

BRIGHTON

PLANNING

BOARD

September 14, 2021
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

RAMSEY A. BOEHNER, TOWN PLANNER

JOHN J. OSOWSKI (STAND IN CHAIRMAN)

KAREN ALTMAN) BOARD MEMBERS
JASON BABCOCK-STIENER)
JULIE FORD)

KENNETH GORDON, ESQ.
Town Attorney

ABSENT: WILLIAM PRICE, CHAIRPERSON
DAVID FADER
PAM DELANEY

REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 MR. OSOWSKI: All right. Good evening.
2 Thank you everybody for coming. I'd like to call this
3 meeting to order. My name is John Osowski. I'm
4 acting chairperson for the Planning Board meeting
5 tonight on Tuesday, September 14th. As always in case
6 of emergencies if we need to evacuate this room,
7 emergency exits are to the back of this room, the
8 entrance that you came in, and there's also one exit
9 to the side.

10 I'd like to introduce our other planning
11 meeting members that are here tonight. Welcome to our
12 new member, Dr. Julie Ford to my left. With us also
13 tonight is Karen Altman and Jason Babcock-Stiener.
14 Absent tonight are Bill Price, David Fader, and Pam
15 Delaney. Mr. Secretary, can you please call the roll?

16 MR. BOEHNER: Member Osowski?

17 MR. OSOWSKI: Here.

18 MR. BOEHNER: Altman?

19 MS. ALTMAN: Here.

20 MR. BOEHNER: Ford?

21 MS. FORD: Here.

22 MR. BOEHNER: Absent is Price, Fader and
23 Delaney.

24 MR. OSOWSKI: Okay. Thank you. Our first
25 order of business typically would be approval of

1 meeting minutes for July 21st and/or August 18th.
2 However, we will postpone that to the Wednesday,
3 October 20th meeting.

4 Mr. Secretary, has this public meeting been
5 properly advertised?

6 MR. BOEHNER: Yes, the meeting was properly
7 advertised.

8 MR. OSOWSKI: Thank you. I would like to
9 announce that there was a change in the agenda. The
10 Item 7P-01-21, the 150 Metro Park, has been withdrawn
11 by the applicant. As of that, this closes the public
12 hearing portion of our meeting.

13 So we'll move on to new business.

14 **Application 8P-NB1-21**

15 MR. OSOWSKI: Item 8P-NB1-21, application of
16 the University of Rochester for concept review,
17 revised plans, for a new three story, 55,000 square
18 foot building and a 102-space parking lot at 250 East
19 River Road. All as described on the application and
20 plans submitted.

21 Welcome.

22 MR. JONES: Thank you. Is it okay if I take
23 my mask off?

24 MR. BOEHNER: Yes, you can.

25 THE WITNESS: All right. Rules change

1 weekly so I want to make sure I'm complying here.
2 Good evening, members of the Board, new members
3 especially. Thank you so much for your time this
4 evening and allowing us to come before you again to
5 discuss the Laboratory for Laser Energetics project,
6 LLE as we call it for short.

7 My name is Clayton Jones. I am the senior
8 director of Local Government and Community Relations
9 at the University of Rochester. I'll introduce my
10 colleagues here momentarily. I just want to take a
11 brief moment before we get into the crux of the
12 presentation, you know, just to reflect for a second
13 that throughout this entire process, we, my
14 colleagues -- we received so much helpful and
15 important feedback as it relates to this project.
16 Back in August when we had the public community forum,
17 we received a lot of good feedback from the
18 representatives who voiced their concerns. Some of
19 our elected town officials were there as well who
20 shared some comments and feedback. Absolutely
21 invaluable. That continued a couple weeks ago with
22 the sustainability board. Just really good feedback.
23 And so we just want to thank you for your level of
24 engagement in our conversations about this project and
25 helping us through this process.

1 Each time I come here and speak before you I
2 try to highlight some of the latest and greatest as
3 related to the LLE Lab. I've commented in the past
4 about the amount of research dollars that come into
5 the facility, the benefit of that. We talk about
6 those Nobel Prize winners who have come out of the
7 laboratory. Excuse me. We've also talked about the
8 high school partnerships that work in and around the
9 laboratory. We've been so fortunate to have students,
10 particularly from Brighton High School District, come
11 and take advantage of all the resources that are there
12 in the lab. And we certainly look to do more of that
13 type of work.

14 But what I want to highlight quickly tonight
15 is the economic impacts in terms of jobs and what it
16 does locally here. Because that's really where the
17 rubber meets the road. We know that the Laser Lab
18 spends upwards of \$15 million in terms of local
19 purchasing here in and around the region. We know the
20 challenges this region has had with the economy and
21 stimulating that. The University feels very fortunate
22 that we're able to contribute in some way to the local
23 economy. We also note that the Laser Lab works with
24 over 50 different organizations and companies. And we
25 also know that the Laser Lab is responsible for an

1 upwards of 850 direct and indirect jobs. And I know I
2 don't have to tell you all here the challenges that
3 we're having due to the pandemic, organizations small
4 and large, filling open positions, maintaining their
5 current employees, et cetera.

6 So the University is really thrilled that
7 the Laser Lab is here, I should say. I want the Board
8 to be aware that the University is hiring, looking to
9 recruit some of the best and brightest and particular
10 those who aren't from this region looking to come
11 here. The Town of Brighton is always at the top of
12 that consideration for those families. They know we
13 know that this is a very unique place in the County,
14 that there are unique assets here in the this
15 community, cultural, educational, academic. I could
16 go on. That really makes this a special place.

17 I could tell you that personally, when I
18 moved to Brighton last September, because I wanted to
19 have that type of experience for my family. I was at
20 Council Rock and then I moved with my friend. We'd go
21 to the farmers market and go to concerts at Buckland
22 Park. And we are very much engaged throughout that.
23 I'm also a member of our neighborhood association
24 that -- where we moved.

25 But a long story short, we're really

1 thankful for your partnership. And the only way I can
2 do this partnership and project the right way, in
3 partnership with the Town, through the community lens
4 and that's really the intent. Thank you for your
5 engagement and your feedback.

6 I want to take a second and introduce
7 Ms. Ashley Champion, who works with us, general
8 counsel from Nixon Peabody. Milton Chute, who runs
9 our engineering group at the Laser Lab. Learn
10 something from him every time we meet. We also have
11 from Passero Associates, Josh Saxton. And then we
12 have Mike Deluca, from Camden and Quent Rhodes,
13 director and PPM of the project for the University.
14 So this is our merry band. We thank you in advance
15 for your feedback and thank you for indulging me for a
16 few moments. I'll turn it over to my colleague so we
17 can get started with the formal part of the
18 application. Thank you.

19 MS. LAGONEGRO: Good evening, everyone. My
20 name is Zina Lagonegro. I work for Passero Associates
21 here in the city. We are the civil engineers that are
22 helping the University of Rochester with designing the
23 Laser Lab expansion project. While Josh and Mike get
24 set up, I'll just go over a few things.

25 As they mentioned, we came before the Board

1 on August the 18th. And we did submit a concept-level
2 plan. We did receive some feedback, but one of the
3 biggest things that was asked of us is to drop back
4 and get a really, like, 30,000-foot view of the south
5 campus, south campus IPD, the project in general, just
6 to get everybody acclimated to what -- what we're
7 doing, why we're doing it, how it fits into the IPD.
8 And then we did move forward from there.

9 On August 21st I submitted a detailed
10 letter. And I actually have extra copies here if
11 anyone needs a copy. Forgot my copies.

12 MR. BOEHNER: I think everyone --

13 MS. LAGONEGRO: I forgot my copies.

14 MR. BOEHNER: Yeah. I think everyone has
15 it.

16 MS. LAGONEGRO: Everyone has it? Good.
17 Yes. So August 31st, we added some exhibits and
18 things to it. Just primarily we were asked to provide
19 a high-level overview of the adoption of the south
20 campus IPD regulations and the master plan, including
21 all of the amendments that led up to it. It had our
22 impact statement and an alternative analysis comparing
23 the preferred alternatives to the IPD regulations, a
24 parking demand analysis, a tree survey, and traffic
25 information. And all of that is in that packet in

1 front of you.

2 Do we have the overview? Here it is. Okay.
3 I think the most important figure in the whole IPD is
4 the master plan. And that's this board here. The
5 master plan is -- really identifies where development
6 could and should occur based on regulations to help
7 guide it. And regulations are basically a culmination
8 of all the many reports and studies and determinations
9 that were made through the environmental impact
10 statement. It also includes wetlands and woodlot
11 areas and protected areas, all sorts of things.

12 So while I was preparing a letter for the
13 August 31st submission, I learned a whole lot about
14 the IPD and about what the rules and regulations and
15 the requirements are of building in the IPD. So,
16 again, basically the master plan is the document that
17 I'm going to keep coming back to because that is the
18 one that's going to help guide where we go from here
19 as far as concept-level review.

20 So the entire south campus is this parcel
21 here. The darker building is the existing LLE
22 building. And then our addition is proposed in this
23 little nook, if you will. The red buildings that are
24 on here are all proposed buildings. I think the only
25 one that's built so far on the campus is the imaging

1 building to the east. But all the others are still
2 potential future development locations within the IPD.

3 So zooming in a little bit to our addition,
4 we -- this is the existing LLE building here. We have
5 a request for a 55,000 square foot, three-story. And
6 then to the south of that this is -- we were asked at
7 last meeting to please highlight any future
8 developments that we know are coming that might need
9 to be considered by this Planning Board. So this is
10 area within the site that's designated for the EP-OPAL
11 expansion. It's too speculative to talk about that
12 project as we don't know the footprint, what it's
13 going to look like, how it's going -- we just don't
14 know that yet. And then further south of that,
15 including a loop road from the existing campus road to
16 the 100-space parking lot.

17 So the last time we were here we included
18 the back of the -- we needed to show the vernal pond
19 on the drawing. And that's what this image is here.
20 And we know very clearly that the IPD tells us that we
21 can't impact the vernal pond. So our alternative
22 analysis went into some discussion about what we could
23 do to eliminate the impacts on the vernal pond. And
24 we provided four different options that we thought
25 could get us to the point where we were not impacting

1 the vernal pond.

2 MR. BOEHNER: Zina, can I ask you a
3 question?

4 MS. LAGONEGRO: Sure, Ramsey.

5 MR. BOEHNER: Is that -- on that site plan
6 the 0.55 acres, that's supposed to be preserved?

7 MS. LAGONEGRO: Yes.

8 MR. BOEHNER: Or is it just the vernal
9 ponds? Because it doesn't look like it's the right
10 size. It's hard to tell on that map.

11 MS. LAGONEGRO: Yeah.

12 MR. BOEHNER: Did you go from the wetland
13 map from the SPIS?

14 MS. LAGONEGRO: We used the area imaging
15 that we had. And we plotted that on the map.

16 MR. BOEHNER: No. You need to use the
17 finding statement map that says -- the finding
18 statement says that area can't -- is not supposed to
19 be disturbed and they reference a drawing.

20 MS. LAGONEGRO: I know what map you're
21 referring to, but without having any site type of
22 position there's no way of knowing how to put that on
23 a map. It's like an amoeba.

24 Let me continue because I think where we're
25 heading -- we're heading in a different direction

1 and -- but I still want to at least bring the Board up
2 to speed on where we are.

3 MR. BOEHNER: I just wanted to know if that
4 wetland that was supposed to be protected is
5 accurately portrayed on that map so we know what's
6 being impacted or not by your proposal. Because the
7 area there seems smaller than the area that is
8 supposed to be protected. I could be wrong. It's
9 hard -- because I can't see the whole site on that
10 drawing. Do you see where -- because it looks like
11 they're going to be in that area that is supposed to
12 be not developed.

13 MS. LAGONEGRO: It's more of a bean shape on
14 the map. Want to call it a bean? I know what you're
15 talking about. I have the map here. The --

16 MR. BOEHNER: So that is not how that map
17 was prepared then?

18 MS. LAGONEGRO: No. We actually used the
19 aerial imaging from where the pond was created after
20 the last expansion project. This is the map you're
21 talking about, Ramsey?

22 MR. BOEHNER: No. I'm talking about this
23 map that was referenced in the finding statement.

24 MS. LAGONEGRO: Wetland L.

25 MR. BOEHNER: What's that?

1 MS. LAGONEGRO: Wetland L.

2 MR. BOEHNER: Wetland L on page W1.

3 MS. LAGONEGRO: W1.

4 MR. BOEHNER: You can see how far over that
5 is. That's not --

6 MS. LAGONEGRO: Yeah.

7 MR. BOEHNER: So then, I guess, the answer
8 to the question is no.

9 MS. LAGONEGRO: No.

10 MR. BOEHNER: Okay. We may want to get
11 that.

12 MS. LAGONEGRO: Well, I have the map, but we
13 didn't plot the map based on that. We plotted it
14 based on the actual aerial --

15 MR. BOEHNER: You should plot it though
16 based on what the finding statement says.

17 MS. LAGONEGRO: Okay. Let's -- we'll just
18 continue. So when we submitted the August 31st
19 letter, that information was also provided to the
20 Conservation Board. So we visited with the
21 Conservation Board on November the 7th. And we
22 received some additional comments from them that were
23 discussed in great detail between the University of
24 Rochester and Camden design folks. And based on the
25 alternatives and the outlook that we provided, there

1 was a map 1A and map 1B that the Conservation Board
2 focused on. And our first comment was that it appears
3 option B has the least amount of direct impact on the
4 chorus frog habitat of the options provided. However,
5 the Board feels buffering around the vernal ponds and
6 the greater upland area is needed. So I need a little
7 bit more of an explanation of what the upland area is.
8 It's a new term that's been --

9 MR. BOEHNER: What I would do is go back to
10 the finding statement and use that as your basic area.

11 MS. LAGONEGRO: Okay.

12 MR. BOEHNER: Start with that so we know
13 what the Town Board was trying to protect.

14 MS. LAGONEGRO: Understood. Thank you.
15 Next item is they have a question. They say, can the
16 100-space parking lot be eliminated or placed
17 elsewhere on the site to minimize the environmental
18 impact? Well, the parking lot needs to be expanded
19 with the construction of the second addition. There
20 are numerous parking areas that are already in use
21 throughout the south campus. Could these lots be
22 utilized or improved to handle the increase in parking
23 demands? And consider shared parking with the Imaging
24 building. A parking survey should be conducted to
25 verify the need of a new parking lot.

1 They've also identified -- there's a parking
2 structure noted on the campus master plan in the
3 general location where we're proposing a service
4 parking lot. They noted this. They noted off-street
5 parking and the use of the U of R shuttle system and
6 RTS should be considered. They noted the tree woodlot
7 mitigation plan needs to be submitted. And we're well
8 aware of that and want to work with you to provide
9 that. Woodlot mitigation should include reducing
10 impacts from the island, alternative mowing practices
11 which can provide a more diverse habitat offer
12 ecological benefits. And a diverse tree pan --
13 planting tree -- tree planting plan using native plant
14 materials.

15 The next item is what are the impacts on
16 existing stormwater? We don't want any stormwater
17 diverted to the vernal pond, which is understandable.
18 They asked us to look at green infrastructure
19 techniques. And then their last comment says they're
20 happy to review any future modified plans.

21 So we took this information and collectively
22 the University of Rochester, Camden Designs, and
23 Passero Associates and we took a look at what we might
24 be able to do to stay away from the upland areas, to
25 provide enough parking to support the Laser Lab as we

1 move forward with this addition and to reduce as much
2 of an environmental impact as we can on the LLE site.
3 So we -- looking at an alternative parking plan --

4 MR. BOEHNER: Zina, could we just take a
5 step back. I understand the alternatives. What I'm
6 trying to figure out, why is the parking needed?
7 Because I've been by there. I've looked at aerials.
8 Seems like there's a lot of parking spaces. Even the
9 trip generation numbers that you provided to us were
10 like 17 and 34 additional trips. Why 100 spaces
11 needed?

12 MS. LAGONEGRO: Right.

13 MR. BOEHNER: And when you made the
14 presentation the first time to the neighborhood,
15 wasn't talking about a 100-person increase. So it
16 looks as if you have 17 more trips -- 37 more trips or
17 whatever your documentation says, does not add up to a
18 hundred. And I would question that you probably do
19 need to do the parking survey to show that you're
20 short on parking.

21 MS. LAGONEGRO: We provided the parking
22 demand analysis for --

23 MR. BOEHNER: But it would be more -- not of
24 what some standard is out there. It's based on
25 analysis of what your needs of that building are.

1 MS. LAGONEGRO: Correct.

2 MR. BOEHNER: And it looks like there's
3 parking spaces out there existing. Doesn't look like
4 there's a parking problem out there now. And my
5 understanding from the documentation that you
6 submitted, it's not a high -- the increase in traffic
7 coming as a result of that is not that much.

8 MS. LAGONEGRO: But the parking needs and
9 the trip generation information are two different
10 things. The Laser Lab has an employee count that
11 exceeds the number of parking spaces that are
12 currently on the campus.

13 MR. BOEHNER: By why isn't the parking lot
14 full? Maybe what we -- maybe what I would ask you to
15 do is what the Conservation Board's asking you to do,
16 is to actually do a parking survey. Tell us what
17 you're available parking is on the site throughout a
18 given period of time to show we are short.

19 MS. LAGONEGRO: Right.

20 MR. BOEHNER: And that we need a hundred
21 more spaces may resolve it. Because that's what we
22 usually do in situations like this. Because I did go
23 through a bunch of the aerials. And I've been by a
24 number of times. And there's a lot of parking there.

25 MS. LAGONEGRO: Are you referring to at the

1 LLE site or --

2 MR. BOEHNER: I'm talking the Laser Lab.

3 MS. LAGONEGRO: The Laser Lab. Well, I
4 don't --

5 MR. BOEHNER: And the reason I want to talk
6 about that, if we don't need the parking, it will make
7 everyone's life a lot easier.

8 MS. LAGONEGRO: There is need for parking.
9 And that's what we're trying to show.

10 MR. BOEHNER: Okay. I just want to try to
11 understand that because I think you gave us -- is just
12 some standards that I wasn't seeing. You know, I --
13 I'm just not seeing the demand right now.

14 MS. LAGONEGRO: Well, I mean to some
15 extent --

16 MR. BOEHNER: I apologize.

17 MS. LAGONEGRO: So the aerial photographs
18 that are available, to my knowledge, most of those are
19 taken on off days, off hours, probably not during
20 peak. The data and the information that I supplied
21 about the LLE is all based on peak demand on the site.
22 Most of the people who work there drive and there are
23 some overlaps in their scheduling where that there
24 could be everyone on the campus all at one time.
25 There are also special programming, meetings,

1 workshops, where people come in. And the University
2 of Rochester can shuttle to some extent, but you still
3 need to have some place for people to park to catch a
4 shuttle. So that's a little bit limited to. The
5 imaging that's --

6 MR. BOEHNER: But you can't be using the --
7 this area for shuttle parking.

8 MS. LAGONEGRO: No. That's not what I'm
9 saying.

10 MR. GORDON: Ramsey, if I could just jump
11 in. These are easier questions. Is the parking
12 you're proposing in your new development for any uses
13 outside of the IPD?

14 MS. LAGONEGRO: No.

15 MR. GORDON: Okay. Is the parking that
16 you're proposing for uses other than at the Laser Lab
17 itself?

18 MS. LAGONEGRO: No.

19 MR. BOEHNER: Okay.

20 MR. OSOWSKI: Something else that might be
21 worth considering is land banking some of your
22 parking. Because I was out there looking around
23 myself and I counted like 50 empty spaces just around
24 the Laser Lab to the north and to the east side of it.

25 MS. LAGONEGRO: Okay.

1 MR. OSOWSKI: It was a typical day after the
2 school semester has started. And, you know, there's
3 other things that U of R can consider to cut down on
4 parking, but I don't know what kinds of carpool
5 programs you may or may not have. Not everybody has
6 to drive separately to get to the Laser Lab. If, you
7 know, 30 percent of the people live in Brighton,
8 neighbors near each other and -- I don't know what
9 kind of -- what a cost for a permit is there. I know
10 if you want to park on campus, it's probably \$500 for
11 a permit. You know, if it's a \$100 a permit to park
12 out there, I'm not going to bother parking. I'm going
13 to buy a permit for a hundred bucks a year. But
14 there's other things to consider that might help a lot
15 to cut down the size of that parking.

16 MS. LAGONEGRO: Right.

17 MR. OSOWSKI: Especially if you take a look
18 at how underutilized it appears to be at this point in
19 time. Thanks.

20 MR. BOEHNER: Yeah. So that's why I think
21 the parking survey would really be very helpful, if
22 you could show the problems that you're having out
23 there, Zina.

24 MS. LAGONEGRO: Well, I'd like to respond to
25 Mr. Osowski's questions and comments. The University

1 of Rochester does have a carpooling program. Because
2 of COVID people don't want to ride together. So
3 they're riding individually. So COVID has things a
4 little bit upside down right now. There are still a
5 number of people from the Laser Lab that are working
6 remotely. And we know that with the expansion of the
7 Laser Lab, we're going to need a little extra parking.
8 And the last thing we want to do is provide a parking
9 lot where there's one space for every person. We need
10 to have a couple extra for overlap when they're
11 changing shifts. And you don't want that last person
12 circling the parking lot for hours for that last
13 parking space. So there has to be a little bit of
14 extra parking available.

15 And that was the methodology behind the
16 parking demand that we provided. Parking is
17 expensive. We don't want to overdevelop it if we
18 don't have to. But the Laser Lab is well aware of
19 what they're needs are. They currently need a few
20 extra spaces, but with the expansion of the lab,
21 they're going to need more spaces. And that's why
22 we're asking also for some parking.

23 But in response to the Conservation Board's
24 comments about can you take a look at other options?
25 Yes, we can. I also want to point out that there used

1 to be a bus stop right in front of the imagining
2 building on the east River Road, but when RTS
3 initiated their new Reimagine RTS, they took that bus
4 stop away. So that is not a convenient way for folks
5 to get to the LLE.

6 When University of Rochester is recruiting
7 new employees, the brightest and the best, parking is
8 usually at the top of their list of things that they
9 need. When you get to a certain point in your career,
10 when you're a scientist or a researcher, you want the
11 convenience and availability of having parking
12 available to you at the lab that you work at. And
13 those are all the things that went into the
14 methodology determining exactly how many spaces we
15 were going to need for the growing pains that LLE is
16 going to have over the next five years with the
17 expansion of the building that we are proposing.

18 What we're trying to get here on this map is
19 trying to identify -- I know it's really hard to see.
20 I'm happy to bring this around so you can see it -- as
21 a response to the Conservation Board and hopefully
22 something that's also amenable to the Planning Board,
23 that the expansion of the EP-OPAL and the service
24 parking lot that you're seeing are in pretty much the
25 same location as development opportunities that were

1 identified in the master plan, the only difference
2 being we're showing the service parking lot and the
3 master plan is showing a structured parking garage.
4 And the reason we're not going to be able to use the
5 parking garage at this time is because we don't have
6 the critical mass for it. The institutional portion
7 of the IPD allows for 1.29 million square feet of
8 building floor area. We're only about 500,000 square
9 feet. We're just not there to substantiate the cost
10 of building a structured parking garage.

11 A service parking lot is no more impactful
12 on the environment than a structured parking garage.
13 It has the same impervious surface features. It has
14 the same overall impact to the environment. It just
15 looks different. But it's -- generally speaking it's
16 in the same location.

17 So we heard the comments about impacts to
18 the uplands areas. We heard questions and comments
19 about can you do something else. We heard the
20 questions about what else can U of R do to help with
21 the parking issues. And I think we addressed most of
22 those except for the fact that -- and this is what I
23 have to present to you this evening, and I'd like your
24 comments on this -- is we do have the ability of
25 adding parking to certain strategic areas on the

1 campus to eliminate this, but with the understanding
2 that this is still going to happen at some point based
3 on the master plan. It's just not going to happen
4 now.

5 So we'd like to drop back and talk about the
6 LLE building expansion and these other infill areas
7 that we could do for parking that will still meet
8 their needs.

9 MR. BOEHNER: Well, Zina, what I would say
10 right now is that one of the things we have to do that
11 I'm struggling with as being the environmental liaison
12 officer to the Town, is this consistent with the
13 finding statement?

14 MS. LAGONEGRO: Yes.

15 MR. BOEHNER: And I'm not finding that. So
16 far nothing has been presented to us. So I'm trying
17 to figure out if we need to do a supplemental or not.
18 A lot of it is the result of what you're doing there.
19 So it's a little hard for us to talk about, well,
20 we'll come back and pick this up later. That may be
21 fine and you could. But you need to prove your case
22 now. Right now there's not -- the information that's
23 been presented has not been -- is not pulling that all
24 together for us. And that would be very helpful, that
25 we know that the area that isn't supposed to be

1 disturbed isn't or if it is, how much. And if it's
2 significant, we may have to take a step back. And I'd
3 like to know that earlier than later --

4 MS. LAGONEGRO: Right.

5 MR. BOEHNER: -- would be my concern at this
6 point regarding this project. I want to kind of get
7 really to the issues of does this need a supplemental
8 or not?

9 MS. LAGONEGRO: Understood.

10 MR. BOEHNER: Okay.

11 MS. LAGONEGRO: The issuance of the 8/31
12 letter was in response to that. You wanted us to do a
13 full analysis and a full review of the recommendations
14 and whether or not the alternatives we had selected
15 meet the code. The alternatives that we selected does
16 meet the code.

17 MR. BOEHNER: Does it meet the finding
18 statement?

19 MS. LAGONEGRO: Yes. That is all in the
20 8/31 letter. I've itemized it --

21 MR. BOEHNER: I've read the 8/31 letter and
22 I wasn't stating -- you already told me that the
23 wetland that was referenced in that finding statement
24 is not depicted on the maps that we have.

25 MS. CHAMPION: So to clarify your comment is

1 not limited specifically to whether or not the area
2 that we're showing has a pond, wetland area to be
3 avoided? It's is it consistent with the map and
4 finding statement?

5 MR. BOEHNER: Yes.

6 MS. CHAMPION: Because I think otherwise,
7 we've detailed really well how everything is
8 consistent. So maybe we can double back and check
9 that finding statement map on the --

10 MR. BOEHNER: That's -- that's the problem
11 we're having is that the map you're using isn't that
12 clear. We're really having trouble putting the pieces
13 together. And two -- go ahead, Ken.

14 MR. GORDON: I was just going to say, it's
15 not just the disturbance of the wetland area. It's
16 also the disturbance of the upland area around the
17 wetland --

18 MR. BOEHNER: That's true too.

19 MR. GORDON: -- And the impact on amphibious
20 life. And the finding statement -- and I pulled it
21 up, what I have here -- it's pretty clear that the
22 intent was to leave not just the wetland area, but
23 also the upland area around that wetland are
24 completely undisturbed.

25 MS. CHAMPION: Sure.

1 MR. GORDON: And I --

2 MR. BOEHNER: There was the tree survey done
3 back then showing that there were nice specimen trees
4 in there too. So that is where my -- this is my final
5 concern with the design.

6 MS. CHAMPION: I think just to that point of
7 clarification is helpful because the segue was a
8 little confusing because you're talking about parking
9 and, you know, how that all is going to --

10 MR. BOEHNER: Well, the parking is causing
11 most of the problems.

12 MS. CHAMPION: Understood. The location.

13 MR. BOEHNER: Because what I'm trying to
14 figure out --

15 MR. GORDON: But also the access road too.

16 MR. BOEHNER: Yeah. No. And I -- that we
17 can get into that. That's good. But what I'm saying
18 right now, I think the additions that you folks are
19 proposing there are impacting that area, much less the
20 parking area. I understand the Laser Lab had to be
21 there, but the rest of the stuff, I'm not so sure. I
22 don't know why it's not coming from the west. I
23 don't -- the number of questions we've had here -- and
24 I can't tell how that plan really matches up with the
25 current plan.

1 MS. LAGONEGRO: The master plan?

2 MR. BOEHNER: Yeah. And the other thing
3 that we may want to do -- because you're changing that
4 road system, we may want to revisit the master plan
5 and say, hey, there's going to be -- there's a
6 deviation coming with this roadway. If I understand
7 it right. What's the rest of the master plan? Why
8 are you putting the road over there?

9 MS. LAGONEGRO: The master plan does show a
10 loop road.

11 MR. BOEHNER: I think it's much further
12 lower. Maybe I'm wrong. That's the problem I'm
13 having, is to try to understand how this relates to
14 that, relates to the finding statement and relates to
15 the EIS.

16 MS. CHAMPION: Yeah. Maybe some overlay we
17 could put over to see how those maps overlay with each
18 other. Probably want to avoid, from a procedural
19 perspective, revisiting finding statements, revisiting
20 any legislation by the Town Board so you don't have to
21 go back and amend the master plan. We can -- it
22 sounds like we --

23 MR. BOEHNER: You can go through your
24 alternatives, but I wanted to kind of get us focused
25 on what I see the problem is because I'm just worried

1 about times.

2 MS. CHAMPION: Yeah. You made us a little
3 nervous about the whole general statement about
4 compliance --

5 MR. BOEHNER: Well, no I am concerned
6 because I have other questions about the finding
7 statement. There's the waterline improvements. Have
8 they been made?

9 MS. LAGONEGRO: The what?

10 MS. CHAMPION: The waterline improvements.

11 MR. BOEHNER: Yes. There's a finding that
12 was supposed to be done with this phase. It's a part
13 of this phase.

14 MS. CHAMPION: Yeah.

15 MR. BOEHNER: You're filling in that
16 waterline.

17 MS. CHAMPION: We'll have --

18 MR. BOEHNER: As part of the --

19 (Simultaneous conversation)

20 MR. BOEHNER: Because that's part of the
21 finding statement.

22 MS. CHAMPION: Well --

23 MR. BOEHNER: Yeah. After we went through
24 the imaging building, Ashley, the waterline was
25 supposed to be constructed and I'm not --

1 MS. CHAMPION: Sure.

2 MR. BOEHNER: -- understanding the impacts
3 of that too.

4 MR. MALLON: So Justin Mallon, M-A-L-L-O-N,
5 Executive Director for project management, University
6 of Rochester. So I've heard a couple different
7 concerns. So one of the concerns in terms of the
8 requirement for constructing the stormwater as a
9 conditional approval of the imaging building, we'll
10 revisit that. If that was a conditional approval,
11 we'll make certain that it was actually constructed
12 for those requirements. Presumably they were, but
13 we're going to check that. And the other thing --

14 MR. BOEHNER: Are you talking about the
15 water main?

16 MR. MALLON: You're talking about an item
17 raised before both the water main and the stormwater
18 improvement, some of the facility improvements that
19 were part of the initial approval for that building;
20 is that correct?

21 MR. BOEHNER: It's the 12-inch water main;
22 correct?

23 MR. MALLON: Yes.

24 MR. BOEHNER: A connection from the creek
25 to --

1 MR. MALLON: We'll check into that.
2 Because it was in -- correct me if I'm wrong, it was a
3 condition of approval for permitting of that building.

4 MR. BOEHNER: No. It is after the imaging
5 building.

6 MR. MALLON: Yes.

7 MR. BOEHNER: That was the only building
8 that was to be built without making that improvement.

9 MR. MALLON: Okay. So we'll check into
10 that. Then in terms of the master plan here, so this
11 is where -- what we'll do is we're look at this
12 particular master plan in terms of scale relationship
13 to what was presented to address your concerns. My
14 team has looked at that, but I think what you're
15 pointing out is that we haven't demonstrated it
16 clearly to this Planning Board that we're actually in
17 conformance with the master plan. And so we're
18 demonstrating that. Here's the scale relationship
19 dimensionally to the master plan to what we're
20 proposing. So we want to be cognizant of that concern
21 and demonstrate we are conforming to the intention of
22 the master plan.

23 MR. BOEHNER: Yeah. And if you're deviating
24 from that master plan, you need to show us why you're
25 deviating and what's -- how's the plan changing

1 because of these deviations.

2 MR. MALLON: Right. And, of course, our
3 intention is to conform with the master plan rather
4 than have to revisit the IPD and then have their
5 jurisdiction on the margin.

6 MR. BOEHNER: Yeah. That was mine also.

7 MS. CHAMPION: Great. Thank you.

8 MR. BOEHNER: Thank you.

9 MR. GORDON: I -- I'm wondering if it might
10 not be helpful at some point in time, once we get that
11 additional information, to sit down and do perhaps
12 another in-person workshop to work through some of
13 these issues, Ramsey?

14 MR. BOEHNER: I -- I would think so. That's
15 what I was recommending earlier because it just isn't
16 coming together.

17 MS. LAGONEGRO: Yes, I agree.

18 MR. BOEHNER: And we're losing time. I -- I
19 don't know what your time frame is, but I remember
20 there was a time frame to this. And I don't know what
21 that is, but it's getting -- making me concerned. And
22 I said this the last time you guys were here. This
23 doesn't go through, it's not good for you guys, but
24 it's not good for us either.

25 And I'm -- I got to tell you if I'm acting

1 frustrated, it is because I am frustrated. This is a
2 really important project. I really believe that. And
3 we got to pull it together. I don't know why this
4 thing is breaking down, but it is. That's just my --
5 my take on it. We should be able to do this more
6 efficiently.

7 MS. LAGONEGRO: I agree. And I would very
8 much welcome a workshop. It will help --

9 MR. BOEHNER: Well, get us -- get us some
10 drawings though so we understand better what you're
11 proposing as it relates to the documents that I've
12 been referring to.

13 MS. LAGONEGRO: Okay.

14 MR. BOEHNER: Then we have a better idea
15 what the problems are. Then we can figure out how do
16 we deal with them and what's appropriate and what's
17 not.

18 MS. LAGONEGRO: Right. So based on the
19 original plan with the building and the parking --
20 now, again, we wanted to explore the opportunity of
21 doing the parking elsewhere on the campus and not
22 build this now.

23 MR. BOEHNER: Okay.

24 MS. LAGONEGRO: All right. So if we didn't
25 build that now, what would that look like?

1 MR. BOEHNER: I'd still want to see the
2 analysis because I'm understanding that those
3 buildings could be impacted. I just need to know if
4 we're meeting that finding statement. Yes or no? And
5 you need to get me that documentation. I think
6 getting rid of what you're talking about helps your
7 case. The reason I cut in so hard was because you
8 were saying, we'll come back letter and you still have
9 the right to do that. And I'm like, no, I'm not --
10 I'm not so sure you do come back later. You have to
11 prove that to us now.

12 MS. LAGONEGRO: Right. So I don't want to
13 come back later. I'd like to move on to
14 preliminaries, but I don't know if we have enough
15 information at this point to get the say so from the
16 Planning Board that we're ready for that, even if we
17 have a workshop. I'm ready to roll up my sleeves,
18 have a workshop and hash out what we need to get ready
19 for preliminary. And the application that winds up
20 coming, if you're willing to help us out I --

21 MR. BOEHNER: All right. That -- that I
22 can't speak to to be honest with you, Zina, because I
23 need to see the information that we're requesting.

24 MS. LAGONEGRO: Understood.

25 MR. BOEHNER: Until I see that and

1 understand it, there's no point in doing this
2 workshop.

3 MS. LAGONEGRO: No, I know. Yeah. I
4 understand that. I'm just saying if we work quickly
5 enough -- you're right --

6 MR. BOEHNER: That's up to you guys. That's
7 up to you guys and the quality of you guys' work, is
8 going to be the big difference for us. And we -- you
9 know, we're busy, as you know.

10 MS. LAGONEGRO: Yes.

11 MR. BOEHNER: We got a lot going on. So,
12 you know, we want to help you as much as we can.
13 That's part of the reason we're being so direct with
14 you. Just trying to get this thing going.

15 MS. LAGONEGRO: I agree. I just --

16 MR. BOEHNER: If you want to eliminate that,
17 you can eliminate that, but the disturbance to that
18 area, if it's going to happen sometime in the future,
19 we're going to want to look at it. And I'm going to
20 want to know the project that you're proposing, how
21 it's meeting the finding statement and all of the
22 other requirements of the project.

23 I do think if you get rid of that, it helps.
24 I don't know what it does for the Laser Lab that
25 you're talking about now and the proposed addition.

1 So I don't know what areas it's truly impacting as it
2 relates to the FEIS, the finding statement and the
3 plan.

4 MS. LAGONEGRO: Understood.

5 MR. GORDON: And just so we know, that
6 Ramsey and I are pretty much on the same page on that.
7 My thought is, sure, go ahead and revise your plans
8 and show a parking plan that doesn't infringe upon the
9 upland area around the wetlands. That would be good
10 to see. But I don't want the Board or Ramsey or me to
11 say to you, oh, and yeah, it's fine for you to come
12 back in the future and disturb that area. Because
13 frankly, my personal opinion after going back and
14 refreshing my memory on these finding statements,
15 there's no way that under the conditions that are set
16 in front of me you can disturb that upland area at
17 all. That's my opinion.

18 So I don't -- come back and, you know,
19 eliminate that. Come back with parking on the sides
20 and, you know, we'll see what that looks like. But I
21 don't want to concede or say that there's a right to
22 come back and, you know, put an access road through
23 those upland areas. I don't think -- I don't,
24 frankly, think you have the right to do that.

25 MS. LAGONEGRO: Can you point to me where

1 that is in the finding statement?

2 MR. GORDON: Sure.

3 MS. LAGONEGRO: What paragraph you were --

4 MR. GORDON: There's a couple. So the
5 finding statement on page -- just making sure I'm
6 giving you the right reference here -- page 10, at the
7 bottom under mitigation measures on the wetlands. So
8 it talks about wetland areas are located to the
9 immediate southeast of the existing laser --
10 Laboratory for Laser Energetics, LLE, and adjacent to
11 the Lehigh Valley Trail. These locations include
12 areas of upland habitat, which will remain undisturbed
13 and will continue to support amphibian life and a
14 variety of wildlife post full build out of south
15 campus. To me that's pretty plain language.

16 MS. LAGONEGRO: Right.

17 MR. GORDON: And there there's a second
18 reference if you go over to page 12 and item 7,
19 regarding the chorus frogs and vernal ponds, the
20 vernal ponds wetland located behind the Laser Lab was
21 constructed as mitigation to the Laser Lab expansion
22 project. Refer to wetland delineation map included in
23 the SDGEIS, Appendix C, drawing W1 and L wetlands.
24 This wetland is a 0.55 plus or minus acre marsh
25 specifically developed to provide and enhance chorus

1 frog habitat documented in this area.

2 Construction of this wetland was required to
3 mitigate the habit disturbance resulting from the lab
4 project. Disturbance of this wetland area will be
5 avoided by future development.

6 I think those are very clear statements.

7 MS. CHAMPION: So just on -- on process, I
8 think that was helpful, but it did give me flashbacks
9 of all the chorus frog conversations we had years ago.

10 MR. GORDON: You and I lived through this.

11 MS. CHAMPION: Yeah. I thought I forgot
12 about the chorus frog until now. So just moving
13 forward, I think that makes a lot of sense and it
14 would be great to get the -- I'm going to call it, you
15 know, procedural-type issues vetted with -- on staff
16 levels so, you know, we can have -- we can all be on
17 the same page and come back before the Board and
18 everybody can assure the Board that we all are in
19 agreement that we're at least in compliance. And then
20 we just focus on, you know, more of the details,
21 hopefully, moving on to preliminary actual site plan
22 comments.

23 So is there anything else just in
24 preparation for that staff-level meeting -- we'll
25 definitely be really focused on showing, you know, the

1 compliance with the location of where this area is and
2 that we're avoiding both the wetlands and how we're
3 proposing to do that here. Does anything else jump
4 out at you with respect to the finding statement?

5 MR. BOEHNER: I just want to -- again go
6 though that finding statement because --

7 MS. CHAMPION: Yes.

8 MR. BOEHNER: -- I'm picking up on stuff
9 that you guys don't seem to know about. And I'm not
10 sure. I mean --

11 MS. CHAMPION: But nothing else comes to
12 mind right now other than the avoidance of that area
13 that you --

14 MR. BOEHNER: The water line was another --

15 MS. CHAMPION: And has the waterline been
16 constructed.

17 MR. BOEHNER: That was --

18 MR. GORDON: I would say and I think what
19 Ramsey's trying to say, those are what things come to
20 our mind.

21 MS. CHAMPION: Sure.

22 MR. GORDON: Even if it's not really our
23 project, we rely upon the University of Rochester and
24 the design professionals to read through the finding
25 statement each and every page, each and every

1 paragraph and make sure they're in compliance.

2 MS. CHAMPION: Sure. And --

3 MR. BOEHNER: And if you have a problem, we
4 can help you work through it. But finding them
5 ourselves, gets a --

6 MS. CHAMPION: Understood. We're just
7 hoping that if there's anything else you have in mind
8 that we can hear right now rather than after we go
9 back to --

10 MR. BOEHNER: Yeah. Right now it's just
11 good base mapping to understand what we have to
12 determine if we need to do a supplement.

13 MS. CHAMPION: And, of course, we'll make
14 that effort, you know, go back and read the
15 conditions, which seem to make sense rather than, you
16 know, trying to locate that area without any sort of
17 landmarks. But we can -- we'll going back and double
18 check.

19 MR. MALLON: So what I'd like to suggest for
20 the workshop is one, we'd like to have a
21 representative from the Fire Marshal because fire
22 access is going be an important piece of what we're
23 looking at in terms of the roadway and that's going to
24 be an important part coming before you in terms of can
25 we demonstrate that we can achieve fire access or

1 variance accordingly.

2 MR. BOEHNER: You have a fire Marshal too;
3 right?

4 MR. MALLON: We do have, but --

5 MR. BOEHNER: Why don't you consult with
6 them because I believe he does have a relationship --

7 MR. MALLON: He does. He does. But we
8 don't actually have jurisdiction in Brighton. And we
9 do have a relationship, not the same as the City of
10 Rochester.

11 MR. BOEHNER: No, no. But that's what I was
12 saying is that it would probably be good to have them
13 there.

14 MR. MALLON: I would agree. Yeah.

15 MR. BOEHNER: There's a lot of different
16 ways to handle the emergency access. But they like to
17 handle that from the west.

18 MR. MALLON: And then the other part of
19 this -- component of this is that what I suggest is
20 that we'll develop a checklist for conformance between
21 what is stated in the findings and then what's
22 basically a summary statement in the IPD, which
23 basically rolls up the background statements and the
24 IPD in terms of intentional zoning code. And then
25 we'll run that by staff-level, Ramsey and his team to

1 make sure we've captured that so that when we come to
2 you, we have assurances that there's full concurrence
3 between my team and the Town of Brighton and the
4 zoning site with that checklist is one, actually met
5 the checklist and two, that we've met the intention of
6 the zoning code by being able to check things off and
7 show it to you and demonstrate that we've checked
8 things off on those finding statements. Hopefully
9 that's something that you'd be open to explore.

10 MR. GORDON: I think that sounds good.

11 MR. BOEHNER: Sounds good.

12 MR. MALLON: All right. Thank you.

13 MR. OSOWSKI: So before we finish up here,
14 I'm confused by this disconnect, as I see it, between
15 the proposed building development and the 2015
16 dissolution of the plan developed of the master plan,
17 it seems to show an orange colored, rectangular
18 building addition to the east of the Laser Lab?

19 MS. LAGONEGRO: Right.

20 MR. OSOWSKI: And it doesn't show any new
21 building development connected to the Laser Lab going
22 to the south as you're proposing. Is there an
23 explanation there that I'm missing?

24 MR. MALLON: Yeah. So that's a reasonable
25 question to ask. So this has come up in other

1 jurisdictions. So when these are developed, at the
2 time they're developed, they're actually concept-level
3 plans that we bring in to the IPD as far as available
4 footprint and general entitlements minus that location
5 on the site. Because there are constraints that
6 follow the research agenda and constraints for what
7 they need to have in terms of adjacencies that might
8 not translate into a literal build out that you see in
9 the master plan. And that's what -- we actually just
10 talked about available floor areas, floor ratios,
11 parking requirements and circulation and areas that
12 are protected either in terms of wildlife protection
13 or amenities in a quasi, you know, entitlement basis.

14 So this has come up before. We're aware of
15 it. There's often a disconnect because it's 2015.
16 This is 2021. Research agendas change and the needs
17 of the institution do change. We work within that
18 what we perceive to be intent or total build out
19 available under the entitlements and not just to the
20 total build out. And that's the configuration we have
21 come to, permitting may be different than what's --
22 something that IPD on this plan, the concept plan it's
23 not intended to be a literal adaptation of the full
24 build out. That's why your IPD does state limitations
25 in terms of our available footprint on the side. Does

1 that help?

2 MR. BOEHNER: I don't -- I don't disagree
3 with that statement. The problem is where the
4 proposed development is happening on the site.

5 MR. MALLON: Right. And that's why we want
6 to demonstrate that we're actually working towards
7 conformance to the intent of the IPD.

8 MR. BOEHNER: That's -- That's it.

9 MR. MALLON: And hearing the threshold and
10 areas and --

11 MR. BOEHNER: Yup. Yup.

12 MR. MALLON: So we're not going to give that
13 additional detail and analysis. So it's clear at the
14 conclusion of this presentation, we're going to have
15 to go into the next level of detail so that you have
16 full assurances that you're representing the interest
17 of the people of that you serve.

18 MR. OSOWSKI: And my -- my -- the reason why
19 they're not showing the development in that little
20 crook of the building here is because of the impact
21 it's having on the wetland areas, the uplands areas,
22 as we've been discussing tonight.

23 MR. MALLON: Yeah. And then that's we're we
24 have to -- they're taking concept plan that doesn't
25 have a good scale to it, having an agreed upon scale

1 that shows what it looks like relative to our actual
2 build out with a proposal and then make sure we're in
3 agreement that they're 1 to 1 in terms of the match up
4 on their scale and then show how we're actually in
5 conformance with the intention of the IPD.

6 So this is a common issue when you get into
7 the zoning and concept plan. Something that's an 8 by
8 10 or 11 graphic in a document versus getting the
9 actual build out.

10 MR. OSOWSKI: Thank you.

11 MR. MALLON: Great. Thank you.

12 MS. LAGONEGRO: Thank you, everyone.

13 MR. BOEHNER: We kind of discussed the 5G as
14 a have to, the FCC amendments. What we tried to do is
15 get our code up to date and the best we can to address
16 and mitigate the impacts of 5G coming into our town.
17 But we're very limited in what we can do per the FCC
18 regulations. We're very limited in how much we can
19 charge, where we can tell them they can or cannot go.
20 That was the purpose of these regulations is to
21 clarify that to make sure we're not in violation of
22 federal law.

23 We also then prepared a design manual to
24 help us stay within the federal law to help us
25 maximize the mitigation that these things may cause

1 with the design. That's kind of the background.

2 MR. BABCOCK-STIENER: These are much smaller
3 than the --

4 MR. BOEHNER: Yeah. They're much smaller.

5 You're going to see more of them in the neighborhoods.

6 MR. BABCOCK-STIENER: Right. So it's not
7 like one big tower that --

8 MR. BOEHNER: No.

9 MR. BABCOCK-STIENER: -- covers several
10 neighborhoods. It's like --

11 MR. GORDON: Right. So the technology as I
12 understand it is more robust in that it carries more
13 signal, but has less of a broadcast range. And
14 therefore you need more of the individual antenna to
15 be able to spread that signal and have a robust signal
16 throughout a neighborhood.

17 Also trees cause havoc for that signal. And
18 we are very tree rich. And so that provides some
19 design challenges. And we were -- when were drafting
20 the code with our outside counsel, who really focuses
21 and specializes in this, is sensitive to the impact on
22 trees and town trees in particular because these
23 antenna would be placed oftentimes within the Town
24 right-of-way. And so, you know, we took a look at
25 that.

1 We also realized that the whole build out is
2 going to take an awful lot of the Town's staff time
3 and so there are draconian limits on what we as the
4 Town can charge as fees, which don't nearly cover what
5 our staff time is. But we have looked to our outside
6 counsel to help us maximize what those exact fees can
7 be while still staying within the limits of federal
8 regulations. So that's another part of what we did
9 with these.

10 MR. BABCOCK-STIENER: I wasn't here last
11 month, but the month before I think you mentioned
12 something about we we're able to protect some of the
13 historic lamp posts that we have around town.

14 MR. GORDON: The harp lamps in the Town are
15 designated as landmarks. You know what the harp lamps
16 are?

17 MR. BABCOCK-STIENER: The ones over by
18 Meadowbrook --

19 MR. GORDON: Yup, yup. And we did have a
20 concern that those lamp posts would be a convenient
21 spot to put some of these small cell antenna up. And
22 we provided in the code a recognition that any kind of
23 modification of any landmark would need to go through
24 the Historic Preservation Commission and the
25 certificate of appropriateness process to see if it

1 could be approved by HPC. Probably not, but --

2 MR. BOEHNER: Pretty sure not.

3 MR. BABCOCK-STIENER: Like an additional
4 hurdle that if there's another structure that would be
5 easier than having to spend another month or two then
6 going through the process, that's going to save them
7 money --

8 MR. BOEHNER: Probably what we will see is
9 more they will install their own poles randomly
10 throughout the neighborhoods to get the connectivity.

11 MS. FORD: Do they have to get permission to
12 do that?

13 MR. BOEHNER: Very little. They have a
14 right --

15 MR. GORDON: Yeah. So, I mean, the answer
16 is, yes, they'd have to make an application especially
17 if they're going to be within our highway
18 right-of-way. They have to get a highway department
19 permit to do that. They can't just go willy-nilly and
20 put up poles anywhere. They have to talk to us. But
21 part of what this code does is require them to come to
22 the Town and allow the Town to have some input on it.
23 We understand that there is a strong internal intent
24 and goal of allowing 5G, 6G, 7G, whatever the next G
25 is going to be, to expand robustly and, you know, all

1 over providing access to as many residents as
2 possible. To do that you have to have a lot of
3 access.

4 MS. ALTMAN: So is there an incentive to
5 co-locate the buildings among the different providers?

6 MR. BOEHNER: There is, but it's not as
7 common because the facilities are so slow. They can't
8 hold a lot.

9 MR. GORDON: So Karen's question was are
10 there incentives to co-locate in the code. Probably
11 not. I wouldn't call them incentives, would you? I
12 mean the regs are a little bit easier on
13 co-location --

14 MR. BOEHNER: Yes.

15 MR. GORDON -- then they are on new poles.
16 Just like the regulations are easier on small antenna
17 and short -- short stuff mounted under 50 feet or
18 under a certain height then they are on constructing
19 another pole.

20 MS. FORD: This might be stupid question,
21 but would they approach individual homeowners as --

22 MR. BOEHNER: No. What would happen would
23 be -- they may. They may.

24 (Simultaneous conversation.)

25 MR. BOEHNER: The law does not -- the law

1 does not require -- we may notify them that -- the
2 Town may notify them that somebody submitted an
3 application to us if you're close by. The law does
4 not require that they have to notify you.

5 There is public hearings that are part of
6 this if they go into the Planning Board on some of
7 this. If that's the case, that's probably how you
8 could find out. Yeah. It's going to be -- when they
9 start coming in, it's going to be hard.

10 MR. GORDON: I wanted to touch on that
11 public hearing piece because I think that's what
12 affects the Board most directly.

13 MR. BOEHNER: Yes.

14 MR. GORDON: Right? So -- and boy, Ramsey,
15 I'm going to need help because I didn't bring the code
16 with me and maybe you remember. So we struggled a
17 little bit with when notification would go out and to
18 how many neighbors it would go out and how far and how
19 much notice they would get to know that they -- a
20 tower was being put up in their neighborhood. Do you
21 remember where we landed on that, Ramsey?

22 MR. BOEHNER: Well, what it was, Ken, we
23 modified it for our broadcast tower is where we made
24 the changes. And we found normal Planning Board
25 procedure if there was an application pending, which

1 we do abutting property owners, we notify them. And
2 in cases like this we may extend our notification.

3 MR. GORDON: Right.

4 MR. BOEHNER: If it's a neighborhood-wide --
5 we may go to the neighborhood associations and let the
6 neighborhoods -- the neighbors know that this is going
7 on in the neighborhood.

8 MR. GORDON: And we fully expect the more
9 neighbors you notify the more chance there is that
10 somebody is going to come in with a concern, whether
11 it's, you know, a scientifically supported concern or
12 not is something else.

13 MR. BOEHNER: So that's the lowdown on the
14 5G.

15 MR. OSOWSKI: Are we on the leading edge of
16 technology as far as planning boards in Monroe County
17 addressing this issue?

18 MR. BOEHNER: Others have. A few other
19 towns have.

20 MS. ALTMAN: Has the City?

21 MR. BOEHNER: What's that?

22 MS. ALTMAN: What about the City?

23 MR. BOEHNER: I don't know about the City.
24 Ken, do you remember?

25 MR. GORDON: I don't remember. I can tell

1 you my impression is statewide, we're actually a
2 little bit behind the curve on this, not on the
3 cutting edge. And the firm that we hired to help us,
4 we got them because they had already helped --

5 MR. BOEHNER: Webster.

6 MR. GORDON: -- Webster and Penfield.

7 (There was a pause in the proceedings.)

8 MR. BOEHNER: All right. So back to
9 business.

10 MR. GORDON: Yeah.

11 MR. BOEHNER: So do I have a motion to ask
12 me to forward the letter to the Town Board?

13 MR. BABCOCK-STIENER: I will make said
14 motion that Ramsey forward the advisory report to the
15 Town Board.

16 MS. ALTMAN: I'll second.

17 MR. BOEHNER: Second is Altman.

18 (Ms. Ford, aye; Mr. Osowski, aye; Mr.
19 Babcock-Steiner, aye; Ms. Altman, aye.)

20 (Upon roll motion passes.)

21 MR. BOEHNER: We have signs and then, Ken,
22 you want to do an executive session?

23 MR. GORDON: Yeah, I do. But let's do signs
24 first.

25 **Signs:**

1 1623 Dirty Laundry, for a Building Face Sign, at
2 1900 South Clinton Avenue - approved as
3 presented.

4 1624 Comprehensive Dermatology of Rochester, for
5 a Building Face Sign at 900 Winton Road.
6 South - approved with conditions.

7 1. Pictorial element of the sign must
8 be reduced to 25% of the total sign
9 area.

10 1625 UR Medicine, Brighton Health Center, for a
11 building Face Sign at 2613-2619 West
12 Henrietta Road - Tabled, will be reviewed in
13 conjunction with the ARB application for
14 facade change.

15 1626 POD Computers, for a Building Face Sign at
16 1515 Monroe Avenue - approved as presented.

17 1622 Brighton Garden Apartment Homes, for
18 Freestanding Sign at 2125 Monroe Avenue -
19 approved as presented.

20 MR. GORDON: You may or may not know that
21 the Governor signed into law on September 2nd an
22 amendment to the Opening Meetings Law allowing all
23 public bodies to go back to virtual meetings through
24 January 15th of 2022 as the COVID Delta Variant
25 continues to expand. And so it is my belief that this

1 may be our last in-person meeting until at least
2 January.

3 So the Supervisor I don't think has made any
4 formal announcement on that yet. But last I heard he
5 was planning for the Town Board to go back to virtual
6 meetings next week and along with the Zoning Board and
7 Planning Board as well. I don't know if you heard
8 anything more on that.

14 MR. BOEHNER: You're the only one that took
15 your folder.

16 MR. GORDON: I'm the only one that took my
17 folder?

18 (Simultaneous conversation.)

23 MR. GORDON: We'll make sure that you know
24 for sure well in advance of next month's meeting
25 whether we'll be meeting in person or not.

1 MR. BOEHNER: Yes.

2 MR. GORDON: So if I could have a motion to
3 go into executive session to discuss a matter of
4 pending litigation regarding Westfall Medical Realty
5 LLC site plans approval for 2233 South Clinton.

6 MR. OSOWSKI: I'll move that we go into
7 executive session to discuss that issue.

8 MR. BABCOCK-STIENER: Second.

9 MR. BOEHNER: Babcock-Stiener second.

10 (Altman, aye; Babcock-Stiener, aye; Osowski,
11 aye; Ford, aye.)

12 (Upon roll motion passes.)

13 (TIME: 8:14 p.m.)

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1 | **REPORTER CERTIFICATE**

2

3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

7

8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

11 Dated this 22nd day of October, 2021
12 at Rochester, New York.

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Holly E Castleman

Holly E. Castleman,

Notary Public