

# BRIGHTON PLANNING BOARD

October 20, 2021  
At approximately 7 p.m.  
Brighton Town Hall Zoom Meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

**PRESENT:**

RAMSEY A. BOEHNER, TOWN PLANNER

WILLIAM PRICE, CHAIRPERSON

JOHN J. OSOWSKI )  
JASON BABCOCK-STIENER )  
JULIE FORD ) BOARD MEMBERS  
PAM DELANEY )  
DAVID FADER )

KENNETH GORDON, ESQ.  
Town Attorney

19 ABSENT: KAREN ALTMAN

23 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,  
FORBES COURT REPORTING SERVICES, LLC  
24 21 Woodcrest Drive  
Batavia, NY 14020

1                   CHAIRMAN PRICE: Good evening and welcome to  
2 the October 20th meeting of the Town of Brighton  
3 Planning Board. As everyone can see we have returned  
4 to a virtual meeting. This is due public gathering --  
5 or Public Meeting Laws and the restrictions placed by  
6 COVID-19. We will be having this meeting and probably  
7 for the foreseeable future, at least until January of  
8 2022, our meetings returning to virtual.

9                   We still want everybody to have access to  
10 all the applications. Those will be posted along with  
11 other information and details by the applicants prior  
12 to our meetings.

13                  We will have a public comment period. And  
14 Ramsey or Ken, can you tell us after tonight how long  
15 that comment period is open after -- after we have  
16 meeting? Or is up until the meeting and including the  
17 meeting?

18                  MR. GORDON: I'm not sure I'm understanding  
19 your question, Bill. I mean, for public hearings, the  
20 public hearing is the public hearing. And if the  
21 public hearing's closed, the public hearing's closed  
22 unless we keep it open.

23                  CHAIRMAN PRICE: Okay. So comments are --  
24 well, because the Town has the applications available  
25 prior to the meeting, comments can be received by the

1 Town, the Town Planner, Ramsey Boehner up to the  
2 meeting and then during the public hearing period.

3 MR. GORDON: Yeah. We're going to have to  
4 work out the logistics. I mean, this is something  
5 that we were just talking about a little bit before we  
6 started that is if there's a brand new law as of  
7 yesterday that requires use post not just the  
8 applications, but all matters that the -- all matters  
9 the Board is going to be considering at the meeting,  
10 post those 24 hours prior to the beginning of this  
11 meeting.

12 So I think what we're going to need to do is  
13 have a new cut off time that will allow us to comply  
14 with that law for public comments to be made prior to  
15 the meeting. Having said that at the meeting when we  
16 open a public hearing, of course, the public can  
17 comment at that time during the public hearing. So  
18 it's not cutting off comments prior to the public  
19 hearing other than for the purpose of receiving them,  
20 distributing them to the Board, posting on our  
21 website.

22 Does that sound right to you, Ramsey?

23 MR. BOEHNER: Yeah. Yeah. We have a lot of  
24 work to coordinate it. You know, we just switched  
25 from having public hearings in person to go to

1 virtual. And now we have new rules. So I think we  
2 need to understand what those rules to establish  
3 policy and time frames to adjust to them.

4 CHAIRMAN PRICE: All right. So, again,  
5 tonight everybody that cares to address an application  
6 will be offered that opportunity once the Planning  
7 Board members have had an opportunity to review the  
8 application, ask our questions of the applicant, we  
9 will open for public comment. And that's -- that's  
10 been typical whether we're in person or virtual.

11 If you -- if you don't know how to join the  
12 meeting on Zoom, there is a raise hand feature that's  
13 across the bottom of your screen. And your -- we have  
14 folks who are watching to keep track and let you in to  
15 the conversation. If all else fails, wave your --  
16 turn your camera on and wave your arms frankly and we  
17 will make every effort to get you in.

18 Let's start out by asking the secretary to  
19 call the roll tonight please.

20 MR. BOEHNER: Member Fader?

21 MR. FADER: Here.

22 MR. BOEHNER: Osowski?

23 MR. OSOWSKI: Here.

24 MR. BOEHNER: Babcock-Stiener?

25 MR. BABCOCK-STIENER: Here.

1                   MR. BOEHNER: Delaney?

2                   MS. DELANEY: Here.

3                   MR. BOEHNER: Ford?

4                   MS. FORD: Here.

5                   MR. BOEHNER: And Price?

6                   CHAIRMAN PRICE: Here.

7                   MR. BOEHNER: Absent is Altman.

8                   CHAIRMAN PRICE: Okay. Thank you. A quick  
9                   welcome to Julie Ford, our newest member. You're sure  
10                   going to learn a lot tonight. We're glad your on the  
11                   Board with us and look forward to meeting you in  
12                   person soon enough. But welcome.

13                   Okay. We do have -- before we talk about  
14                   the agenda, we do have meeting minutes from our July  
15                   21st meeting, our August 18th meeting and we will  
16                   receive and review the September 14th meeting minutes  
17                   in November.

18                   So let's go back to July 21st and ask if  
19                   anybody has a motion to approve those meeting minutes?

20                   MR. OSOWSKI: This is John. I'll move that  
21                   we approve the meeting minutes from July 21st.

22                   CHAIRMAN PRICE: All right. Do we have a  
23                   second.

24                   MR. FADER: I'll second it.

25                   MR. BOEHNER: Fader seconds.

1                   CHAIRMAN PRICE: Fader second. Any  
2 discussion? Were there any edits or adds anybody had?  
3 All right. Ramsey, call the roll please.

4                   (Mr. Price, aye; Ms. Ford, aye;  
5 Mr. Babcock-Stiener, aye; Mr. Osowski, aye;  
6 Mr. Fader, aye; Ms. Delaney, abstain.)

7                   MS. DELANEY: I didn't reply I wasn't there  
8 in July. Do I still --

9                   MR. BOEHNER: Okay. That's all right. You  
10 abstain. Delaney --

11                  MS. DELANEY: Abstain. Yes.

12                  CHAIRMAN PRICE: Was -- I don't believe  
13 Julie was on the board at that time either.

14                  MS. FORD: I was not. So I guess then  
15 should abstain as well. I thought it was just the  
16 minutes were read.

17                  CHAIRMAN PRICE: All right.

18                  MR. BOEHNER: The motion passes.

19                  CHAIRMAN PRICE: All right. Thank you.  
20 Seems there's -- does anyone have a motion to approve  
21 our August 18th meeting minutes?

22                  MS. DELANEY: I'll move that we approve the  
23 August minutes.

24                  MS. FORD: I'll second that motion.

25                  CHAIRMAN PRICE: All right. Moved and

1       seconded. Any discussion or edits anyone had? All  
2       right. Ramsey call the roll.

3                    MR. BOEHNER: Member Price?

4                    CHAIRMAN PRICE: Aye.

5                    MR. FADER: I'm going say aye, but tell you  
6        the truth I can't remember if I was even at that  
7        meeting.

8                    MR. OSOWSKI: You were.

9                    MR. FADER: Okay. Then the aye counts.

10                  MR. BOEHNER: Delaney?

11                  MS. DELANEY: Aye.

12                  MR. BOEHNER:

13                  MR. BABCOCK-STIENER: Abstain. I was not --

14                  MR. BOEHNER: I'm sorry. Jason, I'm having  
15        trouble hearing you.

16                  MR. BABCOCK-STIENER: Abstain.

17                  MR. BOEHNER: Osowski?

18                  MR. OSOWSKI: Aye.

19                  MR. BOEHNER: Ford?

20                  MS. FORD: Aye.

21                  MR. BOEHNER: Motion passes.

22                  CHAIRMAN PRICE: All right. Thank you. So  
23        our September meeting minutes we'll review in  
24        November.

25                  We have several public hearings tonight.

1 Ramsey, can you please confirm if these have been  
2 properly advertised.

3 MR. BOEHNER: Yes. They were promptly  
4 advertised -- excuse me one second. They were  
5 properly advertised in the -- well, let's do a time  
6 out for one second. I'm sorry. I apologize.  
7 Advertised in the Daily Record.

8 CHAIRMAN PRICE: Okay.

9 MR. BOEHNER: On October 11th, 2021.

10 CHAIRMAN PRICE: All right.

11 MR. BOEHNER: We have a new -- new posting.

12 CHAIRMAN PRICE: Right. And that is -- that  
13 is deemed legal. We lost the post; right?

14 MR. BOEHNER: Yeah. We lost the post that's  
15 our new ad. That's why I didn't have it in my notes.

16 CHAIRMAN PRICE: Okay. All right. Thank  
17 you. We will here those hearings tonight. We have  
18 several that I'd like to announce have been adjourned  
19 to our November 17th meeting. The first of those is  
20 application 10P-NB1-21, the application of 1950 to  
21 1966 Monroe Avenue, LLC also known as Quicklee's.  
22 This is the gas station on the corner of Monroe and  
23 Elmwood. That's been postponed for -- or adjourned  
24 for a month.

25 Application 10P-NB2-221, the application of

1       James Tabbi, owner, for preliminary site plan approval  
2       an preliminary EPOD for a single-family home at 830  
3       Highland Avenue has been postponed.

4               And under our old business application  
5       8p-NB-21, the application of the University of  
6       Rochester for concept review at their Laser Lab  
7       Facility, 250 East River Road has also been adjourned  
8       to our November 17th meeting.

9               So if you're here for any of those  
10      applications, just please know that they are -- won't  
11      be heard tonight and have been pushed back to  
12      November.

13               So our first application that we're going to  
14      hear tonight is 10P-01-21.

15       **Application 10P-01-21**

16               Application of Canal View Holdings, LLC,  
17      owner, and Ryco Management, agent, for Site Plan  
18      Modification to construct 11 new parking spaces on  
19      property located at 777 Canal View Boulevard. All as  
20      described on application and plans on file.

21               CHAIRMAN PRICE: Jeff or Ramsey, do we have  
22      somebody representing --

23               MR. BOEHNER: We have Matt Tomlinson,  
24      Marathon Engineering.

25               CHAIRMAN PRICE: Matt, good evening.

1                   MR. TOMLINSON: Hey, everybody. Matt  
2 Tomlinson, Marathon. Can you guys hear me okay?

3                   MR. BOEHNER: Yes. Do you have anyone else  
4 joining you, Matt?

5                   MR. TOMLINSON: Yes. Joe Schiedel is also  
6 here representing Ryco. He's on and muted currently,  
7 but he can chime in if I miss anything or state  
8 anything that needs to be corrected.

9                   But as noted this a relatively  
10 straightforward one. We're looking to add 11 parking  
11 spaces closer to the front door of a new tenant that  
12 Ryco is moving into the building and currently  
13 wrapping up the interior build-out portion. This is a  
14 medical practice. This services folks who need to be  
15 close to the door. And so we're trying to create  
16 better accessibility, update the curb ramps and ADA  
17 access and parking to current standards. There are  
18 currently four ADA spaces within the existing lot.  
19 We're leaving two further to the south and relocating  
20 two to the main entrance here.

21                   There are some other tenants within the  
22 building. And so that's why the spacing for the ADA  
23 spaces is left the way that it is. It's my  
24 understanding that the occupation or previous  
25 approvals as part of the building permit included

1 formalization of a parking agreement between this  
2 property and 500 Canal View, which was previously  
3 taken care of.

4 And so adding these spaces gives us closer  
5 to what's required by code, but still below it. And  
6 because have quite a bit of green space on the overall  
7 parcel, there are no variances or other things  
8 triggered by the addition of these 11 spaces. We are  
9 removing a small green spaces area where these spaces  
10 are being added, but maintaining some green at the  
11 main drop-off or front access point direct to the door  
12 and replanting two trees.

13 The landscaping between the sidewalk and the  
14 building itself is going to stay or be supplemented by  
15 the owner. But everything between the sidewalk and  
16 the curb in the area of the parking is going to go.  
17 And then we will be replanting two trees bracketing  
18 that entrance.

19 Drainage patterns are going to follow  
20 exactly where the drainage goes now. That lawn and  
21 sidewalk area just sheet drains to a couple of inlets  
22 in the interior island. And we've added spot  
23 elevations and some flow levels to indicate how that  
24 drainage will occur. But all that's going to be  
25 maintained exactly the way that it is today.

1                   Overall this a 9-acre parcel. The aerial on  
2 the left-hand side kind of shows the overall scope of  
3 the project and just where exactly these 11 spaces are  
4 going to fall relative to the building. So that's  
5 pretty much it. Joe, I don't know if I missed  
6 anything that you guys are looking at other than I  
7 think move in date they're looking to move in here the  
8 next few weeks, the new tenants, so we're trying to  
9 squeeze this prior to the end of the year, end of the  
10 paving season.

11                  MR. SCHIEDEL: Yeah. That's correct, Matt.  
12 So as you had mentioned, you know, there is a lot of  
13 green space at that property especially up in the  
14 front of the facility. There really isn't going be  
15 any, you know, alterations to some of the major  
16 components of the site and the perception of the  
17 building. And we're excited to have some new folks  
18 moving in and leasing some of the space in that office  
19 complex. And we've been working diligently to make  
20 some improvements and get some businesses and some of  
21 the things that match some of the mission of the Town  
22 to get into those places and operate in Brighton.

23                  MR. TOMLINSON: So with that, if you guys  
24 have any questions, Bill, we'd be happy to answer  
25 them. I did just like to mention that I had a phone

1 conversation with the Town engineer, Evert, earlier  
2 today just talking through any forthcoming comments.  
3 He did a few that he shared with me, but nothing that  
4 we see as any type of issue in finalizing getting  
5 signatures on the plans after approval.

6 CHAIRMAN PRICE: Thank you, Matt and Joe. I  
7 don't really have many questions as long as the Town  
8 engineer is satisfied on things like drainage. Are  
9 you looking at any additional site lighting as a  
10 result or are there any changes in hours of operation  
11 or anything as a result of this new business?

12 MR. TOMLINSON: No, not really. It's more  
13 of a medical practice. And again, this is just  
14 essential to the type of people that are coming there  
15 for their appointments to have ease of access up in  
16 that front loop. And it just currently doesn't exist  
17 as it is.

18 So the hours operations for some of the  
19 visitors and for some of the patients and people that  
20 are coming there will be standard, during normal day  
21 time and maybe some Saturday hours.

22 The lighting had just been gone through a  
23 week ago on Monday. Everything as far as the light  
24 posts and fixtures are currently up, operational, lit.  
25 The timer's been adjusted. And we had sufficient

1       lighting over in that area. There's several posts in  
2       the green space there. They're a little bit marked to  
3       see we're they're identified, but it does have  
4       coverage in and around that area.

5                    MR. BOEHNER: Joe, are you worried about  
6       cars parking over the sidewalk? Are you going to have  
7       wheel stops?

8                    MR. TOMLINSON: We're going to have a curb  
9       across -- across that edge.

10                  MR. SCHIEDEL: Yeah. We -- Ramsey, we don't  
11       anticipate that. Right now we're matching the  
12       sidewalk width. I know it's a little bit narrower  
13       with just the 5 feet through there, but we will be  
14       putting in full-depth, 6-inch curb. Right now the  
15       majority of the curb through that area is 3 or 4  
16       inches high. And they do nice job folks parking  
17       without blocking that.

18                  MR. BOEHNER: Well, the reason I bring it  
19       up, it's the main entrance, the medical facility. And  
20       it's important that the sidewalk be left unopposed or  
21       blocking anyone. And the last thing that I have, how  
22       will you remain accessible during the construction?

23                  MR. TOMLINSON: Yeah. I can speak to that  
24       and then Joe can chime in as well. The -- as I  
25       mentioned the tenants for the new space, the main

1 space that we're addressing of the parking near the  
2 front entrance are not in yet. And we don't -- we  
3 anticipate this work being completed prior to them  
4 moving in.

5 And a portion on the south, they have access  
6 from the parking lot to the rear of the building. And  
7 there's some ADA accessible there. So he'll work with  
8 those folks to make sure from a sequencing standpoint  
9 that they have access maintained, but it should not be  
10 an issue during construction.

11 MR. SCHIEDEL: That's correct, Matt. And we  
12 do have additional entrances in the back the facility  
13 that will in the future be primarily for just the  
14 employees that work for the practice. But in the  
15 meantime there's several other options for  
16 accommodating folks to make sure that we can get them  
17 in and out of there. Plus, with the move-in date and  
18 the tenant coming in soon, there will be a little bit  
19 of transition time for that organization and stuff.  
20 And we have got, you know, other entrances and things  
21 that we can use to accommodate with -- to make things  
22 easier for everybody.

23 MR. TOMLINSON: And relative to the wheel  
24 stops, Ramsey, we are maintaining the main access, if  
25 you will, from the drive isle, bringing the sidewalk

1 and a ramp out. And Joe and his folks are actively  
2 managing this. So if that becomes an issue, wheel  
3 stops could always be added in the future. And I'm  
4 sure Joe will be the first one to hear about it if  
5 there's some issues out there with the walks.

6 MR. SCHIEDEL: Yeah. I'm happy that we're  
7 going to go with the standard height curb. I have  
8 some other offices where we have installed wheel stops  
9 and other things. And sometimes with the plowing and,  
10 you know, the snow and other stuff, they're hard to  
11 see or they end up in a pile and other things. So  
12 anything that's permanent like the curb design  
13 actually seems to be more durable in the longevity of  
14 that and the fact that you can it, we can maintain it,  
15 clean it easily is a benefit I believe.

16 CHAIRMAN PRICE: Thank you. Do you have  
17 questions or comments? All right. Pam, do you have  
18 any questions.

19 MS. DELANEY: No. I'm all set. Thank you.

20 CHAIRMAN PRICE: All right. And John?

21 MR. OSOWSKI: Yeah, I have a question. Is  
22 the developer okay with snow storage when they do have  
23 to plow this parking lot and the driveway out in the  
24 winter?

25 MR. SCHIEDEL: Yeah. We should be perfectly

1 fine with that. On that property, Matt, or if someone  
2 wants to scan over to the overall site plan, the  
3 overhead shot with the satellite, you'll see that this  
4 parcel in the back it's -- there's just green space at  
5 the edge that goes into what I will call a hedgerow.  
6 Plus, in the lower left-hand corner there's  
7 actually -- yes. Right there. There's some space.  
8 That's at grade level. It doesn't have any trees or  
9 anything in there. It looks like in the past before  
10 we purchased the property that there was some light  
11 posts and some drainage and stuff already in there in  
12 case additional parking was to be added later. So we  
13 have several areas around this property in the wooded  
14 area that we own or have access to for pushing --  
15 pushing snow into. So removal is not really an issue  
16 for that.

17 Plus, I have property behind that, 500 Canal  
18 View, which is just north of this drawing, with wooded  
19 area and everything else as well. So we've got a lot  
20 of push off space for snow with no issues.

21 MR. OSOWSKI: All right. Good. Thank you.  
22 And tell me is there any opportunity to put a bicycle  
23 rack somewhere conveniently in case anybody decides to  
24 ride their bike to work there?

25 MR. SCHIEDEL: Yeah. And actually, you

1 know, we have got that in a lot of our offices. You  
2 know, I'll check with the tenants and the management  
3 teams to see if that's something that they'd like in  
4 the front of the facility or more than likely in the  
5 back of the facility we have employee entrances  
6 actually for almost all of the tenants. Being the  
7 shape of that building, the L-shape with the 90  
8 degrees, everybody has an emergency exit door and/or  
9 employee entrance of the back of the facility.

10 So I got some great areas in the back in the  
11 upper corner of the 90, the outside where we've got  
12 tree that we just planted in the top-left corner. And  
13 we've got sidewalk all the way around with several  
14 areas that I can add some bike racks too. Yes.

15 MR. OSOWSKI: Great. Thank you.

16 MR. BOEHNER: And David Fader.

17 MR. FADER: I'm okay with did.

18 CHAIRMAN PRICE: All right. Did I get  
19 everybody? Yup. Ken Gordon, any questions? All  
20 right. And Ramsey?

21 MR. BOEHNER: I'm all set. Thank you, Bill.

22 CHAIRMAN PRICE: All right. Matt and Joe,  
23 thank you. Jeff, we're going open this up for public  
24 comment to see if there's anybody that's joining the  
25 meeting tonight that wishes to address this

1 application.

2 MR. FRISCH: I'm not seeing anybody.

3 CHAIRMAN PRICE: Okay. Anyone? Then thank  
4 you. All right. If anybody does wish to address  
5 this, we can come back, but let's move onto the next  
6 application. Same applicant, application  
7 number 10P-02-21.

8 **Application 10P-02-21**

9 Application of Canal View Holdings, LLC,  
10 owner, and Leo J. Roth Corporation, agent, for Site  
11 Plan Modification to install a standby emergency  
12 generator on property located at 777 Canal View Blvd.  
13 All as described on application and plans on file.

14 CHAIRMAN PRICE: I guess, Matt -- is it Matt  
15 or is it Joe?

16 MR. SCHIEDEL: Yeah. I'm actually I'm here  
17 today with the ownership with that, with Ryco  
18 Management. I can speak to that. And I wasn't sure,  
19 did we have anybody else on from Leo J. Roth on here?

20 MR. BOEHNER: Who would that be? Would that  
21 be Derrick -- no? Chase Stooks?

22 MR. SCHIEDEL: No.

23 MR. BOEHNER: Do you see anyone raising  
24 their hand to speak?

25 MR. SCHIEDAL: Yeah. I can, you know, help

1 field this application as well.

2 MR. BOEHNER: Okay. Let's continue.

3 CHAIRMAN PRICE: Go ahead.

4 MR. SCHIEDAL: All right. So in general, at  
5 the facility, again, we've had a couple of tenants  
6 vacate earlier this year. And we've had a couple  
7 spaces inside that facility that have been vacant for  
8 several years. And the goods news is that we're  
9 bringing several businesses into that particular  
10 location.

11 This one that's moving in is actually in the  
12 upper-right section or we'll say right section, a  
13 little bit lower. And they're going to be a  
14 technology organization that's moving into that space.  
15 And part of their requirements for their IT  
16 infrastructure and for their server room is to have a  
17 small, dedicated generator to provided emergency power  
18 backup to their IT server room.

19 The location of the generator is right where  
20 the hand is and the marker there. And what we're  
21 looking is for Leo J. Roth to perform the piping and  
22 gas installation into the facility. I've already got  
23 gas equipment further along that wall on the -- to the  
24 left of where the proposed location is. And there's  
25 actually already some penetrations into the facility

1 that would be tied into above the ceiling grid. And  
2 we do have another tenant that already has a small  
3 generator very similar in size and capabilities on the  
4 other side of the facility where you can see if you  
5 scroll to the left and down a little bit, right -- it  
6 will say generator.

7                   So same type of thing, just an emergency  
8 stand by generator running off of natural gas,  
9 something small for a small tenant's IT needs.

10                  CHAIRMAN PRICE: Jeff, do you -- do we have  
11 anything on the -- on the generator itself with regard  
12 to the model or the manufacturer?

13                  MR. FRISCH: Yeah, we do.

14                  CHAIRMAN PRICE: Okay. John Osowski, this  
15 is where I'm out of my league and --

16                  MR. SCHIEDAL: Yeah. I will say that that  
17 is very similar to one you would have as a residential  
18 model. That's just how small that we're talking  
19 about. It almost doesn't even look commercial in a  
20 appearance. And the amount of power and output is  
21 generally low-load device with an enclosure that you'd  
22 see similar to a residential where it's an attractive  
23 enclosure as pictured there.

24                  It's going to be low as far as the volume  
25 and decibels. And it's really just to keep some

1 critical components up and running up for the  
2 business.

3 MR. OSOWSKI: Yeah. This is John. I'm  
4 trying to read the specs on it because they're kind of  
5 light on my screen. So I'm having trouble looking at  
6 it. But I'm familiar with, you know, Honeywell  
7 Generac is typically a residential grade. So, yeah,  
8 they make those fairly quiet purposely.

9 MR. BOEHNER: Do you know, Joe, what the  
10 decibel level is.

11 MR. SCHIEDAL: It's probably on -- let's see  
12 if we can --

13 MR. BOEHNER: Oh, yeah. Jeff's pointing it  
14 out.

15 MR. SCHIEDAL: Yeah. This -- it looks like  
16 it's pretty low.

17 MR. BOEHNER: Is it the 1418 or 10,000  
18 watts?

19 MR. SCHIEDAL: If you scroll up -- do we  
20 have another sheet in the submittal to just confirm  
21 the one that was proposed?

22 CHAIRMAN PRICE: They're all shown.

23 MR. BOEHNER: They are.

24 MR. SCHIEDAL: I think -- I think on the  
25 specification sheet they were are all pretty close as

1 far as the decibel limit which is -- 14KW is the size  
2 of it.

3 MR. BOEHNER: Yeah. I was just trying to  
4 get the decibel level, but you're not -- it looks like  
5 from the previous shot that Jeff showed us, it looks  
6 like both of -- at least two of them would hit  
7 65-decibel levels, but not exceed it.

8 MR. SCHIEDAL: Right.

9 MR. BOEHNER: And then the 100 watt would be  
10 61 and that's all within code.

11 MR. SCHIEDAL: Okay.

12 MR. BOEHNER: If you make any changes, you  
13 need to let us know.

14 MR. SCHIEDAL: Yup. Obviously we will, but  
15 I believe we're going stick to the specifications  
16 here.

17 MR. BOEHNER: Okay. Jeff, thanks for  
18 pulling that up.

19 Are you proposing any screening or enclosure  
20 for the generator?

21 MR. SCHIEDAL: No. Actually I think what we  
22 did is we picked an enclosure that's shown there that  
23 actually is somewhat attractive. They're -- you know,  
24 in appearance and stuff. And, you know, comparatively  
25 to transformers and enclosures and other things, I

1 think it's -- you know, it's not an eyesore by any  
2 means for the facility.

3 MR. BOEHNER: I have no other questions.

4 CHAIRMAN PRICE: I don't either. John, are  
5 you set?

6 MR. OSOWSKI: Yeah. Are there any  
7 provisions being made or consideration to have  
8 protective bollards around the generators so that  
9 cars --

10 MR. SCHIEDAL: If we go back to the  
11 placement of the unit -- if we scroll down -- we're  
12 actually off -- I think we're beyond the -- beyond the  
13 curb and of the tenant area of the facility there.  
14 And that's kind of similar to where, you know, some of  
15 gas equipment and stuff comes in. It's kind of tucked  
16 up near the building. It's inside the curb and away.  
17 And that -- the curb is a standard height. So I don't  
18 really have any concerns about any vehicles getting up  
19 or over into the equipment. And there isn't really  
20 anything that we would be concerned about at -- if  
21 that unit, you know, had something get near it.  
22 There's isn't anything that would be detrimental to  
23 the site really or anything. So it should be okay  
24 where that proposed location is inside the curb --  
25 between the curb and the building.

1                   MR. OSOWSKI: Okay. Thank you.

2                   CHAIRMAN PRICE: David Fader, any questions.

3                   MR. FADER: No, I'm all set.

4                   CHAIRMAN PRICE: Okay. How about Pam, you  
5 have questions?

6                   MS. DELANEY: No. I'm all set. Thank you.

7                   CHAIRMAN PRICE: All right. Julie, do you  
8 have questions?

9                   MS. FORD: I have no questions.

10                  CHAIRMAN PRICE: Jason, all set? All right.  
11                  Okay. I believe that's it. Ken or Ramsey, any other  
12                  questions?

13                  MR. GORDON: Nothing for me, no.

14                  CHAIRMAN PRICE: All right. Okay. Thanks,  
15                  Joe. This is a public hearing. Is there anyone  
16                  that's joining us tonight that cares to address this  
17                  application?

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

19                  CHAIRMAN PRICE: All right. All right, Joe.  
20                  Thank you.

21                  MR. SCHIEDAL: Yup. And I'd just like to  
22                  say thank you all for your time and we appreciate it  
23                  and we look forward to getting some of these new  
24                  organizations and stuff into the facilities over in  
25                  that area and bring in some business into the Canal

1 View Office Park. Thank you.

2 CHAIRMAN PRICE: Thank you.

3 MR. BOEHNER: Joe, you did a nice job.

4 Thank you.

5 CHAIRMAN PRICE: All right. That brings us  
6 to our third application of the night. This is  
7 10P-03-21.

8 **Application 10P-03-21**

9 Application of 1925 South Clinton, LLC,  
10 owner, for Final site Plan Approval (Phase 2) to  
11 construct two 9,200 +/- square feet retail buildings  
12 with drive-through facilities and associated site  
13 improvements on property located at 1905-1925 South  
14 Clinton Avenue (Tax ID #136.15-1-8.1, Lot 3). All as  
15 described on application and plans.

16 MR. COLUCCI: Good evening, Mr. Price. Paul  
17 Colucci with was Dimarco Group. Members of the Board,  
18 nice to see everybody. I'm joined tonight by Derrick  
19 Lich, project manager for Costich Engineering and  
20 civil engineers record for the project that we're  
21 going to be talking about tonight.

22 Just wanted to go back a little bit relative  
23 to previous approvals. So this project as many of you  
24 know, but I know there's some new board members,  
25 received preliminary overall site plan approval in

1 November of 2017 along with subdivision approval to  
2 create three lots, which we are referring to here in  
3 the overall site plan. 11-acres, the site was --  
4 underlined zoning was BEL, business limited. We did  
5 an incentive zoning approval, which gave us certain  
6 flexibilities relative to uses and sizes of buildings.  
7 At the preliminary overall stage we had lot 1, which  
8 was the daycare facility, 11,600 square foot. That is  
9 occupied by Doodle Bugs Children Center. Construction  
10 completed in July of 2020, open and operating.

11                   Lot 2, which was approximately 6.8 acres is  
12 the back. And then the larger parcel was slated for  
13 two medical office buildings, each two stories,  
14 totaling approximately 51,700 square feet.

15                   And lot 3, which is the front, was slated --  
16 was 2.75 plus or minus acre parcel. It was slated for  
17 two buildings, one, multi-use tenant building with  
18 drive-through. And at the time of the preliminary  
19 overall, we showed a 4,500 square foot restaurant  
20 building with outdoor dining.

21                   And we are back before you with phase 2,  
22 which is lot 3. Minor changes to that include now two  
23 9,200 square foot buildings in lieu of the single  
24 9,200 secure foot and 4,500 square foot building.  
25 We're showing two drive-throughs. We have a lease

1 with Starbucks, which would be the end cap of the  
2 northerly building, 2,100-square foot Starbucks Cafe  
3 with drive-through. That is really the catalyst that  
4 allows us to move forward with this next phase.

5 If you'll recall at preliminary overall we  
6 had pretty much fixed driveway positions. We install  
7 the northerly access, which is opposite Lac De Ville  
8 Boulevard. That's the driveway that's currently there  
9 that services Doodle Bugs. We have the southerly  
10 access, which has been installed, but signal is not  
11 operational at this point for the fourth leg of that  
12 intersection. That southerly access is opposite the  
13 shopping center, which is anchored by Tops.

14 The two building would serviced by both  
15 access points. We would install the rest of the  
16 signal equipment for the southerly access, which would  
17 make that a fully operational and signalized access.  
18 We have parking proposed as shown, 98 spaces, which in  
19 excess of the five per thousand that's required. We  
20 are limiting the parking to just lot 3 at this time,  
21 trying to minimize the amount of site improvements as  
22 we still have some -- trying to maintain some  
23 flexibility for building sizes and positions in the  
24 rear. While at this time we do believe and we are  
25 pursuing medical office user that would occupy either

1 of the two two-story building, we have some external  
2 influences in the marketplace that we're trying to  
3 maintain some flexibility back there where we are  
4 looking to potentially have either a single building  
5 in the back in the future or two buildings. So we're  
6 trying to maintain some flexibility back there.

7 The utility infrastructure was installed as  
8 part of phase 1. This includes the stormwater  
9 management pond. The pond is in and fully functional.  
10 The pond is sized to serve the overall development at  
11 full build-out. We installed sanitary sewer, which  
12 extends from the northwest corner of the property into  
13 the site and approximately a third of the way  
14 southerly through the site. We would access and  
15 extend those utilities for this phase further to the  
16 south limits of the property.

17 We are showing on phase 2 the -- the  
18 drive-through facility that has the appropriate  
19 stacking for -- in excess of the required queue  
20 amounts. Approximately stacking provided for  
21 approximately 14 vehicles. We also have potential --  
22 I don't have the lease in hand yet, but we are  
23 finalizing agreements with another restaurant user,  
24 which would be a sandwich shop that would potentially  
25 go adjacent to the Starbucks.

1                   The rest of the tenants spaces will be built  
2 on spec. And our design will be flexible for various  
3 widths of tenants as they would occupy storefronts.  
4 The southerly building as shown as a mirror image of  
5 the northerly building. And that is set up, again,  
6 for a drive-through user. As we're out in the  
7 marketplace and talking to potential tenants there is  
8 potential for other drive-up or drive-through users.  
9 While we don't think any would be as intense as a  
10 Starbucks use that has a very heavy drive-through  
11 component, other users could be restaurant or -- which  
12 would require drive-through facilities where they  
13 would actually have order point and transactions  
14 versus other users we've been working with in the  
15 marketplace that have simply drive-up, where there's  
16 no transactions or no order point. Basically, order  
17 online and have a pick-up window.

18                   The project proposes the continuation of the  
19 sidewalks and pedestrian element that would connect to  
20 the sidewalk that was installed along the South  
21 Clinton Avenue right-of-way. We are still proposing a  
22 garden wall along the right-of-way, which is a  
23 combination of brick piers, ornamental aluminum fence  
24 and landscaping that would parallel the right-of-way,  
25 essentially a method of trying to bring the line of

1       sight of cars that would in the stacking lanes that  
2       are going to be accessing the drive-throughs or  
3       drive-up windows.

4           We did have -- and I submitted along with  
5       the application to staff an engineering -- an updated  
6       engineering report. We also recently submitted an  
7       updated traffic memorandum where I had the original  
8       traffic engineer review, the trip generation based on  
9       our preliminary overall program versus this, where we  
10       had previously one drive-through user. We are now  
11       showing potentially two. So they took a look at the  
12       IT trip generation and produced a traffic memorandum  
13       that was submitted to staff. It results in  
14       approximately 17 additional trips in the a.m. peak  
15       hour and 35 in the evening, p.m. peak hour. And that  
16       -- per their opinion the results and the conclusions  
17       of that is it would have negligible effect on the  
18       surrounding traffic network.

19           We did look at the overall SEQRA thresholds  
20       and approvals of this project. They are noted on the  
21       site plan where we look at each lot. And we compared  
22       it to the incentive zoning approvals. We do meet the  
23       lot coverage, the building coverage, the overall green  
24       space, setbacks, parking and other requirements which  
25       I alluded to, which is the drive-through component.

1                   Drive-through is an allowable use under the  
2 incentive zoning regulations. It's a conditional -- I  
3 should say conditional use subject to being able to  
4 meet the standards associated with the drive-through.

5                   The two buildings that are proposed as I  
6 mentioned that are mirror images of one another, I  
7 submitted elevations and renderings. I do have a  
8 meeting next week with the Architectural Review Board  
9 to discuss those elevations. It's a brick exterior  
10 finish with a limestone base, pre-cast water cable,  
11 metal canopies over the store fronts as well as on the  
12 sides and rear. Buildings are approximately 20-feet  
13 tall. There's a parapet that wraps the buildings that  
14 would be used to screen the rooftop mechanical  
15 equipment. And generally set up to be flexible for  
16 various tenants that would be moving in, hopefully  
17 staying, but in the business we're in, we have to  
18 prepare for flexibility with move-ins and move-outs.

19                   So essentially the -- as everyone who was  
20 part of the original approvals know, the buildings  
21 basically the front or the entrances will face into  
22 the development -- or -- they'll be facing westerly.  
23 So the back of the buildings will face the  
24 right-of-way. And on the other elevation that -- as  
25 you just push down, you can see the frontage. So

1       trying to make flexibility for various tenants of  
2       different sizes.

3               Overall we're excited that we have some  
4       momentum to move forward with this next phase. I know  
5       it seems like a life time ago. And I look back at  
6       some of my notes from when we obtained the original  
7       approval and it's been four years. And it amazes me  
8       how time goes by, but we're excited to be able to move  
9       forward with Starbucks, which will give us some  
10      momentum to continue developing this project.

11              And with that I'm happy to answer any  
12      questions you have.

13              CHAIRMAN PRICE: Okay. Thank you. I think  
14       I'd like to ask -- I'm going go around and see if  
15       other board members have any comments. I guess, I  
16       don't know where to start. David, do you have any  
17      thoughts on this?

18              MR. FADER: I don't know. Well, some of my  
19       thoughts are actually more along the notes that came  
20       with the whole thing. Like are they ever going to  
21       remove the pile of dirt? But that's not really I  
22       think what you're asking.

23              CHAIRMAN PRICE: No. I -- I guess, you  
24       know, some of us were on here. We have a couple new  
25       Board members that hadn't seen the previous

1 preliminary approval. I don't know. What are your --  
2 what are your thoughts on this very auto-centric  
3 development? I'm -- you know.

4 MR. FADER: I don't know. I guess -- I  
5 mean, it's not as -- it's less attractive, but I'm not  
6 sure I would object to it.

7 CHAIRMAN PRICE: Okay. John Osowski, do you  
8 have any thoughts on it?

9 MR. OSOWSKI: Yeah. I've been struggling  
10 with it trying to figure out if they could, you know,  
11 turn it 90 degrees, if that might put the parking in  
12 the middle between the two buildings, see if that  
13 could be some kind of improvement to it. But that  
14 would probably screw up the drive-through. I don't  
15 know. I'm -- I'm -- yeah. I'm struggling with trying  
16 to -- trying to improve it some how and not coming up  
17 with any real good ideas at this point in time. Yeah.

18 CHAIRMAN PRICE: Jason, how about you?

19 MR. BABCOCK-STIENER: One of my concerns  
20 is -- and maybe what we're looking at --

21 MR. BOEHNER: We're having trouble hearing  
22 you.

23 MR. BABCOCK-STIENER: It's -- it's my  
24 laptop. And I unfortunately was not able to get a new  
25 one right now with the shortage.

1                   So let's see. My concern is -- my immediate  
2 concern, and maybe it's just not being shown well on  
3 this, if I remember correctly we had done a lot of  
4 landscaping work along that front edge there where it  
5 bordered Clinton Avenue. And it seems like a lot of  
6 that is gone and it is now being taking up by  
7 drive-through -- or by drive-through space. And,  
8 again, it may just be the one we're looking at there.

9                   CHAIRMAN PRICE: Yeah. Other thoughts?  
10                  Jason? Yeah, I get it. I get it. Pam, what about  
11 you? Do you have any thoughts?

12                  MS. DELANEY: I think the biggest issue I'm  
13 having is approving a second drive-through for a  
14 tenant that's unknown. I think I'd be okay with a  
15 Starbucks drive-through since it's a secure tenant and  
16 it helps move along the development. I'm having a  
17 hard time saying, let's just do a drive-through in  
18 preparation of trying to attract a tenant. I think  
19 giving up this single building with outdoor dining for  
20 two drive-throughs is a real sacrifice.

21                  And I think if it was one drive-through  
22 instead of two drive-throughs, we could possibly shift  
23 the building slightly and do something like the  
24 Starbucks on Mount Hope that has like the loop,  
25 doesn't go along the front of the building. I know I

1 have the same front of the building issues with the  
2 Starbucks on Monroe.

3                   But I would feel a lot better if it was  
4 single drive-through, U-shaped drive-through and the  
5 second building didn't have a drive-through and  
6 instead had outdoor dining or some type of green space  
7 amenity. So I think -- I think the buffer seems okay.  
8 I just really am having a hard time saying, let's do a  
9 second drive-through when we don't have anybody -- I  
10 mean, maybe there is somebody in mind, but it just  
11 seems like a stretch.

12                  CHAIRMAN PRICE: Julie, it's your first  
13 night. Feel free to give us your thoughts.

14                  MS. FORD: I'll pipe up here and kind of  
15 riff off the two previous comments. I agree with the  
16 second drive-through being problematic not just  
17 because it's unknown, but as a second -- as a second  
18 drive-through with the idea of having some sort of  
19 green space or outdoor dining in lieu of the second  
20 drive-through to me seems more palatable.

21                  But I also do recognize the changing  
22 dynamics in, you know, how people are accessing goods  
23 and services. This is becoming increasingly  
24 important, but I agree with Pam on the -- that second  
25 drive-through is -- it causes me to pause.

1                   MR. FADER: I just noticed it's final site  
2 plan approvals. For some reason I thought it was a  
3 more preliminary application. So, I guess, I do have  
4 a little bit of a problem with it. I mean, I think,  
5 Bill, you said in the past you sometimes like it when  
6 they move the building closer to the street. But in  
7 this case when they did that they put like the  
8 drive-through in front of it. So you really don't see  
9 the building. You'll just see the cars going around  
10 the drive-through.

11                  MS. FORD: That's not --

12                  CHAIRMAN PRICE: Yeah. Yeah.

13                  MR. FADER: So kind of like what Pam said,  
14 maybe -- I don't if I care if there's two of them or  
15 not. I mean -- but maybe we can spin them 90 degrees  
16 or do something else that they're not, you know -- I  
17 mean, this is a last chance to comment. I kind of  
18 think it was a change to much less appealing.

19                  MS. DELANEY: Can I say something else too?

20                  CHAIRMAN PRICE: Please.

21                  MS. DELANEY: This was back to when Julie --  
22 when Julie was just mentioning about like the  
23 changing -- you know, the changing world and how it's  
24 becoming auto-centric. I was looking at the  
25 comprehensive plan, which I feel like is something

1 that the Town touts as like our vision for the future  
2 of Brighton. And I looked at this area and it's  
3 designated as a neighborhood commercial mixed use,  
4 which says that larger areas -- blah, blah, blah -- it  
5 should be compatible with the scale and character of  
6 the neighborhood, the smallest and the least intensive  
7 of the Town's commercial uses.

8                   So I feel like -- you know, well, I  
9 definitely agree things are auto-centric. The Town is  
10 trying to, you know, move towards these uses in this  
11 comprehensive plan and I think it's unfair of us to  
12 say let's allow two drive-throughs when really we  
13 should be taking that plan into consideration and  
14 trying to use that as a guide of for moving forward.

15                   MS. FORD: Thank you, Pam, for drawing my  
16 attention to that. Being a new member, I'm not aware  
17 of these details and that is a very important detail.

18                   CHAIRMAN PRICE: Yeah. This to me is -- I  
19 know Paul and Dimarco are very well aware of good  
20 design principals. They employ those design  
21 principals on other projects. And they've completely  
22 ignored them for this project. We have no good side  
23 to any of these buildings. What you're doing to the  
24 street front on South Clinton is you're making i the  
25 backside of the building. You're putting dumpsters on

1 the other side, making that the back side of a  
2 building. I'm frankly not sure how you could have  
3 come up with something worse, frankly. And I  
4 apologize --

5 MR. COLUCCI: I appreciate your comments.

6 CHAIRMAN PRICE: This is just acceptable,  
7 Paul.

8 MR. COLUCCI: I appreciate your comments  
9 and --

10 CHAIRMAN PRICE: Well, okay. But you're --

11 MR. COLUCCI: You and I know we started this  
12 together over seven years ago looking at this project.

13 CHAIRMAN PRICE. Yeah. Please don't tell me  
14 that market conditions are our problem. Okay?

15 MR. COLUCCI: No one's coming up with that.  
16 I'm saying --

17 CHAIRMAN PRICE: Don't go down there --

18 MR. COLUCCI: The fate of this development  
19 was kind of sealed by a couple factors that are fixed.  
20 The driveway to the north and the driveway to the  
21 south, obviously Doodle Bugs is where it is.

22 The site plan, if you look at the existing  
23 preliminary overall, is identical to this plan save  
24 trying to give a drive-through with enough queue  
25 distance to be accessible for users like a Starbucks

1       Cafe. Given the position of the building, the  
2       northerly building, the 9,200 square foot building,  
3       it's in exactly the same position as it was for  
4       preliminary.

5 CHAIRMAN PRICE: I reviewed the previous  
6 plan.

7 MR. COLUCCI: Right.

8 CHAIRMAN PRICE: I reviewed it. Okay?

9 MR. COLUCCI: We came up with a driveway  
10 queue that wraps around the building. We are  
11 proposing a garden wall to help screen the headlights  
12 and the cars. And that building is in the exact same  
13 position. So -- so --

14 CHAIRMAN PRICE: So why does it look such  
15 worse? Why does it feel so much worse?

1 other drive-through that would require pick-up or  
2 drive-through. And these tenants are -- they're not  
3 going to come to this market without those types of  
4 provision. So it kind of hamstrings us. And we're  
5 trying to throw good design principals out the window.  
6 We're trying --

7 CHAIRMAN PRICE: You don't have any design  
8 principals. There's nothing here.

9 MR. COLUCCI: We required -- you required me  
10 to put these buildings where they are. You wanted the  
11 back faces --

12 CHAIRMAN PRICE: Whoa, whoa, whoa, whoa.

13 MR. COLUCCI: You wanted --

14 CHAIRMAN PRICE: Nobody wanted --

15 MR. COLUCCI: You wanted the back to face --  
16 you did not want parking in front of these buildings.

17 CHAIRMAN PRICE: Paul --

18 MR. COLUCCI: It was a requirement.

19 CHAIRMAN PRICE: -- you're not getting it.  
20 You're not understanding. We're not happy with this.  
21 We're not happy.

22 MR. COLUCCI: You're not happy, but I'm in  
23 conformance.

24 CHAIRMAN PRICE: Not happy, Paul.

25 MR. COLUCCI: Show me where I'm

1 non-compliant. Show me where --

2 CHAIRMAN PRICE: Paul, did you bring a copy  
3 of the other -- of the previous plan? Paul, you are  
4 not in conformance -- completely out of conformance.

5 MR. COLUCCI: I -- I --

6 MR. GORDON: Bill, could I just jump in  
7 this? This is Ken Gordon. If I could?

8 CHAIRMAN PRICE: Thank you. Please jump in,  
9 Ken, because I'm --

10 MR. GORDON: So let me just express sort of  
11 the concern from my perspective. So this is an  
12 incentive zoning project that was granted incentive  
13 zoning approval by the Town Board dependent upon in  
14 part a traffic impact study that was based upon one  
15 drive-through. And it did not envision this  
16 configuration and -- it didn't envision a specific  
17 configuration, but it certainly didn't envision two  
18 drive-throughs. And we know that drive-throughs for  
19 food have an extremely high impact.

20 I'm concerned, Paul, that we will need a new  
21 traffic impact study. And I'm concerned what that  
22 traffic impact study might show. And I'm concerned  
23 how it may affect the incentive zoning approval, how  
24 it might effect the SEQRA review and I don't know how  
25 far back in the process something like this may push

1 this project. But I'm concerned about it. Frankly, I  
2 just looked -- started looking at these documents  
3 today. I have not had an opportunity to talk with  
4 staff, with Ramsey, with Mike Evert about these  
5 issues. But I'm concerned. And I just want to share  
6 that with you.

7 The other thing I'm concerned about is I  
8 know the approved incentive zoning regulations had,  
9 among other things, a restriction on hours of  
10 operation for businesses within this development. And  
11 the earliest a business can operate in this  
12 development other than daycare is 7:00 a.m. There's  
13 not a Starbucks I know that doesn't open before  
14 7:00 a.m.

15 And there's a process by which you could  
16 apply -- or actually I'm not even sure if it's it you.  
17 I think Starbucks can apply for a conditional use  
18 permit to operate earlier. But I can't say whether  
19 that would be granted or not in this neighborhood. I  
20 just don't know.

21 So I've got other concerns that haven't been  
22 articulated. Also I know that there's use size  
23 provisions. So total size of this project, 77,000  
24 square feet for the entire project; right? I think we  
25 limited the incentive zoning regulations 12,000 for

1 food. So, you know, we got an unknown food retail  
2 whatever it is coming in, a restaurant, with a  
3 drive-through on one side and we got 2,100 square feet  
4 for Starbucks. We have unknown multi-use tenants.  
5 I'm just concerned what those other uses might be.

6 If we take all of this in I think Doodle  
7 Bugs plus these two buildings is 30,000 square feet  
8 and that's makes it 47,000 for what was supposed to be  
9 bigger medical use. So, again, it's a change in the  
10 mix of use in terms of the -- of what the Town Board  
11 was anticipating, which may be more intense and might,  
12 again, impact traffic and other features of the  
13 project. I don't know if it means that we push  
14 ourselves into supplemental EIS. But I think that's a  
15 discussion that I'm going to have to have with staff.  
16 So I just -- I'm putting that out there, you know.

17 MR. COLUCCI: No, Ken, I appreciate that.  
18 And we did look at the incentive zoning approvals and  
19 the limitations relative to what was allowed for the  
20 specific uses. I believe I'm in compliance with them,  
21 but, you know, certainly open to having discussions  
22 with staff and yourself.

23 The traffic piece is noted. That was raised  
24 in a workshop with staff last week. Hence I had  
25 McFarland Johnson do a traffic memorandum and a simple

1 IT trip generation comparison. So that -- that was  
2 just submitted yesterday to staff understanding that,  
3 you know, they haven't had time to react to it.

4 The -- you know, the overall, you know,  
5 concern I have is the chairman's kind of, you know,  
6 disdain with our approach here. And it's certainly  
7 not something that we're trying to upset anyone. We  
8 want to advance the development. We want to bring  
9 business to Brighton. We don't -- we don't do it in a  
10 manner that we're trying to spite anyone, which it  
11 seems like he feels quite that way tonight.

12 We worked hard to bring this property to  
13 market with a lot of pitfalls along the way relative  
14 to discovery of, you know, shot rock. And as  
15 Mr. Fader said, you know, the piles that are there  
16 those were a result of us having to deal with very  
17 extraordinary site conditions as we got into  
18 developing this site. And we're trying to manage a  
19 property as best be can. Those piles will go away as  
20 soon as we're able to move forward with a next phase.  
21 It's certainly our desire to do so. We want to bring  
22 this property into a state that is commensurate with  
23 the Town and our other properties. We don't leave  
24 properties in a state of, you know, neglect for any  
25 reason other than trying to bring the next phase

1 online. So those piles that are there are materials  
2 that will used for -- for this next phase.

3 And as I just saw, I think Jeff just had the  
4 previous preliminary overall plan up there. You know  
5 I don't see a major departure other than trying to  
6 really for Starbucks in particular provide a queue  
7 lane that is not going to impede traffic and cause  
8 traffic concerns. So my plan was to wrap that around  
9 the building. And when I do that I wind up creating a  
10 much more generous queue length that winds up allowing  
11 traffic not to be impeded on the rest of the plaza.  
12 And in doing so we recognize that we're bringing  
13 vehicles behind the building. And we're proposing a  
14 garden wall, which has brick piers every 24 feet,  
15 ornamental aluminum fence and landscaping that would  
16 provided that buffer. So, you know, there's certain  
17 requirements that we need to meet with Starbucks. I  
18 hear you loud and clear. Maybe the other  
19 drive-through without a tenant, without being able to  
20 identify who it is, is a little bit of concern. And  
21 I'm recognizing that. So, you know, if -- if we're  
22 able to move forward, I'd like to get some positive  
23 comments that I can -- I can work with rather than  
24 Dimarco has taken all design principals and thrown  
25 them out the window and this is, you know, laughable

1 at best to the Chairman.

2 MR. GORDON: Well, what I heard and just so  
3 we -- I don't think there's anything personal here,  
4 Paul. I think what I heard from Bill and from all of  
5 the Board members that commented was they're really  
6 not happy with this design. And we're looking for  
7 some change. I will say -- I think it's fair to say  
8 that the Town is excited that you're moving forward.  
9 We want to see the project be a success. We want to  
10 see the project take off. And we know that Dimarco  
11 does build quality projects. We're happy you're here  
12 in Town doing this. But we want to see -- we want to  
13 see that project -- this plan maybe tweaked in a way  
14 that makes it more palatable to the Board is all.

15 MR. FADER: Go back to the previous plan  
16 just for a second. You do not think looking at this  
17 that the drive-through on this plan is much more  
18 attractive and blends in better than the one with the  
19 road going around it? I mean, it's like -- there's a  
20 big difference between the two. I don't see -- just  
21 because the building's in the same location, I don't  
22 think that really matters.

23 So I think -- I think maybe you come back  
24 with some concepts that are more like this one. And  
25 even if you did have two drive-throughs, which I don't

1 know if you need, I would think that the other one  
2 could have a similar design to this one, which is I  
3 think what Pam was saying earlier.

4 (Simultaneous conversation.)

5 MR. FADER: I think what I'm saying is, we  
6 some concerns. We're trying to say what we don't like  
7 about it, but we're not like -- you know, we're not  
8 trashing you. We're just -- we're giving you  
9 feedback.

10 MR. COLUCCI: Well, I appreciate that. And  
11 my only concern with this drive-through is knowing  
12 Starbucks and we've all seen Starbucks drive-throughs  
13 during peak, this meets the Town's requirement for  
14 queue. And it's probably just shy of what they would  
15 want as a standard. I just know that we're going to  
16 wind up with vehicles that are going tail out into  
17 that drive lane that is my concern with this one. So  
18 trying to get some more queue distance for the  
19 Starbucks was one of the reasons that I wrapped the  
20 drive-through around that building. Which I think I  
21 could do and, you know, without really bringing a  
22 negative element to the development, you know, with  
23 landscaping, with good design practices, with a good,  
24 you know, edge wall along that right-of-way, I think  
25 that it works.

1                   So ultimately we know the back of these  
2 buildings is going to face the right-of-way. We're  
3 trying to --

4                   CHAIRMAN PRICE: One of the things we tried  
5 to do with those, Paul, was to bring activity to the  
6 street side. You had patios and you had people out  
7 closer to the street with this previous plan. And  
8 now, you know, you have dumpsters that were in the --  
9 in the corners of parking -- of the parking lot.  
10 You've now put dumpsters on your main drive lane  
11 through your development.

12                  MS. DELANEY: You put a wall, which is, you  
13 know, blocking what should be an exciting development.  
14 Would shouldn't have to feel like we have to block  
15 this off. We should feel like this is something that  
16 looks nice and we're proud of it and like Bill said,  
17 you know, brings life to Brighton.

18                  CHAIRMAN PRICE: Does Starbucks have to be  
19 on that corner at the north intersection.

20                  MR. COLUCCI: Yes. Yes. That -- we looked  
21 at placing them. I did multiple. I did stand alone.  
22 I did -- and the result we resolved -- and we landed  
23 on end cap on that north end is where they want to be.

24                  CHAIRMAN PRICE: Well, this isn't for our  
25 group to solve, but my -- it's my opinion -- and see

1       whatever else ultimately lands on -- that this is a  
2       combination of two drive-throughs, mirror image  
3       buildings, cars on all sides of your buildings is not  
4       going to fly for me. If there's a way for you to  
5       rotate those buildings 90 degrees, push your internal  
6       drive deeper into the project and see if you can face  
7       those together and solve that drive-though in a  
8       different way we're you're able to create some kind of  
9       a space between the buildings. These are very narrow  
10      sidewalks in the front.

11            MR. BOEHNER: Paul, couple observations. I  
12        did want to say as we had previously talked, you do  
13        need to come back and get a new preliminary approval.

14            MR. COLUCCI: Yup. Understood that. We  
15        have that application in and we're waiting on comments  
16        so that we can submit that. Understanding the  
17        reaction here tonight, we'll take a step back and look  
18        at this.

19            MR. BOEHNER: And Paul, the other thing is I  
20        do not see any way I could recommend to the Board that  
21        a second conditional use permit be issued for a use we  
22        know nothing about. And if we're going to look at  
23        Starbucks, we need to know a lot more about them.

24            What Ken Gordon brought up, the hours of  
25        operation, it's queuing length, is problematic. And

1 it could be that it might not be suitable for this  
2 site. So I leave that with you to say you might want  
3 to look at design of your overall project. Re-look at  
4 the driveway going into Brickwood. That has changed.  
5 And re- look at it if this something you want to do.

6 But right now I definitely do not see we  
7 have any information to possibly review and approve a  
8 second conditional use for a drive-through.

9 MR. COLUCCI: Okay. Understood. We do  
10 know --

11 MR. BOEHNER: I have one last thing to say.  
12 You need to clean up the site if you go forward or  
13 not.

14 CHAIRMAN PRICE: I was wondering about that.  
15 What's -- why -- why would, you know, approval of this  
16 be a condition of getting that site cleaned up?

17 MR. COLUCCI: We -- we have the underground  
18 that we want to put in, Bill. And the location where  
19 we'd like to put the sewers and the storm sewer --  
20 sanity storm in wants to go in before we spread the  
21 stone. We wanted to come back with some knowns rather  
22 than a lot unknowns. Right know we have -- we have a  
23 known. We have a lease with Starbucks. We have some  
24 timelines we're trying to meet for them. And that --  
25 that piece if I can finalize that building allows us

1 to put underground in and then spread that stone.

2                   The topsoil that's there, some of it needs  
3 to say on-site and will stay in that location until  
4 I'm fully built out. We don't need all it. As you  
5 know, we wound screening, segregating a lot of  
6 material that was buried. And, you know, as everyone  
7 recognizes the last 18 months has been a bit unusual  
8 with, you know, just activity in construction in  
9 general. So it's been, know, kind of a combination of  
10 factors that why it sits like it does today.

11                  MR. GORDON: How long has it been there,  
12 Paul?

13                  MR. COLUCCI: July, August of last year. So  
14 approximately -- approximately a year since we  
15 finished Doodle Bugs. And then we've been working on  
16 trying to lease the back building. We have some  
17 medical users who wants to be 20,000 square feet on a  
18 single floor. We have some Medical users who are  
19 coming to us saying that they could take 5,000 square  
20 feet. So we're wrestling with what's the right  
21 building to build back there. So we've been reluctant  
22 to put the underground in that would interrupt that.  
23 So we're just trying to respond to what we foresee as  
24 the likeliest opportunities to lease and keep those  
25 building operational, which is really why we're where

1 we are.

2 Ken, as you know we did a portion of the  
3 sidewalks. We've committed to doing the rest of the  
4 off-site sidewalks in -- by the end of June of next  
5 year, which we perceive going along with the timing of  
6 this development.

7 MR. GORDON: That's excellent. I -- it's  
8 just I think we normally have some sort of erosion  
9 control plan place. I know that we were dealing with  
10 this very same issue down on Monroe Avenue and had to  
11 have the developer take care of problem that was, you  
12 know, too much -- too much dirt in a pile for too  
13 long. And, you know, we need -- I assume, Ramsey,  
14 there's a similar program here for erosion control?

15 MR. BOEHNER: Well, it's also that the piles  
16 are supposed to move within six months. And we're way  
17 passed that.

18 MR. GORDON: And I understand why this  
19 happened and, you know, difficulties, but I don't  
20 think that we can sit around and say well, you know,  
21 we'll pretend that mandate doesn't exist because your  
22 coming forward with a proposal now. I think they are  
23 independent. At least that's how the Town would view  
24 it.

25 MR. BOEHNER: Ken, I have to agree with

1 that. And from what I'm hearing from the Board, I  
2 think you need to look at redoing your preliminary  
3 plan. And as the Board has discussed with you, come  
4 back with some alternative designs and come back on a  
5 conceptual level would be what I would recommend.

6 MR. COLUCCI: I recognize that, but it's  
7 tough to go back conceptual level when I had a  
8 preliminary overall. So if I come back to a final  
9 phase --

10 MR. BOEHNER: No. You don't -- conceptual  
11 and then preliminary. With the design you have,  
12 you're not consistent with the preliminary that was  
13 approved.

14 MR. COLUCCI: Right. That's what I'm  
15 saying. If I went back to my previously approved  
16 preliminary overall, I'm not going back to concept.  
17 I'm going to go back to that. So I understand the  
18 comments and concerns here tonight. But when you  
19 bring up concept at this stage, Ramsey, I am seven  
20 years into this project. I'm not going back to  
21 concept.

22 MR. BOEHNER: Hey, if you're changing the  
23 plan so drastically, I recommend it to you with this  
24 Board.

25 MR. COLUCCI: And drastic is a strong word

1 when I'm looking at --

2 MR. BOEHNER: It was. You got two  
3 drive-throughs. You got lanes operating between the  
4 two buildings and the edge of the curb. That's a  
5 drastic change. The driveway into Brookwood is  
6 changed. It's not consistent with the preliminary,  
7 Paul. And we did talk about that.

8 MR. COLUCCI: Yup. Understood.

9 MR. BOEHNER: You can proceed as you like.  
10 The Board will talk about this later obviously.

11 MR. COLUCCI: The word dramatic comes up  
12 more than drastic to me, but I understand, you know,  
13 receiving --

14 MR. BOEHNER: Okay. It's semantics. I will  
15 reel back from that, Paul. I'm just trying to get a  
16 point across to you that I am sitting here listening  
17 to this. I do see this as problematic. And I think  
18 you need to really go back to the drawing board. And  
19 that is what we're hearing from the Board. Paul.

20 MR. COLUCCI: Well, we want to solve  
21 problems, not create them. So we will certainly go  
22 back. We'll look at this. We'll go back to our  
23 preliminary overall approval. And, Ken, appreciate  
24 the comments. And, you know, we don't want to create  
25 problems both with the existing site and/or any future

1 developments. So understand and appreciate everyone's  
2 time tonight. And I'll be back in touch, Ramsey.  
3 I'll probably try to set up a workshop with you before  
4 we try to come back before this group.

5 MR. GORDON: I'd like to sit in on that  
6 workshop, Ramsey.

7 MR. BOEHNER: Sure.

8 CHAIRMAN PRICE: And a board member should  
9 be there too.

10 MR. BOEHNER: Tag. You're it.

11 CHAIRMAN PRICE: Doesn't have to me. It can  
12 be me, but --

13 MR. BOEHNER: Tag, you're it. You're chair.

14 CHAIRMAN PRICE: Okay. All right. Thank  
15 you.

16 MR. BOEHNER: Just so we can get moving,  
17 Bill.

18 CHAIRMAN PRICE: Yeah. I don't want to slow  
19 it down, but --

20 MR. BOEHNER: No. That's kind of idea.

21 CHAIRMAN PRICE: Doesn't have to go back  
22 concept, but it's got to go --

23 MR. BOEHNER: Well, you understand what I  
24 was saying?

25 CHAIRMAN PRICE: Oh, I understand. I

1 understand. Yeah.

2 MR. BOEHNER: I just -- you know, have some  
3 idea before they engineer the plans up.

4 CHAIRMAN PRICE: Yeah. These -- the next  
5 level needs to be tissue sketches and --

6 MR. BOEHNER: Yeah. That's my --

7 CHAIRMAN PRICE: Yeah. All right. This is  
8 a public hearing. Is there anyone in the audience  
9 tonight that cares to address this application?

10 MR. FRISCH: I do not see anybody.

11 CHAIRMAN PRICE: All right. Let us move on  
12 then.

13 MR. COLUCCI: Thanks. Goodnight.

14 CHAIRMAN PRICE: Goodnight.

15 MR. BOEHNER: Thank you.

16 CHAIRMAN PRICE: Our next application is  
17 10P-04-21.

18 **Application 10P-04-21**

19 Application of Trinity Reform Church, owner,  
20 for Preliminary/Final Subdivision Approval to create  
21 two lots from one on property located at 909 North  
22 Landing Road. All as described on application and  
23 plans on file.

24 CHAIRMAN PRICE: Is there anyone here  
25 representing the applicant?

1 MR. SCIARABBA: Good evening, Mr. Chairman.  
2 My name is John Sciarabba with LandTech representing  
3 the Trinity Church this evening.

4 CHAIRMAN PRICE: Hello John.

5 MR. SCIARABBA: I'll just do a quick  
6 overview. The church is located at 909 Landing Road.  
7 It's located on the west side of the road. We have  
8 Stratton Road to the north and Penhurst Road to the  
9 south. This property is 2.6-acre in size and zoned  
10 RLB. On the property we have the main church facility  
11 and parking lot. And then we also have a parsonage  
12 house that's located at the corner of Stratton Road  
13 and Landing Road.

1 church are roughly 5 feet apart. So we have a 42-foot  
2 separation between the new property line and the  
3 existing church.

4 The church site will be remaining on most of  
5 the project. It's going exist around 2.3 acres in  
6 size. The other unique factor about this property --  
7 the only really unique factor is there's a large  
8 easement, 35-foot in width, which we have a water  
9 sanitary storm easement running through the property  
10 that bisects the property north and south. And we  
11 have a driveway that's adjacent to the Stratton house.  
12 And we're proposing an ingress/egress easement to  
13 straddle that driveway. So both the church and the  
14 new residents can use that driveway. That easement  
15 will be submitted to the Town for review and labelled  
16 on the final plan before we file the subdivision.

17 There will be no physical changes to the  
18 property. This is just merely a subdivision of  
19 property and creating the new lot. So that's a brief  
20 overview of what we're proposing this evening. I can  
21 answer any questions you have.

22 CHAIRMAN PRICE: Thank you, John. I read  
23 through the Town engineer's comments on this. Did you  
24 receive a copy of those comments?

25 MR. SCIARABBA: I do not have those at this

1 time, no.

2 CHAIRMAN PRICE: Okay.

3 MR. BOEHNER: They are posted on the web.

4 CHAIRMAN PRICE: Okay. Ramsey, I really  
5 don't --

6 MR. BOEHNER: No. The only thing that  
7 changes is -- they got the variance. They need an  
8 access easement.

9 CHAIRMAN PRICE: Okay. That would be --  
10 sounds like it's going to be available for your  
11 review.

12 MR. BOEHNER: Yup.

13 CHAIRMAN PRICE: Okay.

14 MR. BOEHNER: Pretty straightforward.

15 CHAIRMAN PRICE: Seemed like it. Board  
16 members, any of the Board members have any questions  
17 for the applicant?

18 MR. OSOWSKI: I have a question.

19 MR. BOEHNER: Go ahead.

20 MR. OSOWSKI: So the house being subdivided  
21 from the church property, so will the house return to  
22 the taxable, you know, roles for the Town or is the  
23 house going to turn around and be sold? What's --  
24 what's the -- you know, what's the reason for --

25 MR. SCIARABBA: No. That's a question --

1 that's a question that might be over my head as far as  
2 the tax role, but I believe it's being cut off to --  
3 for an economic return to be sold as a single-family  
4 residence.

5 MR. OSOWSKI: And, John --

6 MR. BOEHNER: And that is my understanding  
7 too. They had -- their property was not that long ago  
8 designated as a landmark, the church and the school,  
9 but not the house. The Historical Preservation  
10 Commission purposely did not want to include that.  
11 And it was presented to the Commission at that time.  
12 It was their intention for financial purposes to sell  
13 that house off. And if it is sold off to someone that  
14 is not a non-for-profit entity, then they will pay  
15 taxes.

16 MR. OSOWSKI: All right. Thank you.

17 CHAIRMAN PRICE: Other questions from the  
18 Board?

19 MS. DELANEY: I'm all set.

20 CHAIRMAN PRICE: Jason or David or Julie?

21 MR. BABCOCK-STIENER: No.

22 MS. FORD: No questions.

23 MR. FADER: No. This ones okay.

24 CHAIRMAN PRICE: All right. Pam, you all  
25 set?

1 MS. DELANEY: I am, yeah. Thank you.

2 CHAIRMAN PRICE: Thank you. All right.

3 This also is a public hearing. Is there anyone in the  
4 audience that cares to address this application?

5 MR. FRISCH: I don't see anyone.

6 CHAIRMAN PRICE: All right. Thank you. All  
7 right. So that was I believe our last public hearing  
8 for the night I will just repeat that application  
9 10P-NB1-21, 1950 and 1966 Monroe Avenue Quicklee's has  
10 adjourned to our November 17th meeting. As has  
11 application 10P-NB2-21, James Tabbi for preliminary  
12 site plan approval and EPOD approval for a new home at  
13 830 Highland Avenue. And this wasn't not for a public  
14 hearing, but an open application -- tabled application  
15 for 8P-NB1-21 for the University the Rochester for a  
16 Laser Lab addition over at 250 East River Road.

17 So with that our public hearings are  
18 concluded for the night. We have a couple options  
19 here, Board members, to go back and review the  
20 applications and make our determinations on those.  
21 And then we'll come in and do our signs. I think  
22 there's probably a few folks out there that must be  
23 waiting on some of the sign applications that are  
24 before us.

25 MR. FRISCH: There's only the members and

1           Joan Sciarabba still on the line.

2           CHAIRMAN PRICE: I see. Okay. All right.

3           So let's go back to the top of our agenda, which takes  
4           us to application 10P-01-21.

5           **Application 10P-01-21**

6           Canal View Holdings, LLC, and Ryco  
7           Management. This was for the 11 parking spaces. Do  
8           we is a motion to close the public hearing?

9           MS. DELANEY: I'll move that we close the  
10           public hearing.

11           MR. BOEHNER: Delaney closes -- makes the  
12           motion.

13           CHAIRMAN PRICE: I'll second.

14           MR. BOEHNER: Price seconds.

15           CHAIRMAN PRICE: Okay. All right. So do we  
16           have a motion for this -- for this application?

17           MR. BOEHNER: Bill, should I take the roll  
18           on closing --

19           CHAIRMAN PRICE: I apologize. I apologize.  
20           Yup.

21           MR. BOEHNER: Okay. Member Ford.

22           CHAIRMAN PRICE: Julie.

23           MS. FORD: I'm not really sure what you're  
24           asking me.

25           CHAIRMAN PRICE: We're closing the public

1 hearing.

2 MS. FORD: I agree.

3 CHAIRMAN PRICE: Okay. Thank you.

4 (Ms. Ford, aye; Mr. Osowski, aye;  
5 Mr. Babcock-Stiener, aye; Ms. Delaney, aye;  
6 Mr. Fader, aye; Mr. Price, aye.)

7 MR. BOEHNER: The hearing is closed.

8 CHAIRMAN PRICE: All right. Okay. So  
9 Julie, now what we do is we make a motion on the  
10 application itself typically, you know, for approval  
11 or for table. And we'll look around and see who might  
12 be willing to make a motion on this.

13 MR. FADER: I can make one. I move the  
14 Board adopts the negative declaration prepared by Town  
15 staff and that the Board approves application  
16 10P-01-21 based on testimony given, plans submitted  
17 and the 15 conditions.

- 18 1. Meet all requirements of the Town of Brighton's  
19 Department of Public Works.
- 20 2. All Town codes shall be met that relate directly  
21 or indirectly to the applicant's request.
- 22 3. The contractor shall designate a member of his or  
23 her firm to be responsible to monitor erosion control,  
24 erosion control structures, tree protection and  
25 preservation throughout construction.

- 1       4. All disturbed areas shall be protected from
- 2       erosion either by mulch or temporary seeding within
- 3       two weeks of disturbance.
- 4       5. Maintenance of landscape plantings shall be
- 5       guaranteed for three (3) years.
- 6       6. Any contractor or individual involved in the
- 7       planting, maintenance or removal of trees shall comply
- 8       with the requirements of the town's Excavation and
- 9       Clearing (Chapter 66), Trees (Chapter 175) and other
- 10      pertinent regulations and shall be registered and
- 11      shall carry insurance as required by Chapter 175 of
- 12      the Comprehensive Development Regulations.
- 13      7. If any site lighting is proposed as part of this
- 14      project, a lighting plan which shows the type,
- 15      location and lighting contours shall be submitted.
- 16      The proposed lights shall be designed to reduce
- 17      impacts to the surrounding properties.
- 18      8. The parking lot shall be striped as per the
- 19      requirements of the Brighton Comprehensive Development
- 20      Regulations.
- 21      9. All outstanding Site Plan comments and concerns of
- 22      the Town Engineer shall be addressed.
- 23      10. Erosion control measures shall be in place prior
- 24      to site disturbance.
- 25      11. A letter or memo in response to all Planning

1       Board and Town Engineer comments and conditions shall  
2       be submitted.

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

8       13. The requested information is required to be  
9       submitted no later than two weeks prior to the next  
10      Planning Board meeting.

11      14. All comments, concerns and requirements of the  
12      Town Engineer as contained in the attached memo dated  
13      October 17, 2020 From Mike Guyon, Commissioner of  
14      Public Works, to Ramsey Boehner, shall be addressed.

15      15. All trees removed shall be replaced one for one.

16                    MR. BABCOCK-STIENER: Second.

17                    MS. FORD: I'll second that.

18                    MR. BOEHNER: Who seconded that?

19                    MS. FORD: Ford.

20                    MR. BOEHNER: Ford. Thank you.

21                    CHAIRMAN PRICE: Jane slipped in there  
22      first, but that's okay.

23                    MR. BOEHNER: Well, Ford get's it. She  
24      tried. Get's it for effort.

25                    MS. FORD: That's one that I can -- that I'm

1 following. So I'll get in on that one.

2 MR. BABCOCK-STIENER: My microphone is  
3 awful.

4 MR. BOEHNER: We can't hear you.

5 MS. DELANEY: I'm going give you some  
6 headphones for next month.

7 MR. BABCOCK-STIENER: That's the problem.  
8 All I have are lighting head phones.

9 MR. BOEHNER: If we could before it goes  
10 further, I do have a additional condition that the  
11 Board may want to consider. And that is the site plan  
12 shall be revised to including a bike rack.

13 MS. FORD: Right. Yes, I agree.

14 MR. BOEHNER: Mr. Fader.

15 MR. FADER: I have no problem with that.

16 MR. BOEHNER: Should I call the roll?

17 CHAIRMAN PRICE: All right. So we're moved  
18 and seconded. The amendment approved by the mover,  
19 Mr. Secretary, please call the roll.

20 (Mr. Price, aye; MR. FADER, aye;

21 Ms. Delaney, aye; Mr. Babcock-Stiener;

22 Mr. Osowski, aye, Ms. Ford, aye.)

23 (Upon roll application is approved with  
24 conditions.)

25 CHAIRMAN PRICE: All right. Thank you. Our

1 next application is 10P-02-21.

2 **Application 10P-02-21**

3                   Same applicant, Canal View Holdings, LLC,  
4 and Leo J. Roth companies for the generator to be  
5 located at the backside of 777 Canal View Boulevard.

6                   Do we a motion to close the public hearing  
7                   MR. BABCOCK-STIENER: I'll move that we  
8 close the public hearing.

9                   MR. BOEHNER: Babcock-Stiener makes the  
10 motion.

11                   MS. DELANEY: I'll second. Delaney.

12                   MR. BOEHNER: Delaney. Thank you.

13                   (Ms. Ford, aye; Mr. Osowski, aye;  
14                   Mr. Babcock-Stiener, aye; Ms. Delaney, aye;  
15                   Mr fader, aye; Mr. Price, aye.

16                   MR. BOEHNER: The hearing is closed.

17                   CHAIRMAN PRICE: Thank you. Do we a motion  
18 for this application? David?

19                   MR. FADER: All right. I move that the  
20 Board adopts the negative declaration prepared by Town  
21 staff and the Board approves application 10P-02-21  
22 based on testimony given, plans submitted and the  
23 seven conditions.

24                   1. An Operational Permit shall be obtained from the  
25 Town of Brighton Fire Marshal (Chris Roth,

1 585-784-5220).

2 2. Meet all requirements of the Town of Brighton's

3 Department of Public Works.

4 3. All Town codes shall be met that relate directly

5 or indirectly to the applicant's request.

6 4. All outstanding Site Plan comments and concerns of

7 the Town Engineer and Fire Marshal shall be addressed

8 within 30 days.

9 5. The location of any proposed generators shall be

10 shown on the site plan. All requirements of the

11 Comprehensive Development Regulations shall be met.

12 6. All comments, concerns and requirements of the

13 Town Engineer as contained in the attached memo dated

14 October 17, 2020 From Mike Guyon, Commissioner of

15 Public Works, to Ramsey Boehner, shall be addressed.

16 7. The generator shall be 65 dB(A) or less.

17 CHAIRMAN PRICE: I'll second.

18 MR. BABCOCK-STIENER: I would second.

19 CHAIRMAN PRICE: Give it to Jason.

20 MR. BOEHNER: Jason, you seconded.

21 CHAIRMAN PRICE: Yup.

22 MR. BOEHNER: Babcock-Stiener second.

23 CHAIRMAN PRICE: All right. We're all set

24 with the conditions?

25 MR. BOEHNER: I have no considerations to

1 offer.

2 CHAIRMAN PRICE: All right. Okay. Please  
3 call the roll.

4 MR. BOEHNER: To approve with conditions.

5 (Mr. Price, aye; Mr. Fader, aye,  
6 Ms. Delaney, aye; Mr. Babcock Stiener, aye;  
7 Mr. Osowski, aye; Ms. Ford, aye.)

8 (Upon roll, the application was approved  
9 with conditions.)

10 CHAIRMAN PRICE: Great. Thank you all. So  
11 that does bring us to the application 10P-03-21.

12 **Application 10P-03-21**

13 Application of 1925 South Clinton, LLC, for  
14 final site plan approval, phase 2, at 1905 to 1925  
15 South Clinton Avenue.

16 MR. FADER: I have a motion for that. I  
17 move the Board table application 10P-03-21 based on  
18 the testimony given and plans submitted, and the 28  
19 items of additional information outlined in the  
20 Planning Board report are requested to make a  
21 determination of significance and to have a complete  
22 application.

23  
24 1. The proposed plan is inconsistent with the  
25 approved. A new preliminary site plan application and

1 approval is required due to the proposed modification  
2 to the approved plan.

3 2. The application must be revised to address each  
4 proposed conditional use in greater detail.

5 3. The access driveway to the Brookdale property  
6 located south of the project site will be construction  
7 during this phase.

8 4. The traffic projections included in the 2016 TIS  
9 indicate that drive through restaurants generate a  
10 significant volume of traffic. The TIS must be  
11 revised to consider the additional traffic generated  
12 by the second drive through restaurant. The revised  
13 TIS must be submitted to the MCDOT for review.

14 5. The approved erosion control plan indicates that  
15 the topsoil pile was temporary and was to be removed  
16 within 6 months. The topsoil pile has been in place  
17 for well over 6 months and must be removed.

18 6. The application should identify any differences  
19 between the proposed plan and the approved overall  
20 plans.

21 7. The Fire Apparatus Access and Fire Hydrant  
22 Worksheet for Phase 2 of the proposed project must be  
23 submitted for review.

24 8. The location of the proposed dumpsters will  
25 require that the waste haulers block the access drive.

1       The application must be revised to provide provisions  
2       to limit this impact.

3       9. A turning radius analysis must be prepared and  
4       must consider vehicles entering the drive through from  
5       the southernmost access drive. Also the radius  
6       analysis must review vehicles exiting the northern  
7       most drive through and making a right turn onto the  
8       Rue De Ville access drive.

9       10. The plans must be revised to provide for  
10      pedestrians crossing the drive to access the  
11      multi-tenant buildings.

12      11. The plan must be revised to provide access to the  
13      existing shared use trial along the western property  
14      line should be provided and constructed as part of  
15      this phase.

16      12. The outdoor eating area could block the sight  
17      line for the vehicles exiting the drive through.  
18      Confirmation must be provided that there is adequate  
19      sight distance at this location.

20      13. The landscape plan must be revised to address the  
21      western portion of the site that will be regraded.

22      14. Verification must be submitted that the  
23      landscaping will not obstruct the sight distance at  
24      the drive through and parking area entrances/exits.

25      15. The architectural design and building materials

1 of the proposed building(s) shall be reviewed and  
2 approved by the Town of Brighton Architectural Review  
3 Board.

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

7 17. The parking lot shall be striped as per the  
8 requirements of the Brighton Comprehensive Development  
9 Regulations.

10 18. All outstanding Site Plan comments and concerns  
11 of the Town Engineer and Fire Marshal shall be  
12 addressed.

13 19. All County Development Review Comments shall be  
14 addressed.

15 20. The parking lot lights shall be placed on a  
16 timer.

17 21. The location of the HVAC shall be shown on the  
18 site plan.

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

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

1 to section one hundred one of the Executive Law.

2 24. The plans shall be revised to address the  
3 following comments of the Conservation Board:

4 Continue the use of green infrastructure techniques.

5 Landscaping along South Clinton Avenue shall be  
6 maintained to provide adequate screening of  
7 drive-through lanes.

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

16 26. Documentation must be submitted by the project  
17 engineer that confirms that the proposed project  
18 complies with the Incentive Zoning Approval and the  
19 Negative Declaration that was adopted for this  
20 project.

21 27. The requested information is required to be  
22 submitted no later than two weeks prior to the next  
23 Planning Board meeting.

24 28. All comments, concerns and requirements of the  
25 Town Engineer as contained in the attached memo dated

1       October 20, 2020 From Evert Garcia, Town Engineer, to  
2       Ramsey Boehner, shall be addressed.

3                    MR. BABCOCK-STIENER: Second.

4                    CHAIRMAN PRICE: Okay. Moved. Anybody  
5       second? Was that Jason?

6                    MR. BOEHNER: Jason.

7                    CHAIRMAN PRICE: We can have some  
8       conversation before we vote.

9                    MR. BOEHNER: I just want to offer too that  
10       I will offer the condition that the site plan shall be  
11       revised to address the comments and concerns that were  
12       discussed with the Planning Board as an additional  
13       condition. And then you can discuss it. I just  
14       wanted to put that on the table that that is pretty  
15       clear.

16                   CHAIRMAN PRICE: David and Jason are you  
17       good with that?

18                   MR. FADER: Yes.

19                   MR. BABCOCK-STIENER: Yeah, I'm good.

20                   CHAIRMAN PRICE: Okay. Ramsey in the end is  
21       tabling this what we should be doing? We're  
22       essentially sending them back to -- you know, he says  
23       he's not going to go to concept, but if he goes back  
24       and does something that's a little more in the  
25       ballpark of his preliminary approval, that's

1       essentially a new application. And in the end does  
2       this remain a valid application if he's -- if he's  
3       going to change it substantially enough for us to  
4       approve it, it's going take a modification to  
5       preliminary. And then does it really come back that  
6       we would be reviewing this particular application? My  
7       question do you deny this application as a final site  
8       plan approval or is tabling it --

9                    MR. BOEHNER: I have -- let me give you a  
10      little background.

11                  MR. GORDON: Ramsey, before you answer, I  
12      don't know if you saw my text, but I've been asking  
13      you to take a look at the chat I sent you.

14                  MR. BOEHNER: I don't do cell phones during  
15      meetings, sir.

16                  MR. GORDON: That's why I sent you the chat.

17                  MR. BOEHNER: Jeff, you should have let me  
18      know. Okay. Go ahead, Ken. Sorry.

19                  MR. GORDON: If you could take a look at  
20      your chat on Zoom from me, right now.

21                  MR. BOEHNER: I will try to do that.

22                  MR. FRISCH: He didn't send it to me.

23                  MR. GORDON: Nope. Just sent it to Ramsey.  
24      It's on this issue, Bill. That's why I want him to  
25      take a look at it.

1                   MR. BOEHNER: Okay. Let me go back to what  
2 I was saying.

3                   MR. GORDON: Yup. Thanks.

4                   MR. BOEHNER: This application came in. We  
5 did meet with the applicant, told him all their  
6 problems. The application was made. I did at that  
7 meeting inform them that it was not consistent with  
8 the preliminary approval and that they would need to  
9 make a new application for consideration by the Board,  
10 which they have made.

11                  But I wanted them to go through tonight  
12 because they need to hear it from you not from me, but  
13 from you.

14                  CHAIRMAN PRICE: So --

15                  MR. BOEHNER: I would table that so they at  
16 least know your concerns. And then I would suggest  
17 that they withdraw it. Because it still doesn't have  
18 preliminary approval. It's a final plan that doesn't  
19 meet -- and it's a condition of this approval that  
20 they got to apply for a new preliminary, which they  
21 have done.

22                  You want to do it differently, you're more  
23 than welcome to deny it without prejudice. There is  
24 an application pending for them to come back next  
25 month. And I'd be glad to talk with them about the

1 various conditions that are in the report right now.  
2 And that is up to you folks with what direction you  
3 would like to take.

4 CHAIRMAN PRICE: Okay. I think either way  
5 whether knowing that this is going to have to be  
6 revised, this will require a revised preliminary and  
7 that becomes a separate application.

8 MR. BOEHNER: It is going to be a separate  
9 application, a new application.

10 CHAIRMAN PRICE: Yeah. Okay. So --

11 MR. BOEHNER: So what the -- with that  
12 thought they have made that application. They're  
13 going to need to resubmit. So in the sense that the  
14 comments and the reports, he can read them. He can  
15 see them.

16 CHAIRMAN PRICE: Yeah.

17 MR. BOEHNER: You can deny without  
18 prejudice. I just don't have findings for you to do  
19 that. And the findings would be if you were, was that  
20 proposed plan is not consistent with the preliminary  
21 site plan approval that is granted for this project.

22 CHAIRMAN PRICE: I will -- I will ask the  
23 rest of the Board members to just consider -- I would  
24 be personally satisfied knowing that they are coming  
25 back in with the preliminary application, which that

1       preliminary application may need to be modified based  
2       on the comments that they're going to get out of this.  
3       And then this particular application would be  
4       withdrawn. It would accomplish the same thing I'm  
5       trying to achieve.

6                    MR. BOEHNER: I think the concern of the  
7       Town Attorney that there is a time frame that he's  
8       concerned about regarding the time that the Board  
9       needs to make a decision.

10                  MR. GORDON: I just counted days. So I  
11       think we'd be okay. I just wanted to call a time out  
12       and have you ready that, Ramsey.

13                  MR. BOEHNER: So I think, Ken, we have  
14       tabled it.

15                  MR. GORDON: Yeah. Anyway, if I may, the  
16       code requires you the Board to make a decision within  
17       45 days of when the secretary presents to you a final  
18       site plan application. My email says that the  
19       Board -- the Board was sent this by the secretary on  
20       October 7th, which was 13 days ago. Our next meeting  
21       is November 17th, which is 28 from today. So we would  
22       be within that 45-day period, because it's 41 days out  
23       from when we got it. So I think we're okay to table  
24       it. I just needed a moment to be able to do that  
25       math. So I think we're okay tabling it. I think it's

1 also appropriate if you want to deny it to deny it.  
2 Either one works.

3 CHAIRMAN PRICE: Either one accomplishes  
4 what I think needs to happen. And I'm fine with the  
5 motion the way that it is, but I just wanted to ask  
6 people's thoughts.

7 MR. FADER: I don't care either. I can  
8 withdraw that motion or we can do another one. You  
9 guys understand these nuisances better than I do.

10 MR. GORDON: I just was concerned about the  
11 timing. I think you're fine, David, with tabling.  
12 You're within the 45 days of the next meeting. But at  
13 the next meeting, we need to make a decision  
14 eighteenth granted or denied.

15 MR. BOEHNER: Ken, let me ask you this. If  
16 the application is not complete and we deem it not  
17 complete, do we still have the 45-day limit hanging  
18 over us?

19 MR. GORDON: I think so, yes. Because I  
20 think it was submitted -- I mean, the was the code  
21 reads it's 45 days from when the Board receives it  
22 from the secretary. The secretary -- Rick on your  
23 behalf actually, he mailed it out 13 days ago to the  
24 Board. So, yeah, I think we need to make that  
25 decision.

1                   What can, as you know Ramsey, what can  
2 extend that time period is the developer or the  
3 withdrawal of that application by the developer. So  
4 the developer on it's own can say I would like the  
5 matter adjourned. I would like you to hold off on --  
6 I would like to agree to give the Board more time to  
7 think about my application. All of that's fine. So I  
8 think we're fine with the tabling, David.

9                   CHAIRMAN PRICE: Okay. Pam, did you have a  
10 question or comment?

11                  MS. DELANEY: I guess my only comment is if  
12 we table it, I just don't want to feel like next month  
13 if they come back and it's like better, but not  
14 perfect, that we feel pressure because of this time  
15 period to approve it. I don't know if that would be  
16 case, but like this isn't good. So I don't want to  
17 feel like they can just make some small changes and  
18 we're like, yeah, that's fine. We just want to get  
19 this done.

20                  MR. BOEHNER: That would lead you to denying  
21 it without prejudice for the reason that it's  
22 inconsistent with the approved preliminary plan, I  
23 think would kind of be the motion.

24                  CHAIRMAN PRICE: Yeah.

25                  MS. DELANEY: Yeah. I think so too.

1                   MR. GORDON: Then we would need David and  
2 Julie to withdraw the motion.

3                   MR. FADER: I withdraw motion.

4                   MS. FORD: I withdraw my motion.

5                   MR. FADER: And I move that we deny this  
6 without prejudice because it is inconsistent with the  
7 preliminary plan.

8                   MS. DELANEY: I'll second.

9                   MR. BOEHNER: That Delaney?

10                  MS. DELANEY: Yup.

11                  CHAIRMAN PRICE: Any further comments?

12                  MR. BOEHNER: That was denied would you  
13 prejudice; right?

14                  MR. FADER: Yes.

15                  CHAIRMAN PRICE: Moved and seconded. Is  
16 there any -- please say if you're not comfortable with  
17 this or if you're in agreement. Feel free.  
18 There's --

19                  MR. FADER: I Don't know. I think it might  
20 be a little more cleaner way to go.

21                  MR. GORDON: I was just about to say the  
22 same thing, David. I think this is the cleaner way to  
23 go.

24                  CHAIRMAN PRICE: Yup. John, Jason, either  
25 of you --

1                   MR. BABCOCK-STIENER: I'm fine either way.

2                   MR. OSOWSKI: This is John. Does this mean  
3 the clock -- the 45-day clock will start ticking when  
4 they come up with a new plan or something like that?

5                   MR. GORDON: Yup. We met the 45-day clock  
6 by denying without prejudice today. They can make a  
7 new application. And once you receive it from the  
8 secretary of the Planning Board, the 45-day clock  
9 starts on that. But it's only for finals. So not on  
10 preliminary.

11                  MR. OSOWSKI: Okay. All right. Good.

12                  Thank you.

13                  MR. BOEHNER: I will say this. This becomes  
14 interesting, Ken. And I -- you know this opening up  
15 things. But he's probably applying for preliminary  
16 and final together, which is commonly done, which  
17 means we probably can't continue that practice because  
18 it will take longer than 45 days to get through it  
19 than a usually situation. So we do have to talk about  
20 that, but right now that's for a later conversation.  
21 Should a take the call?

22                  (Ms. Ford, aye; Mr. Osowski, aye;  
23                    Mr. Babcock-Stiener, aye; Ms. Delaney, aye;  
24                    Mr. Fader, aye.)

25                  MR. BOEHNER: Denied without prejudice.

1 CHAIRMAN PRICE: Me too.

2 MR. BOEHNER: Member Price. Sorry. I  
3 apologize.

4 CHAIRMAN PRICE: All right. Thank you.

5 MS. DELANEY: Can I ask a question about a  
6 denial because in my four years, that was the first  
7 denial. Do we have to have reason like how David  
8 stated that it was inconsistent with the preliminary  
9 site plan? Do we have to have a reason?

10 CHAIRMAN PRICE: Yes.

11 MS. DELANEY: What about if you're just  
12 voting no? Like not -- you're not, whatever, making  
13 the motion, but you're just voting no?

14 CHAIRMAN PRICE: I'm not sure I can answer  
15 that one.

16 MS. DELANEY: Like if somebody votes to  
17 approve something and then I don't want to, can I just  
18 say no? Or do I have to have a reason?

19 MR. GORDON: You do not. The only reason we  
20 articulate a reasoning, Pam, is if we have someone,  
21 either the developer or the public or somebody  
22 affected by the project, challenge the decision of the  
23 Planning Board, we want to have a record that someone  
24 down the line, a judge, I always think of that  
25 scenario, the judge can look at it and try to

1 understand what it is that the Planning Board was  
2 thinking when it either granted or denied. It's same  
3 reason we make findings.

4 MS. DELANEY: So then what -- what if  
5 somebody voted to approve, somebody seconded it and  
6 then a greater majority just voted no, no, no, no, no.

7 MR. GORDON: Nothing wrong with that.

8 MS. DELANEY: But then there's not a reason  
9 given.

10 MR. BOEHNER: No. Pam, it's the motion  
11 that's made. The person that makes the motion makes  
12 the finding. And then members can either vote for the  
13 motion or not.

14 MS. DELANEY: Okay. Just curious because  
15 it's never happened since I've been here.

16 CHAIRMAN PRICE: Frankly, I'm not sure it's  
17 happened in my 22 years.

18 MR. BOEHNER: It's happened a few times, but  
19 not very often.

20 CHAIRMAN PRICE: It's rare.

21 MS. DELANEY: Okay. Thanks.

22 CHAIRMAN PRICE: Ramsey, is it typically  
23 because somebody doesn't show up and they just kind of  
24 leave the application hanging?

25 MR. BOEHNER: Yeah. They just don't follow

1 through.

2 CHAIRMAN PRICE: Right.

3 MR. BOEHNER: I mean, this one there's the  
4 grounds because it is not consistent with the  
5 preliminary. That's my feeling. So the project has  
6 been denied without prejudice.

7 CHAIRMAN PRICE: Okay. Thank you. Now,  
8 just so everybody knows, denied without prejudice does  
9 allow the applicant to come back in with a new  
10 application immediately. Now, denied in other  
11 circumstances does have time delays before an  
12 applicant can come back in doesn't it? So without  
13 prejudice has -- has meaning.

14 MR. BOEHNER: Yeah, there is. It depends on  
15 the type of application. I couldn't answer that. But  
16 it does allow them to come back. And I think that was  
17 intention of the Board.

18 CHAIRMAN PRICE: It is, yeah. We just -- we  
19 don't want -- I'm okay with Starbucks. I'm okay with  
20 knowing that there's going to be a drive-through. And  
21 if he comes back with a couple of them, it just has to  
22 better designed. But I'm not looking to slow down  
23 Starbucks specifically. All right.

24 We have looks like about five or six signs.  
25 Are we ready to do those?

1                   MR. FADER: We have another application.

2                   CHAIRMAN PRICE: We do?

3                   MR. FADER: Yeah. 4.

4                   CHAIRMAN PRICE: Oh, I apologize. Yeah. So  
5 that would be 10P-04-21.

6 **Application 10P-04-21**

7                   Trinity Reform Church, preliminary final  
8 subdivision at 909 North Landing Road.

9                   MR. FADER: All right. I'll move that we  
10 close the public hearing, the Board adopts a negative  
11 declaration prepared by Town staff and the Board  
12 approves application 10P-04-21 based on testimony  
13 given, plans submitted and the six conditions.

14 1. All conditions of the Zoning Board of Appeals  
15 shall be met.

16 2. Meet all requirements of the Town of Brighton's  
17 Department of Public Works.

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

20 4. Meet all plat filing requirements of the Town of  
21 Brighton's Department of Public Works.

22 5. A schedule of all easements (existing/proposed,  
23 public/private) shall be provided in conjunction with  
24 this project. All texts, maps and descriptions shall  
25 be prepared and submitted to this office for review of

1 the proposed easements. Upon satisfactory completion  
2 of these documents, the easements shall be filed at  
3 the Monroe County Clerk's Office with the Town being  
4 provided copies of each Town easement with the liber  
5 and page of filing. Upon filing, all easements shall  
6 be noted upon the resub map (with ownership, purpose  
7 and liber/page) prior to the site or subdivision plans  
8 being signed by the DPW.

9 6. All comments, concerns and requirements of the  
10 Town Engineer as contained in the attached memo dated  
11 October 20, 2021 From Evert Garcia, Town Engineer, to  
12 Ramsey Boehner, shall be addressed.

13 MS. FORD: I second.

14 MR. BOEHNER: Ford seconds.

15 MS. DELANEY: Oh, we can we do that? Why  
16 are we always doing that?

17 CHAIRMAN PRICE: Yeah. So we're moved and  
18 seconded. Any discussion? Ramsey this is pretty  
19 straightforward; right?

20 MR. BOEHNER: Yup.

21 CHAIRMAN PRICE: Yup. Okay. Please call  
22 the roll.

23 (Mr. Price, aye; Mr. Fader, aye,  
24 Ms. Delaney, aye; Mr. Babcock-Stiener, aye;  
25 Mr. Osowski, aye; Ms. Ford, aye.

1                   MR. BOEHNER: Did I get everyone? Yes.

2                   Okay.

3                   MR. FADER: I noticed when I make a motion  
4 when we're on Zoom my arms move around. Not sure what  
5 that means.

6                   MR. BOEHNER: I'm not sure. We don't see  
7 you on the screen.

8                   MR. FADER: I don't know. I can see it on  
9 the screen. So you're just maybe not really paying  
10 attention.

11                  MR. BOEHNER: Well, yeah. I'm not paying  
12 attention to you. If it's concerning, we'll let you  
13 know. I have some signs.

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1      **Signs:**

2      1627        Rocblooms, 1476 Monroe Avenue, for a  
3                   Building Face Sign.

4      1628        Women Gynecological & Childbirth Associates,  
5                   700 Canal View Boulevard, for a Building  
6                   Face Sign.

7      1629        Drown Rust Protection, CTC, Custom Truck  
8                   Creations, at 2852 West Henrietta Road, for  
9                   a Building Face Sign (3 Signs - 2 on plaza  
10                  face, 1 on back of building.)

11     1630        Trinity Reform Church, 909 North Landing  
12                  Road, for a Free Standing Sign

13     1625        UR Medicine, Brighton Health Center,  
14                  2613-2619 West Henrietta Road for a Building  
15                  Face Sign.

16                  CHAIRMAN PRICE: So is this 1627.

17                  MR. BOEHNER: Jeff, you wants to talk about  
18                  these a little bit?

19                  MR. FRISCH: Yeah. So this is 1627. It's a  
20                  sign on Monroe Ave. It's going to the Planning Board  
21                  first. So if it's approved it would be conditioned on  
22                  the approval of the Historic Preservation Commission  
23                  for the historic building.

24                  CHAIRMAN PRICE: Okay.

25                  MR. FRISCH: It's the Rocblooms sign.

1                   CHAIRMAN PRICE: What is a Rocblooms? Is  
2 this a florist or something?

3                   MR. FRISCH: They're selling lights and  
4 things like that for plants.

5                   MR. FORD: It'd a hydroponic?

6                   MR. FRISCH: I don't know. I don't think  
7 that they stated that in their --

8                   MR. BABCOCK-STIENER: Better than the Wonder  
9 Nails sign.

10                  MS. FORD: That's true.

11                  CHAIRMAN PRICE: Yeah. This is at the at  
12 end of my street.

13                  MS. FORD: Mine as well.

14                  CHAIRMAN PRICE: Yeah. We live on the same  
15 street, Julie.

16                  MS. FORD: I did not realize that.

17                  CHAIRMAN PRICE: Yeah.

18                  MR. GORDON: How close is that logo to the  
19 City of Rochester -- flower of the City of Rochester  
20 logo. I just can't see it that well.

21                  MS. DELANEY: It's not enough that we're  
22 going to get sued.

23                  MR. GORDON: Okay. That's better. Not that  
24 close.

25                  MS. DELANEY: Not our problem.

1                   MR. GORDON: Well, it only becomes our  
2 problem if we approve it.

3                   CHAIRMAN PRICE: Okay. What was the -- so  
4 this is the -- we actually approved this first; right?

5                   MR. FRISCH: Yup. With a condition on the  
6 Historic Preservation Commission approval.

7                   CHAIRMAN PRICE: All right. For application  
8 1627 Rocblooms, I move to approve based on -- as  
9 submitted.

10                  MR. BABCOCK-STIENER: Second.

11                  MR. BOEHNER: That was Babcock-Stiener  
12 seconds it? Member --

13                  MR. GORDON: The motion -- the motion. I'm  
14 sorry. Ramsey, the motion is to approve it as  
15 submitted subject to the approval of the Historic  
16 Preservation Commission?

17                  MR. BOEHNER: Yes.

18                  MR. GORDON: Okay.

19                  CHAIRMAN PRICE: Okay. Thank you. So  
20 amended.

21                  (Mr. Price, aye; Mr. Fader, aye;  
22 Ms. Delaney, aye; Mr. Babcock-Stiener, aye;  
23 Mr. Osowski, aye; Ms. Ford; aye.)

24                  (Upon roll motion carries with conditions.)

25                  MR. FRISCH: Next sign is at 777 Canal View.

1 It's on the building where they're going to be doing  
2 the modifications. It is as presented. It was  
3 approved as presented by the Architectural Review  
4 Board.

5 CHAIRMAN PRICE: All right. Okay. So I  
6 guess I'll move application 1628 be approved as  
7 presented and recommend by the ARB.

8 MS. DELANEY: I'll second Delaney.

9 (Ms. Ford, aye; Mr. Osowski, aye;  
10 Mr. Babcock-Stiener, aye; Ms. Delaney, aye;  
11 Mr. Fader, aye; Mr. Price, aye.)

12 (Motion to approve as presented carries.)

13 MR. FRISCH: 1629 is for Krown Rust  
14 Protection as CTC Custom Sharp Creations. It's on the  
15 corner of West Henrietta and Brighton Henrietta  
16 Townline. They have two signs here and then there's  
17 another building on the property that they're also  
18 putting the sign on.

19 CHAIRMAN PRICE: Okay. And ARB approved as  
20 presented.

21 MR. FRISCH: Yes.

22 CHAIRMAN PRICE: Okay. Anybody have any  
23 questions? Comments? I'll move that we approve as  
24 presented and approved by the ARB.

25 MS. FORD: Ford. Second.

5 MR. FRISCH: The next sign is for 1630.  
6 It's a same as other one the where it needs to go HPC  
7 for review. It's replacing the current Trinity Reform  
8 Church sign.

9 MS. FORD: What is that a picture of?  
10 MR. FRISCH: It's a rooster and then it's --  
11 MS. FORD: That's what I thought it was.  
12 MR. FRISCH: Yeah. And they did remove the  
13 email address from the sign. So it's no longer there.  
14 Or the website address.

15 MR. BABCOCK-STIENER: The websites coming  
16 off?

17 MR. FRISCH: Yup.

18 CHAIRMAN PRICE: All right. The ARB did  
19 approve this as presented minus the --

20 MR. BOEHNER: It needs to HPC review and  
21 approval.

22 CHAIRMAN PRICE: Okay. So when it goes to  
23 HPC, it does not require ARB.

24 MR. BOEHNER: No.

25 CHAIRMAN PRICE: I see. Okay. Is everybody

1       okay with the colors on this?

2            MS. FORD: I don't know what the rooster is,  
3 but that's just me.

4            MR. OSOWSKI: The roster does not match the  
5 Tottenham -- so I think they're okay with that. It  
6 doesn't have a soccer ball on it.

7            MS. DELANEY: I feel like it's hard to be  
8 critical of this when we just approved that last one.

9            MR. GORDON: It's really close though John.  
10          That's might be reason to disapprove it, speaking as  
11          an Arsenal.

12          MR. OSOWSKI: There you go.

13          CHAIRMAN PRICE: Oh, boy. Okay.

14          MS. DELANEY: I'm fine with it.

15          CHAIRMAN PRICE: I'll move. Approval as  
16          presented pending approval from the History  
17          Preservation Commission.

18          MS. DELANEY: I'll second.

19          MR. BOEHNER: Delaney second.

20          (Ms. Ford, aye; Mr. Osowski, aye;  
21          Mr. Babcock-Stiener, aye; Ms. Delaney, aye;  
22          Mr. Fader, aye; Mr. Price, aye.)

23          (AUpon roll motion carries.)

24          MR. FRISCH: The 1625, it's for the U of R  
25          Medical Center in Brighton. They're moving an old

1 awning they had on there and installing a new sign in  
2 a different location.

3 CHAIRMAN PRICE: Okay. This is setback quit  
4 a ways from West Henrietta Road.

5 MR. FRISCH: Yeah.

6 CHAIRMAN PRICE: Okay. I'll make a motion  
7 to approve as presented and approved by the ARB.

8 MS. FORD: Second.

9 MR. FRISCH: First and seconded.

10 CHAIRMAN PRICE: Jeff, go ahead. You can  
11 call.

12 (Ms. Ford, aye; Mr. Fader, aye;  
13 Mr. Babcock-Stiener, Mr. Osowski, aye;  
14 Ms. Delaney, aye, Mr. Price, aye.)

15 (Upon roll motion to approve carries.)

16 CHAIRMAN PRICE: All right.

17 MR. FRISCH: That's it.

18 MR. BOEHNER: I think that's it.

19 CHAIRMAN PRICE: I think that's it.

20 MR. BOEHNER: Good job, Jeff.

21 MR. FADER: Julie, did you get your cheat  
22 sheet for motions?

23 MS. FORD: I don't know.

24 MR. BOEHNER: It's probably in her folder.

25 Maybe I should email that out to everybody again.

1 MS. FORD: That would be lovely.

2 MR. FADER: It's useful if you ever want to  
3 make a motion.

4 MR. BOEHNER: At the last meeting, she did  
5 make a motion. I wonder if she used it. But I will  
6 send out the sheet.

7 MS. FORD: I would appreciate that. Thank  
8 you. And I apologize for my learning curve.

9 MR. BOEHNER: Any questions give me a call.

10 MR. FADER: It makes me look confident when  
11 really I'm just reading.

12 CHAIRMAN PRICE: He's only been doing it for  
13 30 years.

14 MS. DELANEY: I wouldn't know. I still  
15 haven't done it.

16 MR. GORDON: But, Julie, I'm happy -- I sent  
17 you a chat. I don't know if you saw it, Julie, but  
18 I'm happy --

19 MS. FORD: I did. I did. I'm -- I got my  
20 iPad going to my laptop and so I will respond to you.  
21 And I thank you.

22 MR. GORDON: Yup. Sure. Happy to do that.

23 MS. FORD: And, Bill, where do you live?

24 CHAIRMAN PRICE: Five -- no, no. 305.  
25 We're the last house before the Town pool, the yellow

1 house on the end.

2 MS. FORD: I've met you and your wife was  
3 in -- yes. I've met you. We had a little havanese,  
4 the black and white dog.

5 CHAIRMAN PRICE: Uh-huh. Yeah.

6 MS. FORD: Hi.

7 CHAIRMAN PRICE: Hi. Ramsey still walks by  
8 every day.

9 MR. BOEHNER: I live across the from the  
10 park. Three generation worth of rose lawn.

11 MS. FORD: Wow.

12 MR. FADER: I'm not allowed in central  
13 Brighton.

14 MR. BOEHNER: We got to get going. I'll let  
15 you guys go.

16 (Proceedings concluded at 9:08 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

12 Dated this 20th day of October, 2021  
13 at Rochester, New York.

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Holly E. Castleman

Holly E. Castleman,

Notary Public