

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

April 21st, 2021
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)
14 JASON BABCOCK-STINER)
15 PAMELA DELANEY) BOARD MEMBERS
16 DAVID FADER)
17 JOHN J. OSOWSKI)

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

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

4 CHAIRPERSON PRICE: Good evening, everyone and
5 welcome to the April meeting of the Town of Brighton Planning
6 Board.

8 Tonight I'd like to -- let's just start with
9 introducing everybody that we have on our Board. I don't
10 know, no particular order, but we have Pam Delaney, David
11 Fader, Jason Babcock-Steiner, John Osowski, Karen Altman.

11 And I wanted to let everybody know that we did
12 accept the resignation of one of our Board members, Laura
13 Civiletti, who has been on the Board since 2003. We just
14 want to thank her for 18 years of service on the Board. That
15 was a long time, and she has moved on to a new location, and
16 we thank her for her service.

18 MR. BOEHNER: Thank you, Bill, I agree. I
19 appreciate you saying that, that was great.

21 CHAIRPERSON PRICE: Yes. Could we start
22 tonight's meeting by calling the roll please?

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Here.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Here.

MR. BOEHNER: Mr. Fader?

MR. FADER: Here.

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3 MR. BOEHNER: Ms. Delaney?

4 MS. DELANEY: Here.

5 MR. BOEHNER: Mr. Babcock-Stiner?

6 MR. BABCOCK-STINER: Here.

7 MR. BOEHNER: Mr. Osowski?

8 MR. OSOWSKI: Here.

9 MR. BOEHNER: All present.

10 CHAIRPERSON PRICE: All right, thank you. I
11 did receive the meeting minutes from our March meeting, but I
12 believe I received them this afternoon.

13 MR. BOEHNER: I think you need some more time.

14 CHAIRPERSON PRICE: Yeah.

15 MR. BOEHNER: I was thinking we could do it in
16 May, because Tracy is out of the office.

17 CHAIRPERSON PRICE: Okay.

18 MR. BOEHNER: But we will have to do the
19 minutes in May just to give you more time to look at them.

20 CHAIRPERSON PRICE: Very good, thank you.

21 All right. Tonight we have Public Hearings
22 and I want know, Mr. Secretary, if these Public Hearings have
23 been properly advertised?24 MR. BOEHNER: The Public Hearings were
25 properly advertised in the Brighton-Pittsford Post on

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3 April 15, 2021.

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CHAIRPERSON PRICE: Thank you.

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We will hear those Public Hearings now. The first application tonight is 4P-01. The application of the Country Club of Rochester, owner, for site plan modification of --

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MR. BOEHNER: Has been adjourned, Bill.

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CHAIRPERSON PRICE: Oh, I'm sorry, my apologies. And then, so the one you have here showing is actually Application 4P-02.

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APPLICATION 4P-02-21

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4P-02-21 Application of 2290 East Avenue Properties, LLC, owner, for Site Plan Modification to construct an accessible ramp to an existing carriage house and add eight (8) parking spaces on property located at 2300 East Avenue. All as described on application and plans on file.

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MR. BOEHNER: And, Bill, if I could just make sure people are clear that Application 4P-01-21, the application of the Country Club of Rochester, has been adjourned to the May 19th meeting at the applicant's request.

CHAIRPERSON PRICE: So, do we have -- I thought I saw Mr. Swedrock.

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LINCOLN SWEDROCK: Yes, I am here, can you hear me?

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CHAIRPERSON PRICE: Yes.

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LINCOLN SWEDROCK: Good evening. Linc Swedrock with BME Associates. Also with me is Troy Beckwith with East Avenue Properties. We are here tonight requesting a modified site plan for East Avenue Properties.

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We were here before you guys a year or so ago with the improvements that we did to 23 East Avenue where we added the addition and that accessible ramp to the first floor.

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We have also been in front of the Historic Architectural Board for the carriage house, which we are doing the renovations now to the existing building that was approved by HAC. What we are here tonight to talk to the Planning Board about is, we're looking for site plan modifications to add those eight parking spots near 2300, and move some of those accessible spaces so we can get -- have that accessible right into the first floor of 2300.

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And then, so, eight additional parking spots, and then the other thing that we're doing is, we're enhancing an accessible ramp to the carriage house, which is on the other side of the parking lot, and basically making that

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3 accessible into the floor of the building. And there is also
4 an allocation of that that we prepared and provided to the --
5 I think it's the next one, maybe -- but, anyway, that's the
6 plan view, but we also have done a new elevation as well.

7 So, we are looking to do those couple of
8 modifications out here, additional parking, as well as
9 accessible ramp to the carriage house. And we're going in
10 front of the Historic Preservation tomorrow night, just to
11 discuss that ramp, and because they have already approved the
12 carriage house, like we said. They just need to do the
13 certificate of appropriateness for that ramp in front of the
14 building.

15 So, I think that is about it. We also think
16 there were some questions, that water service is not six
17 inches, it's a one-and-a-half-inch water service that's going
18 into the carriage house, with a backflow. That six inches is
19 mislabeled, which I think there was a couple of comments, I
20 talked to the town engineer about that.

21 But, that's about it for, I think, the
22 application. We have County Planning comments, I don't see
23 anything there that was anything that they didn't really have
24 any concerns about anything that I saw.

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But, Troy and I are here to help answer any

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3 questions the Board might have regarding site plan
4 modification.

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6 CHAIRPERSON PRICE: Thank you. So, Linc, just
7 to be clear, it is both the parking and the accessible ramp
to the carriage house that is the request?

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LINCOLN SWEDROCK: Yes.

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10 CHAIRPERSON PRICE: Okay, all right. My -- I
11 think the only questions here, you have some light poles
12 under construction that are waiting to be installed. It
13 appears to be in on the access drive in, and I noticed that a
14 pipe is sticking out of the embankment that is supposed to be
15 cut into to create the parking spaces. Wasn't sure if that
16 was a temporary pipe, because on this it looks like it's --
17 on your planning it looks like it's supposed to have been
connected into a manhole or maybe just a [inaudible].

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19 LINCOLN SWEDROCK: Yeah, you're breaking up a
little on me, Bill. Are you talking about the storm manholes
20 there, the two pipes that are going through there?

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22 CHAIRPERSON PRICE: No, I [inaudible], I'm
breaking up. I just noticed there was a, about a six-inch
23 green pipe sticking out of the [inaudible] going to cut into
24 the parking spaces, day lighting out onto the slope. I
25 didn't know if that was supposed to be there.

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TROY BECKWITH: I can speak on that, if you like.

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LINCOLN SWEDROCK: Sure, go ahead, Troy.

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MR. BOEHNER: Troy, could you give your name?

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TROY BECKWITH: Troy Beckwith, Senior.

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CHAIRPERSON PRICE: Thank you.

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TROY BECKWITH: The pipe that you see for the gutter drainage, that's on actually 2290. The downspouts are on the front of the building and we're getting some water issues on the front of the building. So we ran it around to day light for now, prior to dumping it into a catch basin, because if this project gets approved that we'd have to dig back and farther in. We can get a ball grade to get it into our catch basin or our dry well.

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CHAIRPERSON PRICE: So --

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TROY BECKWITH: Whether it's approved tonight or not, at some point this will go into our dry well on our property.

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CHAIRPERSON PRICE: Okay.

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TROY BECKWITH: I didn't want to have to do it twice, so we just left it to day light at this point.

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CHAIRPERSON PRICE: Understood, okay. I just didn't see it on the drawing and was wondering.

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TROY BECKWITH: Yes.

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CHAIRPERSON PRICE: Okay. And at this point you -- does it appear that you're proposing any curbing at the bottom of slope at the front of the parking spaces? This happened [inaudible] a lot of construction out there, but it does appear that folks don't stay consistently on your pavement and you're getting some rutting around the edges without any curb. Wondered if that's true or if I am just missing that whether there's curb there or not?

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TROY BECKWITH: There's not no curbing on the shoulder and that, but if it's certainly something that needs to be, or you are recommending that, we would probably be in favor of that.

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CHAIRPERSON PRICE: Okay. And that's it for my questions. Other Board members have questions?

MR. BABCOCK-STINER: I'm all set.

MS. ALTMAN: I'm set.

MS. DELANEY: I'm all set.

MR. OSOWSKI: Yeah. This is John, I have some questions. I have a question about the handicap ramp and the walkway in front of the entrance and the three steps going up to it, and did you consider putting in a universal accessible ramp for everybody to use, versus having a separate eight

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3 percent slope handicapped ramp? Because if you put in one
4 sloping entrance, at a five percent slope, you wouldn't need
5 to have a separate handicapped ramp.

6 And looking at the construction status of the
7 carriage house, it looks like you took out the floor slab, so
8 you may have an opportunity to adjust the finished floor
9 elevation and perhaps consider a universal accessible ramp
10 for entrance, instead of having a separate entrance for
11 able -- separate stairs and slab and an entrance for
12 able-bodied persons, and a separate ramp for people who are
13 ambulatory impaired. Was that given consideration or not?

14 LINCOLN SWEDROCK: I mean, there are -- I
15 mean, we just -- the way the existing structure is, we have
16 to get them up to grade there somehow, keeping the parking
17 area. So, it's sort of -- I don't know, you guys have the
18 building elevation there, is there any way that there's a --
19 I don't know if that's -- you don't have the new one, it
20 doesn't look like. I don't know if I can, can I share my
21 screen?

22 MR. BOEHNER: Yes, screen share.

23 JEFF FRISCH: He can't share while I'm sharing
24 my screen.

25 MR. BOEHNER: Okay.

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3 LINCOLN SWEDROCK: Okay. Finally, so, but the
4 answer is, we looked at it and this seemed to be the best way
5 to get an accessible way to the carriage house as well as,
6 you know, the steps would provide. So they are all going in
7 the same access door in the front there, they just need to
8 make grade up on them, from the pavement to get up to the
9 area where the front door is, and then there's steps on both
10 sides to get up.

11 So, everybody is going in the front door and
12 there wasn't a real easy way to change grade without the
13 solution that we've come up with.

14 MR. OSOWSKI: So, are you going with the same
15 finished floor elevation that the original carriage house
16 had? Is that what you started with, the 5 54.5 or whatever
17 the number is?

18 LINCOLN SWEDROCK: Correct, the floor is
19 staying the same.

20 MR. OSOWSKI: All right. So, you didn't
21 consider lowering the floor so you wouldn't have to have such
22 a foot and a half grade elevation difference between the
23 parking lot and the entrance into the building then?

24 LINCOLN SWEDROCK: Correct. And we also went
25 through historical review on the building changes that you

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23 see there. And now we're just trying to get the ramp to make
4 sure we can get an accessible ramp into that elevation of the
5 building improvements that we're doing.6 MR. OSOWSKI: All right. Well, I think you
7 missed an opportunity, but I won't belabor the point. Thanks
8 for answering my questions.

9 CHAIRPERSON PRICE: Thank you, John.

10 MR. OSOWSKI: Yeah.

11 CHAIRPERSON PRICE: Ramsey, do you have
12 questions?13 MR. BOEHNER: Sure, just a few. Will the new
14 parking spaces be lighted, Linc?15 LINCOLN SWEDROCK: We have some lighting out
16 there. There's lighting on the side and everything, there's
17 light poles along the access drives. I don't know if
18 there's -- we didn't propose any additional lighting.
19 There's lighting at the, on that building, correct, Troy?20 TROY BECKWITH: Yes. The original proposal on
21 the new 2300 that there would be soffit lighting that if it
22 was approved. We were actually talking about maybe doing
23 some ballards along the new parking spots where we're cutting
24 into the bank. That's something that we were talking about
25 doing, if you would like us to do them, but most likely we

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3 would do something along there.

4 MR. BOEHNER: I guess my comment is, if you're
5 going to have lighting it's going to need to be reviewed and
6 approved.

7 TROY BECKWITH: Okay.

8 MR. BOEHNER: And I just, the number of ADA
9 client parking stalls, did you check the overall count to
10 make sure you have enough, with the increase in parking
11 spaces, Linc?12 LINCOLN SWEDROCK: I believe so, but I can
13 check again.14 MR. BOEHNER: Yeah, you should check, because
15 if you have to add some then you may need to add some with
16 the verification of the number of spaces that your accessible
17 spaces are not needed.

18 LINCOLN SWEDROCK: Okay.

19 MR. BOEHNER: That's all I have. Or, are
20 there any trees, or you're not removing any trees, right?

21 TROY BECKWITH: Correct.

22 LINCOLN SWEDROCK: Correct.

23 MR. BOEHNER: Thank you.

24 CHAIRPERSON PRICE: All right. This is a
25 Public Hearing and we would like to ask anybody who is

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3 interested in speaking about or asking questions about this
4 application, now is the time to do so.

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MR. BOEHNER: Please raise your hand.

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7 your hand if you -- whatever that function is at the bottom
8 of the screen, or just kind of waive your arms frantically
9 and Jeff or Ramsey --

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MR. BOEHNER: Just keep it going because we have to look around to see if there's anyone.

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JEFF FRISCH: I don't see anybody.

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MR. BOEHNER: I'm not seeing anyone, just going to go back one more time through. I'm not seeing anyone.

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CHAIRPERSON PRICE: All right. Thank you,
Troy and Linc.

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MR. BOEHNER: Thank you, guys.

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CHAIRPERSON PRICE: Okay. Our next application.

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APPLICATION 4P-03-21

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4P-03-21 Application of Insite Development, Inc., owner, for extension of site plan approval (6P-06-19 allowing for the construction of a single family dwelling property located on Penfield Road (between 525 and 555

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23 Penfield Road) known as Tax ID #123.17-2-25. All as
4 described on application and plans on file.5 CHAIRPERSON PRICE: Is there someone here
6 representing the applicant?7 FRED KELLY: Yes, thank you members of the
8 Board. Fred Kelly from BME Associates, joined tonight with
9 Rudy Neufeld from Insite Development the applicant and owner
10 of the property.11 We are requesting an extension of the site
12 plan approval to the site plans, which was approved back in
13 June of 2019. The plans, looks like we might be missing a
14 little bit, but the plans included a proposed single-family
15 on a roughly .37 acre parcel and the house is to be connected
16 to public utilities, including water and sanitary sewers.17 We did review trees that were to be removed
18 from the site, the grading, all of that, has been through the
19 review and approval previously in 2019. However, due to the
20 COVID pandemic, presented some scheduling issues and set
21 backs. However, the applicant is prepared and ready to
22 install the initial site development including the site
23 driveway and the sanitary sewer lateral. Basically, get all
24 of the development out of the right of way taken care of, so
25 that when -- and continue to effectively market the site so

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23 that when he gets a buyer, they will be able to proceed with
4 the Architectural Review Board, which is still required, and
5 then button that up.6 As I said, Rudy is with us tonight. If, Rudy,
7 if you have anything additional to add to that, otherwise we
8 are happy to entertain any questions from the Board.9 MR. BOEHNER: Do you gentlemen understand that
10 you need to pull all necessary permits to build your project?
11 If the Planning Board wants to give you the maximum
12 extension, you would have to June 19th to do so. If not, you
13 will need to come back in for new site plan approval.14 FRED KELLY: The applicant is aware of that,
15 thank you.16 CHAIRPERSON PRICE: Ramsey, do you recall, did
17 this have ARB approval when we --18 MR. BOEHNER: No, I don't believe so, Bill.
19 It's a single-family home.

20 CHAIRPERSON PRICE: Okay.

21 MR. BOEHNER: And the site plan, if I could
22 say, the site plan has been signed by the Commissioner of
23 Public Works and town engineer, it got hit with COVID-19.

24 CHAIRPERSON PRICE: Yes.

25 MR. BOEHNER: I don't have a problem extending

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23 it out another month. They don't have a lot of time, but I'm
4 glad to help them any way I can.

5 RUDY NEUFELD: Thanks.

6 CHAIRPERSON PRICE: All right. I don't
7 personally have any questions. Fred, you're literally saying
8 no changes to this document as approved previously?

9 FRED KELLY: That is correct.

10 CHAIRPERSON PRICE: All right. Any other
11 Board members have questions for Fred or Rudy?

12 MR. BABCOCK-STINER: I'm all set.

13 MS. ALTMAN: I'm all set.

14 MS. DELANEY: I'm set.

15 CHAIRPERSON PRICE: And Karen, all right.

16 Thank you.

17 This is a Public Hearing, anyone in the
18 audience that cares to address this application?19 JEFF FRISCH: Raise your hand in Zoom or waive
20 your hands in the camera. Doesn't look like there's anybody
21 else.22 MR. BOEHNER: I'm not seeing anyone either,
23 Jeff.

24 CHAIRPERSON PRICE: All right, okay.

25 Fred, thank you, Rudy, thank you.

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3 FRED KELLY: Thank you.

4 RUDY NEUFELD: Thank you.

5 CHAIRPERSON PRICE: We will be moving on then
6 to new business, but we have revised plans submitted for
7 9P-NB1-20.

8 APPLICATION 9P-NB1-20

9 9P-NB1-20 Application of Baptist Temple,
10 owner, and Clover Park Properties, LLC, contract Revised
11 Plans vendee, for Preliminary Site Plan Approval to convert
12 an existing church building into high end office space
13 (construction of a 2-story, 10,000 sf building addition has
14 been eliminated) on property located at 1075 Clover Street.
15 All as described on application and plans on file. TABLED -
16 PUBLIC HEARING REMAINS OPEN.

17 MR. GOLDMAN: Good evening, Mr. Chairman,
18 members of the Board. My name is Jerry Goldman, I'm the
19 attorney and agent for Clover Park Properties LLC. And one
20 of the residents, John August, is directly south of the
21 subject property.

22 We first appeared before the Board virtually
23 in the fall of last year with our development proposal for
24 the site, which involved the existing building as depicted on
25 the plan which is currently on the screen. As well as a

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23 10,000-square-foot addition which was to be constructed on
4 the northwestern part of the existing building along the
5 Highland Avenue frontage.6 Our initial plan also included features such
7 as parking along the easterly portion of the building along
8 Clover Street, and the pruning and removal of some trees that
9 we thought were not in great shape on the site.10 Since that September meeting we have been
11 actually engaged in talking with our neighbors and providing
12 our particular plans with regard to the site and taking COVID
13 into effect and into account when dealing with the new
14 building itself.15 The net result of that is, that we appeared
16 before your Board last month with pretty much the same site
17 plan that you see the rendering for in front of you. And
18 that is maintaining the existing building and building
19 footprint of the Baptist Temple, maintaining the large green
20 space area on the corner of Highland and Clover, maintaining
21 all of the trees along the perimeter of the site, removing
22 the parking along Highland Avenue, and basically making the
23 eastern entrance of the building an egress only, and
24 reconfiguring the parking lot to essentially reduce the
25 parking field. Because the need of parking became less

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3 without the addition.

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5 The net result of all that is we think we have
6 a plan, which is a good plan for this -- a very good plan for
7 the site, as a matter of fact. And we are here tonight to
8 continue the discussion with the Planning Board.

9

10 We don't believe that this matter is ready for
11 final consideration of the preliminary site plan application,
12 but our intention is to fully vet, if you will, the -- any
13 environmental issues under SEQRA. The Town Planning Board
14 did opt for coordinator review and is lead agency under
15 SEQRA. And for that reason, we would be coming before the
16 Board and looking for a determination of significance before
17 going on to the Zoning Board for the only variance which is
necessary on this site now, which is a use variance to allow
this to be used for an office.

18

19 With that introduction, I'm going to turn it
20 over to Matt Tomlinson who is going to talk about the changes
21 that we have, progress made since last month, address
22 engineering issues, and a comment letter from a neighbor's
engineer which came in today.

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24 After Matt is done, I will address a letter
25 which came from an attorney for the Country Club
Condominiums, and at that point we will be prepared to answer

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3 any questions that the Board may have.

4 So with that, Matt.

5 MR. BOEHNER: Matt, we are not hearing you.

6 MATT TOMLINSON: How's that, Ramsey? Can you
7 hear me now?

8 MR. BOEHNER: Yes, can hear you good now.

9 MATT TOMLINSON: Great. Thanks, everybody. I
10 see my son, Miles, used my computer for a Zoom meeting, so I
11 apologize for the wrong name.

12 MR. BOEHNER: I was wondering who Miles was.

13 MATT TOMLINSON: I'm not smart enough to
14 change that on my own, I need him to do it back for me.15 Thanks, Jerry, for that intro, and just before
16 I dig into some of the details that I think we want to
17 clarify or discuss briefly tonight with the Board, I wanted
18 to just fill in what Jerry mentioned with the supplemental
19 material that we submitted a couple weeks ago that included
20 response to comments, both from the town staff, as well as
21 town engineer. We also clarified by resubmitting the
22 planning -- or to the Planning Board the removal of any
23 banked parking.24 Originally we were looking at potentially
25 banking some of the parking along the south side, but wasn't

3 very clear. And given that that existing space is currently
4 paved, it didn't make sense to rip that out and have to put
5 it back in if necessary in the future. Especially given the
6 intention or clarification of both the daycare continuing in
7 operation that's reflected in the traffic study, as well as
8 the proposed office use.

9 So, primarily what was resubmitted was just
10 some clarification items for questions that were asked by the
11 Board at the last meeting, response to comments and some
12 attorney movements.

13 I wanted to briefly discuss the traffic study
14 that was prepared and submitted to the Town for
15 consideration, as well as to the County DOT and State DOT.
16 That was prepared by SRF Associates, with the latest data of
17 February 2021 being consistent with what was submitted and
18 the uses identified within the building that have been
19 outlined in our proposal. And the conclusions and
20 recommendations take into account the reduction in traffic on
21 the neighboring roadways due to COVID, through the process of
22 the State DOT typically is encouraging consultants to
23 utilize. It took into account the existing use of the church
24 building as it stood today or over the last couple of years
25 of the church. Both with declining membership, but also

3 other uses that were using the building, including the
4 daycare.

5 And then, it did take into account the
6 different uses that are being proposed, which include up to
7 8,000 square feet of medical office, the proposed general
8 office use, as well as the daycare being involved. Because
9 we wanted to ensure that there was not going to be an impact
10 to the neighboring roadways, and also trying to identify
11 what, if any, impacts there may be to neighbors at -- and/or
12 at the driveways.

13 And so, that study concluded that the proposed
14 peak trips in both morning and afternoon were relatively low
15 compared to thresholds typically necessary to require a
16 traffic study. That there was no decrease in level of
17 service at any of the neighboring roadway intersections.

18 And those conclusions and recommendations as a
19 result of the study in the traffic counts were submitted to
20 County DOT and State DOT, and I believe that in our most
21 recent application to the Town came a March 11, 2021, letter
22 from the State DOT concurring with the findings of that
23 report and that no mitigation was necessary. And also, a
24 March 9th, 2021, letter from the County DOT with that same
25 result of no significant impact to the neighboring roadways.

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3 So, I think that that T has been crossed, if
4 you will, relative to that traffic study and it showed what
5 we anticipated. But, we wanted to go through that to ensure
6 that we weren't just saying it, we had the numbers and a
7 review of the agencies to demonstrate that as well.

8 I want to jump to a couple of questions that I
9 know have come up relative to the letter that Jerry
10 referenced that was forwarded to our office and received by
11 the Town, by Marques and Associates. There are several
12 questions or comments that were brought up that I think would
13 be good for me to walk through point by point in order to
14 clarify for the Board as I think some of the questions also
15 mimic some of the responses in the town engineer letter that
16 we submitted along with the plans.

17 So, as Jerry mentioned, preliminary approval
18 is not necessarily what we are looking for. We are looking
19 to complete SEQRA at this point so that we can continue with
20 our variance application. I'm going to skip over any
21 comments relative to previous applications as what we're
22 proposing here is the final configuration of the project.

23 I do want to note that the work limit line and
24 a site disturbance limit are not one in the same thing. So
25 we show a work limit line on our project and on our plans

3 that is greater than the limits of disturbance. Several of
4 the areas within our work limits on the project are existing
5 asphalt pavement that will be resurfaced reutilized, may just
6 be seal coated, may be overlaid that is one of the questions
7 by the town engineer relative to that.

8 It also includes areas where there is work,
9 but not necessarily where all of the ground will be disturbed
10 in order to perform that work. For example, where lighting
11 is going in, or where trees are being planted, the work limit
12 line encompasses all of that area but many -- or much of the
13 area within the work limit will not be disturbed or dug into
14 in order to accommodate those.

15 So, the -- those two things are consistent on
16 our plan and in our proposal, and I just wanted to clarify
17 the distinction between work limit and site disturbance as
18 there sometimes is confusion on that.

19 The -- I'm going to let Jerry speak to the
20 question on the contiguous when he gets into the national
21 historic places, when he gets into his discussion on some of
22 the SEQRA items, and that action being consistency. The
23 questions relative to a SEQRA long form not being required, a
24 short form EAF was coordinated with town staff and is
25 appropriate for unlisted action. So, we believe that that

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3 has been provided as necessary.

4 We don't show hydro flow data on the plans, as
5 Jerry mentioned when we in with preliminary we will have a
6 full engineer's reports. We do not anticipate any issues.
7 We have been in contact with the water authority relative to
8 service for this project, so that is not an issue and there's
9 plenty of water to service the project.10 The analysis on parking relative to 155
11 spaces, that is consistent with town codes for the proposed
12 uses. And the analysis provided in this letter somewhat
13 mixed existing uses that are not anticipated to be continued,
14 which included concerts, arts and crafts group, the prayer
15 group meeting, that kind of thing, those will not be uses
16 that continue if this proposal is successful and the building
17 is converted to office use.18 So, I do not believe that that analysis is
19 consistent with what is being proposed, but our plan does
20 demonstrate compliance with the town zoning code, as well as
21 demonstrating that the parking that is proposed will meet the
22 needs of the developer in order to service his tenants for
23 that.24 In the engineer's reports, there is some
25 question relevant to sanitary flows, and usage being lesser

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3 or greater than the peak loads of existing use.

4 So the occupant loading within the building,
5 so for the general office will be less -- or is anticipated
6 to be less than when the existing church was full or at full
7 capacity of the main sanctity, as well as some of the other
8 classrooms. And the daycare use, being consistent between
9 the two is referenced, that will not be needing.10 And so, a lot of usage and especially in the
11 references, both plumbing code and the BBC hydraulic loading
12 that is referenced in this letter are conservative values to
13 really bridge or take into account the variations that you
14 would expect to cross different medical office uses, general
15 office uses, for the most part.16 And one of the comments from the town engineer
17 was relative to analyzing the capacity of the existing
18 sanitary lateral and the condition of that sanitary lateral
19 as a requirement for this project, moving forward into
20 construction, which we will be doing some exploration there
21 in order to ensure that full service can be provided.22 So, as tenants are identified those uses will
23 be able to be drilled out further, but from a general
24 approach, especially when determining if there are any
25 impacts, the difference is calculated between the existing

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3 uses, especially given the daycare that is in there and is
4 anticipated to continue, really will not change significantly
5 from what that max load was during existing conditions.

6 There's some comment relative to pavement
7 condition, some various other comments relative to traffic
8 comparing what was analyzed in the traffic study versus six
9 single-family homes. That is not our current proposal. As
10 the Board knows, our proposal is to utilize that for office.
11 So while there is greater traffic than what would be
12 anticipated from six single-family homes, that's not really
13 relevant to the proposal that we have going currently,
14 meaning that was not the test case for analysis that was
15 analyzed and submitted for consideration to the two DOTs.

16 So, that's kind of a brief overview. Happy to
17 drill down further into some of those comments if the Board
18 so desires, but I did want to -- I know that letter was
19 submitted for the record and I wanted to step through those
20 with the Board.

21 So, with that, Jerry, I can turn it back over
22 to you, relative to any comment on SEQRA and then we can
23 address any other comments the Board might have or questions.

24 MR. GOLDMAN: Yeah. Let me jump in on SEQRA
25 point. It is totally up to the Town as which form or full

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3 EAF is appropriate for a particular site in an unlisted

4 action. For the most part, you're dealing with no new

5 construction and basically keeping same structures,

6 buildings, and everything else. A short EAF is normally what

7 is preferred and what normally happens, unless the town opted

8 for, in this particular case if it was something owner

9 constructing a large new building, if we were totally

10 changing the structures on the site, changing patterns or of

11 traffic, for example, or anything else. There may have been

12 a need for the full EAF, but that wasn't really necessary

13 here, for the Town to do its analysis, so the short form was

14 appropriate.

15 With regard to other SEQRA issues that have

16 been raised in the Boylan Code letter, which is dated

17 April 21st and received today, and in dealing with SEQRA

18 issues, there are a couple of matters, actually three, which

19 had been raised in saying that there are potential

20 environmental adverse impacts or impacts on the environment.

21 It was focused on the creation of a material conflict with

22 the community's current plans or goals as officially approved

23 or adopted.

24 In this particular case, the Town's

25 comprehensive plan is silent relative to this particular

3 property. The Town of Brighton, as many towns have done,
4 sometimes identifies specific properties or specific areas
5 for study and review as part of their comprehensive plan,
6 that was not done in this case with any of the comprehensive
7 plans in recent memory.

8 So, we then looked to a lot of the criteria
9 and language which occurs in the comprehensive plan documents
10 itself. And one that -- and one that we have on this, in the
11 plan is consistency. And really, the question of whether
12 this will foster a mix of residential and commercial
13 investment that promotes vitality and walkability. That is a
14 standard which is in the comprehensive plan and we believe
15 that, in fact, we do provide for that investment in our
16 community in a way that is not going to impact the character
17 of the neighborhood, we will talk about character in a few
18 minutes.

19 One other factor that we have relative to the
20 comprehensive plan is the maintenance of trees. And I
21 remember talking about this a couple times, because one of
22 the signature aspects of this particular site, signature
23 aspects of this site plan, and of his neighborhood, is having
24 a large contiguous green space on the corner of Highland and
25 Clover Street.

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3 The Baptist Temple and this particular
4 configuration in green space has been on site since 1964.
5 And to that extent it really has become engrained in the
6 character of the neighborhood itself.

7 What we are doing by maintaining this building
8 as opposed to trying to redevelop it into something else is
9 we're able to have the luxury of maintaining that green space
10 and enhancing it, in reality. So to that extent, we believe
11 that we are in accordance with the community plans and goals.

12 Second criteria that was cited was the
13 impairment of character of important historical,
14 archeological, architectural, or aesthetic resources for of
15 existing community or neighborhood character.

16 I'll go back to the engineering letter, which
17 was provided, and there was a question which was raised as to
18 Stone-Tolan house. The Stone-Tolan house is located on East
19 Avenue, it is not visible from this site, and it has no
20 relationship to this site. There's no way we can deem it to
21 be substantially contiguous and having an impact.

22 With regard to general neighborhood character,
23 as stated before, we have a mix of uses within this immediate
24 area and within this neighborhood. We have single-family
25 residential to the south, John August is a resident there.

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3 We also have to the east and to the west of us on Council
4 Rock, we have condominiums which could be considered somewhat
5 of an anomaly, many of which are rental and some people
6 consider that to be essentially commercial.

7 We have the -- what used to be the Renaissance
8 venue I believe on East and Penfield, which has a mix of uses
9 within its buildings. It's got residential and it is
10 approved for a restaurant. There have been medical offices
11 located in it.

12 So, we do have a bit of a mix within this
13 neighborhood. But, I would say that if we talked about
14 community character and neighborhood character, the character
15 of this neighborhood is defined by its open green space that
16 we are maintaining on this corner of Highland and Clover.

17 The third criteria that was cited was
18 substantial change in the use or intensity of use of the land
19 including agricultural open space or recreation resources, or
20 capacity support existing uses.

21 The fact of the matter is again, we are
22 maintaining the open space that is there. If we were to look
23 at redevelopment, which we will show to the Zoning Board is
24 economically unfeasible on the site for redevelopment for
25 single-family residential, it would definitely change the

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3 character of this corner and would change the feel

4 completely. Because a lot of that green space would

5 disappear, and there would be a number of extra driveways

6 that will be coming out onto the streets, et cetera. And to

7 that extent, we believe that we are in essence, consistent.

8 With regard to the existing use of the site,

9 the existing use of the site is going to have by the

10 neighbor's engineer, currently is composed of a lot of

11 different factors. There's a lot of uses in there. There's

12 a church in there, there's prayer groups, concerts, arts and

13 crafts, there's a spirituality center. There are a lot of

14 uses that are on that site, and a lot of those uses actually

15 operate during what most people believe should be a time

16 where residents don't want to have the inconsistency with the

17 neighborhood.

18 Churches would have to, and would have a

19 tendency to bring more traffic on Sundays, for example.

20 Offices that we are proposing, would not. We don't

21 anticipate that there will be nighttime traffic. There are

22 often with prayer groups or some of the other uses on this

23 site, there would be nighttime uses. We don't anticipate

24 there will be nighttime uses on this particular site.

25 As a matter of fact, our lighting is designed

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3 to meet the town requirements. It's also designed to be on
4 the dimmer, so at sundown it will be basically security
5 lighting. It will be available on the site and that would be
6 the whole extent of it.

7

8 But, to that extent, we believe that we are
9 benefitting the overall neighborhood by our proposal to
repurpose the building as it currently stands.

10

11 I'm going to address a few other comments,
12 which were raised as part of the letter by Mr. Wood, which
13 was well drafted, and I do want to commend him for that. He
14 did talk about some site plan issues, and issues that are in
15 the code, relative to adequacy and arrangement of the
vehicular traffic access and circulation.

16

17 Matt did speak specifically to the fact that
18 the draft has been reviewed by the County and the State, and
19 my understanding it has also reviewed by town staff, even
20 though we're at the intersection of two county roads and
21 adjacent to -- or not far away from a state road, the town
has weighed in and reviewed that as well.

22

23 With regard to the vehicular traffic on site,
24 we are basically in the same place as it currently is
located, and it is pretty much shielded and guarded by the
25 building itself.

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3 We are protecting adjacent properties from
4 noise, glare, unsightliness and other objectionable features.
5 Again, we talked about the lighting and what were doing with
6 that. Noise buffering is going to occur by screening and
7 additional landscaping that we intend to provide as part of
8 the site. We do not believe that this use internal to the
9 site and with this orientation is going to have any impact
10 outside of the site itself.

11

12 With that, I don't know if there's anything
13 more that we -- that either John August, who is on the call,
14 who is one of the principals and adjacent neighbor to the
15 south, or Matt Tomlinson has to offer. If they do not, we
16 will stop our presentation here and be available to answer
any questions the Board may have.

17

18 MATT TOMLINSON: Jerry, I just wanted to jump
19 in real quick. Sorry, Bill. There's a slight increase in
20 impervious with some of the parking immediately adjacent to
21 the building. But we have eliminated, and I think we spoke
22 about this last time we were before the Board, the need for a
23 variance for lot coverage in the rear yard as we are reducing
24 the total amount of pavement in the rear yard, which is
25 residential to the south and to the east. So I did want to
mention that for the record as well.

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3 MR. GOLDMAN: Right. Thank you for the
4 clarification, Matt.

5 CHAIRPERSON PRICE: Jerry, and Matt, thank
6 you. Ramsey, just a point of classification, we were not
7 obligated to do a coordinated review on this? This is an
8 unlisted action and the Town went to the extra step of making
9 sure that the impacts were thoroughly examined by court in
10 the review of SEQRA.

11 MR. BOEHNER: That is correct.

12 CHAIRPERSON PRICE: Thank you.

13 MR. BOEHNER: As directed by the Board, the
14 review was coordinated, the involved agencies all agreed to
15 the Planning Board to be lead agency. At our last Planning
16 Board meeting you did declare yourself lead agency, and under
17 the SEQRA regulations the time has come that we need to make
18 a determination of significance. Which will also allow other
19 involved agencies to continue on with their business as it
20 relates to the project.

21 CHAIRPERSON PRICE: Okay, thank you. I don't
22 have any questions.

23 For preliminary, we would need to know that
24 this has been to the Architectural Review Board and the
25 variances have been secured. But, at this point the -- this

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3 application, Jerry, could you conform when you've been to ARB
4 at all.

5 MR. GOLDMAN: We have not been to ARB yet, I
6 just talked to John August earlier today and we could be
7 seeking to appear before them conceptually later this month.
8 We didn't file the formal application yet, but our intention
9 is to advance that and move that forward likely during the
10 month of April once the Board's determination is made,
11 provided that we are in that position.

12 CHAIRPERSON PRICE: Okay, thank you. I don't
13 have any further questions. Any other Board members have
14 questions for the applicants? Karen?

15 MS. DELANEY: I'm all set.

16 CHAIRPERSON PRICE: John?

17 MR. OSOWSKI: I'm good, this is John, no
18 questions.

19 CHAIRPERSON PRICE: Thank you. Jason? Okay,
20 thank you. Ramsey, do you have any other questions?

21 MR. BOEHNER: Yes, I do. Matt, is there a
22 reduction in paved area as part of the project? I just
23 wanted to confirm.

24 MATT TOMLINSON: There's a slight increase in
25 the total amount of paving, but there's a decrease in the

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23 rear yard which allowed us to avoid that variance. And I
4 believe that that was identified as roughly 7,500 square feet
5 of total increase in --

6 MR. BOEHNER: That's in the rear yard?

7 MATT TOMLINSON: -- impervious on the green
8 space. That is not in the rear yard, that is total on the
9 site. The rear yard is actually a slight reduction from just
10 over 50 percent to 49.6 percent.

11 MR. BOEHNER: Let me take a look here.

12 MATT TOMLINSON: I believe I did submit a
13 green space figure with the application for the Board's
14 consideration. That may help.15 MR. BOEHNER: So the existing rear lot
16 coverage has been reduce 49.6 percent from --17 MATT TOMLINSON: From 52.3, that's is correct,
18 yes.19 MR. BOEHNER: What is the area of disturbance
20 for the site improvements?21 MATT TOMLINSON: The whole area of disturbance
22 is 26,000 square feet.

23 MR. BOEHNER: Okay.

24 JOHN AUGUST: That does take into account some
25 areas of pavement that we believe will have to be fully

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23 reconstructed, Ramsey, so that we will do a little bit of
4 exploration on that asphalt paving.

5 MR. BOEHNER: Okay.

6 MATT TOMLINSON: There's enough subbase there
7 where we can leave stone and not disturb the dirt underneath
8 that may come down. But, we wanted to be conservative in the
9 number for your Board's consideration here on SEQRA.10 MR. BOEHNER: Now, Matt, excuse me if I missed
11 this, but you haven't talked about the proposed lighting,
12 have you? The height of the lighting, the type of the
13 lighting?14 MATT TOMLINSON: Yep, so that was included in
15 our lighting plan. So, the height of the poles will be
16 16 feet in total. Will be a 14-foot pole, with a two-foot
17 concrete base. It will be dark sky compliant and on timers,
18 is the intention to dim the intensity, other than what's
19 necessary for security.20 I did note that there is some spill at the
21 right of ways in order to light the entrances adequately. We
22 can adjust or massage some of the locations right at the
23 entrances if the Board so desires, but they mimic the
24 location of the existing light poles at those entrances
25 currently, Ramsey.

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3 And, again, it's not anticipated that those
4 lights will be on more than probably 6:30, 7:00 in the
5 morning until 7:00 at night. And then they would be dimmed
6 or turned off, other than for security purposes.

7

8 MR. BOEHNER: And my last, it's a two-part
9 question, I guess. You're retaining all the mature trees in
the front yards of this property; is that correct?

10

MATT TOMLINSON: That is correct, yes.

11

12 MR. BOEHNER: You're also providing additional
landscaping throughout the project site?

13

14 MATT TOMLINSON: Yes. We tried to incorporate
several landscape islands within the parking field,
15 specifically where we're expanding the parking on the west
16 side of the building. We are adding some trees and
17 additional screening in areas where we are removing existing
18 pavement at the south side of this site, and then we are also
19 providing some screening plantings on the north end of the
20 site where we have some parking with headlights headed out
21 towards Highland Avenue.

22

23 And the existing mechanical and Dumpster
space, we will have an enclosure, but we're also proposing
24 some juniper plantings or some screening plantings that will
be taller columnar to provide some softening of those near

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3 the north end of the building --

4

MR. BOEHNER: You don't know --

5

MATT TOMLINSON: -- I believe. I'm sorry.

6

MR. BOEHNER: My question is, do you know if
7 the Dumpster is currently enclosed?

8

MATT TOMLINSON: John, do you know the answer
9 to that question?

10

JOHN AUGUST: It is, with a very minor
11 fencing, not very substantial, not solid.

12

MR. BOEHNER: I have no further questions,
13 Bill. Thank you.

14

CHAIRPERSON PRICE: Thank you, Ramsey.

15

MR. GORDON: I have a couple this is Ken
16 Gordon.

17

CHAIRPERSON PRICE: Okay, Ken.

18

MR. GORDON: Matt, there was a comment and I
19 think it is in the Boylan Code letter, but it might have been
20 in Mr. Heininger's letter. The comments on the fact that
21 although at peak, the intersections would not fail, that
22 overall during the day the medical office use is going to
23 generate more traffic on a regular basis than the existing
24 uses. I don't know if it's to Matt or to Jerry, can you just
25 comment on how that does or does not constitute a significant

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3 impact on traffic for this project?

4 MR. GOLDMAN: To our view, it does not create
5 a significant adverse impact. While the traffic study
6 itself, the traffic methodology requires a study of peak hour
7 traffic and peak hour numbers.

8 Levels of service not only are not going to
9 fail, they are, in fact, not going to be degraded at all by
10 the use of the various intersections.

11 So, in accordance with normal methodology we
12 are, by the review by the State and the review by the County,
13 if they believe that there was a traffic issue which already
14 existed, which required analysis of hours other than peak
15 hours, then they typically would come and would state that we
16 have to analyze those peak hours.

17 Sometimes if you are near a school, sometimes
18 if you are near a facility that has shift work, which does
19 have some off hour peaks that occur, they may require
20 analysis at that time. But the State nor the County required
21 any of that study to occur.

22 MATT TOMLINSON: And, Ken, if I could, by
23 default the area roadways in off peak hours have less travel
24 on them and so that peak study or those peak hours study is
25 the quote, unquote worse case. So, while there may be some

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3 additional trips to what's called the generator or the
4 project, that does not have a greater impact than the peak
5 traffic when the peak occupancy on the roadways adjacent to
6 the project are occurring.

10 MR. GORDON: And when you say not considered,
11 we're talking about impact.

12 MATT TOMLINSON: Not identified as a
13 significant issue that needed further study, correct. Thank
14 you.

15 MR. GORDON: And actually, my other question.
16 I want to get this in the Public Hearing is for Mr. Boehner.
17 So, there was some discussion about why a short form EAF,
18 could you just confirm that the town did request a short form
19 EAF and just talk a little bit about why that is?

20 MR. BOEHNER: The short form EAF was required
21 by the town. We did not require a long form. We went
22 through the hearings, nothing new came up to warrant the use
23 of a long form. We did require the traffic study, which was
24 an identified potential impact. We did take a good, hard
25 look at that. The short form is the form that is normally

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3 used for these types of projects and --

4 MR. GORDON: I think Bill commented, maybe it
5 was Bill commented that a short form EAF is typically used
6 for an unlisted action. Is that our typical policy?

7 MR. BOEHNER: Yes, that is correct. We don't
8 often do coordinated reviews, which we did in this case.
9 That was an additional step that the Planning Board did.

10 MR. GORDON: That's above and beyond what
11 we --

12 MR. BOEHNER: Yeah, the most important step is
13 to let all the other agencies that are out there that may
14 identify potential impacts, let us know if there is one and
15 nothing came up.

16 MR. GORDON: Thanks. That's all I have for
17 now.

18 CHAIRPERSON PRICE: Okay. One more time for
19 Board members, any other questions?

20 MR. OSOWSKI: No questions, thank you.

21 CHAIRPERSON PRICE: This a public hearing, is
22 there anyone in the audience who cares to address this
23 application?

24 MR. BOEHNER: Please raise your hand.

25 CHAIRPERSON PRICE: Seeing Nick Wood.

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3 MR. WOOD: Yes.

4

CHAIRPERSON PRICE: Good evening.

5

6 MR. WOOD: Good evening, thank you. Can you

hear me okay?

7

MR. BOEHNER: Yes, we can.

8

9 MR. WOOD: Okay. This is Nick Wood from
Boylan Code. As has been indicated already in the meeting,
10 we represent the Country Club Condominium Board manager, I
11 believe there's at least a couple members of the Board that
12 are in attendance at the meeting on behalf of our clients.

13

14 We are opposing the project. We submitted a
letter to the Board earlier today that has been referred to
15 and is include in the final agenda communication. But, I
16 wanted to take an opportunity to highlight a few things that
17 were raised in the letter, both with respect to the Planning
18 Board's SEQRA review and the preliminary site plan review.

19

20 With respect to the SEQRA review, we do
respectfully submit that the Planning Board should issue a
21 positive declaration under SEQRA and require an environmental
22 impact statement because the proposed project has the
23 potential for one or more significant adverse environmental
24 impacts. And I just wanted to address -- and Jerry has
25 obviously already referred to them, but a couple of the items

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3 that are implicated by the project, and we believe should
4 result in a positive declaration and a finding of
5 environmental significant adverse environmental impact.

6 So, the first is the project does create a
7 material conflict with the community's current plans or goals
8 and in particular it conflicts not only with the town's
9 zoning ordinance, since it involves a commercial use in a low
10 density residential district, but also the town's
11 comprehensive plan update.

12 And the fact is, the comprehensive plan update
13 does identify certain areas within the town that may be
14 appropriate for changes in land use, and this is not one of
15 them. So, this is not identified as an area of the town
16 where there should be a change in the land use. But, of
17 course, the proposed project is proposing just that, to
18 change it from this area, from residential use to a
19 commercial use.

20 And again, not only is this a residential
21 area. It's, this particular district is a low density
22 residential district and this would be bringing a commercial
23 use into that area.

24 Also, with respect to the town's comprehensive
25 plan, one of the objectives as stated in the plan is

3 protecting the town's established residential neighborhoods.
4 It's our view that putting an office park on this property
5 certainly does not protect the established residential
6 neighborhood that surrounds the property on all sides and
7 include low density neighborhoods to the immediate west,
8 south, and southeast of the property.

9 So the project is, in fact, inconsistent with
10 both the town's zone ordinance and the comprehensive plan, so
11 that's one criteria that is impacted or that negatively
12 impacts the environment with respect to this project.

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3 purposes.

4 There was a statement, I think, last month's
5 Planning Board meeting and, again, it's been brought up today
6 about a restaurant. So, I believe that at one point there
7 was a restaurant in the venue building, which is formerly the
8 Renaissance, but I also believe that restaurant is no longer
9 there. Not only is it no longer there, but that property is
10 not immediately contiguous to the subject property and has
11 gotten 590 running along one side of it.

12 And by my reading of the zoning code, that
13 restaurant would not be a permitted use. Maybe it had a use
14 variance or was a prior non-conforming use. But, again, by
15 my reading of the code that would not have been permitted
16 there.

17 There's also been a reference to medical
18 offices at the last meeting, surrounding the property and
19 there are not any noticeable indications of medical offices
20 on any of the immediately surrounding properties. I don't
21 see any signage or anything to indicate that there's medical
22 offices in any of those properties.

23 And, again, just with the case with the
24 restaurant, that, in my reading of the code, would not be a
25 permitted use in any of the districts immediately surrounding

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3 the property. So, it would have at least have a use
4 variance, I believe.

5 And, in addition, with respect to the overall
6 impact of the neighborhood, I went back and looked in some of
7 the prior correspondence to the Board and in connection with
8 the November meeting, there appears to have been letters from
9 at least nine neighbors who were raising concerns about the
10 project. So, that certainly shows there are -- that the
11 people living in the neighborhood are concerned about the
12 proposed project.

13 And you've also got neighbors, I believe
14 directly across from the project on Clover Avenue who are --
15 on Clover who are represented here tonight. Another
16 indication that the project will have a negative impact on
17 the neighborhood.

18 Finally, with respect to the third criteria
19 that is impacted with respect to the SEQRA review, the
20 project certainly will result in a substantial change in the
21 use of the land. It changes the use from a church and
22 daycare to a commercial use, which is obviously going to be
23 more intense. Particularly with respect to the patient
24 visits that are going to be associated with those medical
25 offices.

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3 So, we believe those impacts aren't minor or

4 small, and show that the project will have a significant

5 adverse impact on the environment, particularly with respect

6 to the character of the neighborhood and will require

7 environmental impact statement in any decision on application

8 for site plan approval, should certainly be the way.

9 With respect to preliminary site plan approval

10 if the Planning Board does consider that at tonight's

11 meeting, and we believe it should not. There are, again, a

12 number of criteria that the Board must consider in

13 determining whether to grant that approval and many of which

14 militate against granting the approval.

15 We've already talked about the overall impact

16 on the neighborhood, which is one of the criteria, so I won't

17 belabor that point. But, as I've indicated, given the

18 commercial use that would be introduced, we certainly believe

19 that will have a negative impact on the environment, and the

20 neighborhood.

21 Conformance with the town's master plan is

22 also, again, a criteria for preliminary site plan approval.

23 And, again, I won't belabor that point, but I've indicated

24 why the plan is not consistent with the master plan.

25 Vehicular traffic is a third criteria, and I

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3 know a traffic study has been submitted to the Town. The
4 point with respect to, that I was making in my letter with
5 respect to the off peak hours, is that the traffic study --
6 studies, of course, use the peak hours, it can't be denied
7 that traffic in the area in those off peak hours will
8 increase. So, regardless of whether that puts an undo load
9 on the services, that is an impact on the neighborhood to
10 have traffic going in and out all during the day, as it
11 doesn't have currently.

12 And, again, particularly the medical office
13 use is going to significantly impact and increase the
14 intensity of traffic throughout the day.

15 With respect to the parking, it's a little
16 unclear too. There's been references to the impervious space
17 of the parking lot. By my reading of the plans that have
18 been submitted to the Town. In particular, I refer the Board
19 and Mr. Boehner to the green space figure that was submitted
20 by Marathon Engineers prior to the March 17th, Planning Board
21 meeting. And that indicated that due to the net increases in
22 the parking area, impervious areas of the property would
23 increase by a net of 7,545 square feet, which is
24 approximately 7.2 percent more than the existing impervious
25 area.

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So, again, that I think the Board has that plan from prior submissions and I'd ask you take a look at that, because based on the parking area that's being added, it seems to me, and I believe as is indicated in that plan, the overall impervious surfaces are being increased by the increases in the parking area. Particularly the new parking area to the southwest of the building and then additional parking to the south of the building.

So lastly, I will just comment, I know it's been discussed, but the -- with respect to the lighting, the plan that was submitted by Marathon Engineers shows lights spillover from the property, even though as I understand they're trying to under light the parking area. And the point there is, that really just further goes to the incompatibility of this proposed use in this area, trying to get the lighting low, but it still is spilling over the property lines too much.

So, for all those reasons, we submit, that if the Town were to approve or were to consider the preliminary site plan this evening, it should not be approved. Thank you.

CHAIRPERSON PRICE: Thank you, appreciate your time.

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3 Who else is up? I see a hand of Alison
4 Bartlett.

5 JEFF FRISCH: Is Mary Jane first? Yes, okay.

6 MARY JANE MAHON: Hi. Mary Jane Mahon, I am
7 on the board of Country Club Condominiums, I'm also a real
8 estate broker for over 30 years.

9 A couple things. I'm a little confused,
10 Mr. Goldman, about why it is not appropriate to use the
11 Stone-Tolan as an exam?

12 CHAIRPERSON PRICE: Please direct your
13 questions to the Board. We will --

14 MARY JANE MAHON: Oh, I'm sorry. Why
15 Stone-Tolan was not appropriate to be used as an example, but
16 the venue is? Okay? Neither one of them are visible from
17 this particular area. Okay?

18 The other thing I think everyone needs to
19 consider is not only will it have a negative impact on
20 quality of life, but it is going to have a negative impact on
21 value.

22 It's clearly whenever you put something that's
23 allowed to be commercial, have a commercial variance, or used
24 commercially and is next to residential, the residential
25 always is impacted negatively. And you are completely

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3 surrounded by residential here. Okay?

4 CHAIRPERSON PRICE: Thank you very much.

5 Who is next?

6 JEFF FRISCH: Allison Bartlett.

7 CHAIRPERSON PRICE: Allison, you are up.

8 MS. BARTLETT: Hi, good evening. My name is
9 Allison Bartlett from Harter Secrest. I am speaking tonight
10 on behalf of our clients, John and Erica Stanat, Jonathan
11 Freeburg, and Laura Calby who are long-term residents of
12 properties adjacent to the 1075 Clover Street property that
13 is the subject of tonight's preliminary site plan
14 application.

15 We reviewed the letters from Mr. Wood as
16 co-counsel for the Country Club Condominium Board Managers
17 for tonight's meeting in opposition to the application. And
18 we agree with the points in Mr. Wood's letter and reassert
19 the positions stated therein.

20 In addition, the application lacks sufficient
21 information to properly evaluate impacts of light pollution
22 on the surrounding residents. The applicant team just
23 confirmed that the lighting will be dark sky compliant, but
24 will there be any lights mounted on the building and if so,
25 what's the intensity and how will they be shielded from the

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3 residences.

4

5 We also note that the report from the town
6 engineer pointed out that the light spill from the proposed
7 development will emit up to two foot candles across Clover
8 Street and Highland Avenue rights of way. The town engineer
9 references guidance stating that light spill from commercial
properties should not exceed 0.1 foot candles.

10

11 The proposed lighting plan therefore far
12 exceeds that guideline and light spill should already be even
13 less when the commercial property is in the center of a
residential area, like the case is here.

14

15 I also want to briefly ask the size, how the
16 traffic study is misleading and how the trip generation
17 information reflects the intensity of use of the proposed
18 development and its inappropriate nature within a residential
neighborhood.

19

20 First, the traffic study analyses only one
peak hour in the morning and one peak hour in the evening.
21 And you can tell by the trip count that it doesn't account
22 for the majority of trips, like parents dropping off and
picking up their children from the daycare. It's likely that
23 many of these trips are occurring outside of or around the
24 fridges of these peak hours to allow the parents to get to
25

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3 work on time.

4

5 In addition, patient visits to and from the
6 medical offices will be studied throughout the day, which
7 will increase the intensity of current conditions and will
8 adversely impact the residential character of the
neighborhood.

9

10 The letter submitted by Marques and Associates
11 included in tonight's meeting and discussed earlier, also
12 highlights the intensity of the use of the proposed
development in comparison to residential use.

13

14 Comparing the conclusions of the trip
15 generation study, a six lot single-family residential use
16 development or RLA zoning. The engineer found that the
17 proposed use generates 38 times more traffic with a.m. peak
18 entering and 21 times more traffic for the p.m. exiting, than
a six lot single-family residential use would generate.

19

20 This comparison is highly relevant because it
21 compares the trip of the proposed use against a permitted use
in this low density residential district.

22

23 We also note that we plan to show that
single-family development is viable while keeping open space
24 at the corner.

25

And finally, the day long traffic may not mean

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3 changes in service but it is indicative of the significant

4 increase in the intensity which isn't appropriate in a

5 residential district. Such intensity of the proposed use

6 will have a detrimental impact on the character of this

7 residential neighborhood.

8 We respectfully request that the Planning

9 Board issue a positive declaration under SEQRA and require an

10 environmental impact statement be prepared to most fully

11 address the potential adverse impact of this project, and

12 that the Planning Board therefore not approve the application

13 for preliminary site plan approval until it has completed

14 SEQRA review, and unless or until the applicant has obtained

15 a use variance for this project.

16 Thank you for your time and consideration.

17 CHAIRPERSON PRICE: Thank you, appreciate your

18 time.

19 Others wish to speak? Ramsey or Jeff, do you

20 see anybody?

21 JEFF FRISCH: I don't see anybody.

22 If you want to speak, please raise your hand

23 on Zoom or turn your video on and wave on the screen.

24 I don't see anyone.

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

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CHAIRPERSON PRICE: Okay, right, okay.

4

I do believe that was our last public meeting.

5

MR. BOEHNER: Bill, before we leave, I just want to say that I think in the communication, this afternoon dated Wednesday, April 21st, from a Luke Duttin. And it says, as an adjoining property owner located at 2619 Highland Avenue, I am writing in support of the proposed office conversion at 1075 Clover Street.

11

The most recent proposed site plan increases green space and solvency in back of the parking lot. The plan in use will work well for the area.

14

And that is signed once again, sincerely, Luke Duttin, from 2619 Highland Avenue.

16

I'd like that to be added into the record as a communication.

18

CHAIRPERSON PRICE: Thank you.

19

MATT TOMLINSON: Bill, this is Matt Tomlinson, I'd like to address a couple of those comments if I can briefly?

22

CHAIRPERSON PRICE: Matt, I guess for the record, go ahead. I'm not sure the Board needs a response, but go ahead for the record.

25

MATT TOMLINSON: Okay. So, I believe I

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3 mentioned it in my proposal, the reduction of impervious is
4 in the rear yard. And the green space is consistent with the
5 site plans we have submitted. There's a 7,500 square foot
6 increase in impervious, I believe that that's consistent.

7 Then, the lighting spill, we'll address this
8 with the town engineer, but those guidelines are typically to
9 exterior property lines, not to rights of way that are
10 recommended in the IES. And we are well below or have no
11 light spill to any of the surrounding property lines that are
12 not right of ways. So, I believe we are consistent with IES
13 guidelines.

14 So, again, we will coordinate that with the
15 town engineer as we finalize drawings.

16 CHAIRPERSON PRICE: Any other comments, Matt?

17 MATT TOMLINSON: That's it, thank you.

18 CHAIRPERSON PRICE: Thank you.

19 All right, that was our last hearing for the
20 night. I believe before we take up the matter of the signs,
21 why don't we go back to the beginning here and discuss these
22 applications. Our first one -- is everybody doing okay,
23 Ramsey?

24 MR. BOEHNER: I believe so.

25 CHAIRPERSON PRICE: Stenographer and everyone

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3 is good? Rhoda?

4

5 MR. BOEHNER: Rhoda, you good? She would say

6 if she wasn't.

7

8 THE COURT REPORTER: Yes, I'm good.

9

10 MR. BOEHNER: Thank you, Rhoda.

11

12 CHAIRPERSON PRICE: Thank you.

13

14 All right. Our first discussion is on
15 Application 4P-02-21.

16

17 APPLICATION 4P-02-21

18

19 4P-02-21 Application of 2290 East Avenue
20 Properties, LLC, owner, for Site Plan Modification to
21 construct an accessible ramp to an existing carriage house
22 and add eight (8) parking spaces on property located at 2300
23 East Avenue. All as described on application and plans on
24 file.

25

26 CHAIRPERSON PRICE: So, this is just down the
27 next property from the Stone-Tolan house to the north, and
28 this was the application for expansion of the parking and
29 position of the handicap accessible ramp.

30

31 Do we have a motion to close the hearing?

32

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

35

36 MS. DELANEY: I will second.

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3

CHAIRPERSON PRICE: Moved and seconded.

4

5

MR. BOEHNER: Moved by Babcock, second by Delaney?

6

CHAIRPERSON PRICE: Correct.

7

MR. BOEHNER: To close the hearing.

8

CHAIRPERSON PRICE: Yes.

9

MR. BOEHNER: Ms. Altman?

10

MS. ALTMAN: Aye.

11

MR. BOEHNER: Mr. Price?

12

CHAIRPERSON PRICE: Aye.

13

MR. BOEHNER: Mr. Fader?

14

MR. FADER: Aye.

15

MR. BOEHNER: Ms. Delaney?

16

MS. DELANEY: Aye.

17

MR. BOEHNER: Mr. Babcock-Stiner?

18

MR. BABCOCK-STINER: Aye.

19

MR. BOEHNER: Mr. Osowski?

20

MR. OSOWSKI: Aye.

21

MR. BOEHNER: Hearing is closed.

22

23

CHAIRPERSON PRICE: Okay. Do we have a motion on this application?

24

25

MR. FADER: I move the Board adopts the

negative declaration prepared by town staff and the Board

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3 approves application 4P-02-21 based on the testimony given,
4 plans submitted, and 22 conditions.

5

APPROVAL WITH CONDITIONS:

6

1 If the Board entertains approval, I would suggest
2 including, among any others suggested by the Board, the
3 following conditions:

4

9 The project shall obtain a Certificate of Appropriateness
10 from the Historic Preservation Commission.

11

12 A building permit should be obtained for the proposed
13 ramp. The applicant must verify the ramp and the landing
meeting all ADA requirements.

14

15 The applicant must confirm that sufficient ADA compliant
16 parking stalls are being provided to the meet the NYS
Building Code requirements.

17

18 An Excavation and Clearing Permit should be obtained as
19 required by the Town Engineer for the installation of the
proposed parking spaces.

20

21 The site plan shall be revised to show bike racks as
recommended by the Conservation Board.

22

23 All proposed improvements shall comply with the most
current Building & Fire Codes of New York State.

24

25 Prior to issuance of any building permits, all plans for
utility and storm water control systems must be reviewed and

3 have been given approval by appropriate authorities. Prior
4 to any occupancy, work proposed on the approved plans shall
5 have been completed to a degree satisfactory to the
6 appropriate authorities.

7 9. Meet all requirements of the Town of Brighton's
8 Department of Public Works.

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

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

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

18 13. All trees to be saved shall be protected with orange
19 construction fencing placed at the drip line or a distance
20 greater than the drip line. Trees shall be pruned, watered,
21 and fertilized prior to, during and after construction.

22 Materials and equipment storage shall not be allowed in
23 fenced areas.

24 14. Any contractor or individual involved in the planting,
25 maintenance or removal of trees shall comply with the

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3 requirements of the town's Excavation and Clearing (Chapter

4 66), Trees (Chapter 175) and other pertinent regulations and

5 shall be registered and shall carry insurance as required by

6 Chapter 175 of the Comprehensive Development Regulations.

7 15. The parking lot shall be striped as per the requirements

8 of the Brighton Comprehensive Development Regulations.

9 16. If new lighting is proposed for the new parking spaces,

10 a lighting plan which shows the type, location and lighting

11 contours shall be submitted to and review and approved by the

12 Building and Planning Department.

13 17. All outstanding Site Plan comments and concerns of the

14 Town Engineer regarding soil erosion, storm water control,

15 water system and sanitary sewer design shall be addressed.

16 18. All County Development Review Comments shall be

17 addressed.

18 19. All other reviewing agencies must issue their approval

19 prior to the Department of Public Works issuing its final

20 approval.

21 20. All comments and concerns of the Town Engineer as

22 contained in the attached memo dated April 20, 2021 from

23 Evert Garcia, Town Engineer, to Ramsey Boehner, shall be

24 Addressed.

25 21. A letter or memo in response to all Planning Board and

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3 Town Engineer comments and conditions shall be submitted.

4 22. All new accessible parking space signage to be installed
5 or replaced shall have the logo depicting a dynamic character
6 leaning forward with a sense of movement as required by
7 Secretary of State pursuant to section one hundred one of the
8 Executive Law.

9

CHAIRPERSON PRICE: Is there a second?

10

MR. BABCOCK-STINER: Second.

11

MR. BOEHNER: Babcock-Stiner seconds.

12

CHAIRPERSON PRICE: Do we have any discussion?

13

Ramsey, are you comfortable on conditions, the
14 testimony given says that that pipe will be buried.

15

MR. BOEHNER: Yes, I am fine with that. I
16 want to ask you, do you want any conditions about curbing?

17

CHAIRPERSON PRICE: Well, I would advise it.
18 I think that the site is rutted along the edges of the
19 pavement, and that's going to be a pretty steep slope, and
20 that will get some run off and I just, I advise it for the --

21

MR. BOEHNER: Okay, okay. I just wanted to
22 bring it up because it was brought up. Okay. I have nothing
23 else then.

24

CHAIRPERSON PRICE: Okay. Other, any other?
25 We moved and seconded, is there any other comments or

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3 discussion? Okay. Why don't we call the roll.

4

MR. BOEHNER: Mr. Osowski?

5

MR. OSOWSKI: Nay.

6

MR. BOEHNER: Mr. Babcock-Stiner?

7

MR. BABCOCK-STINER: Aye.

8

MR. BOEHNER: Ms. Delaney?

9

MS. DELANEY: Aye.

10

MR. BOEHNER: Mr. Fader?

11

MR. FADER: Aye.

12

MR. BOEHNER: Mr. Price?

13

CHAIRPERSON PRICE: Aye.

14

MR. BOEHNER: Ms. Altman?

15

MS. ALTMAN: Aye.

16

conditions.

18 CHAIRPERSON PRICE: Our next application to
19 discuss.

20

APPLICATION 4P-03-21

21

4P-03-21 Application of Insite Development,

22

Inc., owner, for extension of site plan approval (6P-06-19)

23

allowing for the construction of a single family dwelling on

24

property located on Penfield Road (between 525 and 555

25

Penfield Road) known as Tax ID #123.17-2-25. All as

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3 described on application and plans on file.

4 CHAIRPERSON PRICE: This is the application to
5 renew or extend, extension of site plan approval for the new
6 home on Penfield Road. Motion to close the hearing.7 MS. DELANEY: I move to close the Public
8 Hearing.

9 MR. BOEHNER: Delaney motions.

10 MS. ALTMAN: Second.

11 MR. BOEHNER: Got Altman seconding.

12 CHAIRPERSON PRICE: Any discussion?

13 Ramsey, please call the roll.

14 MR. BOEHNER: Member Osowski?

15 MR. OSOWSKI: Aye.

16 MR. BOEHNER: Mr. Babcock-Stiner?

17 MR. BABCOCK-STINER: Aye.

18 MR. BOEHNER: Ms. Delaney?

19 MS. DELANEY: Aye.

20 MR. BOEHNER: Mr. Fader?

21 MR. FADER: Aye.

22 MR. BOEHNER: Mr. Price?

23 CHAIRPERSON PRICE: Aye.

24 MR. BOEHNER: Ms. Altman?

25 MS. ALTMAN: Aye.

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3 MR. BOEHNER: Hearing is closed.

4

CHAIRPERSON PRICE: Thank you.

5

6 This is for an extension of the approval
7 dating back to 2019, back in the pandemic. So, would like an
extension on this.

8

Do we have a motion? Anyone care to make one?

9

10 MR. FADER: I'll move the Board adopts today
11 the declaration prepared by town staff. The Board approves
12 4P-03-21, based on the testimony given, the plans submitted
and the three conditions.

13

MR. OSOWSKI: I think there's six conditions?

14

CHAIRPERSON PRICE: Can we have a second?

15

John, did you?

16

MR. BOEHNER: I think there's three.

17

MR. OSOWSKI: Oh, I was looking at the
negative declaration, never mind.

18

APPROVAL WITH CONDITIONS:

20

1. Site Plan Approval shall expire on June 19, 2021 no
further extensions shall be granted.

22

2. If all necessary Town permits are not secured prior to
the site plan approval expiration date, the applicant shall
re-apply for site plan approval with the Town Planning Board
in order for construction of the project to commence.

24

25

1 BRIGHTON PLANNING BOARD 04/21/2021
23 3. All conditions of approval of Planning Board application
4 6P-06-19 shall remain in effect and shall be met.5 CHAIRPERSON PRICE: Okay. All right, moved
6 and seconded. Is there any further discussion?

7 MR. BOEHNER: Who seconded?

8 MR. BABCOCK-STINER: Jason, second.

9 MR. BOEHNER: Okay, sorry. Okay, ready?

10 CHAIRPERSON PRICE: Yes.

11 MR. BOEHNER: Ms. Altman?

12 MS. ALTMAN: Aye.

13 MR. BOEHNER: Mr. Price?

14 CHAIRPERSON PRICE: Aye.

15 MR. BOEHNER: Mr. Fader?

16 MR. FADER: Aye.

17 MR. BOEHNER: Ms. Delaney?

18 MS. DELANEY: Aye.

19 MR. BOEHNER: Mr. Babcock-Stiner?

20 MR. BABCOCK-STINER: Aye.

21 MR. BOEHNER: Mr. Osowski?

22 MR. OSOWSKI: Aye.

23 MR. BOEHNER: Application is approved with
24 conditions.

25 CHAIRPERSON PRICE: Thank you.

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3 Our third application tonight is, we are not
4 taking up the application.

5 APPLICATION 9P-NB1-20

6 9P-NB1-20 Application of Baptist Temple,
7 owner, and Clover Park Properties, LLC, contract Revised
8 Plans vendee, for Preliminary Site Plan Approval to convert
9 an existing church building into high end office space
10 (construction of a2 story, 10,000 sf building addition has
11 been eliminated) on property located at 1075 Clover Street.
12 All as described on application and plans on file. TABLED -
13 PUBLIC HEARING REMAINS OPEN.

14 CHAIRPERSON PRICE: The action tonight is for
15 SEQRA and not, I don't believe we are at a point to issue a
16 deter -- an approval on preliminary site plan.

17 So let's -- in this case either Ramsey or Ken,
18 do we close the Public Hearing or leave that open, because
19 this is just a part of that action?

20 MR. GORDON: So, what we can do is we can
21 close the Public Hearing relative to the SEQRA determination
22 only. Leave tabled the application for site plan. So you
23 need to separate motions.

24 CHAIRPERSON PRICE: All right. I am going to
25 make a motion to close the Public Hearing relative to SEQRA

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3 determination for Application 9P-NB1-20.

4 MS. DELANEY: I will second.

5 MR. BOEHNER: Delaney.

6 CHAIRPERSON PRICE: It was Delaney, yes. We
7 will take up the issue of preliminary after we call the roll
8 on this.

9 MR. BOEHNER: We need a second?

10 CHAIRPERSON PRICE: Pam did.

11 MR. BOEHNER: I thought she made the motion.

12 CHAIRPERSON PRICE: No, I did.

13 MR. BOEHNER: Oh, sorry. I am having a rough
14 night. Okay.

15 Member Altman?

16 MS. ALTMAN: Aye.

17 MR. BOEHNER: Mr. Price?

18 CHAIRPERSON PRICE: Aye.

19 MR. BOEHNER: Mr. Fader?

20 MR. FADER: Aye.

21 MR. BOEHNER: Ms. Delaney?

22 MS. DELANEY: Aye.

23 MR. BOEHNER: Mr. Babcock-Stiner?

24 MR. BABCOCK-STINER: Aye.

25 MR. BOEHNER: Mr. Osowski?

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3

MR. OSOWSKI: Aye.

4

MR. BOEHNER: The hearing for SEQRA is closed.

5

6

CHAIRPERSON PRICE: All right. Do we -- let's take up the matter of SEQRA.

7

MR. GORDON: That would be correct.

8

9

CHAIRPERSON PRICE: And then, we'll worry about -- does anyone care to make a motion?

10

11

12

13

MR. GORDON: We would need a motion to adopt the negative declaration as prepared by staff or otherwise to make a determination of significance relative to this project under SEQRA.

14

15

16

17

CHAIRPERSON PRICE: Yes. I'll make the motion. Ken, sorry, I don't do this that often, but I will make the motion to adopt the negative declaration prepared by staff. There are no conditions.

18

MR. GORDON: We would need a second.

19

MR. BABCOCK-STINER: I'll second.

20

21

MR. BOEHNER: That's Jason Babcock-Stiner, second.

22

23

24

25

I have one minor revision in the second paragraph, sixth sentence. Should insert the word rear and it should read, the existing rear lot coverage has been reduced to 49.6 percent from 52.3 percent.

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3 CHAIRPERSON PRICE: Second paragraph, Ramsey?

4

MR. BOEHNER: Second paragraph.

5

CHAIRPERSON PRICE: Under --

6

MR. BOEHNER: Noise, visual.

7

CHAIRPERSON PRICE: Noise, visual, okay.

8

MR. BOEHNER: Yes.

9 MR. GORDON: And Member Price and Member
10 Babcock-Stiner, would you accept that as a friendly amendment
11 to your motion to adopt the negative declaration?

12

CHAIRPERSON PRICE: So approved.

13

MR. BABCOCK-STINER: Yes.

14

MR. GORDON: If I could make a couple comments
15 preliminary to discussion. So the issue before the Board now
16 is under SEQRA, and let's be clear about this, SEQRA doesn't
17 require you to make a determination that the project has no
18 impact.

19

You could make a determination that the
20 project has no impact and issue a negative declaration, but
21 you can also make that same determination of having a
22 negative declaration adopted by determining that the impact,
23 the adverse environmental impacts that project may have are
24 not significant.

25

And so, minor or small impacts are not

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3 significant, and therefore would lead you to the conclusion

4 that there is in fact grounds for a negative declaration. In

5 other words, no need for an environmental impact statement.

6 I also want to just make some comments

7 regarding some of the points made by the Boylan Code firm.

8 The one of the arguments that I think I understood was that

9 because the comprehensive plan is silent on what the

10 particular use of this property should be, that that creates

11 a need for finding a significant environmental impact.

12 In fact, what the SEQRA regulations tell us is

13 that in order to determine if the criteria actually is that

14 there is a material conflict with the comprehensive plan, it

15 would be a difficult determination, I would say contrary to

16 the regulations to stay that a material conflict exists,

17 because the comprehensive plan is silent on this property.

18 Moreover, relative to the impact on the

19 historic property nearby, specifically the Stone-Tolan house

20 was mentioned. Again, the criteria here is that there would

21 be an adverse impact on the Stone-Tolan house different than

22 the impact that the existing use has, based upon the plan

23 that you have in front of you. Again, that is what the

24 criteria that SEQRA asks you to determine, that there would

25 be an impairment of the character or the quality of the

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3 Stone-Tolan house based upon this plan, different than what
4 the current use on the property is.

5 And the other point that I think was being
6 made is that it would introduce a completely new commercial
7 use and have an impact on the -- a negative impact or adverse
8 impact on the neighborhood. And, in fact, I believe that the
9 record both from the hearing last time and today indicates
10 that we know of at least some medical office use in the East
11 Avenue towers directly across the street. So, there already
12 is commercial and specifically medical office in the
13 immediate neighborhood around the property.

14 There was also a mention of some contradicting
15 information relative to traffic impact. Again, impacts that
16 will be felt in the neighborhood with traffic going in and
17 out of the medical offices may exist, but the question for
18 the Board is, are those impacts significant and adversely
19 significant in a manner that would leave you to determine
20 that an environmental impact statement would need to be
21 prepared.

22 So, in looking at the issues, it is for the
23 Board to take a hard at look all of these issues, all of the
24 criteria. And I think it's been very helpful to have both
25 sides make their presentation, both the sponsor and the

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3 project opponents make their presentations. Because I
4 believe that all of the adverse impacts raise by the project
5 opponents have, in fact, been addressed by the project
6 sponsor.

7 It is up to the Board in the exercise of your
8 discretion, as to whether you believe that these impacts are
9 significantly adverse, or, if the impacts are not
10 significantly adverse, and therefore, we could issue this
11 negative declaration.

12 So I hope that's helpful. I'm happy to answer
13 any other questions as to the standards that the Board will
14 need to address in reaching this determination.

15 MR. FADER: So, Ken, you say that the
16 comprehensive plan does not make any statement on this
17 particular property and that's true. But, I think one of the
18 points they made was the comprehensive plan does say that we
19 should make an effort to maintain the character of existing
20 neighborhoods. And the question is, whether this actually
21 does that or not.

22 MR. GORDON: Sure. I think, and if you
23 believe that this project will have a significant adverse
24 impact on the neighborhood, then that is one criteria that
25 could be considered in determining that an environmental

3 impact statement would be needed. And, in that case if you
4 made that determination, David, then you would say that you
5 would want to see an environmental impact statement prepared
6 and a full EIS.

13 I can tell you under the SEQRA regs, the
14 answer is no, even type one actions, which this is not a type
15 one action. Even type one actions, you can have a negative
16 declaration on it. So, the mere fact there is a proposed
17 change in use, the use that is proposed that is not presently
18 zoned is not in and of itself a, if you will, a factor that
19 must lead to a finding of significance.

20 It is certainly within your discretion to make
21 that determination, either positively or negatively. So, I
22 would look at the information -- and I think you've been
23 given good information by the project sponsor -- as being
24 some, I would say, I would call them unsubstantiated at this
25 point in time, allegations that the project medical offices

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3 might have a negative economic impact on property values. I
4 don't see any data for that in the record. I don't see any.

5 Similarly with the traffic, I don't see any
6 alternative traffic study that was presented to you that
7 would tell you that the traffic impacts are going to be in
8 any way significantly adverse to the neighborhood. I think
9 would be, again, a difficult lift there to find that there is
10 an adverse impact on the neighborhood. That's certainly
11 within your discretion.

12 CHAIRPERSON PRICE: Thank you, Ken.

13 So, we do have a motion and a second. Board
14 members, this is time to discuss maybe the fact of one of the
15 points that David brought up, or any that Ken brought up?

16 This -- okay, David, you're muted. You
17 said --

18 MR. FADER: I just wanted some clarification
19 on that.

20 CHAIRPERSON PRICE: Okay. David, you were on
21 the comp committee, but I believe the point on residential
22 neighborhoods is in there. I did go back and read the comp
23 plan on this and is silent to this particular parcel and the
24 comp plan and the way it was structured this time was looking
25 at, I believe, five distinctly different character areas.

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3 And the principles that were to be applied, you know, are
4 those planning principles that do encourage diversity of use
5 and encourage the walkability of a neighborhood to create
6 some additional [inaudible]. And I believe this use, the
7 proposed use will do that as good or better than the former
8 use of the building.

9 Clearly, we would like to see it go further,
10 but that's not what's on the table. So, I have no objection
11 to the determination, and I believe the way the determination
12 is written accurately states the little or absolutely no
13 adverse impact caused by this project.

14 Other Board members have comments or
15 questions?

16 MS. ALTMAN: Can we reread the motion, please?
17 CHAIRPERSON PRICE: Rhoda, can you help us
18 with that?

19 THE COURT REPORTER: What do you need?

20 CHAIRPERSON PRICE: Can we have the motion
21 that I made reread?

22 THE COURT REPORTER: Yeah, I've gotten a new
23 writer and I'm . . .

24 CHAIRPERSON PRICE: Karen, I believe it was
25 the Planning Board adopts the negative declaration as

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3 prepared by town staff.

4 MS. ALTMAN: Okay, thank you.

5 MR. BOEHNER: And it was with the minor
6 revision that I called out in paragraph two.7 MR. OSOWSKI: Yeah, the -- hey, this is John.
8 The boiler plate that we have for making motions --

9 MR. BOEHNER: We're getting echoing.

10 MR. OSOWSKI: Okay. I don't know how to fix
11 that.

12 MR. GORDON: I think that's Rhoda's feedback.

13 MR. BOEHNER: Rhoda? Okay, that will fix it.

14 MR. OSOWSKI: Okay. In our boiler plate that
15 we have for making motions regarding SEQRA, the first part of
16 the statement says, I move that the Planning Board finds that
17 the proposed action will not have a significant impact on the
18 environment. And it goes on to say, Planning Board adopts
19 the negative declaration prepared by town staff. I think
20 it's important that we have that initial statement in there,
21 that the proposed action will not have a significant impact
22 on the environment. Per the discussion that Ken Gordan says.23 Yeah, we are not saying there are no impacts,
24 he is saying will not have a significant impact.

25 MR. GORDON: And I'll just read from the

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3 proposed negative declaration that they'll move to adopt.

4 What it states is that, in two places actually, in the

5 heading under reasons supporting this determination, the

6 negative declaration states -- well, actually, at the very

7 beginning of the negative declaration, the second paragraph

8 in the negative declaration states, the Brighton Planning

9 Board as lead agency has determined that the proposed action

10 described below will not have a significant effect on the

11 environment, draft environmental impact statement will not be

12 prepared under reasons supporting this determination.

13 It again states, the Town Planning Board finds

14 that the proposed action will not have a significant impact

15 on the environment based upon the following findings. And

16 then, there are a number of findings, ten to be specific,

17 after that tenth finding, it is again stated that pursuant to

18 SEQRA based upon the above mentioned information,

19 documentation, testimony, correspondence and findings, and

20 after examining the relevant issues including all relevant

21 issues raised, recommendations offered by involved and

22 interested agencies, and town staff, lead agency determines

23 that the project will not have a significant adverse impact

24 on the environment, which constitutes a negative declaration,

25 and therefore SEQRA does not require further action relative

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3 to the project.

4

5 Then the lead agency goes on to make
6 additional determinations as set forth in paragraphs A
7 through E, of the negative declaration.

8

MR. BOEHNER: Bill, you're on mute.

9

10 CHAIRPERSON PRICE: Does -- okay, so, I agree
11 with both John and Ken on that. I merely just stated that we
12 were adopting the negative declaration in the top of the
13 form, it says negative declaration. I assumed everything
under that was then entered into the record in all of those
statements that you just made, Ken.

14

15 MR. GORDON: Correct. The motion is to adopt
16 the draft negative declaration as prepared by staff. So, I
17 was just addressing John's comment. You're correct, John.
18 The negative declaration should state that and I'm just
19 reiterating that it does, in fact, state exactly what you
wished it to state.

20

CHAIRPERSON PRICE: Do I need to amend that?

21

MR. GORDON: No, you do not, because your
22 motion is to adopt the draft that is in the packet.

23

MR. BOEHNER: With the revision noted.

24

MR. GORDON: Thank you, Ramsey, yes.

25

CHAIRPERSON PRICE: All right.

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23 MR. BOEHNER: I have a motion by Price, second
4 by Babcock-Steiner.5 CHAIRPERSON PRICE: All right. Is everybody?
6 Go ahead and call the roll.

7 MR. BOEHNER: Mr. Osowski?

8 MR. OSOWSKI: Aye.

9 MR. BOEHNER: Mr. Babcock-Stiner?
10 Babcock-Stiner, you're on mute. Okay, so, aye?

11 MR. BABCOCK-STINER: Yes.

12 MR. BOEHNER: Mr. Fader?

13 MR. FADER: Aye.

14 MR. BOEHNER: Mr. Price?

15 CHAIRPERSON PRICE: Aye.

16 MR. BOEHNER: Ms. Altman?

17 MS. ALTMAN: Aye.

18 MR. BOEHNER: Motion passes, make that it was
19 adopted as revised.

20 MS. DELANEY: Ramsey, you didn't call me.

21 MR. BOEHNER: Oh, Delaney, I'm sorry.

22 MS. DELANEY: Aye.

23 MR. BOEHNER: I'm sorry.

24 MS. DELANEY: It's okay. Aye.

25 MR. BOEHNER: So, okay, then make that is

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3 adopted as revised.

4

5 up a motion if it pleases Board to table the application for
6 site plan approval.

7

MR. BOEHNER: That's right.

8

9 Application 9P-NB1-20, based on the testimony given and plans
10 submitted, the 19 items of additional information outlined in
11 the Planning Board report are requested to make a -- to have
12 a complete application.

13

ADDITIONAL INFORMATION:

14

1. All required variances shall be obtained.

15

2. The architectural design and building materials of the proposed building improvements shall be reviewed and approved by the Town of Brighton Architectural Review Board.

18

3. All parking lot lighting shall be low in height and intensity and directed toward the building.

20

4. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

24

5. The dumpster shall be enclosed with building materials that are compatible with the existing building. The

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3 enclosure shall equal the height of the dumpster and shall
4 not be higher than six and one-half (6.5) feet.

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

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

10 8. All County Development Review Comments shall be
11 addressed.

12 9. The parking lot lights shall be placed on a timer.

13 10. The applicant's architect shall evaluate the project
14 relative to the Town of Brighton sprinkler ordinance to
15 determine if the building needs to be sprinklered. This
16 evaluation shall be submitted with the final application.

17 11. The location of any proposed generators shall be shown
18 on the site plan.

19 12. The location of the HVAC shall be shown on the site plan

20 13. All comments and concerns of the Town Engineer as
21 contained in the attached memo dated April 19, 2021 from
22 Evert Garcia, Town Engineer, to Ramsey Boehner, shall be
23 addressed.

24 14. A letter or memo in response to all Planning Board and
25 Town Engineer comments and requirements shall be submitted.

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3 15. The project engineer shall confirm if additional
4 accessible parking spaces are required to be installed as
5 part of this project. All new accessible parking space
6 signage to be installed or replaced shall have the logo
7 depicting a dynamic character leaning forward with a sense of
8 movement as required by Secretary of State pursuant to
9 section one hundred one of the Executive Law.

10 16. A SWPP will be required if area of disturbance is
11 greater than 20,000 sf.

12 17. The cut sheets for the proposed light fixtures should
13 highlight the model to be used on site. The proposed
14 fixtures should be full shielded with a correlated color
15 temperature

16 (CCT) of no more than 3000 kelvins.

17 18. All trees to be saved shall be protected with orange
18 construction fencing placed at the drip line or a distance
19 greater than the drip line and fencing shall be depicted on
20 the plans.

21 19. The submitted plans shall be revised to show how many
22 parking spaces are required for each use proposed for the
23 building.

24 MR. BOEHNER: Do we have a second?

25 MS. DELANEY: I will second it.

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3 MR. BOEHNER: Delaney.

4 Ms. Altman?

5 MS. ALTMAN: Aye.

6 MR. BOEHNER: Mr. Price?

7 CHAIRPERSON PRICE: Aye.

8 MR. BOEHNER: Mr. Fader?

9 MR. FADER: Aye.

10 MR. BOEHNER: Ms. Delaney?

11 MS. DELANEY: Aye.

12 MR. BOEHNER: Mr. Babcock-Stiner?

13 MR. BABCOCK-STINER: Aye.

14 MR. BOEHNER: Mr. Osowski?

15 MR. OSOWSKI: Aye.

16 MR. BOEHNER: The application is tabled.

17 CHAIRPERSON PRICE: Thank you.

18 We are at the point of discussing our sign
19 applications.

20

21

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SIGNS:

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1604 Upper Cervical Chiropractic of Rochester, for a building
face sign and two freestanding signs at 749 E. Henrietta
Road.

7

1605 Starbucks, for building face sign and others at 2750
Monroe Avenue.

9

1606 Lakeside Restorations, for a building face sign at 1833
Monroe Avenue.

11

12

CHAIRPERSON PRICE: I believe we have three of
them tonight.

13

MR. BOEHNER: Yes, we do.

14

Jeff, if you want to get the signs up.

15

16

17

JEFF FRISCH: Sign 1604 for chiropractor at
749 E. Henrietta Road, that was denied by the Architectural
Review Board.

18

19

MR. BOEHNER: They never came back with more
information, is that right, Jeff?

20

21

JEFF FRISCH: Yeah, they didn't meet the
tabled criteria of the Board.

22

23

CHAIRPERSON PRICE: So, this one says tabled,
but you're say it was actually denied without prejudice.

24

JEFF FRISCH: Yes, it was.

25

MR. BOEHNER: They had tabled it that one time

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3 for them to resubmit, is that correct, Jeff?

4

JEFF FRISCH: What's that?

5

6 MR. BOEHNER: My understanding is that the ARB
7 tabled the application to get revised drawings based on the
conditions of the ARB; is that correct?

8

JEFF FRISCH: That is correct and the --

9

MR. BOEHNER: They have not made the
10 submission?

11

JEFF FRISCH: Yes, and that was why it was

12 denied.

13

CHAIRPERSON PRICE: Okay. Shall we --

14

MR. BOEHNER: Do we want to deny it without
15 prejudice, so they can bring something else back?

16

CHAIRPERSON PRICE: Yeah.

17

MR. BOEHNER: Okay. Move to deny without
18 prejudice Application 1604, Upper Cervical Chiropractic of
19 Rochester.

20

MR. FADER: I will second that.

21

MR. BOEHNER: Ms. Altman?

22

MS. ALTMAN: Aye.

23

MR. BOEHNER: Mr. Price?

24

CHAIRPERSON PRICE: Aye.

25

MR. BOEHNER: Mr. Fader?

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3 MR. FADER: Aye.

4 MR. BOEHNER: Ms. Delaney?

5 MS. DELANEY: Aye.

6 MR. BOEHNER: Mr. Babcock-Stiner?

7 MR. BABCOCK-STINER: Aye.

8 MR. BOEHNER: Mr. Osowski?

9 MR. BABCOCK-STINER: Muted.

10 MR. BOEHNER: Muted, John.

11 MR. OSOWSKI: Aye.

12 MR. BOEHNER: Next one, Jeffrey.

13 JEFF FRISCH: The next on is number 1605, it's
14 for the Starbucks going in on Monroe Avenue. They have a
15 building face sign and other signs on the property that meet
16 the criteria set forth and they approved incentive zoning.17 CHAIRPERSON PRICE: The ARB approved these as
18 presented?

19 JEFF FRISCH: Yes, correct.

20 CHAIRPERSON PRICE: I looked at these. Make a
21 motion to approve Application 1605, Starbucks, as presented
22 and approved by ARB.

23 MR. FADER: I will second that.

24 MR. BOEHNER: 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. Delaney?

6 MS. DELANEY: Aye.

7 MR. BOEHNER: Mr. Fader?

8 MR. FADER: Aye.

9 MR. BOEHNER: Mr. Price?

10 CHAIRPERSON PRICE: Aye.

11 MR. BOEHNER: Ms. Altman?

12 MS. ALTMAN: Aye.

13 JEFF FRISCH: Next is Application 1606 for the
14 Lakeside Restorations. They did not -- it would not go to
15 ARB, they need to get a certificate of appropriateness from
16 the Historic Preservation Commission and they're meeting
17 tomorrow night.

18 MR. BOEHNER: Okay.

19 CHAIRPERSON PRICE: So, tabled, and they do
20 have a temporary up there.

21 JEFF FRISCH: They do.

22 CHAIRPERSON PRICE: Okay. I move to table
23 Application 1606 Lakeside Restorations one -- Lakeside
24 Restorations, 1833 Monroe Avenue, pending whatever.

25 MS. DELANEY: Second.

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3 MR. BOEHNER: And that was a second?

4 MS. DELANEY: Yes.

5 MR. BOEHNER: Member Osowski?

6 MR. OSOWSKI: Aye.

7 MR. BOEHNER: Mr. Babcock-Stiner? Did I hear
8 you, Jason?

9 MR. BABCOCK-STINER: Aye.

10 MR. BOEHNER: Okay, we got that one.

11 Mr. Fader?

12 MR. FADER: Aye.

13 MR. BOEHNER: Mr. Price?

14 CHAIRPERSON PRICE: Aye.

15 MR. BOEHNER: Ms. Altman?

16 MS. ALTMAN: Aye.

17 MR. BOEHNER: Motion passes, application is
18 tabled.

19 MS. DELANEY: Ramsey, you forgot me again.

20 MR. BOEHNER: Ms. Delaney?

21 MS. DELANEY: Aye.

22 MR. BOEHNER: I'm sorry.

23 MS. DELANEY: That's okay.

24 MR. BOEHNER: I think that was all we had on
25 the agenda for tonight.

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3 CHAIRPERSON PRICE: Okay, thank you.

4 MR. BOEHNER: And we got quite a few, like,
5 big projects for next, but we have quite a few applications.
6 We'll be a little bit busier.

7 CHAIRPERSON PRICE: Okay. Good to hear.

8 All right, everybody.

9 MR. BOEHNER: All right, everybody, good
10 night.

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3 REPORTER CERTIFICATE
45 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 9th day of May, 2021.13 At Rochester, New York
14
1516 Rhoda Collins
17 Rhoda Collins
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