

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

December 15th, 2021  
At approximately 7:00 **p.m.**  
Brighton Town Hall Zoom meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

10 PRESENT:

WILLIAM PRICE, CHAIRPERSON

12 KAREN ALTMAN )  
12 JASON BABCOCK-STINER )  
13 PAMELA DELANEY ) BOARD MEMBERS  
13 DAVID FADER )  
14 JOHN J. OSOWSKI )

15 KEN GORDON, ESQ.  
16 Town Attorney

17 RAMSEY A. BOEHNER  
Town Planner

19 NOT PRESENT:  
Member Ford

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

CHAIRPERSON PRICE: Okay. Good evening, everyone, and welcome to the December 15th meeting of the Town of Brighton Planning Boarded. I want everybody to know that public gathering restrictions because of COVID-19 and adoption of Chapter 417 of the laws of 2021, the Planning Boarded will be conducting remotely beginning at 7:00 p.m., which is happening now.

Members of the public are most welcome and able to view this meeting via Zoom, and there is a link on the town website, go to the live streaming at the landing page.

Written comments may be submitted to Ramsey Boehner, our executive secretary at town hall, 2300 Elmwood Avenue, Rochester, 14618, via basic mail or via e-mail to Ramsey.Boehner, which is B-O-E-H-N-E-R @townofbrighton.org.

The public may join the Zoom meeting and share comments with the Board, we welcome you to do so. The Zoom meeting information -- for Zoom meeting information, please visit the website, Town of Brighton dot org, like I said, on the landing page, look for the icon that says live stream.

Our agenda tonight, beginning here at 7:00, we will have a roll call, and then this evening we are going to actually have as our first item as the head of the public

3 meetings, public hearings an agenda review with staff and the  
4 Board members.

5 Let's start. Ramsey, will you please call the  
6 roll?

7 MR. BOEHNER: Ms. Altman?

8 MS. ALTMAN: Here.

9 MR. BOEHNER: Mr. Price?

10 CHAIRPERSON PRICE: Here.

11 MR. BOEHNER: Mr. Fader? I see you, can you  
12 unmute yourself? Want to unmute yourself and say here?

13 Mr. Fader is having trouble --

14 MR. FADER: Yes, I'm here.

15 MR. BOEHNER: Thank you, David.

16 MR. FADER: Here.

17 MR. BOEHNER: Ms. Delaney?

18 MS. DELANEY: Here.

19 MR. BOEHNER: Mr. Babcock-Stiner?

20 MR. BABCOCK-STINER: Here.

21 MR. BOEHNER: Mr. Osowski?

22 MR. OSOWSKI: Here.

23 MR. BOEHNER: Absent is Member Ford.

24 CHAIRPERSON PRICE: All right, thank you. We  
25 are going to, we are adding a kind of a new segment that's

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 actually an old segment for the Board and staff, which is we  
4 would typically meet prior to the start of the meeting and we  
5 are reinstituting that beginning tonight as an agenda item on  
6 the meeting, at the meeting.7 So tonight, Ramsey, do you want to just kind  
8 of walk through the agenda for the Board members?9 MR. BOEHNER: The first item, which is  
10 Application 12P-01-21.

11 APPLICATION 12P-01-21

12 12P-01-21 Application of Premium Mortgage  
13 Corporation, owner, and Charles Sciortino, agent, for Site  
14 Plan Modification to install a roof top standby emergency  
15 generator on property located at 2541 Monroe Avenue. All as  
16 described on application and plans on file.17 MR. BOEHNER: Is for a site plan modification  
18 to install a roof top standby emergency generator. Our code  
19 says it doesn't meet certain regulations that they have the  
20 ability to come to the Planning Board and seek approval from  
21 you guys.22 The issue is that it's supposed to be behind  
23 the building, and this application, it's on top of the  
24 building. That is why it's in front of you.

25 The two things that staff is concerned about,

3 is obviously structural capability of the roof and to make  
4 sure the decibel level won't exceed, I think it's 676 VDs.

Does anyone have any questions on that?

The next application is FSI Construction,  
7 Application 12P-02-21.

APPLICATION 12P-02-21

12P-02-21 Application of FSI Construction -  
10 Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for  
11 Preliminary/Final Site Plan Approval, EPOD (watercourse)  
12 Permit Approval and Demolition Review and Approval to raze a  
13 single family home and construct a 10,000 sf medical office  
14 building on property located at 3300 Brighton Henrietta Town  
15 Line Road. All as described on application and plans on  
16 file.

18 MR. BOEHNER: We heard that a couple years  
19 ago, granted it approval. They are back again because all  
20 their approvals have lapsed and they need to come back and  
21 get new approvals. You will see in the report that we are  
22 recommending that the gable is a one, they need to go out and  
get their variances.

24 And two, they still never addressed the  
25 comments that we gave them the last time. So, we would like  
them to finish up the comments that were outstanding the last

2

3 time and get the zoning variance.

4 CHAIRPERSON PRICE: Ramsey, did we grant an  
5 extension to this approval?

6 MR. BOEHNER: Yes, we did.

7 CHAIRPERSON PRICE: And how many times can we  
8 grant an extension?

9 MR. BOEHNER: It was granted for an additional  
10 year.

11 CHAIRPERSON PRICE: Okay, all right.

12 MR. GORDON: I'm sorry, I was just going to  
13 say on that extension, that extension has since lapsed, Bill,  
14 so you could not grant an extension anyhow. You have to  
15 grant an extension before it lapses.

16 CHAIRPERSON PRICE: Yes.

17 MS. DELANEY: Is this otherwise the same  
18 application?

19 MR. BOEHNER: Pretty much, yes.

20 MS. DELANEY: Okay.

21 MR. BOEHNER: That's what we just want to  
22 check for.

23 APPLICATION 10P-NB1-21

24 10P-NB1-21 Application of 1950-1966 Monroe  
25 Avenue, LLC (Quicklee's), owner, for Preliminary Subdivision

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3 Approval, Preliminary Site Plan Approval and Demolition  
4 Review and Approval to raze two commercial buildings, combine  
5 two lots into one and construct a 2,500 +/- sf convenience  
6 store, three new gas pump islands and a new gas pump canopy  
7 on properties located at 1950 and 1966 Monroe Avenue. All as  
8 described on application and plans on file. POSTPONED AT  
9 APPLICANTS REQUEST.

10

11 Application of 10P-NB1-21 is postponed. They are still  
12 working on -- they are revising their application to make a  
13 presentation to the Public Works Committee.

14

15      tonight is 10P-NB2-21.

16 APPLICATION 10P-NB2-21

17

18 for Preliminary Site Plan Approval and Preliminary EPOD  
19 (steep slope and woodlot) Permit Approval to construct a  
20 2,022 +/- sf single family home with a first floor garage and  
21 storage area on property located at 830 Highland Avenue (Tax  
22 ID #136.07-1-28.2). All as described on application and  
23 plans on file.

24

25 slope woodlot and it has gotten Architectural Review Board

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23 approval. Right now where we are, they need a variance in  
4 the driveway location or they need to figure out a way to  
5 regrade the property where that driveway can meet our code.6 And there's also some engineering issues that  
7 they need to clear up regarding the storm and the sanitary  
8 and how they're designed. And then, some other general  
9 housekeeping on the dorms and the information that they  
10 submitted.11 We believe that there may be neighbors that  
12 may be speaking tonight regarding this application. I don't  
13 know if anyone has any questions or anything about this?14 CHAIRPERSON PRICE: Well, I read through the  
15 material, I will be interested to see if there's some ways to  
16 resolve some of those.17 MR. BOEHNER: Yeah, I think there would be,  
18 but that's for discussion.

19 The next application is 12P-NB1-21.

20 MR. GORDON: Ramsey, can I just jump in? I  
21 see that we have an individual raising his hand to comment.  
22 This is not the time for public comments right now, this is  
23 staff reviewing the agenda with the Board and only for  
24 discussion between the Board and staff. We do it in public  
25 so that you all can see what we are talking about, but we

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 will be opening Public Hearings on each of these matters when  
4 we have the presentation.

5 You lost me.

6 MR. BOEHNER: Yeah.

7 MR. GORDON: Well, I don't know why.

8 MR. BOEHNER: We hear you right now.

9 CHAIRPERSON PRICE: Now you're good.

10 MR. GORDON: I don't know what happened there.

11 I was just -- I don't know how much of my comments were  
12 heard, but we had an individual who had raised his hand to  
13 make comments at this time. I said that this is not the time  
14 for the public to make comments, this is simply a discussion  
15 between staff and the Board, for the Board's purposes. And,  
16 we do it in public so that the public will know what we are  
17 discussing as a Board.18 There will be a time for public comments on  
19 each of these applications, that will be during the Public  
20 Hearings which will be called in a little while and the  
21 public will have an opportunity to comment after each  
22 applicant presents.

23 CHAIRPERSON PRICE: Thank you.

24 MR. GORDON: That's all.

25 CHAIRPERSON PRICE: And, Ramsey, you had

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3 started on 12P-NB1.

4 APPLICATION 12P-NB1-21

5 12P-NB1-21 Application of University of  
6 Rochester, owner, for Preliminary Site Plan Approval,  
7 Preliminary EPOD (woodlot) Permit Approval and Preliminary  
8 Conditional Use Permit Approval to construct a 61,000 sf,  
9 three-story building addition to the Laboratory for Laser  
10 Energetics and construct an additional 100 parking spaces on  
11 property located at 250 East River Road. All as described on  
12 application and plans on file.

13 MR. BOEHNER: Yes, which is a preliminary site  
14 plan approval, preliminary EPOD approval for woodlot, and  
15 preliminary conditional use permit to construct a 61,000,  
16 three-story addition to the Laser Lab.

17 As you can see from my comments, the drawings,  
18 and the submission is incomplete. There are a number of  
19 items that we still need to have submitted. One of the  
20 things I think we need to do is start the SEQRA process and  
21 that would be to start with a coordinated review and seek  
22 lead agency status.

23 Right now the Town Board is the lead agent for  
24 the project. And that we still need the master plan and a  
25 number of things that I mentioned in the Planning Board

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3 report.

4 I believe that part of the reason the  
5 application in this is up to the applicant's engineer to  
6 explain. They submitted this application before the last  
7 Planning Board meeting, then after they tried to get in front  
8 of you guys to see.

9 CHAIRPERSON PRICE: I see.

10 MS. DELANEY: I had a question about this. I  
11 can't fully remember when the time is to ask these questions,  
12 because it's been a while since we did an agenda review.  
13 But, I thought last month at conceptual review there was no  
14 additional parking proposing, or did I just misunderstand  
15 last month? I thought when they showed the plans last month  
16 that -- or they just didn't show it last month? I feel  
17 like --

18 MR. BOEHNER: No, when --

19 MS. DELANEY: -- because I think a comment  
20 said they were happy to see the parking had been removed. So  
21 then I was confused this month that it was there.22 MR. BOEHNER: There was parking removed from  
23 an original proposal behind the Laser Lab, but they did  
24 redistribute a hundred or so parking spots around the campus.

25 MS. DELANEY: Okay.

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3 MR. BOEHNER: You will see in my comments,  
4 still trying to understand that the hundred spaces don't  
5 really -- not consistent with what they're saying for trip  
6 generation. So, that's one of the comments we're going to  
7 need to have addressed before we can, you know, do a  
8 determination of significance for this project.

9                           We'll give them an opportunity to, you know,  
10                           do a full submission to start the process.

11

MS. DELANEY: Thanks.

12

13 got were based on an application submitted prior to last  
14 month's meeting.

15

MR. BOEHNER: That's right.

16

17 what do we got in the way of signs tonight, Ramsey, Jeff?

18

MR. BOEHNER: We have the three signs. I

19

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22 you know, any questions. Again, hopefully having the reports  
23 a little bit earlier will help you. And again, call Jeff or  
24 us and we can try to get it to you. Otherwise, calling is  
25 certainly better than e-mail, I get 15 a day easily.

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23                   CHAIRPERSON PRICE: All right. Any other  
4 questions or comments?5                   MR. OSOWSKI: Hey, Ramsey, I have a question  
6 regarding the Terrance site development on Elmwood. I saw  
7 something in the Democrat and Chronicle newspaper on Sunday,  
8 November 28th. An article about development and it mentioned  
9 Home Leasing and Providence Housing teaming up to build town  
10 homes and some other potential apartments on the east side of  
11 that site. Can we expect to see anything submitted to us  
12 soon regarding that, or have you --13                  MR. BOEHNER: I'm not sure. I did talk with  
14 them. A little bit of the problem is the bank freeing up  
15 some financing and I believe that they were still working  
16 with the city on their incremental development plan, was the  
17 last I heard. But that is a -- their proposal right now.  
18 And what they're doing at the city is really to get the  
19 infrastructure and the road in, and then they want to build  
20 the residential portion of the project, is my understanding  
21 where we are.22                  MR. OSOWSKI: There was a positive spin in the  
23 article, so.24                  MR. BOEHNER: Well, yeah, yeah. No, what  
25 they're proposing, from what I've seen, is kind of exciting.

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3 I think it's a good use of the land and I hope they can pull  
4 it together and we can do something about the Terrance  
5 building.

6 MR. GORDON: And just so everyone knows, this  
7 is -- this housing is proposed to be affordable housing. I  
8 will say, Ramsey, it was about three months ago that the  
9 developer presented to the Public Works Committee, I think  
10 it's been that long.

11 MR. BOEHNER: Yeah.

12 MR. GORDON: And we just haven't heard much  
13 back since then.

14 MR. BOEHNER: I did talk to them when they did  
15 the article, just to give some background, and that was the  
16 latest, since the article was written, John.

17 CHAIRPERSON PRICE: All right.

18 MR. OSOWSKI: Thank you.

19 MR. BOEHNER: You're welcome.

20 CHAIRPERSON PRICE: All right, folks. Let's  
21 move on. We have meeting minutes that will be reviewed at  
22 our January 19th meeting from both October and from November  
23 meetings, so those will be reviewed and discussed at that  
24 time.

At this time we are going to hear our Public

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 Hearings. Mr. Secretary, were these Public Hearings properly  
4 advertised for tonight?5 MR. BOEHNER: Yes, they were. They were  
6 properly advertised in the Daily Record of December 9, 2021.7 CHAIRPERSON PRICE: All right. We will hold  
8 those now.9 And for just to tell folks, application of  
10 Quickle's in 12 Corners, that's 10P-NB1-21, has been  
11 postponed at the applicant's request.12 So we start tonight with Application  
13 12P-01-21, application Premium Mortgage Corporation, owner.

## 14 APPLICATION 12P-01-21

15 Application 12P-01-21 of Premium Mortgage  
16 Corporation, owner, and Charles Sciortino, agent, for Site  
17 Plan Modification to install a roof top standby emergency  
18 generator on property located at 2541 Monroe Avenue. All as  
19 described on application and plans on file.20 CHAIRPERSON PRICE: Who do have with us  
21 tonight representing the applicant?22 CHARLES SCIORTINO: Good evening, everybody,  
23 Charles Sciortino.

24 CHAIRPERSON PRICE: Good evening, welcome.

25 CHARLES SCIORTINO: Thank you.

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3 CHAIRPERSON PRICE: Would you just give a  
4 brief description of the proposal? I think we all know the  
5 building, but I am not sure I gathered exactly where on top  
6 of the building that this is proposed to be located?

7 CHARLES SCIORTINO: Yes. So, as you know we  
8 are located at 2541 Monroe Avenue. On the roof of the  
9 building we have an elevator shaft that cuts the building in  
10 half horizontally. It would be, I guess, towards the Monroe  
11 Avenue side close, back street side of the building.

12 The elevator shaft will be approximately seven  
13 feet wide by nine feet long, in that part right there. There  
14 is a roof membrane on there, a modified minimum roof membrane  
15 and we are seeking permission to put a 35-kilowatt generator,  
16 nature gas, smallest three phase commercial generator.

17 We're looking to put it running parallel with  
18 the building on the seven-foot site, for lack of a better  
19 term, it will be on the two steel beams, the Rochester steel,  
20 and they're going to be sitting on four posts that will be  
21 anchored, secured and to be cement block in the elevator  
22 shaft.

23 CHAIRPERSON PRICE: Okay. And you said this  
24 is running length wise, is that essentially parallel with  
25 Monroe Avenue or parallel with the long side parallel with

1 BRIGHTON PLANNING BOARD 12/15/2021  
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3 the face of the building?

4 CHARLES SCIORTINO: Right. And I took a  
5 measurement from the edge of the building to the right edge  
6 of the generator, it will be closest to Monroe Avenue for  
7 approximately 14 and a half feet from the edge of the  
8 building.9 CHAIRPERSON PRICE: Does the red indicate the  
10 actual size and dimension of the generator itself or are  
11 there any screen walls?12 CHARLES SCIORTINO: That will be the  
13 generator. We are going to enclose it level to the  
14 enclosure. The enclosure size is approximately 38 inches by  
15 54 and a half inches by 95 inches. So, that is just a  
16 rendering that our engineer came up with for potentially  
17 looking at.18 CHAIRPERSON PRICE: Right. John, you kind of  
19 know a little bit more about this stuff than I do.20 MR. OSOWSKI: Yes. I have a few questions.  
21 Is there -- how is access to get to the roof to provide  
22 routine maintenance for the generator?23 CHARLES SCIORTINO: We have two stairwells, we  
24 will call one on the Tom Wahl side, and one on the Sherwin  
25 Williams side. They both free access from the ground all the

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3 way up.

4 MR. OSOWSKI: All right, that's good. I have  
5 a question about the structure, the elevator shaft structure.  
6 Did the structural engineer, was he able to determine if  
7 there were vertical reinforcing bars in the concrete block  
8 walls to give them a fair amount of structural rigidity, or  
9 do you know that?10 CHARLES SCIORTINO: I don't know if they are  
11 in there, but we -- he gave me a rendering that's going to be  
12 one foot tall stud posts and then, they're going to sit on  
13 a -- what's the word I'm looking for -- a base, lack of a  
14 better term. And then, the base is going to be bolted into  
15 the concrete, and he had said that if the cement blocks are  
16 hollow, they're going to fill those in with concrete.17 MR. OSOWSKI: I would have hoped that that top  
18 course of concrete masonry units around the top of the  
19 elevator shaft would have been a solid, what's called a bond  
20 beam around the top of the wall. By putting in that cement  
21 to grout it, it's not solid, makes me a little concerned  
22 about the structural integrity of this fair sized generator  
23 with a pretty good face being, you know, getting a wind load  
24 against it and making sure that it has enough structural  
25 support underneath it so that it's not going to get uplifted

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3 possibly. You know, blow around, or make sure the vibrations  
4 when it does operate isn't going to provide some vibrations  
5 transmitted to the elevator shaft, and start shaking concrete  
6 blocks loose.

7 Anyway, it's worth some follow-up with the  
8 structural engineer to make sure he feels totally comfortable  
9 with the situation.

10 CHARLES SCIORTINO: Understood. We are  
11 assuming that the wall would not easily open up.

12 MR. OSOWSKI: Where -- is natural gas already  
13 up at the roof or rooftop, gas units there?

14 CHARLES SCIORTINO: Yes. There's a pipe about  
15 four feet away from here that is feeding one of ours, and  
16 they should go right in there and simple.

17 MR. OSOWSKI: All right, that's good. Thank  
18 you.

19 CHARLES SCIORTINO: That's the easiest part.

20 MR. BOEHNER: What would be the decibel level  
21 of the generator with the enclosure?

22 CHARLES SCIORTINO: The representative from  
23 Generack, said in the enclosure at full load going to be  
24 61 decibels.

25 MR. BOEHNER: Okay. And what time of day will

1 BRIGHTON PLANNING BOARD 12/15/2021  
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3 the generator be tested?

4 CHARLES SCIORTINO: Well, they are telling me  
5 they can do it whenever we request it. Obviously, we would  
6 request daytime hours, preferably Monday through Friday,  
7 unless you want me to do it on a Saturday, in the morning,  
8 but definitely daytime and not overnight.9 MR. BOEHNER: That's only going to be used  
10 during emergencies?11 CHARLES SCIORTINO: Emergencies only, yes.  
12 For our interest in our financial location, we're trying to  
13 protect our server equipment and our door access controls to  
14 make sure the building is secure. It is just in case, but  
15 the primary reason we wanted to go as small as possible with  
16 a big bang on the cost.17 CHAIRPERSON PRICE: Are there any other  
18 questions from Board members?

19 MS. DELANEY: I'm all set, thank you.

20 CHAIRPERSON PRICE: David?

21 MR. FADER: I'm all set.

22 CHAIRPERSON PRICE: Jason?

23 MR. BABCOCK-STINER: Good.

24 CHAIRPERSON PRICE: Karen?

25 MS. ALTMAN: I am set.

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CHAIRPERSON PRICE: Ken?

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MR. GORDON: All good.

5

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CHAIRPERSON PRICE: All right, okay. Thank you, Chuck.

7

8

9

This is a Public Hearing and I'd like to invite anyone interested in speaking to this application, please do so by raising your hand. I guess if all else fails, by waiving your arms around and Jeff and Ramsey will be looking for you. If there's anybody interested, please indicate by raising your hand.

10

11

12

JEFF FRISCH: I don't see anybody, Bill.

13

14

15

CHAIRPERSON PRICE: All right. At this point we are going to move on to our second application.

16

Thank you, Chuck.

17

APPLICATION 12P-02-21

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12P-02-21 Application of FSI Construction -

Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for

Preliminary/Final Site Plan Approval, EPOD (watercourse)

Permit Approval and Demolition Review and Approval to raze a

single family home and construct a 10,000 sf medical office

building on property located at 3300 Brighton Henrietta Town

Line Road. All as described on application and plans on

file.

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3 CHAIRPERSON PRICE: Who do we have  
4 representing FSI?

5 DAVID COX: Good evening, Board members. I am  
6 David Cox, I'm one of the owners of Passero Associates, and  
7 I'm here representing FSI tonight.

8 So, as mentioned and talked about previously,  
9 this project was approved by the Planning Board on  
10 October 16, 2019. That approval has since expired. These  
11 plans are the exact plans that were submitted and approved  
12 previously. It was one of the easiest applications, I just  
13 had to hit print. So, yeah, like I said, no changes  
14 whatsoever, the exact same plans.

15 And as mentioned, we need the EPOD watercourse  
16 permit, a demo permit, and then the site plan. We have  
17 submitted for the variances that were brought up earlier, so  
18 we will going before the ZBA for that.

19 Then, real quick to refresh everyone, it's a  
20 10,000-square-foot medical office building, there is 69  
21 parking spaces, 67 is required so we meet that. The NTDOT  
22 reviewed the traffic study and they approved that, they were  
23 good with that. Right now, the single-family house has a  
24 curb cut onto Brighton Henrietta Town Line Road, we will be  
25 closing that and coming off Canalview, so any time we can

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3 eliminate a curb cut on Brighton Henrietta Town Line Road  
4 it's very good.

5

6 We do have a quite robust landscaping plan  
7 that has 33 trees and 247 shrubs. So, I'll see if Jeff goes  
8 to that.

9

10 Yeah. They're shown on the cover sheet. So,  
11 yeah, there it shows all the different trees and shrubs. So,  
12 we tried to fill in every spot we could, you know, with some  
13 really nice landscaping there. The project has 43 percent  
14 green space, and all lighting is, you know, starts with  
compliance and 3,000-K temperature to meet all town  
requirements.

15

16 And then, the building was, you know, approved  
17 by the ARB. I don't know if you have the architectural, of  
18 the building, 3-D? So there's a proposal of what the  
building is going to look like, but that's pretty much it.

19

20 CHAIRPERSON PRICE: All right. Thank you,  
21 David. This is what I do recall. And, are the -- could you  
22 just clarify, had you secured the variances previously as  
well?

23

24 DAVID COX: Yes. Previously, but they  
expired, so we need to get them.

25

CHAIRPERSON PRICE: Okay. This is kind of a

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 formality where we likely, I'm sure we did, waited until you  
4 had your variances secured before we gave preliminary and  
5 final site plan approval, as well ARB approval was necessary  
6 for us to give you final approval. And, it seems like it's  
7 going to be the same situation this time, but as long as this  
8 is all the same, we just need to --9 MR. BOEHNER: One of the things, Bill, is that  
10 they never addressed the outstanding comments that we had the  
11 last time. We approved them with conditions, and then they  
12 just dropped it.

13 CHAIRPERSON PRICE: I see.

14 MR. BOEHNER: This time, we're saying, no, you  
15 need to address all of the comments.16 DAVID COX: Yeah. We can certainly address  
17 all those comments and look at the town staff comments that  
18 were issued in lieu of full, you know, address all of those  
19 in writing and make revisions as necessary.

20 CHAIRPERSON PRICE: All right.

21 MR. BOEHNER: That's all I had.

22 CHAIRPERSON PRICE: All right. Thank you,  
23 Ramsey, appreciate it.24 Other Board members have questions or  
25 concerns?

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 MR. OSOWSKI: I have no comments, this is  
4 John.

5 CHAIRPERSON PRICE: Okay.

6 MR. GORDON: Hey, Bill, this is Ken. I just  
7 wanted to make what is probably an obvious point, is since  
8 the approvals have all expired, we're on a brand new record  
9 here. So, whatever is going to justify your approvals,  
10 whatever might justify ZBA's approvals, that that's the  
11 decision made by ZBA, and that's the decision made by the  
12 Planning Board, this record needs to support that. Whatever  
13 happened in the past is erased, doesn't exist. It has no  
14 impact.15 Your discretion is being exercised anew. We  
16 even have some new Board members, as does the Zoning Board of  
17 Appeals. So, I don't know if that discretion is going to be  
18 exercised in the same manner as it was before.19 So, I just wanted to make that point, that  
20 although making the application might have been very easy,  
21 whatever happened before this is a brand new record.  
22 Whatever decisions are made are going to be based on this  
23 record not the past report.24 CHAIRPERSON PRICE: Okay, thank you. And I  
25 guess, in light of that, Ramsey, would you see yourself using

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 your last letter, just getting retitled with the conditions  
4 that were -- that you had sent out previously?5 MR. BOEHNER: Yes, and the engineering  
6 comments.7 CHAIRPERSON PRICE: Okay, okay. So, those  
8 just get -- those will be updated with a new letter and --9 MR. BOEHNER: Yeah, that's where the  
10 recommendations and conditions that are for consideration  
11 were derived from.12 CHAIRPERSON PRICE: Okay, all right. So,  
13 let's see, Karen, you probably were not involved with this.  
14 Do you, yourself, have any questions or concerns about this  
15 application?16 MS. ALTMAN: I will wait and comment later  
17 perhaps. Thank you.18 CHAIRPERSON PRICE: All right. Anybody else,  
19 other questions for the applicant?20 MR. BOEHNER: David, do you know when they're  
21 planning to commence demolition, any idea on construction?22 DAVID COX: Yeah. When they have all their  
23 approvals in place, that's the plan.24 MR. BOEHNER: Do they have someone for the  
25 building?

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3 DAVID COX: Yes.

4 MR. BOEHNER: They do. And, so then have you  
5 guys contacted New York State DEC yet?6 DAVID COX: Yes. We have the required  
7 approval for the storm discharge pipe.8 MR. BOEHNER: Okay. And the -- and any other  
9 permits you might need for the stream encroachment?

10 DAVID COX: Correct.

11 MR. BOEHNER: Okay. I don't have any other  
12 questions myself.13 CHAIRPERSON PRICE: All right, all right.  
14 Thank you, Ramsey and David.15 This is a Public Hearing, is there anyone  
16 attending tonight's meeting that cares to address this  
17 application?

18 JEFF FRISCH: I don't see anybody.

19 CHAIRPERSON PRICE: All right, thank you.

20 We will move on to our next application.

21 Again, the application of Quickee's in 12 Corners is being  
22 postponed. That brings us to the Application 10P-NB2-21.

23 APPLICATION 10P-NB2-21

24 10P-NB2-21 Application of James Tabbi, owner,  
25 for Preliminary Site Plan Approval and Preliminary EPOD

1 BRIGHTON PLANNING BOARD 12/15/2021  
23 (steep slope and woodlot) Permit Approval to construct a  
4 2,022 +/- sf single family home with a first floor garage and  
5 storage area on property located at 830 Highland Avenue (Tax  
6 ID #136.07-1-28.2). All as described on application and  
7 plans on file.8 CHAIRPERSON PRICE: Who is here tonight  
9 representing the applicant?10 EVAN GEFELL: Evan Gefell from Costich and we  
11 have Jerry Coon from Hanlin Architects.12 CHAIRPERSON PRICE: Great. Evan, do you want  
13 to give us a brief?14 EVAN GEFELL: Sure. Just going to give a  
15 heads up with these Zoom calls, sorry for any of the  
16 background noise with the three kids upstairs, but just a  
17 warning, so.

18 CHAIRPERSON PRICE: We get it.

19 EVAN GEFELL: So, the property located at  
20 830 Highland Avenue is about a half acre. We are looking to  
21 propose a single-family residential house on the lot. As it  
22 has been discussed, it is steep slope and woodland.23 I'm going to start with the existing  
24 conditions of the site. The site currently now has a curb  
25 cut that we're trying to utilize from Highland Avenue. And

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3 then, it kind of the driveway comes up, as you can see in the  
4 dark gray, and shares access with the neighbor to the west.  
5 That is being proposed to be removed, while trying to utilize  
6 the existing curb cut for this purpose.

7 Kind of situated based on code, and where the  
8 slopes and the least amount of impact affected the building  
9 is kind of center of the site. We will impact a number of  
10 trees for the driveway access up mostly and some of the  
11 grading. The total number of trees that will be impacted are  
12 15 total, and they range from being locus, Elm, arborvitae,  
13 ash, walnut. And a number of them are in poor condition,  
14 just because of the species.

15 Again, the house, the whole point or the whole  
16 objective of this was to minimize impact. And really, you  
17 know, respect this spot and fit the house into it.

18 The house is designed to step into the slope,  
19 which allows us to use the building and to minimize the  
20 amount of grading needing to achieve this. Then, what comes  
21 with the two is erosion control and drainage. When we made  
22 our first initial application, we did receive town comments  
23 and we currently have addressed some of them and are  
24 continuing to work through them.

25 We are setting up a time to meet Everett and

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3 the town staff to review some of the additional comments or  
4 some of the detailed engineer concerns.

5 You know, we've modified our erosion control,  
6 following the blue books, with multiple levels to divert the  
7 storm water, to capture it, to control it, to slow it down,  
8 stabilize all of that.

9 Let's see. The driveway with the variance  
10 being four feet away from the property line, that was brought  
11 to our attention through the staff comments. You know, we  
12 were originally utilizing that curb cut to reduce the impact.  
13 We will be talking to Rick DiStefano of town staff and  
14 Everett regarding this.

15 We did a preliminary look at it today, I think  
16 we can shift that curb cut to the west and still achieve, you  
17 know, the amount of grade that's allowed per code and  
18 shifting that the four feet off the line will also prevent  
19 any grading to -- it would contain everything within the  
20 site.

21 I think that is the majority of it. The  
22 landscape plan, the whole, the idea is to get the house  
23 built, stabilize it as quick as possible. The client wants  
24 to build this into and create a, you know, preserve the  
25 natural setting or enhance it. So, we have a couple of

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3 different environmental conditions going on within the site.  
4 Dealing with steep slope, there's some black walnut, that  
5 certain plant material needs to be designed to allow that to  
6 work underneath their canopies in the area. And then,  
7 there's some other areas that will be more, we're calling  
8 showy or sunny that will be a mix of plants.

9 So, we have three plant pallets that are  
10 designed of different species, that are mostly native that  
11 will be installed, stabilize the soil. And, you know, the  
12 idea is to not have a highly manicured landscape that's going  
13 to take a lot of disturbance or access or, you know,  
14 maintenance on a routine basis. Kind of set it and let it do  
15 its thing.

16 So, we have a few things to work out with the  
17 staff and we're trying to coordinate that. I guess our plan  
18 is to set that up as soon as possible and then, make any  
19 adjustments as needed and come back to Planning Board,  
20 resubmit in January, I think would be the plan. A  
21 significant amount of time to work through the comments. I  
22 think that's it.

23 CHAIRPERSON PRICE: Evan, are there variances  
24 required to accomplish this particular plan that we are  
25 looking at?

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3                   EVAN GEFELL: There isn't with this one, it  
4 was the one that was brought up that the driveway's within  
5 the four feet of the property line or pavement is within four  
6 feet. You know, we were again utilizing that existing curb  
7 cut, but we think we can shift that to eliminate that need of  
8 a variance.

9                   CHAIRPERSON PRICE: Okay. Are there other  
10 questions from staff or Board members?

11                  MR. BOEHNER: I have a few. Have the -- has  
12 the house been approved by the Architectural Review Board  
13 yet?

14                  JERRY COON: We have not gone to the  
15 Architectural Review Board, no.

16                  EVAN GEFELL: Since we were doing preliminary  
17 and then final, we were intending to do that step in between.

18                  MR. BOEHNER: Okay. You may want to get that  
19 going.

20                  EVAN GEFELL: With this change and I think the  
21 time line, I think we'll jump right on that.

22                  MR. BOEHNER: Yeah. Just, that's up to you  
23 guys, but are the -- oh, the other thing, are you removing  
24 any trees in the right of way?

25                  EVAN GEFELL: No.

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23                   MR. BOEHNER: Please verify that. Especially  
4 if the grading is going to be damaging any trees in the right  
5 of way, because that's a town right of way that kind of  
6 shoots up there.

7                   EVAN GEFELL: Sure.

8                   MR. BOEHNER: Do you see where I'm talking  
9 about it, in there, those are some town trees?10                  EVAN GEFELL: Yes. We are go to need to  
11 evaluate that with changing that driveway location, so we  
12 will.13                  MR. BOEHNER: Because under our town law, you  
14 would have to go to the Town Board to remove those trees.

15                  EVAN GEFELL: Okay.

16                  MR. BOEHNER: So, I would kind of recommend to  
17 you to try to avoid removing those trees unless they are  
18 dead, dying, anything like that, but we can talk more about  
19 that.

20                  EVAN GEFELL: Okay, appreciate it.

21                  MR. BOEHNER: And there's going to be an  
22 easement for the lateral, for the neighboring property; is  
23 that correct?24                  EVAN GEFELL: That is correct and I apologize  
25 for not bringing that up. This property was part of a

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3 subdivision from 155 Summit Drive, just above and the intent  
4 is to stub a sewer connection, a four-inch sewer connection,  
5 one single sewer connection that that landowner will make  
6 application for. With that, there will be a ten-foot  
7 easement that runs on the east side of the property allowing  
8 for that connection.

9 MR. BOEHNER: Is that ten-foot easement wide  
10 enough?

11 EVAN GEFELL: We have to get into the final  
12 design plans of it, once we get that application. But, I  
13 think it is, we can verify that as well.

14 MR. BOEHNER: Because it's not going to be our  
15 easement, it's going to be the easement between the two of  
16 them, but it's not our problem, but it would be their  
17 problem.

18 EVAN GEFELL: Sure.

19 MR. BOEHNER: Thanks. I don't have any other  
20 questions, Bill.

21 CHAIRPERSON PRICE: All right, thank you.

22 Other Board members have questions?

23 MR. FADER: I don't have any.

24 MS. DELANEY: I don't have any either.

25 MR. OSOWSKI: This is John. I saw there was a

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3 lot of discussion regarding sanitary sewer laterals and two  
4 and one, anyway it was kind of confusing. So, does the  
5 property up above 155 Summit, does that not have a sanitary  
6 sewer now and this new house being built will take care of  
7 that situation; is that correct?

13 MR. OSOWSKI: Okay, thank you. What is the  
14 sanitary sewer, the flow? Does it flow to the east or to the  
15 west?

EVAN GEFELL: It flows to the east.

17 MR. OSOWSKI: Okay, thank you. Towards  
18 Clinton Avenue, all right.

19 EVAN GEFELL: Correct.

20 MR. OSOWSKI: Tell me, is the domestic water  
21 being proposed, is that enough pressure and large enough to  
22 provide for fire protection sprinklers in the house?

23 EVAN GEFELL: Yep. One of the engineer's  
24 comments was from the town, was to provide those  
25 calculations. We have them and will be providing them to

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3 engineering.

4 MR. OSOWSKI: All right, thank you.

5 EVAN GEFELL: Yes, thank you.

6 CHAIRPERSON PRICE: Anyone else? Pam, Jason,  
7 you're all set?

8 MS. DELANEY: Yes, I am all set.

9 MR. BABCOCK-STINER: I am good.

10 CHAIRPERSON PRICE: Ken, any questions?

11 MR. GORDON: I'm all set, thanks.

12 CHAIRPERSON PRICE: All right, all right.

13 Thank you, guys.

14 And this is a Public Hearing, is there anyone  
15 attending the meeting tonight that cares to address this  
16 application?17 MR. BOEHNER: FDC Scott Gudell, has raised his  
18 hand.

19 JEFF FRISCH: Yes.

20 CHAIRPERSON PRICE: Okay. Good evening,  
21 Scott.

22 SCOTT GUDELL: Good evening. Can you hear me?

23 CHAIRPERSON PRICE: Yes.

24 SCOTT GUDELL: Great, terrific. Good evening,  
25 I appreciate the opportunity to ask a couple questions. I

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3 have been following this closely because, as some of you guys  
4 know, and Ramsey knows this, my ex-wife and I built a house  
5 in 1995 on Summit Drive and we love Brighton. So, we've been  
6 here a quarter of a century and we want to be here another  
7 quarter of a century. I don't know if I can make it that far  
8 but, anyway.

9                   One of the things we did when we first  
10 proposed building on Summit, was we did have a neighborhood  
11 meeting to apprise everybody in the area about what we were  
12 going to do. So, I think some of the unanswered questions  
13 for myself, and I'm not an engineer, but we are kind of  
14 curious about the laterals that are proposed to come up to  
15 Summit. It looks like it's only offering to provide sewer to  
16 one single house.

17                   So, one of my questions is, has Tabbi and  
18 Ferrara, which is 830 Highland and 155 Summit, have offered  
19 to have a discussion with anybody else on Summit to see if  
20 they would like to tie in with these laterals? I understand  
21 it would change the dimensions of the laterals. Again, I'm  
22 not an engineer, but some of us might like to tap into that,  
23 and have people talk to the neighbors and offer them this  
24 option.

25                   And, a lot of us are on septic. I know it's

3 not a requirement, but if we can't or don't tie into the  
4 laterals right now, could a stub be put in place where some  
5 of the neighbors or myself elect to tie into that stub in the  
6 future?

7 So, I think to distill it down to a simple  
8 question, it sounds like it's only coming to one house, which  
9 I'm not even sure why it's coming to that house because I  
10 don't think they're approved to have at this point. But, I'm  
11 not saying it would not be a good idea, but how do we maybe  
12 get more of the neighbors involved in this?

13 CHAIRPERSON PRICE: All right. Thank you,  
14 Scott.

15 I guess what I will ask Evan, is Evan could  
16 you -- you know, I heard your description of this before,  
17 what is the legal reason that you're even providing one stub  
18 to the adjacent neighbor? And, does Scott's question, have  
19 you considered this or is this new, something you haven't  
20 heard before?

21 EVAN GEFELL: So, this is new. I have not  
22 heard, you know, or don't know if Tom -- I mean, clearly Tom  
23 hasn't spoken to the neighbors up there, so that part I don't  
24 know.

Also, you know, I would need the town to kind

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23 of guide us on, you know, legally how would that move forward  
4 with multiple properties.5 I do know that, you know, this was part of  
6 Tom's original property, and that, you know, the easement was  
7 discussed as part of the sale and to provide access through  
8 there.9 And, legally, you know, the property, it's  
10 James Tabbi, the owner of 830 allows for that, I believe,  
11 then it can move forward.

12 Ramsey, I don't know if the town has any --

13 MR. BOEHNER: This is not something for the  
14 town and as was stated, this property was owned by the same  
15 person that this lateral is for. He owns both lots and as  
16 part of selling this lot, he's going to require an easement  
17 so he can run a lateral down to the main and South Clinton  
18 Avenue.19 The town has no sanitary sewer study for up on  
20 Summit. I have no idea what it would take to put in a main,  
21 because we're not talking about constructing a main, we're  
22 talking about a lateral to one single-family house.23 They will need to come in to the town for that  
24 lateral because it's an EPOD and they will need to show how  
25 this lateral is connecting to the existing house if they want

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23 to make that connection. This is certainly reserving their  
4 right to do that, this is not a subdivision.5 MR. GORDON: No, but I think I'm right on  
6 this, Ramsey. Tell me if I am not, please. But, I think  
7 they would still need to come in to the Town Board to get  
8 approval for extension of that, that lateral off the main  
9 line, so it's not like it's automatic.10 MR. BOEHNER: No. They would only need to get  
11 a district extension to have the property in the district,  
12 which I thought they might have done already, but I'm not  
13 sure.14 EVAN GEFELL: Yes. We have that process  
15 going. The petition is about to, I think we can --16 MR. GORDON: I have not seen it yet before the  
17 Town Board, Ramsey, so.18 MR. BOEHNER: I was going to talk to them  
19 about that, Ken.20 EVAN GEFELL: Like you said, Ramsey, you know,  
21 it could be a lateral to serve one single property. If  
22 multiple properties do join in, then it becomes a main  
23 extension, like you said, which is a bigger picture project.24 MR. BOEHNER: Yeah, no, that's a much bigger  
25 project. You know, that you would need a lot of, a lot of



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3 it's simply a one-to-one transaction, this is --

4 MR. BOEHNER: A private transition, it does  
5 not involve the town.

6 CHAIRPERSON PRICE: Okay.

7 MR. BOEHNER: Except that they need to get  
8 their approvals, you know, to make the connection.9 MR. GORDON: And, to Ramsey's earlier point,  
10 just because there's this agreement between these two private  
11 landowners, that doesn't mean that the town is necessarily  
12 going to approve the extension, the district extension for  
13 the lateral. And that's, you know, or that it's big enough  
14 to accommodate what the town might require.

15 CHAIRPERSON PRICE: Sure. All right.

16 And Scott, approximately is it the entire  
17 street that isn't served by sewer?18 SCOTT GUDELL: Yes. So, if I could offer an  
19 additional comment. As far as I understand, most, if not all  
20 of Summit is without sewers. And, through the years there  
21 hadn't been a united front ongoing for sewers. This may  
22 offer us an option, and at this point I have more questions  
23 than either a pro or con statement. It could be good, it may  
24 not be good, you know, to be determined.

25 And I understand that any lateral is kind of

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23 like a spoke off of a wheel. If you try to add additional  
4 houses, then that lateral will get bigger as per the  
5 calculations of the engineers.6 So, that's all we're trying to determine is,  
7 can this lateral or several laterals serve two, three, four  
8 houses, not my wheel house, not something I understand. But,  
9 I think we're kind of going out of order. I think offering  
10 the option to people on Summit would be wonderful.11 You know, kind of like when we had our meeting  
12 25 years ago and we met with the neighbors and we said, what  
13 would you like to see? So, I think I'd like to understand  
14 what Evan is proposing and what the options are. And if they  
15 make sense, great. If they don't, we're, you know -- at  
16 least we understand it.17 MR. BOEHNER: Scott, just understand that when  
18 you came in you were doing a four lot subdivision.

19 SCOTT GUDELL: Correct.

20 MR. BOEHNER: This is a site plan to build a  
21 single-family home. This is a little bit different. And,  
22 two, understand that the town has no plans, nothing, no plans  
23 ever discussed or showing a sanitary main of the town going  
24 up the side of that hill.

25 SCOTT GUDELL: Correct, understood.



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3 that's going backwards.

4 SCOTT GUDELL: Right.

5 MR. BOEHNER: What I would do is, I would talk  
6 to your neighbors.

7 SCOTT GUDELL: Okay.

8 CHAIRPERSON PRICE: Scott, any other comments  
9 or questions?10 SCOTT GUDELL: No. Just, if Evan can kind of  
11 address it with the town that would be great.

12 CHAIRPERSON PRICE: Thank you.

13 Is there anyone else that cares to speak to  
14 this application?

15 Jeff, anybody?

16 JEFF FRISCH: I don't see anybody.

17 CHAIRPERSON PRICE: All right. Let's give  
18 that one last call, anybody else for --19 MR. BOEHNER: Let me take a look. Let me  
20 look, let me look.

21 JEFF FRISCH: Nope, I don't see anyone.

22 CHAIRPERSON PRICE: All right, moving on.

23 APPLICATION 12P-NB1-21

24 12P-NB1-21 Application of University of  
25 Rochester, owner, for Preliminary Site Plan Approval,

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3 Preliminary EPOD (woodlot) Permit Approval and Preliminary  
4 Conditional Use Permit Approval to construct a 61,000 sf, 3  
5 story building addition to the Laboratory for Laser  
6 Energetics and construct an additional 100 parking spaces on  
7 property located at 250 East River Road. All as described on  
8 application and plans on file.

9 CHAIRPERSON PRICE: Good evening.

10 DAVID COX: Good evening, Board members. I'm  
11 David Cox with Passero Associates, also with me is Clayton  
12 Jones from University of Rochester with some other U of R  
13 people, and some people from Canon, the architects.

17 CLAYTON JONES: Thank you, David.

18 | Hopefully you can hear me okay.

19 CHAIRPERSON PRICE: Yes, thank you.

20 CLAYTON JONES: Excellent. Good evening,  
21 members of the Board. As David alluded to, I'm Clayton Jones  
22 the senior director of local government, community relations  
23 at the University.

24 As with all these presentations, we just want  
25 to really start out by thanking you for your time this

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3 evening and allowing us to come before you again to talk  
4 about the Lazer Lab. The University really feels that the  
5 town's partnership in working with us on this project has  
6 been critically important. We're so appreciative of all of  
7 the interaction and engagement from the staff-level meetings  
8 to the public forums.

9 That the town has a full understanding of the  
10 project, as well as our intentions and goals. Those are  
11 things we really want to be clear on. We want to ensure that  
12 all of the I's are dotted, the T's are crossed, and your  
13 questions are answered.

14 So, you know, we're thankful for the time and  
15 your level of interaction. And, as it's been shown through  
16 the modifications we have made to the project over the past  
17 eight months, we truly value the feedback that we received  
18 from the town and we're certainly eager to engage with you  
19 this evening to move forward.

20 We know the Lazer Lab continues to be a world  
21 leading research center that has significant impact across  
22 the world, as well as right here in the local economy. We  
23 continue to be grateful that the facility is located right  
24 here in the Town of Brighton.

25 So, we look forward to the continued

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3 engagement and partnership. We're so appreciative of the  
4 time on tonight's agenda and we look forward to the  
5 discussion.

6

7 colleague David, from Passero, who will go into our plan.  
8 Thank you very much.

8

9 DAVID COX: Thanks, Clayton. And good news  
10 for everyone on the call, I will have a shorter presentation  
11 tonight than I did at the last meeting.

12

13 will repeat some things that I did say at the last meeting  
14 because it is a Public Hearing. I just want to make sure for  
15 the benefit of anyone who has just tuned in, to get the high  
16 level of things on the project.

17

comment that we did submit this preliminary application prior to our last Planning Board meeting, so the documents you see aren't going to have any of those revision that we talked about at the last Planning Board meeting.

22

23 comments here, and then make another submission for the  
24 January, which would address any comments the Boards have  
25 brought up so far, any town staff comments will be addressed,

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23 and any other agency comments, so that you will get a, you  
4 know, everything should be all good, packaged up for the  
5 January meeting.6                   So, just to reiterate, the preliminary  
7 application we made, there was quite a bit in there and I  
8 will go through quickly just so that you have an idea of  
9 everything submitted. So, we did submit the Planning Board  
10 application, which included the request for site plan  
11 approval, a conditional use permit, and the EPOD permit.12                   We did submit a full environmental assessment  
13 form. We submitted an IPD code analysis, we also submitted  
14 an IPD finding statement matrix which went line by line  
15 looking at all the different items of that and addressed  
16 those.17                   We did submit a parking demand analysis. We  
18 submitted architectural drawings that were also approved by  
19 the ARB on 9/28/21. We submitted some potential future  
20 development plans for the LLE, and then we submitted some  
21 programming plans that really kind of showed why the building  
22 addition is where it is.23                   We submitted the wetland delimitation report  
24 that was done this year. We submitted the approved wetland  
25 jurisdictional determination from the Army Corps. We

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3 submitted a wetland ecological evaluation, which really  
4 looked at the quality of the wetlands that was done by  
5 Environmental Resources LLC.

6 We submitted a wetland plan, which outlined  
7 some of the mitigation, it has since been revised. We  
8 submitted our SHIPPO no impact letter, so there's no  
9 archeological impact to this, from the project.

10 We submitted the fire apparatus access and  
11 fire hydrant worksheet. We submitted a comment response  
12 letter to all of the town staff comments received up until  
13 that date. We did receive the staff comments today, so we  
14 will go through those and address those.

15 We also submitted correspondence from the New  
16 York State DOT, the MC DOT, that both referenced that no  
17 additional traffic study is required for this building  
18 addition.

19 We submitted a Phase 1, A1, B cultural  
20 resource inventory plan, which that goes hand in hand with  
21 that SHIPPO no sign off -- or no impact letter. And then,  
22 finally we issued the site plans, the preliminary site plans.

23 Then, just to kind of give a high level of  
24 where we have been so far with the Town of Brighton, and the  
25 engagement. On May 25th, town staff workshop meeting and

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3 then, July 20th we went before this Planning Board with a

4 concept submission -- or, we submitted, sorry, on that.

5 And we went before the Board on August 18th,

6 and then on 9/7/21, we went before the Conservation Board.

7 On 9/14/21, we went back before the Planning Board. On

8 9/28/21, we went before the Architectural Review Board.

9 10/12/21, went before the Conservation Board. 10/20/21, we

10 had another town staff workshop meeting. Then, 11/17, last

11 month we had our last Planning Board concept meeting. And

12 then, on December 7th, we had another Conservation Board

13 meeting. And then, tonight we are here for our first

14 preliminary Planning Board meeting.

15 All right. So, now I'll kind of just run

16 through the plans a little bit here. So, to make sure I

17 emphasize, the parking used to be -- there used to be a

18 hundred car parking lot south of our proposed building

19 addition with a loop road that went out and tied into

20 Imaging. That was one of the first concepts that we had that

21 we brought in -- oh, perfect, yes.

22 This is where we started the process and after

23 meeting with the Planning Board and the Conservation Board,

24 it was, you know, that's a lot of woodlot impact. There's an

25 impact to the vernal pool. You need to do something about

3 that, you need to change that. So, we did revise that and we  
4 got rid of that loop road that went through the vernal pool.

5 Then, we just had the parking lot, and then it  
6 was, you know, hey, is there anything you can do with that  
7 parking lot, can you get it completely out of there. So, we  
8 removed that parking lot completely out of there, and that's  
9 when we put parking -- maybe if you can go to, Jeff, if you  
10 can go back to the cover sheet of the site plans. There we  
11 go.

12 So, there's some -- we're putting some parking  
13 on the west side of the building, that's kind of hatched in,  
14 yes. We're adding some parking there. There's already a  
15 drive lane there, we're just adding parking, perpendicular  
16 parking off the drive lane that's already there, so we're  
17 able to pick up a bunch of spots there.

18 And then, just to the south of there, there's  
19 already a drive aisle, we're adding some perpendicular  
20 parking there. And then, on the east side of the site, we  
21 are adding some additional parking to the existing parking  
22 lot.

23 So, instead of having one giant, or not giant,  
24 but one hundred car parking space in the woodlot, we  
25 scattered it kind of on the east side and the west side of

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23 the site near existing parking. So, that's a huge benefit to  
4 having not near as much impact on the woodlot or  
5 environmental things.6 So, yeah, we can go to the next page. So here  
7 is our site plan, that has the zoomed in view of the building  
8 addition that we have. So, the building addition is in that  
9 gray area right there where Jeff's marking there.10 Just to the south of that, we do have a fire  
11 department turnaround, so that right there is for emergency  
12 access and fire department's to be able to turn in. And that  
13 is all per appendix D, meets those requirements.14 We do have -- there is kind of a little bit of  
15 a finger to that wetland area that we are proposing to  
16 disturb and fill about .05 acres of that existing wetland.  
17 And we -- it's not shown here, but we talked about it at the  
18 last meeting, that we're going to be adding some more wetland  
19 to the south, yeah, right in that area.20 So, we're going to be adding in .17 acres of  
21 new wetland in that area, so that the total wetland area will  
22 be 0.55 acres, which brings the wetland back up to the  
23 acreage that was part of the IPD.24 And then, also as part of that mitigation plan  
25 is, when the wetland biologist went out there to look at the

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3 existing wetland and judge the quality of the wetland, he

4 said it was low quality mainly due to the part of phragmites,

5 which is an invasive species, that was really kind of taking

6 over, and phragmites really degrades habitat quality.

7

8 So, as part of our mitigation plan it is to

9 remove those phragmites and take to a landfill, get those off

10 site, and then replant with native wetland plantings to

11 increase the habitat of that area, as well as make some

12 additional wetland mitigation measures such as adding some

13 tree logs and some boulders. Amphibians like to, over

14 winter, under logs or boulders, so we're going to add some of

those components for that.

15

16 And then, as well as adding some low mow, no

17 mow, upland area mitigation, that's kind of to the right of

18 the vernal pool, at the top right there's kind of a hatch

there.

19

20 Keep going to the right, Jeff. That's kind

21 of -- nope, keep going a little bit more, there's a big, kind

of weird -- yeah, that thing.

22

23 That's going to be wildflower, and no mow

24 area. So, that creates enough, a nice transition from

25 woodlot to a higher grass, taller grass, all the way to the

storm water pond. So, that gives a nice area for amphibians

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3 to traverse from the woodlot vernal pool to that storm water  
4 pond, where they're not going into a mowed grass area, where  
5 they have a little more protection with some taller grasses.  
6 That the, a lot of the amphibians like a woodlot near a  
7 taller grass or a meadow area.

8 So, the -- when we submit the next round of  
9 revised plans, it will show that additional .17 acres of  
10 wetland that we are adding, so that there's that total of .55  
11 acres of wetland.

12 You can go to the next slide. That's just the  
13 existing conditions, we can go to the next one. Yes, this is  
14 our tree survey. This shows all of the trees in that area,  
15 and the area in kind of the gray hatch is the area that's  
16 going to be disturbed where the trees were coming down.

17 We do have 93 trees that are being taken down  
18 in this area. And later on in the set you will see we do  
19 have a tree mitigation plan to offset those.

20 Next slide. So, this plan is the utility  
21 plan, so there's a gas main that we're going to extend from  
22 East River Road down to the building addition. There is  
23 currently a loop, a water main loop that goes all the way  
24 around the Lazer Lab building and that loop is going to go  
25 right through this building addition, so we're relocating

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3 that water main around the addition.

4 And, as well as we will be making a water main  
5 connection to the West Henrietta Road higher pressure zone.6 And, that will take more water from the higher pressure zone  
7 and will free up extra capacity to the lower pressure system  
8 mainly the residence to the south. So, making that  
9 connection is going to free up additional capacity and help  
10 the area to the south.11 There's already a sanitary sewer just east of  
12 the building, so we're going to run a new stub, tie right  
13 into that sanitary sewer. Then, drainage there is a  
14 infiltration -- or, I mean, a bio-retention area east of  
15 the -- east of the building, north of the vernal pool that  
16 the roof drainage will go to for green infrastructure  
17 treatment, and then it will discharge to the existing storm  
18 water pond just to the east of it or to the right of it.19 We can go to the next slide. This is just the  
20 grading plan, not a whole lot to comment there.21 We can go to the next slide. So, here is this  
22 landscaping and tree mitigation plan showing so that we're  
23 removing trees in the back of the property that are all  
24 clumped together and we're taking those and proposing trees  
25 all over the whole Lazer Lab property. Really, beautifying

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3 the entire site, filling in gaps, or anything that's lacking  
4 landscaping to really fill it in and spread it out over the  
5 whole campus. So, those trees will be a lot more visible  
6 from the public and the people who use the Lazer Lab in the  
7 parking lot or going down East River Road.

8 The next slide. And the next few plans just  
9 are detailed site plans for those parking additions on the  
10 west side and the east side. The west side has its own green  
11 infrastructure treatment, as well the west side has its own  
12 green infrastructure treatment, so those are kind of stand  
13 alone.

14 So, that kind of sums up the site plans. And  
15 then, Jeff, can you go to the architectural plans? And then,  
16 I will be handing it over to Mike DeLuca with Canon to just  
17 briefly talk about the architecture.

18 JEFF FRISCH: Mike, we can't hear you.

DAVID COX: We can't hear you, Mike.

20 JEFF FRISCH: No, you're unmuted, but I don't  
21 know if it's picking up your computer mic.

22 MICHAEL DELUCA: Are you guys able to hear me?

23 JEFF FRISCH: Yes.

24 MICHAEL DELUCA: Sorry about that. Thank you  
25 all for giving us this opportunity to present the project to

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3 this committee again, the Board, we were looking forward to  
4 the conversation.

5 Can we start with the 89? As we've talked in  
6 the past, the project is located in the southeast corner of  
7 the existing Lazer Lab. And it's an addition to that area to  
8 support the adjacent laboratory spaces that we'll use as  
9 space to assist us with the research.

10 So, the project is very specifically located  
11 at that location to support the laboratories in that area.  
12 And also, the mechanical systems that are adjacent to it.  
13 So, it's formed by the existing conditions of the existing  
14 building, and to benefit its research.

15 The project is also situation in a way that it  
16 is not visible from the road, and we've provided a few  
17 sketches as you see on this sheet with view one. And, the  
18 view one idea is the existing building is there in gray, we  
19 removed the existing landscape there and showed it at a  
20 distance, as what you would see from East River Road. This  
21 is simply taken from a Google map, doesn't have the contours  
22 or any other landscapes.

23 So, the lower view on the lower left is an  
24 existing view and the existing building is there, and in the  
25 yellow we show where that building would be. This was taken

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3 in, you know, at a time where the trees aren't really having  
4 any foliage on it, but again, that building is way off in the  
5 distance and you'd have to be as with this view, up higher  
6 from, instead of being in a car, floating above the car to  
7 see it. Upper right, two views also would reiterate that.

8

9 So, the building is tucked back, but at the  
10 same time we wanted to make sure we addressed the  
11 architecture in a way that is supportive of the existing  
12 building. You can going to slide 90. And, in doing so,  
13 maintain the existing materials, of brick, glass and metal  
14 panel that was already on the existing building. And the  
15 intent of also, trying to advance the character of it, but  
maintain the quality of that space.

16

17 So, as you will see here with this rendering,  
18 we have a curtain wall on the what would be the east side,  
19 that looks into open office area to give daylight to the  
researchers in the area. On the back left where you see the  
20 brick and the vertical windows, that is to a hallway that  
21 runs along that southern end.

22

23 Between the existing building and that curtain  
24 wall is what we call a light wedge, and that would be a large  
gathering space that would occur within the building for the  
existing building and the new building to have its users

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3 congregate in that area.

4                   Also, with this space you can see with this  
5 rendering the LLE and the users of that LLE do like to  
6 congregate outside, so this is an earlier rendition of  
7 showing outdoor seating that would be in that area.

8                   If you could go to 91 please. This is from  
9 the southeast side looking to the north, northwest. Thank  
10 you. The curtain wall you can see on the right is as shown  
11 in the previous slide, again the brick, the existing brick  
12 with vertical windows show in line with the hallways.

13                   And the tall gray is a metal panel and the  
14 intent of the metal panel is, if there's a future expansion  
15 to this property that it aligns, it is an easy material to  
16 take off, would not be long term and permanent on the  
17 building if there's an addition.

18                   We also aligned window wall of vertical  
19 windows in this wall with the hallways, with a full intent of  
20 if there is an addition to this area, that they would not  
21 have to do significant work to the existing building, it  
22 would be an attachment.

23                   The brick that you see on the left, just to  
24 the left of that, thank you, is a stair tower. We're adding  
25 an additional floor on that stair tower. We will maintain

3 the existing brick, and that will be supporting the storage  
4 and mechanical space that's on the third floor of the  
5 building.

11 And, you'll see that this is a three-story  
12 addition with mainly mechanical and storage space. And, the  
13 upper floors, laboratories on floors one and two. On the  
14 lower plan, which would be the east elevation, again  
15 maintaining the existing brick, trying to maintain a glazing  
16 with some reference to the existing building in that process.

17 And again, we'll have cast stone sills,  
18 similar to the existing building. Campus brick throughout,  
19 curtain wall, and dark gray metal panel. Which, again is  
20 consistent with the existing property.

21 So, the intent of the design is to compliment  
22 the existing building, but not be too far off from the  
23 vernacular that's already on campus and at this building. And  
24 again, from the community's view, they won't be able to see  
25 this property from the street, it will be set back and

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3 vegetated around in a way that won't be visible.

4

5 So, thank you. David, I think I'll turn it

6

7 DAVID COX: Okay. Jeff, you can go keep  
8 scrolling through the slides. Go back up to that kind of the  
LLE development plan, the 97.

9

10 Okay. So, before we talk about this slide,  
11 just right now I'm going to kind of get into some of the  
12 things that the Planning Board brought up last time that we  
13 were here. One of them was RTS, so the U of R did reach out  
14 to you, to RTS, and RTS provided some stats and some  
15 information. They said, from 2019 -- so this is pre-COVID --  
16 the U of R medical center had for the year, had 153,000  
17 riders that went to there. For the U of R River campus,  
18 there was 9,000 riders. And then, for the U of R south  
19 campus, which would be the Imaging Lazer Lab here, there was  
20 only 496 riders, so about 1.5 people per day to this south  
campus.

21

22 So, they reiterated that, that was the main  
23 reason for removing that bus stop. And they also reiterated  
24 that there is a bus stop on West Henrietta Road, kind of  
where the imaging building is, so it's about a .4-mile walk  
25 from the bus stop to the Lazer Lab, which is about a six to

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3 seven-minute walk.

4

5 And, you know, their point was that that's,  
6 you know, not that bad, and that the medical campus, some of  
7 the parking for the medical campus, you would have a much  
8 further walk than six to seven minutes to get to the  
building.

9

10 So, they said that they were going to issue a  
11 letter kind of highlighting that. Looks like Justin has his  
hand up, I don't know if he wants to comment on that?

12

13 JUSTIN FALLON DOLLARD: Yeah, I just want to  
14 reiterate that we, the University, did not pull out the bus  
15 service. We were paying for that additional service for the  
16 400 annual riders, that we were more than happy to work with  
17 the Town of Brighton, to sit down and directly interface and  
discuss with RTS to restore the service. We were  
18 subsidizing, literally subsidizing that service. RTS chose  
19 to pull the service through a Public Hearing process which  
20 would include an application to the Town of Brighton and we  
21 were not in favor of elimination of that service.

22

23 MR. BOEHNER: Could you give your name for the  
record please?

24

25 JUSTIN FALLON DOLLARD: Oh, my apologies, I  
just, with the Zoom and all that. Justin Fallon Dollard,

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3 Executive Director of planning and project management,  
4 University of Rochester.

5

MR. BOEHNER: Thank you.

6

JUSTIN FALLON DOLLARD: You bet.

7

8 DAVID COX: And then, the other thing was at  
9 the last Planning Board meeting we were talking about this  
10 plan here, and we will be submitting a slightly modified  
11 revised plan that addresses some of the comments that were  
12 brought up at the last Planning Board meeting. One of them  
13 was kind of a breakdown of the differences between the 2015  
14 plan and this plan, and I can just go over some of the stats.

15

16 So, this plan that we have is proposing about  
17 45,000 square feet less of parking area, so it's less  
18 impervious for parking. It was around 20,000 square feet  
19 less for buildings and structures, so less impervious there.

20

21 The woodlot disturbance was -- is 2.34 acres  
22 less for this plan versus the 2015 plan. And this plan also  
23 has 3.57 acres more green space, so as well as this plan  
continues to have a wildlife connection from that wetland  
vernal pool area to the south that then could go east or west  
to really tie in that wildlife.

24

25 Where the root 2015 plan had a road from the  
Imaging building over and had a lot more parking and things

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23 like that that would, you know, kind of block off that  
4 habitat path, I guess you would say.5 The other thing that was brought up was a  
6 conservation easement discussion. So, the U of R is  
7 proposing a hundred foot wide conservation easement across  
8 the rear of the property along those neighboring properties.  
9 So, it would be around 786 feet long or so, by a hundred  
10 feet. So, that would go from Merlin Drive all the way to  
11 that kind of road that goes down from the Imaging in that  
12 block there that would obviously put into permanent  
13 conservation easement and would protect that, those woodlot  
14 and the neighborhood to the south.15 MR. BOEHNER: Are there restrictions there of a  
16 hundred feet now?

17 DAVID COX: There is a buffer now.

18 MR. BOEHNER: Required by the incentive  
19 zoning?

20 DAVID COX: Yes.

21 MR. BOEHNER: And you're saying the  
22 conservation easement is how wide?

23 DAVID COX: A hundred feet.

24 MR. BOEHNER: But that area is already  
25 protected.

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3 DAVID COX: So, the conversation easement  
4 obviously is more strict and more protective, I would say.

5 MR. BOEHNER: I think the conservation was for  
6 the new areas and mitigation for the areas that you were  
7 disturbing that you weren't supposed to. We have a hundred  
8 foot buffer already established. The conservation easement  
9 over that restrict area isn't doing anything more because  
10 can't do anything in that area now as it is.

11 JUSTIN FALLON DOLLARD: I'll defer to Jared.

12 DAVID COX: Jared Lusk has his hand up.

13 JARED LUSK: Good evening, everyone. Let me  
14 turn the video on. I have it sometimes as unstable. Hope  
15 you can see me, I'm seeing the plan.

16 Good evening, everyone. I appreciate the  
17 opportunity to speak. Again, the conservation easement,  
18 Ramsey, again, you asked about a conservation easement, the  
19 University is willing to discuss the conservation easement  
20 with you. I think the hope is to sit down and talk about  
21 what type of restrictions are in place and how we can enhance  
22 those restrictions. I think we'd like to have that  
23 discussion with you.

24 MR. BOEHNER: I think what we need, Jared, is  
25 probably a proposal from you guys to start with. I would

3 recommend looking at a conservation easement from the south  
4 of the LEE parking and service area, is where that  
5 conservation would want to go start and head south to the  
6 hundred foot buffer that's been already established, would be  
7 my suggestion. I will leave that to you guys to submit your  
8 proposal when you submit.

9 JUSTIN FALLON DOLLARD: So, may I ask feedback  
10 from the Planning Board, since you're the decision makers in  
11 this process in terms of what their expectations are?

12 MR. FADER: My understanding at our last  
13 discussion --

14 MR. GORDON: Actually, can I just step in  
15 here, David? This is Ken Gordon. I'm sorry.

16 But, now is not the appropriate time for  
17 Planning Board members to be commenting. So, this is a time  
18 for the applicant to make their presentation, while they make  
19 their presentation it seems as if we really don't have your  
20 application complete, at least with respect to the details of  
21 the conservation easement.

22 And, I welcome the opportunity to review, as  
23 Ramsey has indicated, whatever you propose. So, now is not  
24 the time for the conservation board to comment on something  
25 that you haven't even yet submitted.

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3                   JARED LUSK: I understand that and I respect  
4 what you're saying, Ken, but the Town of Brighton introduced  
5 the conservation easement and concept in earlier discussions  
6 and given the Planning Board are the decision makers, I guess  
7 it would be mindful for we would want to respect the  
8 Planning Board's, you know, view informally or not. I guess  
9 I'll defer to the Planning Board on that, in terms of  
10 expectations around what would be a sufficient conservation  
11 easement since we also have to take that back to our Board of  
12 Trustees.

13

14                   MR. BOEHNER: I also think there's more  
15 information that's needed because we don't even know the full  
16 areas of disturbance. But, I think I stand with Ken on his  
17 comments. It's a proposal for you members have something  
they want to say, there will be an opportunity.

18

19                   MR. GORDON: I will just let you know, we  
20 haven't commented -- we haven't had the Board comment on any  
21 of the proposals that have been before it yet. We're still  
22 in a Public Hearing phase. So, why don't we --

23

24                   JUSTIN FALLON DOLLARD: But, this is a  
Preliminary Hearing, so isn't now the time to discuss such  
ideas?

25

MR. GORDON: You're absolutely right. It's a

3 hearing for you to present to the Board and the Board to  
4 listen. That's what a hearing is, we listen to the  
5 information that you present. And then, later on in the  
6 agenda the Board will be discussing what action it wishes to  
7 take, it will talk about probably many of these issues. Now  
8 is not the time.

9 JUSTIN FALLON DOLLARD: I'll defer to you,  
10 Ken. I was expecting the Board to be more active than  
11 passive, but I'll defer to you.

12 MR. GORDON: Well, the Board is very active,  
13 you just wait and see when we have a discussion, but now is  
14 your time to present. If there's nothing further you have to  
15 present, we can close -- we can move on to the next matter.  
16 And, if you have anything further that any one of your team  
17 wants to present, I'd urge you to do it at this time.

18 JARED LUSK: Ken, I appreciate your position  
19 on that and obviously, at the last meeting Ramsey asked the  
20 question whether we would consider a conservation easement.  
21 I think that the University's come back and said, yes, they  
22 will consider a conservation easement. I think they've made  
23 movement here and I think they want the opportunity to  
24 discuss where staff, et cetera, thinks the conservation  
25 easement should go.

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3                   Again, as Justin indicated, this has to go  
4 back to the Board of Trustees to convey land. And so, I  
5 think there needs to be a discussion before we can actually  
6 propose something. We'd like to sort of have that discussion  
7 and discuss, to be able to go back to the trustees.

8                   It's not something that we can propose and go  
9 back and forth, again, we want the opportunity to work with  
10 the town and the Planning Board on what they are thinking so  
11 that we can get back to the Board of Trustees and work  
12 through that process. It's not a chicken or an egg thing.

13                   And, I understand the desire for it to have us  
14 propose it. I think that, as I stated initially, there was a  
15 request to be able to have a workshop, discuss the merits. I  
16 know Ramsey just indicated he'd prefer that it go from the  
17 parking lot south. I think that that's a discussion point.

18                   I think in the circumstance given the dynamics  
19 here, that a meeting to discuss is appropriate. And if  
20 staff's going to lead that discussion, instead of the  
21 Planning Board, then we'd appreciate the opportunity to talk  
22 to you about the specifics of the site and why you're  
23 thinking that way so that we can, again, go back to the  
24 University Board of Trustees, et cetera, and discuss that and  
25 be prepared to come back and make the suggestion.

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Just offering a conservation easement without more, isn't particularly productive given the circumstances here. It's not as though it's a homeowner or a particular property you're dealing with, it's complicated by the Board of Trustees issue.

8

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MR. BOEHNER: Well, I will have to say, it was well documented at the beginning of this meeting, all the time we have spent on this project discussing about it, identifying the impacts, and giving you guys a submitted proposal for mitigation, which we are still waiting for.

19

20

21

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23

24

25

We do need your proposal, staff did give you a very direct response to what staff was feeling and suggesting about the conservation easement. As the town attorney has just said, later in the evening the Planning Board will discuss this matter. It is your right, up to the Board. The Board will discuss it later.

JUSTIN FALLON DOLLARD: Is that a close --

19

20

21

MR. BOEHNER: The town attorney has said, I would suggest that you go back to your presentation please.

22

23

JUSTIN FALLON DOLLARD: Is that a closed door discussion or is that part of the Public Hearing?

24

25

MR. GORDON: Oh, absolutely open.

JARED LUSK: We look forward to hearing that

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3 discussion.

4 David, I'll turn it back to you.

5 DAVID COX: I have nothing further to add as  
6 part of my presentation, and unless there was something from  
7 U of R, that they wanted to add in.8 JUSTIN FALLON DOLLARD: We look forward to  
9 hearing the discussion points between staff and the Planning  
10 Board. We want to be cooperative and transparent in the  
11 process, understanding that whatever comes out of this we  
12 need to take back to our Board of Trustees, and certainly  
13 want to go through and identify an acceptable conservation  
14 easement that would meet the requirements for mitigation  
15 above and beyond the buffer requirements.16 With, of course, knowing we have to take it  
17 back to the Board of Trustees for final approval.18 CHAIRPERSON PRICE: All right. David, you say  
19 you are done?

20 DAVID COX: Yes, I am done.

21 CHAIRPERSON PRICE: Okay, thank you.

22 All right, that is the last Public Hearing for  
23 this evening. At this point --

24 MR. BOEHNER: We have questions, right?

25 CHAIRPERSON PRICE: I'm sorry, I apologize.

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3 Yes, this is --

4 MR. BOEHNER: And then we have to open it up  
5 to the public.

6 CHAIRPERSON PRICE: -- the last Public  
7 Hearing, 12P-NB1 is a Public Hearing. Is there anyone who  
8 cares to address this application?

9 MR. BOEHNER: I might have some questions too,  
10 Bill. I never got the chance to answer any questions for the  
11 record.

12 CHAIRPERSON PRICE: Yeah, okay. Well, lets --  
13 yeah.

14 MR. BOEHNER: They made their presentation,  
15 are you comfortable with that? It is a Public Hearing and I  
16 do want to create the record.

17 CHAIRPERSON PRICE: Oh, no. I'm not  
18 comfortable, and I'm not comfortable with the direction that  
19 the applicant took in the last ten minutes here. So, Ramsey,  
20 why don't you go ahead and ask your questions.

21 MR. BOEHNER: I guess I have a couple of  
22 questions. I won't spend a lot of time.

23 As discussed, the submitted plans are  
24 incomplete, and just so you know, and they do not contain  
25 sufficient information, as additional comments will be

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3 developed as the plans progress. I just want you guys to  
4 know that.

5 The other question I have, is it you guys have  
6 you revised the current plan? And, is it your plan to submit  
7 that to this Board?

8 DAVID COX: Yes. We will be submitting  
9 revised documents to this Board for the January meeting.

10 MR. BOEHNER: And will that current plan that  
11 you're going to be submitting, will all of the potential  
12 impacts of the proposed modifications to that current plan be  
13 identified and mitigations presented?

14 DAVID COX: Yeah. Justin has his hand up.

15 JUSTIN FALLON DOLLARD: Yes, Ramsey, our  
16 attention will be to make revisions based on a meeting with  
17 yourself and/or your attorney and anyone else to receive  
18 feedback, valuable feedback, constructive feedback in terms  
19 of how we can make a proposal that better meets the  
20 expectations of the Planning Board.

Again, the intention is not here to be  
adversarial, it's just go through the process and understand  
at what point of interactions are proper through the Public  
Hearing process, through staff and then taking it back to  
members of the Planning Board. And then, what's informal and

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3 not formal.

4 I am new to the area and new to the process,  
5 so apologies if anything is taken as adversarial.

6 But, we do want to respond to that --

7 MR. BOEHNER: Mr. Dollard?

8 JUSTIN FALLON DOLLARD: -- and go back to  
9 with an updated proposals in January, based on your feedback.10 MR. BOEHNER: I'm sorry, so that's a no, or a  
11 yes?12 JUSTIN FALLON DOLLARD: That is a yes, we will  
13 make an updated proposal based on staff feedback.14 MR. BOEHNER: Which you've already gotten, and  
15 you'll get that in writing by our comments. It is, once  
16 again, your proposal to make.17 JUSTIN FALLON DOLLARD: We look forward to  
18 making a revised proposal accordingly.

19 MR. BOEHNER: What's that?

20 JUSTIN FALLON DOLLARD: We look forward to  
21 making a revised proposal accordingly.22 MR. BOEHNER: The other thing is, I had  
23 already said, we'll need to do a SEQRA lead agency. So,  
24 depending on what you submit, will probably depend on who  
25 will be lead agency for this project.

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3 JUSTIN FALLON DOLLARD: Will the Town of  
4 Brighton form its own review, or will it go actually defer to  
5 the State?

6 MR. BOEHNER: I'm sorry, I don't understand  
7 your question.

8 CHAIRPERSON PRICE: You guys don't have the  
9 right guy asking the questions. David, can you answer the  
10 question?

11 DAVID COX: The Town of Brighton will be the  
12 lead agency.

13 JUSTIN FALLON DOLLARD: That's what I was  
14 asking. You have the ability to do so under State law,  
15 that's why I was asking.

16 MR. GORDON: Yeah. So, if I could just speak  
17 to this briefly. Depending on what you're application shows,  
18 what changes ultimately you settle on that you want to make  
19 from this approved IPD, the lead agency will either be the  
20 Planning Board, the Board you are before right now, or  
21 possibly the Town Board depending upon how much needs to be  
22 revised with the IPD itself, which was a proposal that went  
23 before the Brighton Town Board.

24 So, it could be the Brighton Town Board that  
25 could be your lead agency. Likely, I think the way that

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3 we're thinking now it's probably the Planning Board from what  
4 we have seen.

5 JUSTIN FALLON DOLLARD: Apologies, I was  
6 confusing SEIS with SEQRA review, so my apologies.

7 MR. GORDON: So, it's going to be a Town  
8 Board, whether it's the Town Board or whether it's the  
9 Brighton Planning Board, is yet to be determined. But, it  
10 will be helpful to have your full and complete proposal so  
11 that we can lay it bear and understand everything that you  
12 are proposing to do that is different than what the IPD as  
13 approved by the Town Board and the site development as  
14 approved by the Planning Board was original.

15 JUSTIN FALLON DOLLARD: May I ask a clarifying  
16 question then, regarding if we propose a conservation  
17 easement from the owner's side, would that then be considered  
18 to be a change to the PD, rather than tied to the specific  
19 development proposal?

20 MR. GORDON: No, not necessarily. But, an  
21 conservation easement is something that you enter into with  
22 the Town of Brighton, and it would be for the Town Board.

23 JUSTIN FALLON DOLLARD: Yeah. It would be for  
24 the Town Board to recommend, I understood that part --  
25 (Inaudible overtalk occurred)



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3               Okay. So, that area there, I think the graded  
4 lines are the area of disturbance, is that correct?

5               DAVID COX: That's correct.

6               MR. FADER: And that, you proposed some sort  
7 of mitigation for that eventually?

8               DAVID COX: Yes, correct.

9               MR. FADER: Okay. I just want to make sure,  
10 just so we don't end up discussing it later, the reason that  
11 area seems to be larger than I would expect is because -- if  
12 you go to the next slide -- you have included that future  
13 access road as part of that disturbance, is my assumption  
14 correct?

15              DAVID COX: So, we're -- it's for more  
16 constructability to get equipment around the building and we  
17 do have some utilities that go around the building. So, it  
18 would be very difficult not to -- constructability wise, not  
19 to disturb that wetland.

20              MR. FADER: But, if you did put that future  
21 access road in, it would be going through that area that you  
22 already had identified as being disturbed?

23              DAVID COX: Yes, correct.

24              MR. FADER: Okay. That was the one thing I  
25 wanted to clarify. Now, the other question more interesting,

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3 the other one is on the same exact picture, because hearing  
4 the more recent discussion I'm starting to get a little  
5 confused. You had said that you had no plans for any  
6 construction beyond to the south of the proposed parking lot  
7 shown on your future plan. That that was one reason this has  
8 less disturbance, that you are not planning any construction  
9 south of where the cursor is.

10 DAVID COX: Yeah, that is correct. Per the  
11 best of our knowledge today.

12 JUSTIN FALLON DOLLARD: The goal is, then to  
13 reduce the development footprint that's in the IPD as a  
14 concept plan. So, that the area south of that would not be  
15 for future development, that we're limiting to this  
16 particular proposal and then anticipating a second phase for  
17 the EP Opal laser.

18 And then, what we have to have requirements  
19 for fire access and some parking, but specifically reducing  
20 that what was the understood development footprint, under the  
21 concept plan that was incorporated into the PPD.

22 MR. FADER: Yes, I understand. I'm just  
23 saying that this new plan, assuming you built it out to  
24 everything you're showing on the potential, you don't have  
25 plans to go beyond that into the area that currently is

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3 showing undisturbed.

4 JUSTIN FALLON DOLLARD: Yeah, that's correct.

5 And that's the discussion which was again --

6 MR. FADER: Okay.

7 JUSTIN FALLON DOLLARD: I understand I'm  
8 speaking out of order --

9 MR. FADER: Okay.

10 JUSTIN FALLON DOLLARD: -- and I appreciate  
11 that folks are informed on this around the question of, what  
12 is a sufficient conservation easement to meet the  
13 requirements or at least the concerns of mitigation.

14 MR. FADER: Okay.

15 CHAIRPERSON PRICE: And I think that's where  
16 we had left the last meeting was, a discussion of this  
17 particular plan where the square footage that you're showing  
18 a building and the circulation and parking required, to  
19 support this plan and current addition and future additions,  
20 and how that compared to the IPD in the lower right corner.

21 And, you know, so, this particular plan we all  
22 saw at our last meeting as being an improvement over the  
23 original IPD plan, where you're not building parking garages.  
24 There may be square footage of buildings that end up  
25 someplace else in the IPD, but you wouldn't necessarily need

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3 the volume of parking that was shown.

4                   And therefore, you know, I think everybody  
5 finally realized, you know, what you're proposing currently  
6 with this plan versus what the IPD shows and it was after the  
7 discussion that indicated this was your intended build-out of  
8 this particular section that Ramsey said, would you be  
9 willing to put a conservation easement on the land to the  
10 south, knowing that this would probably be the intended full  
11 build-out, we would receive substantial benefits from an  
12 environmental standpoint. Buffer, retention of woodlot,  
13 protect the habitat in this particular area. And knowing  
14 that possibly, that additional square footage that may have  
15 been thought of for this area would be then going someplace  
16 else on campus.17                   JUSTIN FALLON DOLLARD: That is correct. You  
18 said the same thing as Mr. Price, and that's the intention.  
19 It's a combination of the conservation easement, however  
20 that's defined in the workshop that would be staffed, and  
21 then the trying to enhance and mitigate disturbance for the  
22 area that's understood to be wetland, however that's defined  
23 under Town of Brighton versus Army Corps of Engineers to  
24 enhance that area.

25                   So, that is a net gain at least in terms of

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23 habitat, that also then providing substantial permanent  
4 buffering above and beyond what's required between our  
5 development footprint and the neighbors to the south.6 CHAIRPERSON PRICE: Yeah. So, I think we were  
7 all pretty energized over the proposal and the possibility of  
8 accomplishing a lot of goals that everybody had with this.9 And it's, you know, I guess you do have to --  
10 we would ask you to go back and think about, you know, how  
11 far off the south edge of that parking area would it be  
12 reasonable that we could, you know, start a conservation  
13 easement. No, you can't answer, you know, all things that  
14 might happen in the future, but I think there's a point there  
15 somewhere below or south of that parking line that's  
16 something, you know, that a conservation easement could  
17 begin.18 And, I think you want to just work with David  
19 and between yourselves and figure out where is it -- where is  
20 that reasonable? It's still allows us flexibility, but  
21 knowing that we're kind of achieving the square footage  
22 needed in this particular section for the future of the Lazer  
23 Lab is being achieved.24 MR. FADER: And there's one other thing that  
25 we discussed, and I am very bad with names and I apologize,

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3 it was the woman that was at the last meeting. Was the point  
4 was, some of the areas of mitigation you have there, they're  
5 completely isolated from all other natural areas, then they  
6 provide no mitigation.

7 So, the conservation easement, the advantage  
8 of it was, and I don't know if, David, you could move the  
9 cursor, but if you put it on the -- yeah, you would need --  
10 you would want at least some path south. Yes, yes. You need  
11 some, I would think you would want some minimum order there,  
12 because that's what's provided you your --

13 JUSTIN FALLON DOLLARD: Yeah, so I understand  
14 what you're saying. So, I'm actually a transatlantic  
15 architect that's done this kind of work before. And,  
16 actually I've been in, worked in some of the roles that  
17 Ramsey has, a different municipality on the west coast.

18 So, in terms of landscape ecology and wildlife  
19 mitigation and corridors, you want to have connected habitats  
20 like that that make sense. Certainly, that's something we  
21 would want to work through.

22 And, I understand from your staff's  
23 perspective, they can only work to what's presented. They  
24 can't advise because of liability and other considerations.  
25 We certainly want to work in partnership with that. We do

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3 understand there's limitations to what staff can advise on.

4 They typically need to react to what's presented, based on

5 the IPD and applicable code and any considerations being

6 expressed here by the Planning Board.

7 CHAIRPERSON PRICE: Do any other Board members

8 have questions? John, you good? Jason?

9 MR. OSOWSKI: I'm good so far, thank you.

10 CHAIRPERSON PRICE: All right. Pam?

11 MS. DELANEY: I don't have anything additional

12 to add. Thanks.

13 CHAIRPERSON PRICE: All right. Karen?

14 MS. ALTMAN: Could you go over again the

15 increase in employees that is anticipated to be happening in

16 the Lazer Lab over time and what the anticipated phasing of

17 that is, please?

18 JUSTIN FALLON DOLLARD: Clayton is probably

19 the best person to talk about that, or Milt Shoup from the

20 LLE.

21 MR. BOEHNER: Do you see him?

22 Can you state your name for the record,

23 please?

24 MILTON SHOUP: Milton Shoup, Laboratory for

25 Lazer Energetics, project manager for this building project.

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3 We are currently estimating on the order of 50 people to be  
4 occupying the new lab office building. I don't remember the  
5 exact projections, I can't even recall where we actually  
6 included that documentation in any submittals. But, it was  
7 certainly over the first five years of the life of the  
8 building, maybe even earlier than that, but that's the rough  
9 time frame.

10 And that's only for the lab office expansion  
11 that is before you, that does not address any of the  
12 potential future areas.

13 MS. ALTMAN: Okay, thank you.

14 CHAIRPERSON PRICE: All right. Ramsey, you  
15 all set?

16 MR. BOEHNER: Yes, I am, thank you.

17 CHAIRPERSON PRICE: All right. And, Ken,  
18 you're all set?

19 MR. GORDON: Well, like I said before, I'm  
20 just looking to see them complete the plans and submit the  
21 revisions, and then I think we'll all have a lot more  
22 questions.

23 CHAIRPERSON PRICE: All right. So, I jumped  
24 the gun on the public comment side, but now I'd open it up to  
25 anybody in the audience that cares to ask a question or

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3 discuss this application.

4 Do you see anybody?

5 JEFF FRISCH: I don't see anybody.

6 CHAIRPERSON PRICE: All right. Okay, folks,  
7 thank you very much everybody from Passero and U of R.  
8 Please stick around we'll start our deliberations and  
9 discussion of the applications.

10 Is everybody good to continue?

11 MS. DELANEY: Yeah.

12 CHAIRPERSON PRICE: All right, everybody's  
13 good.14 Let's go back to Application 12P-01-21, this  
15 is Premium Mortgage Corp. For the generator at 2541 Monroe  
16 Avenue.

17 Is there a motion to close the Public Hearing?

18 MS. ALTMAN: I move that we close the Public  
19 Hearing.

20 MR. BOEHNER: That's Altman?

21 MS. ALTMAN: Yes.

22 CHAIRPERSON PRICE: Is there a second?

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

24 MR. BOEHNER: That's Babcock-Stiner seconding.

25 CHAIRPERSON PRICE: All right, any discussion?

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Ramsey, would you call the roll on that  
please?

5

MR. BOEHNER: Ms. Altman?

6

MS. ALTMAN: Aye.

7

MR. BOEHNER: Mr. Price?

8

CHAIRPERSON PRICE: Aye.

9

MR. BOEHNER: Mr. Fader?

10

MR. FADER: Aye.

11

MR. BOEHNER: Ms. Delaney?

12

MS. DELANEY: Aye.

13

MR. BOEHNER: Mr. Babcock-Stiner?

14

MR. BABCOCK-STINER: Aye.

15

MR. BOEHNER: Mr. Osowski?

16

MR. OSOWSKI: Aye.

17

MR. BOEHNER: Motion passes, hearing's closed.

18

CHAIRPERSON PRICE: Okay. Anybody care to

19

make a motion on this?

20

MR. FADER: I move the Board adopts the

negative declaration prepared by town staff and the Board --

22

MR. BOEHNER: David, this should be tabled is

my recommendation.

24

MR. FADER: The first one, 12P-01 --

25

MR. BOEHNER: I'm sorry, I was jumping to the

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3 next application, I apologize. You got me back on focus  
4 here.

5

6 MR. FADER: I move the Board adopts the  
7 negative declaration prepared by town staff and the Board  
8 approves Application 12P-01-21 based on testimony given,  
9 plans submitted and the seven conditions.

10 1. An Operational Permit shall be obtained from the Town of  
11 Brighton Fire Marshal (Chris Roth, 585-784-5220).

12 2. Meet all requirements of the Town of Brighton's  
13 Department of Public Works.

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

16 4. All outstanding Site Plan comments and concerns of the  
17 Town Engineer and Fire Marshal shall be addressed within 30  
18 days.

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

22 6. All comments, concerns and requirements of the Assistant  
23 Engineer as contained in the attached memo dated December 14,  
24 2021 from Brendan Ryan, Assistant Engineer, to Ramsey  
25 Boehner, shall be addressed.

7. The location of any proposed generator is approved.

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3 Documentation shall be submitted that shows that all other  
4 requirements for generators in the Comprehensive Development  
5 Regulations will be met or Planning Board approval for the  
6 generator will be obtained. The generator shall not exceed  
7 72  
8 Decibels.

9 MS. DELANEY: I'll second.

10 MR. BOEHNER: Delaney.

11 CHAIRPERSON PRICE: Probably good to say your  
12 name when you're moving or seconding just so we can keep  
13 track of it. Thank you, Pam.

14 You are calling roll, okay.

15 MR. BOEHNER: Mr. Osowski?

16 MR. OSOWSKI: Aye.

17 MR. BOEHNER: Mr. Babcock-Stiner?

18 MR. BABCOCK-STINER: Aye.

19 MR. BOEHNER: Ms. Delaney?

20 MS. DELANEY: Aye.

21 MR. BOEHNER: Mr. Fader?

22 MR. FADER: Aye.

23 MR. BOEHNER: Mr. Price?

24 CHAIRPERSON PRICE: Aye.

25 MR. BOEHNER: Ms. Altman?

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3 MS. ALTMAN: Aye.

4 MR. BOEHNER: Approved with conditions.

5 CHAIRPERSON PRICE: Very good, thank you.

6 The next Application 12P-02-21, application of  
7 FSI construction, Frank Imburgia, 3300 BHTL, Partners,  
8 Preliminary/Final Site Plan Approval, EPOD permit and  
9 demolition review and approval. This is at 3300 Brighton  
10 Henrietta Town Line Road.

11 I think we have a recommendation to table.

12 MR. FADER: Dave Fader moves that the Board  
13 tables Application 12P-02-21, based on the testimony given  
14 and plans submitted, and the 38 items of additional  
15 information outlined in the Planning Board report, are  
16 requested to make a determination of significances to have a  
17 complete application.

18 MR. BOEHNER: There's one thing I would  
19 recommend that condition number 36 be deleted. It was a  
20 holdover from the last time we reviewed this application and  
21 is no longer needed.

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

23 1. An Operational Permit shall be obtained from the Town of  
24 Brighton Fire Marshal (Chris Roth, 585-784-5220).  
25 2. The entire building shall comply with the most current

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3 Building &amp; Fire Codes of New York State.

4 3. Prior to issuance of any building permits, all plans for  
5 utility and storm water control systems must be reviewed and  
6 have been given approval by appropriate authorities. Prior  
7 to any occupancy, work proposed on the approved plans shall  
8 have been completed to a degree satisfactory to the  
9 appropriate authorities.10 4. All conditions of the Zoning Board of Appeals shall be  
11 met.

12 5. The proposed sidewalk must meet all town requirements.

13 6. Meet all requirements of the Town of Brighton's  
14 Department of Public Works.15 7. All Town codes shall be met that relate directly or  
16 indirectly to the applicant's request.17 8. The project and its construction entrance shall meet the  
18 New York State Standards and Specifications for Erosion and  
19 Sediment Control.20 9. The contractor shall designate a member of his or her  
21 firm to be responsible to monitor erosion control, erosion  
22 control structures, tree protection and preservation  
23 throughout construction.24 10. Any contractor or individual involved in the planting,  
25 maintenance or removal of trees shall comply with the

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

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

13 12. Erosion control measures shall be in place prior to site  
14 disturbance.

15 13. Maintenance of landscape plantings shall be guaranteed  
16 for three (3) years.

17 14. Deciduous shade trees shall be planted at 3 - 3 1/2  
18 inches in diameter. Pine trees shall be planted at 7 - 8 ft.  
19 in height.

20 15. A detailed lighting plan which shows the type, location  
21 and lighting contours shall be submitted. Specifications for  
22 the proposed light shall be submitted and light shall not  
23 exceed 3000k.

24 16. The dumpster shall be enclosed with building materials  
25 that are compatible with the existing building. The

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3 enclosure shall equal the height of the dumpster. The plans  
4 shall be revised to include details of the proposed dumpster.

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

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

9 19. Fire hydrants shall be fully operational prior to and  
10 during construction of the building.

11 20. All County Development Review Comments shall be  
12 addressed.

13 21. All other reviewing agencies must issue their approval  
14 prior to the Department of Public Works issuing its final  
15 approval.

16 22. The location of any proposed generator is approved.  
17 Documentation shall be submitted that shows that all other  
18 requirements for generators in the Comprehensive Development  
19 Regulations will be met or Planning Board approval for the  
20 generator will be obtained. The generator shall not exceed  
21 72 decibels.

22 23. A letter of credit shall be provided to cover certain  
23 aspects of the project, including, but not limited to  
24 demolition, landscaping, storm water mitigation,  
25 infrastructure and erosion control.

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3 The applicant's engineer shall prepare an itemized estimate  
4 of the scope of the project as a basis for the letter of  
5 credit.

6 24. The proposed building shall be sprinklered in accordance  
7 with Town requirements.

8 25. Only business identification signage as allowed per the  
9 Comprehensive Development Regulations is permitted. This  
10 signage must be reviewed and receive all necessary town  
11 approvals prior to installation.

12 26. The applicant shall review the site plan, elevations,  
13 and floor plans to ensure that the areas and dimensions  
14 provided on those plans agree with one another. Elevation  
15 drawings showing the height of the structure in relationship  
16 to proposed grade as shown on the approved site plan shall be  
17 submitted. Any changes to plans shall be reviewed by the  
18 Building and Planning Department and may require Planning  
19 Board approval.

20 27. The location of the HVAC shall be shown on the site  
21 plan.

22 28. Prior to the issuance of any permits the applicant shall  
23 obtain and submit a 239-F Permit from Monroe County DOT.

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

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3 issuance of a building permit.

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

9 31. Construction activities shall be limited to 7 AM to 6 PM  
10 Monday to Friday, and 9 AM to 6 PM on Saturday.

11 32. Prior to the issuance of a demolition permit or building  
12 permit, asbestos shall be removed according to NYS and the  
13 Town of Brighton requirements and verification shall be  
14 submitted from a qualified company that asbestos has been  
15 removed.

16 33. The project will comply with the requirements of NYSDOL  
17 Code Rule 56 regarding asbestos control and Chapter 91 of the  
18 Code of the Town of Brighton, Lead-Based Paint Removal. In  
19 addition to any other requirements of Code Rule 56, the  
20 applicant shall verify that the project will comply with  
21 Section 56-3.4(a)(2) regarding on-site maintenance of a  
22 project record, and Section 56-3.6(a) regarding 10 Day Notice  
23 requirements for residential and business occupants. The  
24 property owner shall ensure that the licensing requirements  
25 of Section 56-3 and asbestos survey and removal requirements

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3 of Section 56-5 are met.

4 34. Prior to above ground construction, an instrument survey  
5 showing setback and first floor elevation shall be submitted  
6 to and reviewed by the Building and Planning Department.7 35. Prior to the final plans being signed by the  
8 Commissioner of Public Works, the easement to allow access to  
9 Canal View Boulevard shall be filed with the Monroe County  
10 Clerk's Office. A copy of the filed easement shall be  
11 submitted to the Town of Brighton for its records.12 36. The Town of Brighton's Floodplain Development Permit  
13 Application shall be completed by the applicant's engineer  
14 and submitted to the Town of Brighton for review and  
15 approval.16 37. All comments and concerns contained in the attached memo  
17 dated December 14, 2021 from Brendan Ryan to Ramsey' Boehner,  
18 shall be addressed.

19 MR. BABCOCK-STINER: Babcock-Stiner seconds.

20 MR. BOEHNER: Babcock-Stiner seconds.

21 CHAIRPERSON PRICE: Any further discussion?  
22 All right, please call the roll.

23 MR. BOEHNER: Ms. Altman?

24 MS. ALTMAN: Aye.

25 MR. BOEHNER: Mr. Price?

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3 CHAIRPERSON PRICE: Aye.

4 MR. BOEHNER: Mr. Fader?

5 MR. FADER: Aye.

6 MR. BOEHNER: Ms. Delaney?

7 MS. DELANEY: Aye.

8 MR. BOEHNER: Mr. Babcock-Stiner?

9 MR. BABCOCK-STINER: Aye.

10 MR. BOEHNER: Mr. Osowski?

11 MR. OSOWSKI: Aye.

12

13 CHAIRPERSON PRICE: All right, thank you.

14 Application 10P-NB2-21, the Application of  
15 James Tabbi for Preliminary Site Plan Approval and  
16 Preliminary EPOD Permit at 830 Highland Avenue.17 MR. FADER: I have a question for staff  
18 regarding their report. I'm curious. I know that we are  
19 probability going to table this, but I was wondering if you  
20 want to go ahead and make the negative declaration and the  
21 decision on recreational land tonight?22 MR. BOEHNER: No, because I need to -- it is a  
23 type one action and one of the things I was going to add, is  
24 that we need to establish lead agency.

25 MR. FADER: Okay. Then, in that case, David

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3 Fader, then I will move the Board tables Application  
4 10P-NB2-21, based on testimony given, plans submitted and  
5 the, I think it's wrong, the additional information outlined  
6 in the Planning Board report so that we can have a  
7 determination of significance and have a complete  
8 application. And, I have to look at the exact number of  
9 items.

10 MR. BOEHNER: And there are 29 in the report,  
11 I have a 30th, if I could. The Planning Board should  
12 establish lead agency pursuant to SEQRA as a 30th  
13 requirement.

14 MR. FADER: I don't have a problem about  
15 adding that.

16 1. A parkland fee in lieu of recreation land shall be paid  
17 prior to the issuance of a building permit for construction  
18 of all dwelling units.

19 2. The entire building shall comply with the most current  
20 Building & Fire Codes of New York State.

21 3. Prior to issuance of any building permits, all plans for  
22 utility and storm water control systems must be reviewed and  
23 have been given approval by appropriate authorities. Prior  
24 to any occupancy, work proposed on the approved plans shall  
25 have been completed to a degree satisfactory to the

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3 appropriate authorities.

4 4. All conditions of the Zoning Board of Appeals shall be  
5 met.6 5. Prior to the issuance of any permits the architectural  
7 design and building materials of the proposed building(s)  
8 shall be reviewed and approved by the Town of Brighton  
9 Architectural Review Board.10 6. Meet all requirements of the Town of Brighton's  
11 Department of Public Works.12 7. All Town codes shall be met that relate directly or  
13 indirectly to the applicant's request.14 8. The project and its construction entrance shall meet the  
15 New York State Standards and Specifications for Erosion and  
16 Sediment Control.17 9. The contractor shall designate a member of his or her  
18 firm to be responsible to monitor erosion control, erosion  
19 control structures, tree protection and preservation  
20 throughout construction.21 10. All trees to be saved shall be protected with orange  
22 construction fencing placed at the drip line or a distance  
23 greater than the drip line. Trees shall be pruned, watered,  
24 and fertilized prior to, during and after construction.

25 Materials and equipment storage shall not be allowed in

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3 fenced areas.

4 11. A landscape plan and a pre, during and post protection  
5 plan for trees to be saved and moved shall be reviewed by the  
6 Conservation Board with final approval by the Planning Board.7 12. All proposed landscaping shall be installed prior to the  
8 issuance of any certification of occupancy.9 13. All disturbed areas shall be protected from erosion  
10 either by mulch or temporary seeding within two weeks of  
11 disturbance.12 14. Maintenance of landscape plantings shall be guaranteed  
13 for three (3) years.14 15. Any contractor or individual involved in the planting,  
15 maintenance or removal of trees shall comply with the  
16 requirements of the Town's Excavation and Clearing (Chapter  
17 66), Trees (Chapter 175) and other pertinent regulations and  
18 shall be registered and shall carry insurance as required by  
19 Chapter 175 of the Comprehensive Development Regulations.20 16. All outstanding Site Plan comments and concerns of the  
21 Town Engineer regarding soil erosion, storm water control,  
22 water system and sanitary sewer design shall be addressed  
23 prior to final approval.24 17. All other reviewing agencies must issue their approval  
25 prior to the Department of Public Works issuing its final

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3 approval.

4 18. All easements must be shown on the subdivision map with  
5 ownership, purpose, and liber/page of filing with the Monroe  
6 County Clerk's Office. A copy of the filed easement shall be  
7 submitted to the Building and Planning Department for its  
8 records.9 19. Prior to the issuance of any building permits, a letter  
10 of credit shall be provided to the Town to cover the cost of  
11 materials and installation for all landscaping to ensure that  
12 all landscaping conforms to the approved plans and that the  
13 landscape survives in a healthy condition.14 20. Prior to any framing above the deck, an instrument  
15 survey showing setback and first floor elevation shall be  
16 submitted to and reviewed by the Building and Planning  
17 Department.18 21. Erosion control measures shall be in place prior to site  
19 disturbance.20 22. The applicant shall review the site plan, elevations,  
21 and floor plans to ensure that the areas and dimensions  
22 provided on those plans agree with one another. Elevation  
23 drawings showing the height of the structure in relationship  
24 to proposed grade as shown on the approved site plan shall be  
25 submitted. Any changes to plans shall be reviewed by the

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3 Building and Planning Department and may require Planning  
4 Board approval.

5 23. Prior to the issuance of any permits, the Single-Family  
6 Zoning Information form shall be submitted to and approved by  
7 the Building and Planning Department. The form shall be  
8 completed by the applicant's architect. All information  
9 shall be shown on both the site plan and architectural  
10 drawings.

11 24. The location of any proposed generators shall be shown  
12 on the site plan. All requirements of the Comprehensive  
13 Development Regulations shall be met or a variance shall be  
14 obtained from the Zoning Board of Appeals.

15 25. All comments, concerns and requirements of the Town  
16 Engineer as contained in the attached memo dated October 19,  
17 2021 From Evert Garcia, Town Engineer, to Ramsey Boehner,  
18 shall be addressed.

19 26. The site is within two Environmental Protection Overlay  
20 Districts, the Steep Slope Protection District and the  
21 Woodlot Protection District, making it a Type 1 Action in the  
22 Town. All Town standards and requirements for these  
23 districts shall be adhered to and along form EAF shall be  
24 submitted prior to Final Site Plan Approval.

25 27. Provided calculations in the geotechnical report using

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23 the stable angle of repose as required by the Town's EPOD  
4 requirements.5 28. The proposed sanitary sewer main shall be designed and  
6 installed in accordance with the Town of Brighton minimum  
7 specifications and requirements for dedication. The sewer  
8 dedication process shall be completed subsequent to the  
9 installation of the sewer and final inspection by the Town of  
10 Brighton Sewer District.11 29. Revise documentation to reconcile the difference in  
12 sewer lateral number and alignment between plans and  
13 submitted engineering and geotechnical reports. The reports  
14 show two laterals going to the northern property and the  
15 plans show none.16 30. The Planning Board should establish lead agency pursuant  
17 to SEQRA.

18 MR. BABCOCK-STINER: Babcock Steiner seconds.

19 MR. BOEHNER: Babcock Steiner seconds.

20 CHAIRPERSON PRICE: One question before the  
21 call on this. Who, as a type one action, but is there any  
22 involved agencies? Who are the other --23 MR. BOEHNER: There's the water authority and  
24 there's going to be Pure Waters because there's a new main  
25 being run.

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3 CHAIRPERSON PRICE: A new main, okay. All  
4 right, thank you.

5 MR. BOEHNER: Yeah, because then I wouldn't  
6 have to coordinate it. A little less work.

7 CHAIRPERSON PRICE: Understood, thank you.

8 Please call the roll on the motion and the  
9 second.

10 MR. BOEHNER: Ms. Altman?

11 MS. ALTMAN: Aye.

12 MR. BOEHNER: Mr. Price?

13 CHAIRPERSON PRICE: Aye.

14 MR. BOEHNER: Mr. Fader?

15 MR. FADER: Aye.

16 MR. BOEHNER: Ms. Delaney?

17 MS. DELANEY: Aye.

18 MR. BOEHNER: Mr. Babcock-Stiner?

19 MR. BABCOCK-STINER: Aye.

20 MR. BOEHNER: Mr. Osowski?

21 MR. OSOWSKI: Aye.

22 CHAIRPERSON PRICE: Okay, thank you.

23 The last action for tonight, well, before  
24 signs, will be 12P-NB1-21, the University of Rochester for  
25 site plan approval, preliminary EPOD permit approval and

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3 preliminary conditional use permit approval.

4 At this point, let's -- does anybody have or  
5 want to make a motion to table the application?

6 MR. FADER: I can do that, David Fader. I  
7 move the Board tables Application 12P-NB1-21, based on the  
8 testimony given and plans submitted, and the 34 items of  
9 additional information outlined in the Planning Board report,  
10 are requested to make a determination of significance and to  
11 have a complete application.

12 CHAIRPERSON PRICE: Is there a second?

13 MR. BABCOCK-STINER: Babcock-Stiner seconds.

14 MR. BOEHNER: Babcock-Stiner seconds.

15 CHAIRPERSON PRICE: Prior to the vote, let's  
16 just see if there's any outstanding discussion on this, or  
17 anything that's perceived differently by members of the Board  
18 then, where our discussion kind of ended here tonight.  
19 Particularly with the elements of the drawing that is still  
20 up and in front of us, being what we understand to be both  
21 the current application, as well as the potential longer  
22 range future expansion of the facility, and how that -- this  
23 proposal compares to the master plan that was approved.

24 I believe David Cox went through some of the  
25 variances or the differences between things like disturbance

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3 and building square footage, and impervious surface things,  
4 items, in the initial part of the presentation, and we do  
5 realize that this application had been submitted prior to our  
6 meeting of last month, therefore there's a little bit of  
7 catching up with some of those comments and clarifications of  
8 some of the items between the master plan and the currently  
9 proposed plan.

10 So, does everybody believe we've given some  
11 direction on, you know, how to perceive and -- I'm sorry, how  
12 to proceed with thinking through a conservation easement and  
13 where that might best be placed on the property? Looking for  
14 any thoughts that everybody has.

15 MR. FADER: I guess my question is, is there a  
16 scenario where, you know, maybe there's a preliminary, or --  
17 I'm just wondering if there is -- what are the situations  
18 where a workshop would be appropriate? I guess, Ramsey,  
19 that's my question.

20 MR. BOEHNER: We have had a number of  
21 workshops. I don't know what more we can discuss at this  
22 point. I've shared what my thoughts are multiple times in  
23 the workshops and in the reviews that we've had with this  
24 Board.

25 MR. FADER: Okay. I, I --



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23 provided them decent guidance on what we want to see. And, I  
4 think it is going in the right direction, so.

5 CHAIRPERSON PRICE: Yeah, okay.

6 Pam?

7 MS. DELANEY: I don't think I have anything  
8 additional to add to what has already been said.

9 CHAIRPERSON PRICE: All right.

10 Karen?

11 MS. ALTMAN: I'm set, thank you.

12 CHAIRPERSON PRICE: All right.

13 MR. GORDON: Bill, if I could, it's Ken  
14 Gordon. So, just to add my perspective from the legal side  
15 on this issue of the conservation easement. The new build  
16 area, including the --

17 MR. BOEHNER: Ken, we're not hearing you.

18 MR. GORDON: -- of the determination they  
19 provided --

20 MR. BOEHNER: Ken, we're not hearing you.

21 MR. GORDON: How about now?

22 CHAIRPERSON PRICE: Yeah.

23 MR. GORDON: Nothing, anything?

24 MR. BOEHNER: Well, you're good right now.

25 MR. GORDON: I'll try again. So, the no build

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3 areas that were part of the -- the no build areas in the  
4 wetlands and the uplands were an essential part of the  
5 determination of significance, and the findings that were  
6 made by the Town Board. So, the idea that at least I  
7 understood as Counsel, for the conservation easement that was  
8 discussed but not detailed previously, was that it would  
9 provide some mitigation for what would be building at least  
10 in some parts a disturbance to some extent in those no build  
11 zones, the wetlands and the uplands.

12 If all that the U of R is going to propose, is  
13 a hundred foot conservation easement in the very same area  
14 that is being proposed as back, that's already covered by the  
15 hundred foot buffer, that's not, in my opinion as Counsel,  
16 any kind of additional mitigation.

17 I would be very hard pressed to make a  
18 recommendation to this Board or any Board, that is lead  
19 agency that that doesn't change in an essential way the  
20 findings and significance of the environmental impacts of  
21 what is being proposed.

22 So, I think, from what I've been looking at,  
23 the proposal that is put forth by the University of Rochester  
24 needs to be something more than what was already previously  
25 approved in order for it to be considered to be any kind of

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3 mitigation of what it is that they are planning to change.

4 I want to put that out there, I know the  
5 University is listening, but I also want that in the Board's  
6 head as it considers what conservation easements would be  
7 acceptable to the Board.

8 CHAIRPERSON PRICE: Yeah, okay. I do believe  
9 that both of the U of R representatives and their consultants  
10 have kind of heard the message, and possibly, you know, I get  
11 this, you know, whoever goes first loses concept on things  
12 like, you know, land, you know, conservation easements, and  
13 things.

14 But, I think they go back and work out and  
15 just kind of understand what, you know, how this can work as  
16 an environmental system, and as a facility system for their  
17 needs and honestly evaluate it, they will come back with  
18 something that is certainly more than a hundred feet wide  
19 that's currently under a buffer restriction. But, probably  
20 something that isn't going right up to the edge of the  
21 parking that they're showing.

22 So, we will probably anticipate something  
23 somewhere in between that allows for adequate environmental  
24 and wildlife corridors to remain and be enhanced, and the  
25 facility to operate the way it needs to. We need this Board

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23 to complete an application that kind of puts all of this  
4 together.5 MR. FADER: I guess I just struggle with if  
6 there is no plan to develop that area, then what's, you know,  
7 why not? I don't see what the loss is, or what the reticence  
8 is.9 CHAIRPERSON PRICE: Oh, you're saying if  
10 there's no plans by the University to develop south of the  
11 parking, what would be the apprehension? And, well, I don't  
12 disagree. It's, you know, knowing that they have, you know,  
13 the IPD developed a standards for the total amount of square  
14 footage. So, I don't believe it's a matter of them loosing  
15 the square footage that isn't being built here. They have  
16 the ability to build that someplace else on the campus. But,  
17 they just wouldn't be building it here.18 And, this proposal is satisfactory. So, I  
19 understand your point, but let's see where they feel they  
20 need to have the flexibility. It might be, you know, just  
21 enough room to snowplow the parking lot. I am not sure. Or,  
22 grade and maintain it, or put in a light trail or something,  
23 but let's see what they have to say.24 But, I think everybody's had an opportunity to  
25 say their piece on how we think about this, and not just, you

3 know, wouldn't say arbitrarily or prescribed specifically  
4 where it needs to go. So, let's -- I think everybody knows  
5 where they need to go now.

6 We do have a motion and a second to table. Is  
7 there -- Ramsey on the SEQRA lead agency, are you seeing --  
8 I'm hearing things that, you know, DOT and Monroe County DOT,  
9 you're going to have water authority. Are you thinking this  
10 is unlisted coordinator review?

11 MR. BOEHNER: Yes.

12 CHAIRPERSON PRICE: Okay.

13 MR. BOEHNER: Well, the reason coordinating  
14 the review is more because the Town Board's lead agency.

15 CHAIRPERSON PRICE: And Town Board was lead  
16 agency based on the IPD?

17 MR. BOEHNER: On the IPD there.

18 CHAIRPERSON PRICE: Okay.

19 MR. BOEHNER: But, I'm trying to get a  
20 proposal for this to say to the Town Board, we got a good  
21 proposal and let the Planning Board continue being lead  
22 agency so we can get a wrap on this.

23 CHAIRPERSON PRICE: Okay. But, as far as lead  
24 agency letters and any coordination, that goes out reading as  
25 the Town of Brighton not necessarily the Planning Board

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3 versus Town Board?

4 MR. BOEHNER: No. We would write the Town  
5 Board as lead agency, the Planning Board for questioning lead  
6 agency, and --

7 CHAIRPERSON PRICE: Yeah.

8 MR. BOEHNER: -- we have a little work to do  
9 there, but that's the idea.10 CHAIRPERSON PRICE: Understood, all right.  
11 Thank you.12 I guess moved and seconded on the motion to  
13 table, Ramsey will you call the roll?

14 MR. BOEHNER: Ms. Altman?

15 MS. ALTMAN: Aye.

16 MR. BOEHNER: Mr. Price?

17 CHAIRPERSON PRICE: Aye.

18 MR. BOEHNER: Mr. Fader?

19 MR. FADER: Aye.

20 MR. BOEHNER: Ms. Delaney?

21 MS. DELANEY: Aye.

22 MR. BOEHNER: Mr. Babcock-Stiner?

23 MR. BABCOCK-STINER: Aye.

24 MR. BOEHNER: Mr. Osowski?

25 MR. OSOWSKI: Aye.

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23                   MR. BOEHNER: Motion passes, the application  
4 is tabled.5                   We can move on with signs, which I think Jeff  
6 is going to call up; is that right?7  
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23 **SIGNS:**4 1631 Echelon Wealth Advisors, for a building face at 1441  
5 Monroe Avenue.6 1632 Conway Beam Truck Group, for a building face at 2674  
7 West Henrietta Road.8 1633 Lattimore Physical Therapy, for a building face at 1655  
9 Elmwood Ave, Suite 130.10 JEFF FRISCH: Yes. The first sign is 1631  
11 located of 1441 Monroe Avenue, it's a building face sign for  
12 Echelon Wealth Advisors.13 CHAIRPERSON PRICE: They're moving two doors  
14 down. They're on the corner of Sylvan right now.15 MR. BOEHNER: I don't think they are, are  
16 they?

17 CHAIRPERSON PRICE: Yeah.

18 MR. BOEHNER: No, I think it's a different  
19 one.

20 CHAIRPERSON PRICE: So it's just another --

21 MR. BOEHNER: Think about where you are.

22 Wealth Advisors, there's a number of them up and down the  
23 avenue, Bill.24 CHAIRPERSON PRICE: Wealth advisors and nail  
25 salons.

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3 MR. BOEHNER: And boutiques.

4 CHAIRPERSON PRICE: All right.

5 MR. BOEHNER: Good signage though.

6 MS. ALTMAN: Looks really nice.

7 CHAIRPERSON PRICE: Move to -- this was  
8 approved as presented, so this is number Application 1631,  
9 motion to approve as presented.

10 MS. ALTMAN: I will move it, Altman.

11 MR. BABCOCK-STINER: Second, Babcock-Stiner.

12 MR. BOEHNER: Babcock-Stiner's got it.

13 MR. BOEHNER: All right.

14 Mr. Osowski?

15 MR. OSOWSKI: Aye.

16 MR. BOEHNER: Ms. Altman.

17 MS. ALTMAN: Aye.

18 MR. BOEHNER: Mr. Price?

19 CHAIRPERSON PRICE: Aye.

20 MR. BOEHNER: Mr. Fader?

21 MR. FADER: Aye.

22 MR. BOEHNER: Ms. Delaney?

23 MS. DELANEY: Aye.

24 MR. BOEHNER: Mr. Babcock-Stiner?

25 MR. BABCOCK-STINER: Aye.

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3 MR. BOEHNER: Approved as presented.

4 CHAIRPERSON PRICE: Okay.

5 JEFF FRISCH: The next sign is for 1632, it's  
6 for 2674 West Henrietta. This one needs a variance for  
7 additional signage that they're removing some signage from  
8 the building, and they are adding other signage. But,  
9 they're taking down some of these signs here, and replacing  
10 them with the blue signs.

11 And then on the other face, they're kind of  
12 like legalizing these new signs, so they weren't approved  
13 before, but they're going to go through the Zoning Board  
14 process and approve the brand signs that are there currently.

15 CHAIRPERSON PRICE: Okay, all right. Is this  
16 ARB approved this conditionally, can we --

17 MR. BOEHNER: But, they don't get their  
18 variances, they're down. You could approve with the  
19 condition that all variances are obtained.

20 CHAIRPERSON PRICE: Yes. I know you don't  
21 like to do that, but is this one of those we could?

22 MR. BOEHNER: Jeff, your thoughts?

23 JEFF FRISCH: Yeah. The application has been  
24 through the Zoning Board. I think it will be okay, approve  
25 with conditions.

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3 MR. BOEHNER: If you guys don't have any  
4 problems with it, go for it.

5 CHAIRPERSON PRICE: I will make a motion to  
6 approve as presented, in the application.

7 MR. BOEHNER: It will be approved with  
8 conditions that all variances be obtained.

9 CHAIRPERSON PRICE: I was just going to say  
10 that.

11 MR. BOEHNER: Approved as presented.

12 CHAIRPERSON PRICE: Now, I get one my chance,  
13 Ramsey.

14 MR. BOEHNER: No.

15 MS. ALTMAN: I will second.

16 CHAIRPERSON PRICE: All right, moved and  
17 seconded. Let Jeff call the roll.

18 JEFF FRISCH: Ms. Altman?

19 MS. ALTMAN: Aye.

20 JEFF FRISCH: Mr. Price?

21 CHAIRPERSON PRICE: Aye.

22 JEFF FRISCH: Mr. Fader?

23 MR. FADER: Aye.

24 JEFF FRISCH: Ms. Delaney?

25 MS. DELANEY: Aye.

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3 JEFF FRISCH: Mr. Babcock-Stiner?

4 MR. BABCOCK-STINER: Aye.

5 JEFF FRISCH: Mr. Osowski?

6 MR. OSOWSKI: Aye.

7 JEFF FRISCH: Is approved with conditions.

8 MR. BOEHNER: Jeff, this is all yours. I'm  
9 sensing from Bill he doesn't want to hear from me anymore.

10 CHAIRPERSON PRICE: You cut me off, I'm  
11 cutting you.

12 MR. BOEHNER: I'm done for the night.

13 JEFF FRISCH: The next sign is 1633 at 1655  
14 Elmwood Ave for Lattimore Physical Therapy.

15 CHAIRPERSON PRICE: Anybody have any issues  
16 with that?

17 JEFF FRISCH: Was approved as present by the  
18 Architectural Review Board.

19 CHAIRPERSON PRICE: Make a motion to approve  
20 as presented as approved by the ARB.

21 MS. DELANEY: I will second.

22 CHAIRPERSON PRICE: Tie goes to Delaney.

23 JEFF FRISCH: Ms. Altman?

24 MS. ALTMAN: Aye.

25 JEFF FRISCH: Mr. Price?

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3 CHAIRPERSON PRICE: Aye.

4 JEFF FRISCH: Mr. Fader?

5 MR. FADER: Aye.

6 JEFF FRISCH: Ms. Delaney?

7 MS. DELANEY: Aye.

8 JEFF FRISCH: Mr. Babcock-Stiner?

9 MR. BABCOCK-STINER: Aye.

10 JEFF FRISCH: Mr. Osowski?

11 MR. OSOWSKI: Aye.

12 JEFF FRISCH: Approved as presented.

13 CHAIRPERSON PRICE: Very good.

14 MR. BOEHNER: One last thing. I wanted to  
15 double check, is this group, now that we're getting the  
16 reports out earlier and doing the agenda review, do you still  
17 want to move our meeting time up? We had last time talked  
18 about moving from 7:00 to 6:45.

19 MR. GORDON: Just to be clear, whenever we  
20 start, it's going to be in this public forum. There's not  
21 going to be any private pre-meeting. So, whether we start at  
22 6:45 or 7:00 the meeting will run like you ran tonight, call  
23 the order in public, whether in person or on Zoom, then with  
24 staff report and discussion as done tonight.

25 MR. BABCOCK-STINER: 7:00 honestly works

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23 better for me, in regards to getting dinner. 7:00 does work  
4 better for me.5 CHAIRPERSON PRICE: I'm okay with either, but  
6 7:00 is fine.

7 MS. DELANEY: Sure.

8 MR. OSOWSKI: 7:00 is good, this is John.

9 MR. BOEHNER: Again, if you guys have  
10 questions too, we can talk. The reason we are doing the  
11 review before was just that I was going to need the reports  
12 that night. I wanted run through them with you, so we can  
13 work on this as we go along too.14 CHAIRPERSON PRICE: All right. Well, we'll  
15 keep it at 7:00, and I did like the pre-meeting, I thought  
16 the conservation felt like the old days, sans pizza.17 MS. DELANEY: I was still waiting for my  
18 pizza.19 MR. BOEHNER: Maybe we should send little  
20 pizzas to everyone's house right at 7:00.21 MS. DELANEY: I feel like Laura should have to  
22 deliver it though.23 MR. BOEHNER: No change when Laura left, you  
24 can blame her.

25 CHAIRPERSON PRICE: Well, everybody, have a

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3 good holiday.

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MR. BOEHNER: Happy holidays.

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

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

Dated this 15th day of February, 2022.

At Rochester, New York

*Rhoda Collins*  
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