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

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

KAREN ALTMAN)	
JASON BABCOCK-STINER)	
PAMELA DELANEY)	BOARD MEMBERS
DAVID FADER)	
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

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

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

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

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

CHAIRPERSON PRICE: Yes. Could we start 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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MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Here.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Here.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Here.

MR. BOEHNER: All present.

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

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

CHAIRPERSON PRICE: Yeah.

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

CHAIRPERSON PRICE: Okay.

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

CHAIRPERSON PRICE: Very good, thank you.

All right. Tonight we have Public Hearings and I want know, Mr. Secretary, if these Public Hearings have been properly advertised?

MR. BOEHNER: The Public Hearings were properly advertised in the Brighton-Pittsford Post on

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April 15, 2021.

CHAIRPERSON PRICE: Thank you.

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 --

MR. BOEHNER: Has been adjourned, Bill.

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

APPLICATION 4P-02-21

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.

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

5 CHAIRPERSON PRICE: Yes.

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

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

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

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

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

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

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

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

But, Troy and I are here to help answer any

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questions the Board might have regarding site plan modification.

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

LINCOLN SWEDROCK: Yes.

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

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

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

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

LINCOLN SWEDROCK: Sure, go ahead, Troy.

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

TROY BECKWITH: Troy Beckwith, Senior.

CHAIRPERSON PRICE: Thank you.

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.

CHAIRPERSON PRICE: So --

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

CHAIRPERSON PRICE: Okay.

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

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

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3 TROY BECKWITH: Yes.

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

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

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

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

19 MS. ALTMAN: I'm set.

20 MS. DELANEY: I'm all set.

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

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

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

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

MR. BOEHNER: Yes, screen share.

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

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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3 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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would do something along there.

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

TROY BECKWITH: Okay.

MR. BOEHNER: And I just, the number of ADA client parking stalls, did you check the overall count to make sure you have enough, with the increase in parking spaces, Linc?

LINCOLN SWEDROCK: I believe so, but I can check again.

MR. BOEHNER: Yeah, you should check, because if you have to add some then you may need to add some with the verification of the number of spaces that your accessible spaces are not needed.

LINCOLN SWEDROCK: Okay.

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

TROY BECKWITH: Correct.

LINCOLN SWEDROCK: Correct.

MR. BOEHNER: Thank you.

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

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

MR. BOEHNER: Please raise your hand.

CHAIRPERSON PRICE: Yeah, I forgot. Raise your hand if you -- whatever that function is at the bottom of the screen, or just kind of waive your arms frantically and Jeff or Ramsey --

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

JEFF FRISCH: I don't see anybody.

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

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

MR. BOEHNER: Thank you, guys.

CHAIRPERSON PRICE: Okay. Our next application.

APPLICATION 4P-03-21

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 on property located on Penfield Road (between 525 and 555

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Penfield Road) known as Tax ID #123.17-2-25. All as described on application and plans on file.

CHAIRPERSON PRICE: Is there someone here representing the applicant?

FRED KELLY: Yes, thank you members of the Board. Fred Kelly from BME Associates, joined tonight with Rudy Neufeld from Insite Development the applicant and owner of the property.

We are requesting an extension of the site plan approval to the site plans, which was approved back in June of 2019. The plans, looks like we might be missing a little bit, but the plans included a proposed single-family on a roughly .37 acre parcel and the house is to be connected to public utilities, including water and sanitary sewers.

We did review trees that were to be removed from the site, the grading, all of that, has been through the review and approval previously in 2019. However, due to the COVID pandemic, presented some scheduling issues and set backs. However, the applicant is prepared and ready to install the initial site development including the site driveway and the sanitary sewer lateral. Basically, get all of the development out of the right of way taken care of, so that when -- and continue to effectively market the site so

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that when he gets a buyer, they will be able to proceed with the Architectural Review Board, which is still required, and then button that up.

As I said, Rudy is with us tonight. If, Rudy, if you have anything additional to add to that, otherwise we are happy to entertain any questions from the Board.

MR. BOEHNER: Do you gentlemen understand that you need to pull all necessary permits to build your project? If the Planning Board wants to give you the maximum extension, you would have to June 19th to do so. If not, you will need to come back in for new site plan approval.

FRED KELLY: The applicant is aware of that, thank you.

CHAIRPERSON PRICE: Ramsey, do you recall, did this have ARB approval when we --

MR. BOEHNER: No, I don't believe so, Bill. It's a single-family home.

CHAIRPERSON PRICE: Okay.

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

CHAIRPERSON PRICE: Yes.

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

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

RUDY NEUFELD: Thanks.

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

FRED KELLY: That is correct.

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

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

MS. ALTMAN: I'm all set.

MS. DELANEY: I'm set.

CHAIRPERSON PRICE: And Karen, all right. Thank you.

This is a Public Hearing, anyone in the audience that cares to address this application?

JEFF FRISCH: Raise your hand in Zoom or waive your hands in the camera. Doesn't look like there's anybody else.

MR. BOEHNER: I'm not seeing anyone either, Jeff.

CHAIRPERSON PRICE: All right, okay.

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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10,000-square-foot addition which was to be constructed on the northwestern part of the existing building along the Highland Avenue frontage.

Our initial plan also included features such as parking along the easterly portion of the building along Clover Street, and the pruning and removal of some trees that we thought were not in great shape on the site.

Since that September meeting we have been actually engaged in talking with our neighbors and providing our particular plans with regard to the site and taking COVID into effect and into account when dealing with the new building itself.

The net result of that is, that we appeared before your Board last month with pretty much the same site plan that you see the rendering for in front of you. And that is maintaining the existing building and building footprint of the Baptist Temple, maintaining the large green space area on the corner of Highland and Clover, maintaining all of the trees along the perimeter of the site, removing the parking along Highland Avenue, and basically making the eastern entrance of the building an egress only, and reconfiguring the parking lot to essentially reduce the parking field. Because the need of parking became less

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without the addition.

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

We don't believe that this matter is ready for final consideration of the preliminary site plan application, but our intention is to fully vet, if you will, the -- any environmental issues under SEQRA. The Town Planning Board did opt for coordinator review and is lead agency under SEQRA. And for that reason, we would be coming before the Board and looking for a determination of significance before 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.

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

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

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any questions that the Board may have.

So with that, Matt.

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

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

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

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

MR. BOEHNER: I was wondering who Miles was.

MATT TOMLINSON: I'm not smart enough to change that on my own, I need him to do it back for me.

Thanks, Jerry, for that intro, and just before I dig into some of the details that I think we want to clarify or discuss briefly tonight with the Board, I wanted to just fill in what Jerry mentioned with the supplemental material that we submitted a couple weeks ago that included response to comments, both from the town staff, as well as town engineer. We also clarified by resubmitting the planning -- or to the Planning Board the removal of any banked parking.

Originally we were looking at potentially banking some of the parking along the south side, but wasn't

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

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

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

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

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

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

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

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

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

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

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

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has been provided as necessary.

We don't show hydro flow data on the plans, as Jerry mentioned when we in with preliminary we will have a full engineer's reports. We do not anticipate any issues. We have been in contact with the water authority relative to service for this project, so that is not an issue and there's plenty of water to service the project.

The analysis on parking relative to 155 spaces, that is consistent with town codes for the proposed uses. And the analysis provided in this letter somewhat mixed existing uses that are not anticipated to be continued, which included concerts, arts and crafts group, the prayer group meeting, that kind of thing, those will not be uses that continue if this proposal is successful and the building is converted to office use.

So, I do not believe that that analysis is consistent with what is being proposed, but our plan does demonstrate compliance with the town zoning code, as well as demonstrating that the parking that is proposed will meet the needs of the developer in order to service his tenants for that.

In the engineer's reports, there is some question relevant to sanitary flows, and usage being lesser

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or greater than the peak loads of existing use.

So the occupant loading within the building, so for the general office will be less -- or is anticipated to be less than when the existing church was full or at full capacity of the main sanctity, as well as some of the other classrooms. And the daycare use, being consistent between the two is referenced, that will not be needing.

And so, a lot of usage and especially in the references, both plumbing code and the BBC hydraulic loading that is referenced in this letter are conservative values to really bridge or take into account the variations that you would expect to cross different medical office uses, general office uses, for the most part.

And one of the comments from the town engineer was relative to analyzing the capacity of the existing sanitary lateral and the condition of that sanitary lateral as a requirement for this project, moving forward into construction, which we will be doing some exploration there in order to ensure that full service can be provided.

So, as tenants are identified those uses will be able to be drilled out further, but from a general approach, especially when determining if there are any impacts, the difference is calculated between the existing

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

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

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

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

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

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EAF is appropriate for a particular site in an unlisted action. For the most part, you're dealing with no new construction and basically keeping same structures, buildings, and everything else. A short EAF is normally what is preferred and what normally happens, unless the town opted for, in this particular case if it was something owner constructing a large new building, if we were totally changing the structures on the site, changing patterns or of traffic, for example, or anything else. There may have been a need for the full EAF, but that wasn't really necessary here, for the Town to do its analysis, so the short form was appropriate.

With regard to other SEQRA issues that have been raised in the Boylan Code letter, which is dated April 21st and received today, and in dealing with SEQRA issues, there are a couple of matters, actually three, which had been raised in saying that there are potential environmental adverse impacts or impacts on the environment. It was focused on the creation of a material conflict with the community's current plans or goals as officially approved or adopted.

In this particular case, the Town's comprehensive plan is silent relative to this particular

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

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

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

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

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

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

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

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

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

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

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character of this corner and would change the feel completely. Because a lot of that green space would disappear, and there would be a number of extra driveways that will be coming out onto the streets, et cetera. And to that extent, we believe that we are in essence, consistent.

With regard to the existing use of the site, the existing use of the site is going to have by the neighbor's engineer, currently is composed of a lot of different factors. There's a lot of uses in there. There's a church in there, there's prayer groups, concerts, arts and crafts, there's a spirituality center. There are a lot of uses that are on that site, and a lot of those uses actually operate during what most people believe should be a time where residents don't want to have the inconsistency with the neighborhood.

Churches would have to, and would have a tendency to bring more traffic on Sundays, for example. Offices that we are proposing, would not. We don't anticipate that there will be nighttime traffic. There are often with prayer groups or some of the other uses on this site, there would be nighttime uses. We don't anticipate there will be nighttime uses on this particular site.

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

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

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

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

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

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

MATT TOMLINSON: Jerry, I just wanted to jump in real quick. Sorry, Bill. There's a slight increase in impervious with some of the parking immediately adjacent to the building. But we have eliminated, and I think we spoke about this last time we were before the Board, the need for a variance for lot coverage in the rear yard as we are reducing the total amount of pavement in the rear yard, which is 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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application, Jerry, could you confirm when you've been to ARB at all.

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

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

MS. DELANEY: I'm all set.

CHAIRPERSON PRICE: John?

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

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

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

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

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

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

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

MR. BOEHNER: Let me take a look here.

MATT TOMLINSON: I believe I did submit a green space figure with the application for the Board's consideration. That may help.

MR. BOEHNER: So the existing rear lot coverage has been reduce 49.6 percent from --

MATT TOMLINSON: From 52.3, that's is correct, yes.

MR. BOEHNER: What is the area of disturbance for the site improvements?

MATT TOMLINSON: The whole area of disturbance is 26,000 square feet.

MR. BOEHNER: Okay.

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

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

MR. BOEHNER: Okay.

MATT TOMLINSON: There's enough subbase there where we can leave stone and not disturb the dirt underneath that may come down. But, we wanted to be conservative in the number for your Board's consideration here on SEQRA.

MR. BOEHNER: Now, Matt, excuse me if I missed this, but you haven't talked about the proposed lighting, have you? The height of the lighting, the type of the lighting?

MATT TOMLINSON: Yep, so that was included in our lighting plan. So, the height of the poles will be 16 feet in total. Will be a 14-foot pole, with a two-foot concrete base. It will be dark sky compliant and on timers, is the intention to dim the intensity, other than what's necessary for security.

I did note that there is some spill at the right of ways in order to light the entrances adequately. We can adjust or massage some of the locations right at the entrances if the Board so desires, but they mimic the location of the existing light poles at those entrances currently, Ramsey.

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

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

MATT TOMLINSON: That is correct, yes.

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

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

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

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the north end of the building --

MR. BOEHNER: You don't know --

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

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

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

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

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

CHAIRPERSON PRICE: Thank you, Ramsey.

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

CHAIRPERSON PRICE: Okay, Ken.

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

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impact on traffic for this project?

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

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

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

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

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

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

And so, that's why to Jerry's point, those off peak times are typically not considered, especially in a case like this.

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

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

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

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

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used for these types of projects and --

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

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

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

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

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

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

MR. OSOWSKI: No questions, thank you.

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

MR. BOEHNER: Please raise your hand.

CHAIRPERSON PRICE: Seeing Nick Wood.

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3 MR. WOOD: Yes.

4 CHAIRPERSON PRICE: Good evening.

5 MR. WOOD: Good evening, thank you. Can you
6 hear me okay?

7 MR. BOEHNER: Yes, we can.

8 MR. WOOD: Okay. This is Nick Wood from
9 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 We are opposing the project. We submitted a
14 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 With respect to the SEQRA review, we do
20 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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that are implicated by the project, and we believe should result in a positive declaration and a finding of environmental significant adverse environmental impact.

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

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

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

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

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

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

Secondly, it can be expected that the project will impar the character of the neighborhood. Because, again, it's bringing a completely new commercial use into a residential neighborhood.

The medical offices in particular carry the potential for a high volume of patient visits and they're going to have a negative impact. This isn't a situation where you're putting a two-family residence in an area that's zoned for single-family, but it's putting a commercial use in, again, a district not only zoned as residential, but low density residential. And it's surrounded on all sides by property that is zoned as residential and by all outside appearances at least appears to be used only for residential

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purposes.

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

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

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

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

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

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

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

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

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So, we believe those impacts aren't minor or small, and show that the project will have a significant adverse impact on the environment, particularly with respect to the character of the neighborhood and will require environmental impact statement in any decision on application for site plan approval, should certainly be the way.

With respect to preliminary site plan approval if the Planning Board does consider that at tonight's meeting, and we believe it should not. There are, again, a number of criteria that the Board must consider in determining whether to grant that approval and many of which militate against granting the approval.

We've already talked about the overall impact on the neighborhood, which is one of the criteria, so I won't belabor that point. But, as I've indicated, given the commercial use that would be introduced, we certainly believe that will have a negative impact on the environment, and the neighborhood.

Conformance with the town's master plan is also, again, a criteria for preliminary site plan approval. And, again, I won't belabor that point, but I've indicated why the plan is not consistent with the master plan.

Vehicular traffic is a third criteria, and I

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

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

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

CHAIRPERSON PRICE: Thank you very much.

Who is next?

JEFF FRISCH: Allison Bartlett.

CHAIRPERSON PRICE: Allison, you are up.

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

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

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

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3 residences.

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

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

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

19 First, the traffic study analyses only one
20 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
23 picking up their children from the daycare. It's likely that
24 many of these trips are occurring outside of or around the
25 fridges of these peak hours to allow the parents to get to

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work on time.

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

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

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

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

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

And finally, the day long traffic may not mean

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changes in service but it is indicative of the significant increase in the intensity which isn't appropriate in a residential district. Such intensity of the proposed use will have a detrimental impact on the character of this residential neighborhood.

We respectfully request that the Planning Board issue a positive declaration under SEQRA and require an environmental impact statement be prepared to most fully address the potential adverse impact of this project, and that the Planning Board therefore not approve the application for preliminary site plan approval until it has completed SEQRA review, and unless or until the applicant has obtained a use variance for this project.

Thank you for your time and consideration.

CHAIRPERSON PRICE: Thank you, appreciate your time.

Others wish to speak? Ramsey or Jeff, do you see anybody?

JEFF FRISCH: I don't see anybody.

If you want to speak, please raise your hand on Zoom or turn your video on and wave on the screen.

I don't see anyone.

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

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2
3 CHAIRPERSON PRICE: Okay, right, okay.

4 I do believe that was our last public meeting.

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

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

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

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

18 CHAIRPERSON PRICE: Thank you.

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

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

25 MATT TOMLINSON: Okay. So, I believe I

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

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

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

CHAIRPERSON PRICE: Any other comments, Matt?

MATT TOMLINSON: That's it, thank you.

CHAIRPERSON PRICE: Thank you.

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

MR. BOEHNER: I believe so.

CHAIRPERSON PRICE: Stenographer and everyone

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is good? Rhoda?

MR. BOEHNER: Rhoda, you good? She would say if she wasn't.

THE COURT REPORTER: Yes, I'm good.

MR. BOEHNER: Thank you, Rhoda.

CHAIRPERSON PRICE: Thank you.

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

APPLICATION 4P-02-21

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.

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

Do we have a motion to close the hearing?

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

MS. DELANEY: I will second.

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CHAIRPERSON PRICE: Moved and seconded.
MR. BOEHNER: Moved by Babcock, second by
Delaney?

CHAIRPERSON PRICE: Correct.

MR. BOEHNER: To close the hearing.

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Hearing is closed.

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

MR. FADER: I move the Board adopts the
negative declaration prepared by town staff and the Board

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

APPROVAL WITH CONDITIONS:

1. If the Board entertains approval, I would suggest including, among any others suggested by the Board, the following conditions:
2. The project shall obtain a Certificate of Appropriateness from the Historic Preservation Commission.
3. A building permit should be obtained for the proposed ramp. The applicant must verify the ramp and the landing meeting all ADA requirements.
4. The applicant must confirm that sufficient ADA compliant parking stalls are being provided to the meet the NYS Building Code requirements.
5. An Excavation and Clearing Permit should be obtained as required by the Town Engineer for the installation of the proposed parking spaces.
6. The site plan shall be revised to show bike racks as recommended by the Conservation Board.
7. All proposed improvements shall comply with the most current Building & Fire Codes of New York State.
8. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and

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

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

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

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

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

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

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

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requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

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

16. If new lighting is proposed for the new parking spaces, a lighting plan which shows the type, location and lighting contours shall be submitted to and review and approved by the Building and Planning Department.

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

18. All County Development Review Comments shall be addressed.

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

20. All comments and concerns of the Town Engineer as contained in the attached memo dated April 20, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be Addressed.

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

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Town Engineer comments and conditions shall be submitted.

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

CHAIRPERSON PRICE: Is there a second?

MR. BABCOCK-STINER: Second.

MR. BOEHNER: Babcock-Stiner seconds.

CHAIRPERSON PRICE: Do we have any discussion?

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

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

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

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

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

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

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Nay.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Motion passes with 22 conditions.

CHAIRPERSON PRICE: Our next application to discuss.

APPLICATION 4P-03-21

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 on property located on Penfield Road (between 525 and 555 Penfield Road) known as Tax ID #123.17-2-25. All as

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described on application and plans on file.

CHAIRPERSON PRICE: This is the application to renew or extend, extension of site plan approval for the new home on Penfield Road. Motion to close the hearing.

MS. DELANEY: I move to close the Public Hearing.

MR. BOEHNER: Delaney motions.

MS. ALTMAN: Second.

MR. BOEHNER: Got Altman seconding.

CHAIRPERSON PRICE: Any discussion?

Ramsey, please call the roll.

MR. BOEHNER: Member Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

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MR. BOEHNER: Hearing is closed.

CHAIRPERSON PRICE: Thank you.

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

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

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

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

CHAIRPERSON PRICE: Can we have a second?
John, did you?

MR. BOEHNER: I think there's three.

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

APPROVAL WITH CONDITIONS:

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

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.

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3. All conditions of approval of Planning Board application
6P-06-19 shall remain in effect and shall be met.

CHAIRPERSON PRICE: Okay. All right, moved
and seconded. Is there any further discussion?

MR. BOEHNER: Who seconded?

MR. BABCOCK-STINER: Jason, second.

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

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Application is approved with
conditions.

CHAIRPERSON PRICE: Thank you.

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

APPLICATION 9P-NB1-20

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

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

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

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

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

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determination for Application 9P-NB1-20.

MS. DELANEY: I will second.

MR. BOEHNER: Delaney.

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

MR. BOEHNER: We need a second?

CHAIRPERSON PRICE: Pam did.

MR. BOEHNER: I thought she made the motion.

CHAIRPERSON PRICE: No, I did.

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

Member Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

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3 MR. OSOWSKI: Aye.

4 MR. BOEHNER: The hearing for SEQRA is closed.

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

7 MR. GORDON: That would be correct.

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

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

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

18 MR. GORDON: We would need a second.

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

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

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

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CHAIRPERSON PRICE: Second paragraph, Ramsey?

MR. BOEHNER: Second paragraph.

CHAIRPERSON PRICE: Under --

MR. BOEHNER: Noise, visual.

CHAIRPERSON PRICE: Noise, visual, okay.

MR. BOEHNER: Yes.

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

CHAIRPERSON PRICE: So approved.

MR. BABCOCK-STINER: Yes.

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

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

And so, minor or small impacts are not

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significant, and therefore would lead you to the conclusion that there is in fact grounds for a negative declaration. In other words, no need for an environmental impact statement.

I also want to just make some comments regarding some of the points made by the Boylan Code firm. The one of the arguments that I think I understood was that because the comprehensive plan is silent on what the particular use of this property should be, that that creates a need for finding a significant environmental impact.

In fact, what the SEQRA regulations tell us is that in order to determine if the criteria actually is that there is a material conflict with the comprehensive plan, it would be a difficult determination, I would say contrary to the regulations to say that a material conflict exists, because the comprehensive plan is silent on this property.

Moreover, relative to the impact on the historic property nearby, specifically the Stone-Tolan house was mentioned. Again, the criteria here is that there would be an adverse impact on the Stone-Tolan house different than the impact that the existing use has, based upon the plan that you have in front of you. Again, that is what the criteria that SEQRA asks you to determine, that there would an impairment of the character or the quality of the

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

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

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

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

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

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

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

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

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

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

The question that I think is sort of raised here is whether any project, not just this project, but where any project is seeking to change a use that is not consistent with the current zoning, there's that in and of itself, necessitate the finding that there is a significant adverse environmental impact.

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

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

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

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

CHAIRPERSON PRICE: Thank you, Ken.

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

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

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

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

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

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

Other Board members have comments or questions?

MS. ALTMAN: Can we reread the motion, please?

CHAIRPERSON PRICE: Rhoda, can you help us with that?

THE COURT REPORTER: What do you need?

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

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

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

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prepared by town staff.

MS. ALTMAN: Okay, thank you.

MR. BOEHNER: And it was with the minor revision that I called out in paragraph two.

MR. OSOWSKI: Yeah, the -- hey, this is John. The boiler plate that we have for making motions --

MR. BOEHNER: We're getting echoing.

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

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

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

MR. OSOWSKI: Okay. In our boiler plate that we have for making motions regarding SEQRA, the first part of the statement says, I move that the Planning Board finds that the proposed action will not have a significant impact on the environment. And it goes on to say, Planning Board adopts the negative declaration prepared by town staff. I think it's important that we have that initial statement in there, that the proposed action will not have a significant impact on the environment. Per the discussion that Ken Gordan says.

Yeah, we are not saying there are no impacts, he is saying will not have a significant impact.

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

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proposed negative declaration that they'll move to adopt. What it states is that, in two places actually, in the heading under reasons supporting this determination, the negative declaration states -- well, actually, at the very beginning of the negative declaration, the second paragraph in the negative declaration states, the Brighton Planning Board as lead agency has determined that the proposed action described below will not have a significant effect on the environment, draft environmental impact statement will not be prepared under reasons supporting this determination.

It again states, the Town Planning Board finds that the proposed action will not have a significant impact on the environment based upon the following findings. And then, there are a number of findings, ten to be specific, after that tenth finding, it is again stated that pursuant to SEQRA based upon the above mentioned information, documentation, testimony, correspondence and findings, and after examining the relevant issues including all relevant issues raised, recommendations offered by involved and interested agencies, and town staff, lead agency determines that the project will not have a significant adverse impact on the environment, which constitutes a negative declaration, and therefore SEQRA does not require further action relative

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to the project.

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

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

CHAIRPERSON PRICE: Does -- okay, so, I agree with both John and Ken on that. I merely just stated that we were adopting the negative declaration in the top of the 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.

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

CHAIRPERSON PRICE: Do I need to amend that?

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

MR. BOEHNER: With the revision noted.

MR. GORDON: Thank you, Ramsey, yes.

CHAIRPERSON PRICE: All right.

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MR. BOEHNER: I have a motion by Price, second by Babcock-Steiner.

CHAIRPERSON PRICE: All right. Is everybody? Go ahead and call the roll.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

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

MR. BABCOCK-STINER: Yes.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

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

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

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

MS. DELANEY: Aye.

MR. BOEHNER: I'm sorry.

MS. DELANEY: It's okay. Aye.

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

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adopted as revised.

MR. GORDON: And now I think you want to take up a motion if it pleases Board to table the application for site plan approval.

MR. BOEHNER: That's right.

MR. FADER: I move the Board tables Application 9P-NB1-20, based on the testimony given and plans submitted, the 19 items of additional information outlined in the Planning Board report are requested to make a -- to have a complete application.

ADDITIONAL INFORMATION:

1. All required variances shall be obtained.
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.
3. All parking lot lighting shall be low in height and intensity and directed toward the building.
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.
5. The dumpster shall be enclosed with building materials that are compatible with the existing building. The

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

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

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

8. All County Development Review Comments shall be addressed.

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

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

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

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

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

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

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

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

17. The cut sheets for the proposed light fixtures should highlight the model to be used on site. The proposed fixtures should be full shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.

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

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

MR. BOEHNER: Do we have a second?

MS. DELANEY: I will second it.

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MR. BOEHNER: Delaney.

Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: The application is tabled.

CHAIRPERSON PRICE: Thank you.

We are at the point of discussing our sign
applications.

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SIGNS:

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

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

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

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

MR. BOEHNER: Yes, we do.

Jeff, if you want to get the signs up.

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

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

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

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

JEFF FRISCH: Yes, it was.

MR. BOEHNER: They had tabled it that one time

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for them to resubmit, is that correct, Jeff?

JEFF FRISCH: What's that?

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

JEFF FRISCH: That is correct and the --

MR. BOEHNER: They have not made the submission?

JEFF FRISCH: Yes, and that was why it was denied.

CHAIRPERSON PRICE: Okay. Shall we --

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

CHAIRPERSON PRICE: Yeah.

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

MR. FADER: I will second that.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

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MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. BABCOCK-STINER: Muted.

MR. BOEHNER: Muted, John.

MR. OSOWSKI: Aye.

MR. BOEHNER: Next one, Jeffrey.

JEFF FRISCH: The next on is number 1605, it's for the Starbucks going in on Monroe Avenue. They have a building face sign and other signs on the property that meet the criteria set forth and they approved incentive zoning.

CHAIRPERSON PRICE: The ARB approved these as presented?

JEFF FRISCH: Yes, correct.

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

MR. FADER: I will second that.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

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MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

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

MR. BOEHNER: Okay.

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

JEFF FRISCH: They do.

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

MS. DELANEY: Second.

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MR. BOEHNER: And that was a second?

MS. DELANEY: Yes.

MR. BOEHNER: Member Osowski?

MR. OSOWSKI: Aye.

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

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Okay, we got that one.

Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Motion passes, application is
tabled.

MS. DELANEY: Ramsey, you forgot me again.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: I'm sorry.

MS. DELANEY: That's okay.

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

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CHAIRPERSON PRICE: Okay, thank you.

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

CHAIRPERSON PRICE: Okay. Good to hear.

All right, everybody.

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

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REPORTER CERTIFICATE

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

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

Dated this 9th day of May, 2021.

At Rochester, New York

Rhoda Collins
Rhoda Collins