
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

ABSENT: KAREN ALTMAN

REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
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 have 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 good 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 provide 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 square 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 sanity 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?

16 MR. COLUCCI: Well, the 4,500 square foot
17 building that we have been out to the market and have
18 been trying to lease for a sit-down restaurant, has
19 gotten no transaction. We've had -- actually had a
20 restaurant across the street go bankrupt twice both
21 Zeb's and the current building that remodeled the
22 Zeb's and is a restaurant and is now vacant.

23 So unfortunately, you know, I do have to
24 respond to the market. And we have a lease with
25 Starbucks. We have other users we're talking to the

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 now 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.

14 The church would like to subdivide that
15 church -- that parsonage off. That new lot will be
16 designated as lot BR-B1. We have 96-foot of frontage
17 on Stratton Road. And we're 150 feet deep. The lot
18 meets all lots sizes and setbacks accept for one.

19 Back on August 6th we received an area
20 variance from the Zoning Board of Appeals for
21 Section 203-2.1(c), which is a separation of 100 feet
22 from a church building. There's no feasible way to
23 meet that separation because of it's other two
24 existing structures. We did receive that area
25 variance and the two buildings and the house and

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 a 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 trail 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 a 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.

1 (Mr. Price, aye; Mr. Fader, aye;
2 Ms. Delaney, aye; Mr. Babcock-Stiener, aye;
3 Mr. Osowski, aye; Ms. Ford, aye.)

4 (Upon roll motion carries as approved.)

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 (Upon 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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REPORTER CERTIFICATE

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

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

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

Holly E. Castleman

Holly E. Castleman,
Notary Public