe the neighbor,
11 Roberta.

12 MS. FELDMAN: Yes.

13 CHAIRPERSON PRICE: Please go ahead and --

14 MS. FELDMAN: Thank you. So, we are at the
15 house directly to the north and our house is low to
16 the ground. And the house at 561 was also -- let me
17 see. I'm sorry. 575 -- the one directly to our south
18 was also low to the ground. So, I appreciate your
19 comment about not wanting to make the new one stand
20 out or be that different than the existing homes.

21 CHAIRPERSON PRICE: Yeah. We'll -- we'll --
22 we'll -- it sounds like we're all going to rely on the
23 architect as to what establishes that elevation or if
24 we can get their garage -- you know, entry at about --
25 exactly matching the existing. And -- so, I think

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1 that will -- will be resolved with the intent of being
2 more compatible with the adjacent properties.

3 Other questions or comments? Roberta,
4 you're all set?

5 CHAIRPERSON PRICE: Okay.

6 MR. BOEHNER: She muted herself. I believe
7 that's a "yes."

8 CHAIRPERSON PRICE: That's a "yes"?

9 MR. BOEHNER: Yes.

10 CHAIRPERSON PRICE: Okay.

11 MR. BOEHNER: Let's just check -- Jeff, do
12 you see anyone else?

13 MR. FRISCH: I don't. You can either turn
14 your video on or raise your hand on Zoom. It should
15 be under the reaction portion. Nope. I don't see
16 anybody else.

17 MR. BOEHNER: All right.

18 CHAIRPERSON PRICE: All right. Well, thank
19 you, everybody.

20 I believe, Ramsey, that is the final Public
21 Hearing for tonight as the Baptist Temple, Clover, and
22 Highland was postponed to the March 17th meeting.

23 So, at this point, Ramsey, why don't we go
24 back and take care of our review of each application.
25 And then, did you want to look at the line or is

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1 that --

2 MR. BOEHNER: I'm sorry, Bill. You broke up
3 a little bit.

4 CHAIRPERSON PRICE: I -- I want to go --
5 okay. Let's just start by going back and reviewing
6 the applications. We have two.

7 Our first is 2P-01-21 for the EPOD permit on
8 French Road. Notice I didn't (inaudible) a second
9 time and didn't ruin my perfect record.

10 Do we have a motion on the application?

11 MS. CIVILETTI: I'll move to close the
12 Public Hearing.

13 MR. BOEHNER: Civiletti moves.

14 MS. DELANEY: I'll second.

15 MR. BOEHNER: Delaney seconds.

16 CHAIRPERSON PRICE: Want to call the roll,
17 Ramsey, on that?

18 MR. BOEHNER: Altman?

19 MS. ALTMAN: Aye.

20 MR. BOEHNER: Price?

21 CHAIRPERSON PRICE: Aye.

22 MR. BOEHNER: Fader?

23 MR. FADER: Aye.

24 MR. BOEHNER: Civiletti?

25 MS. CIVILETTI: Aye.

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1 MR. BOEHNER: Delaney?

2 MS. DELANEY: Aye.

3 MR. BOEHNER: Babcock-Stiner?

4 MR. BABCOCK-STINER: Aye.

5 MR. BOEHNER: Osowski?

6 MR. OSOWSKI: Aye.

7 MR. BOEHNER: Hearing is closed.

8 CHAIRPERSON PRICE: All right. Does anybody
9 wish to make a motion on the application itself?

10 MS. CIVILETTI: I will move approval of
11 Application 2P-01-21 based on plans submitted,
12 testimony given, 11 conditions, and a determination of
13 non-significance. Do I need to do something about the
14 EPOD?

15 MR. BOEHNER: Nope. That will work.

16 MS. CIVILETTI: Okay.

17 MR. BABCOCK-STINER: Second.

18 MR. BOEHNER: That's what it's about. And
19 that was Babcock-Stiner?

20 MR. BABCOCK-STINER: Yup.

21 MR. BOEHNER: Second. Civiletti makes the
22 motion.

23 CHAIRPERSON PRICE: Okay. Moved and
24 seconded. Are there any other comments? Any other
25 discussion?

1 MR. GORDON: Bill, Ken Gordon. Just a quick
2 comment on condition number 7. In the report, I -- I
3 believe it says something along the lines of no
4 further trees shall be removed from the limits of the
5 EPOD without a Town permit. I'm wondering if that
6 should actually be no further trees should be removed
7 from the property as a whole without further permits
8 because of the size of the property. Ramsey?

9 MR. BOEHNER: They -- they have two pine
10 trees that they are proposing to remove in the front
11 of the property that is not in the EPOD.

12 MR. GORDON: Correct.

13 MR. BOEHNER: So, this would give them
14 permission to still do that.

15 MR. GORDON: Correct. But wouldn't you want
16 to make sure that nothing more than that is done
17 outside of the EPOD limits?

18 CHAIRPERSON PRICE: You're saying a year
19 from now or --

20 MR. GORDON: Right. A year from now, two
21 years from now, ten years from now. You want to make
22 sure --

23 MR. BOEHNER: If they wanted to do something
24 they could get an excavation and clearing permit if
25 they're not in the EPOD.

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1 MR. GORDON: They could apply for one.

2 MR. BOEHNER: Yeah.

3 CHAIRPERSON PRICE: So, you're just saying
4 remove woodlot EPOD --

5 MR. GORDON: Right.

6 CHAIRPERSON PRICE: -- to the -- to the wood
7 -- to the --

8 MR. GORDON: Just to clarify that because
9 without that clarification, it suggests -- that
10 condition suggests that they could remove trees
11 outside the EPOD without a permit and I don't think
12 that's true.

13 MR. BOEHNER: I was just trying to let them
14 remove the two trees --

15 MR. GORDON: Right.

16 MR. BOEHNER: -- that they were proposing --

17 MR. GORDON: Right. And I think we're fine.

18 MR. BOEHNER: -- in the application.

19 MR. GORDON: Yeah. It's just a condition.
20 No further trees outside -- on the property without a
21 permit other than what's --

22 MR. BOEHNER: Outside -- outside the request
23 of the application?

24 MR. GORDON: Correct.

25 MR. BOEHNER: Okay. So, what's the wording?

1 MR. GORDON: Let me just go back to your
2 number 7.

3 So, you're granting the application, which
4 includes granting them permission to remove these two
5 trees outside of the EPOD. And the condition simply
6 is no further trees shall be removed from the subject
7 property without further Town review and approval.

8 MR. OSOWSKI: That's item number 10, isn't
9 it, on the list?

10 MR. BOEHNER: I think he's talking about
11 number 10.

12 MR. OSOWSKI: Yeah. Okay.

13 MR. GORDON: No. In the one I have -- in
14 the report I have, it's 7. I don't know why.

15 MR. BOEHNER: No. The contract -- I'm
16 sorry. I'm getting confused. The contractor will
17 remove this -- which will remove the southern pine
18 shall be a registered tree Service provider.

19 MR. GORDON: I'm sorry. I'm -- I'm looking
20 at the 11 conditions. And this is -- I'm talking
21 about condition number 7.

22 MR. OSOWSKI: No. There's -- there's 12
23 conditions.

24 MR. GORDON: I thought I heard --

25 MR. BOEHNER: No. It's the neg dec.

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1 MR. GORDON: Let me just say 11 conditions.

2 MR. BOEHNER: That's the neg dec.

3 MS. CIVILETTI: Yeah. It only goes up to
4 11.

5 MR. BABCOCK-STINER: Yup.

6 MR. BOEHNER: Of -- of the approval, yes.

7 CHAIRPERSON PRICE: Okay. So, you would
8 leave it alone in the neg dec is only dealing with
9 this particular application. But under the
10 conditions --

11 MR. OSOWSKI: Oh, yeah.

12 CHAIRPERSON PRICE: -- you would just change
13 the wording of number 7.

14 MR. BOEHNER: No further trees can be
15 removed without further Town approval.

16 CHAIRPERSON PRICE: Yes.

17 MR. GORDON: That is correct.

18 MR. BOEHNER: And the neg dec is fine.

19 MR. GORDON: The neg dec stays untouched.
20 That -- that does not need to be changed.

21 MR. BOEHNER: Number 10. Gotcha. Yup.
22 Okay. So, I think we're good on number 7.

23 MR. GORDON: Is that -- is that okay? I
24 can't remember who moved. Was it -- oh, yeah. It was
25 Laura, right?

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1 CHAIRPERSON PRICE: Laura.

2 MR. BOEHNER: It was Laura. And

3 Babcock-Stiner seconded, Ken.

4 MR. GORDON: Right. So, as -- would you
5 both accept that as a friendly amendment to your
6 motion?

7 MS. CIVILETTI: Sure.

8 CHAIRPERSON PRICE: Jason, you agree?

9 MR. BABCOCK-STINER: Oh, yeah. I'm sorry.

10 CHAIRPERSON PRICE: Okay. Okay. Moved and
11 seconded as amended.

12 Ramsey, would you call the roll?

13 MR. BOEHNER: Member Altman?

14 MS. ALTMAN: Aye.

15 MR. BOEHNER: Price?

16 CHAIRPERSON PRICE: Aye.

17 MR. BOEHNER: Fader?

18 MR. FADER: Aye.

19 MR. BOEHNER: Civiletti?

20 MS. CIVILETTI: Aye.

21 MR. BOEHNER: Delaney?

22 MS. DELANEY: Aye.

23 MR. BOEHNER: Babcock-Stiner?

24 MR. BABCOCK-STINER: Aye.

25 MR. BOEHNER: Osowski?

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1 MR. OSOWSKI: Aye.

2 MR. BOEHNER: Approved with conditions.

3 CHAIRPERSON PRICE: Very good. Okay. Good
4 luck to your family, Nelson.

5 MR. NELSON: Thank you.

6 CHAIRPERSON PRICE: All right. This brings
7 us to 2P-02-21 and 12P-NB1-20. Wendy Frieda and Bruce
8 Dan. These are combined, I believe, in the report.

9 MR. BOEHNER: Yes, they are.

10 CHAIRPERSON PRICE: All right. Do we have a
11 motion to close the Public Hearing?

12 MS. DELANEY: I'll move we close the Public
13 Hearing.

14 MR. BOEHNER: Delaney moves.

15 CHAIRPERSON PRICE: Is there -- is there a
16 second?

17 MR. BABCOCK-STINER: Second.

18 MR. BOEHNER: I'm sorry, who is that?

19 CHAIRPERSON PRICE: Jason.

20 MR. BOEHNER: Jason? Thank you. Seconded
21 by Babcock-Stiner.

22 MR. BABCOCK-STINER: Correct.

23 CHAIRPERSON PRICE: Any discussion? Okay.
24 Please call the roll.

25 MR. BOEHNER: Osowski?

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1 MR. OSOWSKI: Aye.
2 MR. BOEHNER: Babcock-Stiner?
3 MR. BABCOCK-STINER: Aye.
4 MR. BOEHNER: Delaney?
5 MS. DELANEY: Aye.
6 MR. BOEHNER: Civiletti?
7 MS. CIVILETTI: Aye.
8 MR. BOEHNER: Fader?
9 MR. FADER: Aye.
10 MR. BOEHNER: Price?
11 CHAIRPERSON PRICE: Aye.
12 MR. BOEHNER: Altman?
13 MS. ALTMAN: Aye.
14 MR. BOEHNER: Hearing is closed.
15 CHAIRPERSON PRICE: All right. Does anyone
16 care to make a motion on this?
17 MR. FADER: I move that the Board adopts the
18 10 demolition findings outlined in the Planning Board
19 report, and the Board adopts a negative declaration
20 prepared by Town staff, and that the Board requires
21 payment of a sum of money is adopted by the Town Board
22 in lieu of the setting aside of recreational land, and
23 that the Board approves Application 2P-02-21 and
24 12P-NB1-20 based on the testimony given, plans
25 submitted and the 31 conditions.

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1 CHAIRPERSON PRICE: I'm going to second
2 that.

3 MR. BOEHNER: Second is Price.

4 CHAIRPERSON PRICE: Very impressive. Thank
5 you.

6 All right. Any -- moved and seconded. Any
7 further discussion?

8 MR. GORDON: Bill, Ken Gordon causing
9 trouble again.

10 CHAIRPERSON PRICE: Once again.

11 MR. BOEHNER: Good to have you, Ken.

12 CHAIRPERSON PRICE: It is -- it is, Ken.

13 MR. GORDON: How much fun this is going to
14 be working with you.

15 So, Ramsey and I had a brief discussion
16 earlier today based on the fact that what is happening
17 here is two single-family homes are being demolished
18 and one is replacing them. It does not seem, after
19 looking at State Law and our Town Resolution, that
20 this is a project where we would be appropriately
21 imposing that recreational fee. So, I would ask
22 Mr. Fader, with a second from Mr. Price, to consider a
23 friendly amendment to remove that requirement for this
24 project.

25 MR. FADER: All right. Then, I will move

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1 this amended motion. And that is that I move the
2 Board adopts the 10 demolition findings outlined in
3 the Planning Board report, that the Board adopts a
4 negative declaration prepared by Town staff, and the
5 Board approves Application 2P-02-21 and 12P-NB1-20
6 based on the testimony given, plans submitted, and the
7 31 conditions.

8 MR. GORDON: And -- and condition 1 of the
9 31 was that recreational fee. So, we want to
10 eliminate that one.

11 MR. BOEHNER: Yeah. So, it would be 30
12 conditions at this moment.

13 MR. FADER: Okay.

14 CHAIRPERSON PRICE: Okay. I -- I concur.

15 MR. GORDON: Thank you.

16 MR. BOEHNER: The question I have, is there
17 anything that you want to say or do with the first
18 floor elevation?

19 CHAIRPERSON PRICE: Ramsey, I would -- I
20 would -- I would just ask that you -- you be given the
21 authority of the Board to work with the owners and
22 their architect and civil engineer to understand the
23 variance between the proposed finished floor and
24 the -- and the existing home understanding that the
25 issue is related to the relationship between adjacent

1 properties and -- but fundamentally, we're in a
2 position to approve this, both the subdivision and
3 site plan, based on the variances that they've
4 received, as well as ARB. I think that -- that height
5 variation -- as long as you understand it and can
6 bring it down as -- as best you can see fit, then
7 you'll be acting on our -- on our best behalf.

8 MR. BOEHNER: So, Ken, maybe you can help a
9 little bit here. Is it that the condition would be
10 that they need to review and were possible lower the
11 first floor elevation subject to the review and
12 approval of the Town Planner?

13 CHAIRPERSON PRICE: Ken, you're on mute.

14 MR. GORDON: Yeah. I'm just going back
15 through the conditions here. I know that there was
16 one that addressed building height. Just looking --

17 MR. BOEHNER: The one that talks about
18 surveying the property at framing to make sure the
19 first floor elevation has been properly set. I don't
20 believe there's anything in there about what the first
21 floor should be or it being lowered.

22 MR. GORDON: Not specifically.

23 CHAIRPERSON PRICE: Was there a condition --

24 MR. GORDON: Give me a second.

25 CHAIRPERSON PRICE: Prior approval about the

1 finished floor elevation?

2 MR. BOEHNER: No.

3 CHAIRPERSON PRICE: And what led you to ask
4 the question?

5 MR. BOEHNER: Was looking at the elevation
6 drawings trying to figure out the height. The
7 elevation drawings that were split with the
8 preliminary had it flat. They didn't really show the
9 grade coming up. So, one of the things that we had
10 asked earlier was to try their relationship between
11 the grade and the height of the house.

12 MR. GORDON: Yeah. So, let's take condition
13 number 15 and just slightly modify that because I
14 think you're very close to saying everything that you
15 need to say there. We just need to have some
16 conditional language thrown in there.

17 So, 15 is the height of the proposed house
18 and attached garage shall be shown on plans.
19 Elevation drawings showing the height of the
20 structures in relationship to the proposed grade shown
21 on the site plan shall be submitted subject to the
22 review and approval of the Secretary of the Planning
23 Board.

24 CHAIRPERSON PRICE: Okay.

25 MR. GORDON: Ramsey, what do you think?

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1 MR. BOEHNER: I think that sounds good.

2 MR. GORDON: Okay.

3 MR. OSOWSKI: This is John. I noticed that
4 the original house that's being replaced had a
5 finished floor of -- it looks like 503.90 so just
6 under 504. And the new house is 2 feet higher than
7 that. And the garage floor of the new house is
8 503.33. So, I mean, it's -- it's just, you know, 4
9 inches -- less than being 3 feet lower than the house.
10 So, that seems like a big differential of almost 3
11 feet between the new garage and the new house. And I
12 -- I'd feel a lot easier if the finished floor of the
13 new house were in the range of 504 like the old house
14 was.

15 CHAIRPERSON PRICE: A big step from the
16 garage into the house.

17 MR. BOEHNER: Yeah, it really is.

18 MR. OSOWSKI: Several steps, yeah.

19 MR. BOEHNER: Yeah.

20 CHAIRPERSON PRICE: Well, what's the --
21 what's -- what's the worst case here, Ramsey? Is --
22 is it somehow kicking them into a need for another
23 variance?

24 MR. BOEHNER: No. If I can't come to some
25 understanding of what they're doing, Bill, they may

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1 need to come back and get relief from that condition,
2 number 15.

3 MR. GORDON: Yeah. That's exactly how I'd
4 play it, Ramsey.

5 CHAIRPERSON PRICE: Okay. All right.

6 MR. GORDON: Either they come --

7 MR. BOEHNER: This gets back to Bill, me
8 trying to work with them.

9 MR. GORDON: Right.

10 CHAIRPERSON PRICE: Yeah.

11 MR. GORDON: And if they work with Ramsey,
12 give him what he needs, and come up with an elevation
13 that is -- I mean, Ramsey's heard what you said --

14 CHAIRPERSON PRICE: Yeah.

15 MR. GORDON: -- and he'll -- he'll advocate
16 for that. If he's able to reach an agreement, great.
17 If not, and they can't go forward without coming back
18 to the Board.

19 CHAIRPERSON PRICE: Okay.

20 MR. BOEHNER: I think we have to understand
21 better of what -- of what Mr. Fahey's design is about
22 and why it's that high.

23 CHAIRPERSON PRICE: Yeah. All right. Well,
24 I believe Ed and Wendy, and Bruce have heard the
25 conversation.

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1 We have a motion, a second, an amended --
2 two items were amended. One removed completely. So,
3 we still have 30 conditions. One of those was
4 amended. Okay. So, based on that, moved and
5 seconded. Let's vote on the amended approval.

6 MR. BOEHNER: Osowski?

7 MR. OSOWSKI: Aye.

8 MR. BOEHNER: Babcock-Stiner?

9 MR. BABCOCK-STINER: Aye.

10 MR. BOEHNER: Delaney?

11 MS. DELANEY: Aye.

12 MR. BOEHNER: Civiletti?

13 MS. CIVILETTI: Aye.

14 MR. BOEHNER: Price?

15 CHAIRPERSON PRICE: Aye.

16 MR. BOEHNER: Altman?

17 MS. ALTMAN: Aye.

18 MR. BOEHNER: Motion passes with conditions.

19 Approved with conditions.

20 CHAIRPERSON PRICE: Okay. Wendy and Bruce,
21 good luck. Please work with Jim to help us understand
22 these elevations a little better. Good luck with the
23 house.

24 All right. Ramsey, do you -- do you want to
25 go over this sign?

1 MR. BOEHNER: Yeah. We should go over the
2 one sign. Jeff, if we could -- 1598. And -- which
3 is, I don't think you've seen this before. Just so
4 you could see it. The Architectural Review Board
5 recommended that the application be tabled. Some of
6 these you've seen before. There we go. Jeff, if you
7 could take us through it.

8 MR. FRISCH: They came into the
9 Architectural Review Board and the -- this -- the one
10 thing they didn't like was the materials they're using
11 for the base. They said the sign was fine. But the
12 base was going to be aluminum clad with the digital
13 brick print graphic. And -- so, they just ask for an
14 alternative that's not, like, a printed style on the
15 base.

16 CHAIRPERSON PRICE: So, it's not real
17 masonry, it's digitally --

18 MR. FRISCH: Yeah.

19 MR. BOEHNER: Yeah. I've never heard of it
20 before. I never heard of it before. So...

21 CHAIRPERSON PRICE: Well, I agree with that
22 call.

23 MR. BOEHNER: So, they recommended that the
24 application be tabled for them to address their
25 comments. I do want to say that the sign did receive

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1 the necessary variance from the Zoning Board of
2 Appeals. But it would be certainly our recommendation
3 to table it as recommended.

4 CHAIRPERSON PRICE: Was there -- what was
5 their recommendation on the sign bit -- on the sign
6 base? Was there a recommended material? Or are they
7 saying just no to the aluminum with --

8 MR. FRISCH: They'll look for an alternative
9 material for the base.

10 CHAIRPERSON PRICE: Okay.

11 MR. BOEHNER: What did they say, Jeff?

12 MR. FRISCH: Let me find the --

13 MR. BOEHNER: Flux-painted brick should not
14 be used on the base. Explore the use of an
15 alternative material for the base of the sign such as
16 brick or another alternative. So --

17 MR. GORDON: ZBA --

18 MR. BOEHNER: -- yes, they did.

19 MR. GORDON: ZBA had the same comment. It's
20 not the -- within their purview but they had the same
21 comment.

22 MR. FRISCH: Yeah. They copied the
23 Architectural Review Board comment.

24 CHAIRPERSON PRICE: And what was the
25 variance for? Straight -- the size? Just the size?

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1 MR. FRISCH: For the freestanding sign.

2 They're not allowed --

3 MR. GORDON: Yeah. That it is a
4 freestanding sign.

5 CHAIRPERSON PRICE: Oh, they're not allowed
6 free -- oh, that -- that's right. We had a --

7 MR. GORDON: We -- I'll -- I'll -- you know,
8 the ZBA was very supportive of this freestanding sign.
9 There's some other freestanding signs on that strip
10 there and --

11 CHAIRPERSON PRICE: Yeah.

12 MR. GORDON: -- this building is set way,
13 way, far back. So, the ZBA was very supportive of
14 this. They just want the sign to read just like it
15 says there. And they need to do something about the
16 base, like I already said.

17 CHAIRPERSON PRICE: We've had a couple of
18 dentists and an orthodontist and -- just north of
19 here. So, we -- we -- we knew there were no
20 freestanding signs allowed. So, okay. All right.
21 Well, let's see what they come back with.

22 MR. BOEHNER: Okay. So, I need somebody to
23 make a motion and second if they would.

24 CHAIRPERSON PRICE: We're going to table?

25 MR. BOEHNER: For tabling is recommended.

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1 CHAIRPERSON PRICE: Okay. Okay. I'll move
2 to table Application --

3 MS. ALTMAN: Second.

4 MR. BOEHNER: So, that is -- the motion is
5 Price. And I didn't get the second.

6 CHAIRPERSON PRICE: Give it to Karen.

7 MS. ALTMAN: Altman.

8 MR. BOEHNER: Altman. Altman seconds.

9 MR. BOEHNER: Osowski?

10 MR. OSOWSKI: Aye.

11 MR. BOEHNER: Babcock-Stiner?

12 MR. BABCOCK-STINER: Aye.

13 MR. BOEHNER: Delaney?

14 MS. DELANEY: Aye.

15 MR. BOEHNER: Civiletti?

16 MS. CIVILETTI: Aye.

17 MR. BOEHNER: Price?

18 MR. BOEHNER: Delaney? Did I do Delaney
19 already?

20 MS. DELANEY: Yeah. Aye.

21 MR. BOEHNER: Okay. Fader?

22 MR. FADER: Aye.

23 MR. BOEHNER: And Altman?

24 MS. ALTMAN: Aye.

25 MR. BOEHNER: Price?

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1 CHAIRPERSON PRICE: And me too.

2 MR. BOEHNER: Yup.

3 CHAIRPERSON PRICE: Aye.

4 MR. BOEHNER: The last one 1597, which
5 you've seen, they still have not submitted the
6 outstanding documentation or request. If we could
7 give them one more month to come in. So, I'd request
8 that it be tabled for one more month. This is Sunny's
9 Family Diner. We're waiting for details on the sign.

10 CHAIRPERSON PRICE: Okay.

11 MR. FRISCH: What details are you waiting
12 for?

13 MR. BOEHNER: They need to apply for
14 variances.

15 MR. FRISCH: Oh, yeah.

16 MR. BOEHNER: And they got to give us the
17 size and a bunch of other stuff.

18 CHAIRPERSON PRICE: Have they even applied
19 to your knowledge?

20 MR. BOEHNER: No, they have not. I did
21 check with Rick. He said why don't -- I guess he
22 talked to him. The guy just -- he's busy and he's
23 kind of saving money too. We gave him -- on the side,
24 we gave him the okay to put in the sprinkler system.
25 So...

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1 CHAIRPERSON PRICE: Okay. Well -- all
2 right.

3 MR. BOEHNER: He's trying to move the
4 project forward.

5 CHAIRPERSON PRICE: But it's -- it's likely
6 we would end up denying this next month if he doesn't
7 --

8 MR. BOEHNER: It could be, yeah. Yup. That
9 would be my -- you know, I'll take it then. But right
10 now I'd ask if you gave him one more month.

11 CHAIRPERSON PRICE: All right.

12 MR. BOEHNER: We have been in contact with
13 him.

14 CHAIRPERSON PRICE: Okay. So, he's not in
15 -- totally ignoring you?

16 MR. BOEHNER: Oh, no, no, no, no. He's
17 working on putting the sprinkler system in and -- you
18 know, it's a little hard. Things are hard for the
19 guy.

20 CHAIRPERSON PRICE: All right. All right.
21 Then I'll -- I'll move we table the application to the
22 March meeting.

23 MS. CIVILETTI: Second.

24 MR. BABCOCK-STINER: Second.

25 CHAIRPERSON PRICE: Sorry, Jason. You're

1 slow on --

2 MR. BOEHNER: I got Jason.

3 CHAIRPERSON PRICE: No, it was Laura.

4 MR. BOEHNER: Oh, Altman?

5 MR. BABCOCK-STINER: It was Laura.

6 MR. BOEHNER: Altman, did you say anything?

7 CHAIRPERSON PRICE: She did --

8 MS. ALTMAN: Not this second I didn't.

9 MR. BOEHNER: Okay. No, I was -- I was
10 going to give it to you if it was just -- you know, to
11 help you out a little bit. There's a competitive
12 crowd tonight. There must be a basketball game on or
13 something.

14 CHAIRPERSON PRICE: We've got to start
15 keeping score.

16 MR. BOEHNER: So, I got Price making the
17 motion. Seconded by Civiletti.

18 Altman?

19 MS. ALTMAN: Aye.

20 MR. BOEHNER: Price?

21 CHAIRPERSON PRICE: Aye.

22 MR. BOEHNER: Fader?

23 MR. FADER: Aye.

24 MR. BOEHNER: Civiletti?

25 MS. CIVILETTI: Aye.

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1 MR. BOEHNER: Delaney?
2 MS. DELANEY: Aye.
3 MR. BOEHNER: Babcock-Stiner?
4 MR. BABCOCK-STINER: Aye.
5 MR. BOEHNER: Osowski?
6 MR. OSOWSKI: Aye.
7 MR. BOEHNER: Table is recommended.
8 CHAIRPERSON PRICE: All right.
9 MR. BOEHNER: I think that was everything
10 that was on the agenda.
11 CHAIRPERSON PRICE: Okay. So, next month we
12 expect to see the application for Highland and Clover?
13 MR. BOEHNER: I would think so.
14 CHAIRPERSON PRICE: Very good. All right.
15 Well, thank you, everybody.
16 MR. BABCOCK-STINER: Thank you.
17 MR. BOEHNER: Thank you.
18 MS. DELANEY: Thanks.
19 MS. CIVILETTI: Hey, have a good night.
20 MR. GORDON: Good night.
21 CHAIRPERSON PRICE: Have a good rest of your
22 week, everybody, with kids off. Enjoy it.
23 MR. BOEHNER: Yeah, enjoy your time.
24 MR. OSOWSKI: Enjoy the snow.
25 (The proceeding concluded.)

* * *

1 REPORTER CERTIFICATE

2
3 I, Alexandra K. Wiater, do hereby certify
4 that I did report in stenotype machine shorthand the
5 proceedings held in the above-entitled matter;

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

10
11
12 Dated this 7th day of March, 2020

13 At Rochester, New York
14
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16 Alexandra K. Wiater
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