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B R I G H T O N  
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May 19th, 2021  
At approximately 7:00 p.m.  
Brighton Town Hall Zoom meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

- WILLIAM PRICE, CHAIRPERSON
- KAREN ALTMAN )
- JASON BABCOCK-STINER )
- PAMELA DELANEY ) Board MEMBERS
- DAVID FADER )
- JOHN J. OSOWSKI )
  
- KENNETH GORDON, ESQ.  
Town Attorney
  
- RAMSEY B. BOEHNER  
Town Planner

REPORTED BY: ALYSSA THOMAS, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive,  
Batavia, New York 14020

1 CHAIRPERSON PRICE: Good evening. Welcome to the  
2 May meeting of the Town of Brighton Planning Board.

3 I would like to introduce the members of the  
4 Board. I am Bill Price. We have with us John Osowski,  
5 Karen Altman, Jason Babcock-Steiner, David Fader, Pam  
6 Delaney. Those are Board members. Ramsey Boehner is Town  
7 Planner and Secretary to the Board. And Ken Gordon is the  
8 Town Attorney and Attorney for the Planning Board as well.

9 So I'd like to begin with -- Ramsey, would you  
10 call the roll, please?

11 MR. RAMSEY: Altman?

12 MS. ALTMAN: Here.

13 MR. BOEHNER: Price?

14 CHAIRPERSON PRICE: Here.

15 MR. BOEHNER: Fader?

16 MR. FADER: Here.

17 MR. BOEHNER: Delaney?

18 MS. DELANEY: Here.

19 MR. BOEHNER: Babcock-Stiner?

20 MR. BABCOCK-STINER: Here.

21 MR. BOEHNER: Osowski?

22 MR. OSOWSKI: Here.

23 MR. BOEHNER: All present.

24 CHAIRPERSON PRICE: Thank you. Like to begin  
25 with a motion to approve the March 17th, 2021 meeting

1 minutes. Do we have a motion from any of the Board  
2 members?

3 MS. DELANEY: I'll motion that we approve the  
4 minutes.

5 MR. BOEHNER: Delaney, motions.

6 CHAIRPERSON PRICE: Thank you.

7 MR. OSOWSKI: I'll second it.

8 MR. BOEHNER: Osowski seconds.

9 CHAIRPERSON PRICE: Any discussion? Were there  
10 comments or edits anybody had? Okay. Ramsey, please call  
11 the roll.

12 MR. BOEHNER: Altman?

13 MS. ALTMAN: Aye.

14 MR. BOEHNER: Price?

15 CHAIRPERSON PRICE: Aye.

16 MR. BOEHNER: Fader?

17 MR FADER: Aye.

18 MR. BOEHNER: Delaney?

19 MS. DELANEY: Aye.

20 MR. BOEHNER: Babcock-Stiner?

21 MR. BABCOCK-STINER: Aye.

22 MR. BOEHNER: Osowski?

23 MR. OSOWSKI: Aye.

24 MR. BOEHNER: Minutes are approved.

25 CHAIRPERSON PRICE: Thank you. We will approve

1 the April 21st meeting minutes at our June meeting.

2 We have a series of public hearings tonight. I  
3 do want to point out that under new business, Application  
4 9P-NB1-20, the Application of Baptist Temple and Clover  
5 Park Properties is postponed until our June 16th meeting.  
6 But we will hear the other public hearings now.

7 Ramsey, could you please confirm that the public  
8 hearings that we're going to have tonight were advertised.

9 MR. BOEHNER: Yes. They were properly advertised  
10 in the Brighton-Pittsford Post on May 13th, 2021.

11 CHAIRPERSON PRICE: All right. Thank you. Our  
12 first public hearing tonight is Application 4P-01-21. The  
13 application of the Country Club of Rochester as owner for  
14 Site Plan Modification to construct three clay tennis  
15 courts and 19 parking spaces at their property located at  
16 2935 East Avenue. And as you can see, everybody, we will  
17 be presenting the applications, drawings, and any other  
18 materials submitted, and once the Board has asked  
19 questions, we will allow people interested in the specific  
20 application to comment or ask questions. But for now I'm  
21 going to look out there and see if there's anybody  
22 representing Country Club of Rochester.

23 ANDREW SPENCER: Hi. This is Andrew Spencer with  
24 BME Associates. Can you hear me?

25 CHAIRPERSON PRICE: We can. Thank you.

1           ANDREW SPENCER: Excellent. Again, my name is  
2 Andrew Spencer with BME Associates representing our  
3 client, the Country Club of Rochester. I believe Rick  
4 Holfoth was also going to join the meeting this evening.  
5 I do not know if he is online or not.

6           RICK HOLFOTH: Yes. I'm here, Andrew.

7           ANDREW SPENCER: Hi, Rick. How are you this  
8 evening?

9           RICK HOLFOTH: Good. I'm the Golf Course  
10 Superintendent here at Country Club of Rochester.

11          ANDREW SPENCER: Yeah. So I will give the Board  
12 a brief overview of what the proposal is and then open it  
13 up for Board questions.

14                 What the Country Club of Rochester is intending  
15 on doing is to expand their facilities for their club  
16 members. And one of the facilities they would like to  
17 expand and make better is the tennis court facility on the  
18 course. And what is being proposed are three clay tennis  
19 courts in the area that an existing asphalt ice rink is  
20 located on the site. Immediately adjacent to the west of  
21 the four blank rectangles, is the existing paved tennis  
22 court facility. And immediately to the east, up in that  
23 upper right-hand corner of this plan, is the paddle tennis  
24 courts that exist on the site today.

25                 So what the proposal is, is to remove the

1 existing asphalt ice rink and put in three clay tennis  
2 courts in its place. The clay tennis courts will be a  
3 baffle style clay tennis court, meaning there will be a  
4 water supply to it to keep the moisture content of the  
5 clay consistent for play.

6 Another improvement that is being proposed is  
7 fencing around the tennis court. There's a 16 foot high  
8 fence along the golf course, the whole location, a ten  
9 foot high fence on the northern portion, adjacent to the  
10 access drive, and then the fence will drop down to  
11 approximately 4 feet in height along the western and  
12 eastern side.

13 We are proposing 19 additional parking spaces  
14 along the access drive. Six current parking spaces are  
15 located right at the tennis court building, and there are  
16 15 spaces that are located in front of the paddle tennis  
17 facility. These 19 spaces are to open up, to allow for  
18 people to drive directly to the tennis courts, provide  
19 better connectivity to the tennis courts and the users.

20 We have also proposed landscape improvements  
21 along the golf course side of the tennis courts, and that  
22 is to provide additional buffering, as well as additional  
23 screening to augment the fence. There are golf balls that  
24 do go into this area from errant shots from the tee box on  
25 this hole. And the plant material and the fence is to

1 provide protection to the users of the tennis court. We  
2 have also proposed extensive landscaping along the  
3 northern property boundary as well, and that is to provide  
4 screening to the neighboring properties.

5 Please note that we did receive and obtain  
6 variances to allow for the tennis court in the front yard.  
7 We obtained a variance for the increased fence height, up  
8 to the 16 feet that has been requested. We also received  
9 a variance to allow for an accessory structure in the  
10 front yard. That accessory structure on this particular  
11 plan is that little grey box area to the lower left.  
12 Thank you for highlighting that. And that accessory  
13 structure is to house nets, house equipment to roll the  
14 clay tennis courts, brooms, and things of that nature.  
15 And that will be utilized just for the tennis courts  
16 themselves.

17 From a grading perspective and a drainage  
18 perspective, the existing drainage on the site will remain  
19 consistent with what exists today. Drainage comes across  
20 the site in a northwest to southeast direction. Any  
21 drainage coming off of the clay tennis courts will be  
22 allowed to infiltrate into the existing rough area of that  
23 particular golf hole, as well as the fairway, and then  
24 dissipate directly into the soil strata.

25 Please also note that there is a proposal to

1 provide lighting on the western most courts, the court  
2 closest to the existing tennis building. And we will  
3 illuminate that and illuminate it for evening play.

4 We did receive letters from adjoining neighbors  
5 to the property that were in support of the project. The  
6 Country Club of Rochester has made a -- made it apparent  
7 and made a very good showing with the neighbors to discuss  
8 this proposal. Believe all the residents in this area are  
9 in support of what is being proposed with you this  
10 evening.

11 I don't think I need to belabor this much more  
12 than what I've suggested. We did provide a letter of  
13 intent dated April 20th, 2021 that has some additional  
14 information within it about the clay tennis courts  
15 themselves, as well as all the information that I just  
16 provided to the Board.

17 Rick, I don't know if you had anything else that  
18 you might want to provide to the Board at this point.

19 RICK HOLFOTH: Sure. Just mainly that those  
20 parking places that are proposed are really where we just  
21 marked out and picked locations where cars kind of park  
22 anyway. We just don't have enough parking for the racket  
23 sports program, so we just kind of added places where they  
24 park in the grass currently.

25 And then, lastly, there's an extensive kind of



1 shrub and tree planting program in regards to this, and we  
2 did meet with all the neighbors and gained their approval  
3 and, hopefully, the Board received their letters of  
4 support. I guess that's the main thing. Clay tennis  
5 courts are generally a natural material and they should be  
6 an improvement over the asphalt surface that's there now.

7 ANDREW SPENCER: I believe with that, Mr.  
8 Chairman, we would answer any of the questions the Board  
9 may have at this time.

10 CHAIRPERSON PRICE: Thanks, Andy and Rick. If I  
11 could just ask everybody that's on the call tonight to  
12 mute yourself if you're not speaking. We'd appreciate it.

13 Andy, I -- I think you explained everything. Do  
14 you anticipate their being bleachers or any other type of,  
15 you know, seating or anything for people to -- to watch  
16 this or if you have events or tournaments of any kind?

17 ANDREW SPENCER: No bleachers are being proposed  
18 at this time point in time. The area directly to the west  
19 of the clay tennis court, in between the existing tennis  
20 courts and the clay tennis courts, is going to be a lawn  
21 area where they may be able to set up lawn chairs or  
22 something of that nature. But bleachers and things of the  
23 nature are not being proposed at this point in time.

24 CHAIRPERSON PRICE: Okay. Thank you. And this  
25 particular rendering that's up shows another darker area

1 along the -- I'm just going to call it the north side, and  
2 another on the south side near the proposed planting.  
3 Could you just clarify what those hatched areas mean?

4 ANDREW SPENCER: Sure. Ramsey, could you please  
5 put up the grading and utility plan, first? And this  
6 would -- and I'll describe based upon this plan.

7 So what we're doing to control some of the  
8 drainage coming off of the access drive prior to it  
9 entering and then getting onto the tennis court from the  
10 north, is we're actually proposing a, if you will, a  
11 French drain system where we would have an underdrain in  
12 an area -- gravel area. That I believe is approximately  
13 -- I got to flip to my page. We'll have a four inch PVC  
14 tile in an area that's roughly five to six feet in width.  
15 And that is to catch the drainage coming from the north to  
16 -- the northwest down to the southeast. And we have the  
17 same type of facility on the south side of the tennis  
18 courts as well. Any drainage that's coming off of the  
19 clay tennis court, we're going to capture into the French  
20 drain and then we'll be discharging just a little bit  
21 further to the east and to the natural grade and then it  
22 will flow down to the southeast for the remainder of that  
23 golf hole.

24 CHAIRPERSON PRICE: Okay. Thank you. And from  
25 an elevation standpoint, are these courts roughly at the

1 same elevation that the existing asphalt is or are you  
2 raising this up a little bit?

3 THE WITNESS: We will be raising the tennis  
4 courts up approximately six inches on the north side and  
5 approximately a foot to the south side. Again, it's to  
6 try to get the tennis courts above existing grade ever so  
7 slightly, so we don't get drainage from other areas  
8 crossing across the tennis courts.

9 RICK HOLFOTH: And the existing ice rink is  
10 sunken by that amount for the opposite reason.

11 CHAIRPERSON PRICE: Yeah, we are -- Okay. And do  
12 you have a -- do you have a graphic of the -- of the  
13 lighting that's proposed, if you do, and the height of it?

14 ANDREW SPENCER: Yeah. We had -- the lighting is  
15 being provided by the manufacturer -- the installer of the  
16 tennis courts themselves, and that was provided under kind  
17 of separate cover, if you will, within the package.

18 MR. BOEHNER: Hey, Andy. On that, was one of the  
19 questions I had. That package shows all four courts being  
20 lit with double headed lights.

21 ANDREW SPENCER: Yes. This particular plan was  
22 not revised based upon the input that we had from the  
23 neighbors. An original proposal was to provide lighting  
24 on all three of the courts. After discussion with the  
25 neighbors, the Country Club of Rochester came to agreement

1 to just illuminate that western court. Okay. And then  
2 the fixture style is the single style fixture that is  
3 being proposed by Oval Tennis. That is correct. That  
4 fixture.

5 MR. BOEHNER: Andy, do you know if they're, like,  
6 dark sky compliant or what the -- the -- the heat of the  
7 color, the temperature of the color is?

8 ANDREW SPENCER: They will be dark sky compliant  
9 fixtures and I believe -- I believe they did call that  
10 out. If it's not called out here, Ramsey, I could  
11 definitely get the Board that information.

12 MR. BOEHNER: I was looking for -- I was having  
13 trouble finding it. I know that it is to play tennis, so  
14 that's a different type of light, I imagine.

15 ANDREW SPENCER: It definitely is a brighter  
16 light than a parking lot light. And the plan that was  
17 provided does show the illumination values on that western  
18 court. We're looking at values of 30-foot candle to  
19 50-foot candle. So it is relatively bright in that area.  
20 If -- if you need more technical data, we can provide that  
21 information.

22 MR. BOEHNER: The -- the tennis courts, existing  
23 tennis courts, are lit; is that right?

24 RICK HOLFOTH: The existing ice rink is lit.

25 MR. BOEHNER: That's what's lit. Okay.

1 RICK HOLFOTH: So there's eight light fixtures on  
2 the existing ice rink that will come out of service and be  
3 replaced with six light fixtures on one court.

4 MR. BOEHNER: And how tall are those existing  
5 light fixtures?

6 RICK HOLFOTH: They're approximately 28 to 30  
7 feet tall.

8 MR. BOEHNER: And these are what? 20?

9 RICK HOLFOTH: 22, I believe.

10 MR. BOEHNER: 22 --

11 RICK HOLFOTH: 20 foot pole with a small arch.

12 MR. BOEHNER: Yeah. Okay. Or base.

13 ROCK HOLFOTH: We can specifically meet with the  
14 neighbors in regards to the lighting.

15 ANDREW SPENCER: Please note also the existing  
16 paddle tennis courts are lit as well. All of those courts  
17 are lit.

18 CHAIRPERSON PRICE: Are there other questions from  
19 Board members?

20 MR. GORDON: Bill, this is Ken Gordon. I have a  
21 question, if I may.

22 CHAIRPERSON PRICE: Please, go ahead.

23 MR. GORDON: Andrew or Rick, but I think this is  
24 an Andrew question. Do you have plans for how you're  
25 going to protect the clay tennis court surface over the

1 winter? Are you tarping it? Are you anticipating putting  
2 a bubble over it? What -- what's the plan there?

3 ANDREW SPENCER: Actually, Ken, I do not know the  
4 direct answer to that question. I would need to talk with  
5 Oval Tennis, Inc. who are actually installing the tennis  
6 courts. But, if anything -- Excuse me, Rick.

7 RICK HOLFOTH: I can cover that one, if you want.

8 ANDREW SPENCER: Oh, please do.

9 RICK HOLFOTH: From a tennis maintenance, the  
10 only thing that happens to those courts is the lines where  
11 the -- that define the inner, you know, that you see there  
12 on the chart. They actually have two by fours and some  
13 cinder blocks put on them, so they don't kind of buckle  
14 out of the clay as the clay freezes. That's the main  
15 thing that will happen. There's no tarping, obviously, no  
16 bubble. That's really it.

17 MR. GORDON: Okay. I just wanted to know if  
18 there was any supplemental structure that would be  
19 anticipated over the winter.

20 RICK HOLFOTH: No. I think they would love it,  
21 but no. That's not in the proposal.

22 MR. BOEHNER: Andy, the roadway is one way; is  
23 that right?

24 RICK HOLFOTH: Yes.

25 MR. BOEHNER: Okay. Thank you.

1 RICK HOLFOTH: Yes. And it's part of -- you  
2 know, one of the things the neighbors did ask for is that  
3 we display -- that there's only two one-way signs. We'll  
4 be adding several more. They're on -- you know, to kind  
5 of really make the point that that's an exit -- an  
6 entrance only, not an exit, and only access to the racket  
7 sports.

8 CHAIRPERSON PRICE: Other Board members, other  
9 questions?

10 MR. BOEHNER: I have one thing, Andy. What is  
11 the amount of disturbance? We believe you might need to  
12 do a swift based on calculations of the Town Engineer. And  
13 that's something you're going to need to look at, per our  
14 Town Code.

15 ANDREW SPENCER: I believe per -- potentially  
16 through the Town Code we may be able -- we may need to  
17 provide a swift but it is less than an acre worth of  
18 disturbance, which does not require a New York State DEC  
19 Permit or a SPDES Permit for this. I realized the Town  
20 Code is different.

21 We have shown erosion control on the grading and  
22 utility plan. We've put up erosion control measures  
23 around the area that would be disturbed. We've shown tree  
24 protection around those trees to be preserved per the Town  
25 Code as well. And we can have a further conversation with

1 the Town engineer about any further mitigation measures we  
2 would have to have for erosion control on the site.

3 MR. BOEHNER: I just want to make -- I want to  
4 make sure you're aware of it, Andy, that's all. Thank  
5 you.

6 CHAIRPERSON PRICE: Okay. Anybody else? Other  
7 questions from the Board? All right. Not hearing it.  
8 John, did you have some?

9 MR. OSOWSKI: No. I -- I have no questions at  
10 this time. Thank you. Yeah, I'm good.

11 CHAIRPERSON PRICE: Okay. Thank you. All right.  
12 Ken or Ramsey, you guys are all set?

13 MR. BOEHNER: Yes, I am, Bill.

14 CHAIRPERSON PRICE: All right. This is a public  
15 hearing and if there's anyone in the audience tonight that  
16 wishes to address this application, please raise your  
17 hand. That is -- there is a function on the -- on the  
18 computer that allows you to do that through whatever  
19 format you're watching us, hopefully. If that's not  
20 working, please wave your hands frantically, and Jeff  
21 Frisch will try find you and let you speak.

22 MR. BOEHNER: I'm not seeing anyone. Jeff, do  
23 you see anyone? I don't see anyone, Bill.

24 CHAIRPERSON PRICE: All right. Andy and Rick,  
25 thank you.



1 RICK HOLFOTH: Thank you.

2 CHAIRPERSON PRICE: At this point we're going to  
3 move onto our second application which the 5P-01-21,  
4 Application of Benderson Development, owner, and Jennifer  
5 Blaine, Firehouse Subs lessee, for Conditional Use Permit  
6 for outdoor drive-through and outdoor dining at 2830 West  
7 Henrietta Road. I thought I saw --

8 MR. BOEHNER: I thought I saw Jenny's name or  
9 something --

10 JENNIFER BLAINE: That's me. Yeah, I'm right  
11 here.

12 MR. BOEHNER: Oh, there you are. I thought I saw  
13 your name earlier.

14 JENNIFER BLAINE: Yeah. My name is Jennifer, but  
15 I go by Jenny. So --

16 MR. BOEHNER: I thought I saw Jenny's name.

17 JENNIFER BLAINE: My name Jennifer, but I go by  
18 Jenny. So --

19 CHAIRPERSON PRICE: All right. We'll call you  
20 Jenny. Good Evening.

21 JENNIFER BLAINE: Good evening. So, obviously,  
22 I've never done a Planning Board Meeting before. So I  
23 don't know the lingo. I don't know any of it, but I'll do  
24 the best I can here. I am the owner of It's Not a Wrap  
25 LLC, and I'm opening this franchise Firehouse Subs in a

1 former Tim Hortons and I need a Conditional Use Permit.  
2 It's a restaurant. It's a fast casual sub shop.

3 The -- I do have the questions in front of me  
4 that I'm trying to go through here. The employees -- the  
5 maximum amount of employees that would be on site at peak  
6 time would be between 11 a.m. and 2 p.m. the -- and that  
7 would be about ten employees total. My business hours  
8 would be seven days a week, 10:30 a.m. to 9 p.m. The  
9 maximum amount of customers including indoor seating,  
10 outdoor seating, and the drive-through would probably be  
11 around 60 to 65 at max peak time. Let's see here.  
12 There's 26 parking spots, two of which are handicap  
13 accessible, and not sharing with any neighbors whatsoever.

14 The merchandise and deliveries will be  
15 delivered early morning hours prior to opening 5, 6 a.m.  
16 So it wouldn't affect any customers and it would be  
17 delivered to the back entrance directly into the freezers.  
18 Let's see what else here. There should be -- the only  
19 trash that would be coming out of that would be food  
20 waste, cardboard, any paper products, plastic cups, any  
21 sort of normal everyday garbage. And the only chemicals  
22 that would be put in the sewer just be cleaning products  
23 from Proctor and Gamble and, currently there are no  
24 special events planned.

25 Aside from just getting it open, which would be

1 wonderful. I did see the -- the referral from Monroe  
2 County, and I did call -- contact all of the people that  
3 they recommended I contact. And there wasn't any sort of  
4 issues with most of them. I did file a form with the  
5 Department of Health. The Department of Transportation  
6 had no issue. They said it wasn't in their jurisdiction,  
7 and the -- I did submit the PW2 to the Monroe County  
8 Department of Environmental Services. So he does have  
9 that on file. But he did also say that it was already  
10 approved for Tim Hortons so he didn't anticipate any  
11 problem since we're not making any changes.

12 So the only changes we're making is just to the  
13 interior and then the signage, which my lawyer and the  
14 sign company will be in your June meeting for. So for the  
15 drive-through as well we're just replacing the former Tim  
16 Hortons menu boards that are shown right there on the  
17 former Tim Hortons' plans.

18 And that's -- that's all I have. I hope I'm not  
19 missing anything or if you have any questions I can try  
20 and answer.

21 CHAIRPERSON PRICE: Thank you, Jenny. Jenny, do  
22 you by chance -- do you -- will this be your -- your first  
23 franchise?

24 JENNIFER BLAINE: Yes.

25 CHAIRPERSON PRICE: Is it?

1 JENNIFER BLAINE: Yup.

2 CHAIRPERSON PRICE: And how much of the -- the  
3 product is -- is made on site? Do you make everything?

4 JENNIFER BLAINE: Everything -- well, yeah,  
5 everything expect for, like, the soups and the bread. So  
6 the bread and the soups come in. But, yeah, everything  
7 else is fresh. Yup.

8 CHAIRPERSON PRICE: Okay. And --

9 MR. BOEHNER: Sorry, Bill.

10 CHAIRPERSON PRICE: Did you say the number of  
11 employees you said was during the peak time which was  
12 10:30 to 2.

13 JENNIFER BLAINE: Yeah, I'm sorry. Yeah, be about  
14 --

15 CHAIRPERSON PRICE: I just didn't know how many.

16 JENNIFER BLAINE: Yeah, that would be ten total  
17 because there's two separate lines of creation of  
18 sandwiches. So one would be for the drive-though and one  
19 would be for the rest of the restaurant. So that's also  
20 based on the training that I have done in Palatka,  
21 Florida, in their same setup as this and they have the ten  
22 during the peak hours.

23 CHAIRPERSON PRICE: And my last question is, what  
24 -- what would you say is the average turnaround of a  
25 customer? Are they -- are they there -- now, I'm guessing

1 the ones that drive up, it's fairly quick. You know,  
2 you're in, you're out in five to eight minutes or  
3 something.

4 JENNIFER BLAINE: Yup.

5 CHAIRPERSON PRICE: But how about the people that  
6 come in, what is the turnover like?

7 JENNIFER BLAINE: It's the same. It's about five  
8 minutes. Yup. It's a fresh sandwich. So you're making a  
9 sub. So it's about five minutes total.

10 CHAIRPERSON PRICE: All right. Ramsey, do you  
11 have questions?

12 MR. BOEHNER: I just wanted to confirm, how many  
13 seats are you proposing inside and outside?

14 JENNIFER BLAINE: 24 seats inside. 12 outside.

15 MR. BOEHNER: Okay.

16 JENNIFER BLAINE: We live in Rochester, so we  
17 know nobody's using those outdoor probably 300 days a  
18 year.

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

21 CHAIRPERSON PRICE: Other Board members have  
22 questions?

23 MS. DELANEY: None. I'm all set.

24 CHAIRPERSON PRICE: Karen, you're all set?  
25 Jason, you're good?

1 MR. BABCOCK-STINER: All set.

2 CHAIRPERSON PRICE: And John?

3 MR. OSOWSKI: Yeah, this is John. I'm good.

4 Thank you.

5 CHAIRPERSON PRICE: Fader? All set. Okay. Ken  
6 Gordon? I'm reading lips. So -- All right.

7 Jenny, thank you. Everybody, this is a public  
8 hearing. Is there anyone that cares to address this  
9 application?

10 MR. BOEHNER: Please raise your hand.

11 CHAIRPERSON PRICE: Right. Raise your hand.

12 MR. BOEHNER: Raise it or wave it.

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

14 MR. BOEHNER: I'm not seeing anybody either.

15 JENNIFER BLAINE: Thank you.

16 MR. BOEHNER: Jenny, good luck with everything.  
17 Hope we can help you further.

18 JENNIFER BLAINE: Thank you very much.

19 CHAIRPERSON PRICE: Thanks, Jenny.

20 MR. GORDON: Jenny, just so you know before you  
21 run, I mean, if you want to stay on and listen to the  
22 Board discuss this project, you're welcome to do that.

23 JENNIFER BLAINE: Yeah, I'm definitely going to  
24 stay on. Thank you.

25 MR. GORDON: Not required, but you're welcome.

1 CHAIRPERSON PRICE: And that is -- that's true  
2 for all of our applicants. We'll be deliberating and  
3 making decisions on these public hearings and these  
4 applications upon a conclusion of hearing them.

5 JENNIFER BLAINE: Great. Thank you.

6 CHAIRPERSON PRICE: All right. That does bring  
7 us to application, our third one for tonight, which is  
8 Application 5B- 02-21, Application of McQuaid Jesuit High  
9 School for modification of a Conditional Use Permit  
10 approval which was numbered -- two numbers 7P-03-93 and  
11 7P-01-10 to replace existing sports field lighting with  
12 Musco LED lighting on four 80 foot poles at their athletic  
13 facility on 1800 South Clinton Avenue. Is there anyone  
14 here to speak to this application?

15 MR. BOEHNER: There is. Let me find them. Drew  
16 Dennett.

17 CHAIRPERSON PRICE: We have a Nathan. He also  
18 raised his hand.

19 DREW DENNETT: Hello, can you hear me?

20 MR. BOEHNER: Yes. You said, Nathan, Bill?

21 CHAIRPERSON PRICE: We got -- is -- there's a  
22 Drew, are you asking if --

23 DREW DENNETT: Yes, this is Drew from McQuaid.  
24 I'm the director of facilities and operations. I'm just  
25 making sure you can hear me.

1 CHAIRPERSON PRICE: Yes. Please.

2 MR. BOEHNER: And Drew, do you have anyone  
3 joining you tonight?

4 DREW DENNETT: Yeah, Nathan from Musco is also  
5 on.

6 MR. BOEHNER: Hello, Nathan.

7 CHAIRPERSON PRICE: Hi, Nathan. Please go ahead  
8 either Drew or --

9 DREW DENNETT: Okay. So I'll go real quick.  
10 I'll let Nathan give the presentation. But the reason  
11 we're doing this is because our current six existing light  
12 poles are thirty years old. They're made out of wood.  
13 They're highly inefficient, and they're becoming a  
14 liability. We don't want them coming down on a team  
15 and/or anybody that's on site. We're also cognizant of  
16 the fact they do have quite a bit of wash over to the  
17 apartment complex. So these new light towers will be four  
18 versus six, and we will not have anywhere near the washout  
19 over Elmwood into the apartment complex with these new  
20 highly efficient LED Musco light towers.

21 CHAIRPERSON PRICE: Nathan, if you could just  
22 highlight for us, where the four are going to -- I mean,  
23 we can kind of see on the plan here, but remind us where  
24 the six are and how close the -- the poles are to the --  
25 to where the existing ones are.



1 NATHAN LINDSAY: Yeah, you bet. And on this  
2 presentation that we submitted, are you on page four or is  
3 that the first one you show right in front of us right  
4 now? It's okay. That one works fine. Just -- yeah,  
5 that's fine. Go back in the other direction. Okay. Just  
6 so I can get an idea where we have to go forward or back.  
7 So starting here, you Zoom in a little bit. They are at  
8 exactly the same distance away from Elmwood as the  
9 existing poles are.

10 So, in fact, on that side the biggest change will  
11 be eliminating the poles along the 50 yard line. That will  
12 go away. The two new structures are, again, within ten  
13 feet down line left and right on that image there or that  
14 aerial image of the existing. Exactly the same distance  
15 away from the field and exactly the same distance away  
16 from Elmwood. And on the visitor's side, or the side  
17 furthest from Elmwood, they're also quite similar.

18 The one that's on the bottom right is just a few  
19 feet further away from Elmwood Ave, if you will, to get it  
20 in line with the back of the bleachers or the -- I should  
21 say first row of bleachers. And then same thing on the  
22 left side, we're backing it up right now, it's right off  
23 the track in front kind of creating a line of sight issue  
24 for people on that side. We're backing up it to get more  
25 in line with the bleachers, that helps for lots of

1 reasons.

2 And, again, further away from Elmwood closer to  
3 the school property and then the middle pole behind the  
4 press box is getting removed and will not be replaced.

5 CHAIRPERSON PRICE: And these -- these will be 80  
6 versus the height. What is the height of the existing?

7 DREW DENNETT: 70 feet currently.

8 CHAIRPERSON PRICE: Oh, ten feet more.

9 DREW DENNETT: Yeah, there's a few of them that  
10 are compliant.

11 CHAIRPERSON PRICE: Is the -- is the array of  
12 lights, or I'm not sure that's the right term, but the  
13 number of fixtures per pole, I mean, you have to have more  
14 than - than -- is it the total of six or are you -- are  
15 they -- are there less luminaires, they're just more  
16 efficient?

17 NATHAN LINDSAY: Yeah, that's exactly correct.  
18 And if you back up a slide, that's probably the best way  
19 to explain this, right there. And if you could zoom in on  
20 that, make it easier for people to see it. There you go.

21 So what's there now, is all the way on the  
22 left in terms of technology. So very little ability to  
23 control light and when you do that you get a very small  
24 percentage of the light that's produced by the light  
25 source, it's actually getting very little on the field.

1 All right. And as you move forward in time going to the  
2 right, our currently LED product is actually on that pole  
3 second from the right, right there. So same vantage  
4 point, same amount of light, and what you can see there  
5 is, instead of six fixtures, like there is on the left,  
6 that current pole only has a couple, two, or actually  
7 three in this case. So the short answer to the question  
8 right now each of these six poles has -- has six or --  
9 excuse me. Let me double check the quantity.

10 DREW DENNETT: Eight. Eight on each pole.

11 NATHAN LINDSAY: Eight on each pole, which  
12 yields, it's actually four over four. So eight times six  
13 poles, 48 fixtures and there's 1500 watt metal alloy. So  
14 they consume in total around 78kw and what we will be  
15 putting back up in its place will be fewer fixtures on the  
16 top, will drop that fixture quantity by one. We'll  
17 actually increase light levels and, more specifically, get  
18 a balanced amount of light over the field and over the  
19 track, which is currently unbalanced and the overall  
20 energy consumption actually will go down to 48kw.

21 So the biggest reason all of that is possible is  
22 that we're just getting -- instead of 20 percent of light  
23 on the field that we get on the far left 25-30 years ago,  
24 we're getting almost 93 percent of the light that's  
25 produced by the lamp onto the field and the remaining

1 amount is actually lost inside the reflector system and  
2 optics and other things, virtually, no sky glow, spill and  
3 glare will be reduced substantially from what it is today.

4 CHAIRPERSON PRICE: Okay. Drew, could you just  
5 give us a sense of the number of events through the school  
6 year? And I know last year's not a good way to bench  
7 mark, but do you have a sense of the number of evening or  
8 events that require the lighting?

9 MR. BOEHNER: Yes, absolutely. As you know,  
10 we're an all boys school. So we only have one set of  
11 sports. We don't have girl sports. So we have three  
12 sports that do utilize the field at night. And I would  
13 think there would be no more than -- I mean, this is  
14 throughout the season, about 20 to 22 games in the entire  
15 school year that would be outside under lights.

16 CHAIRPERSON PRICE: And those are through the  
17 fall and the spring?

18 DREW DENNETT: Correct. Yes. We have the  
19 lacrosse out on the field in the spring, and football and  
20 soccer would be the fall sports. Being that it's darker  
21 in the fall, the lights would have to come on a little  
22 sooner than the spring. But football, in total, I think,  
23 they play four home games and soccer might do eight to  
24 ten.

25 CHAIRPERSON PRICE: Okay.

1 DREW DENNETT: So the usage of the field would  
2 not go up any more than it has been since inception. It's  
3 just that, as Nathan stated, the lighting will be  
4 concentrated more on the field rather than washing out all  
5 over everywhere else except the fields.

6 CHAIRPERSON PRICE: Yeah, you can pretty much see  
7 it down to South Clinton.

8 DREW DENNETT: Yeah, you won't be able to see it  
9 anymore. So that's no worries there.

10 MR. BOEHNER: What are the hours that you will be  
11 operating those lights?

12 DREW DENNETT: Most night games in the fall start  
13 -- or most all games usually start between 6:30 and 7.  
14 Lights will come on probably at 6 and run till no later  
15 than 9:30-10 o'clock at the most.

16 MR. GORDON: Bill, Ken Gordon. If I could just  
17 do a follow up on that. So, Drew, you're talking about  
18 games. Do any of your teams practice at night and will  
19 they be using the lights at night for practice?

20 MR. BOEHNER: Yeah, sometimes they do when they  
21 are later in the season. They definitely will, but that  
22 does not run too much longer than -- they try to get the  
23 kids to practice. Practice and then get them home before,  
24 you know, a certain hour. They don't want to keep them  
25 there too long. So the night practices are not that

1 substantial. I couldn't tell you exactly how many they do  
2 have, but it's not anywhere near more than five to ten  
3 practices that would run later than what they would need  
4 the lights on for.

5 MR. GORDON: But the 20 to 22 games does not  
6 include the practices?

7 DREW DENNETT: It does not, correct. Most  
8 practices during season are right after school. So they  
9 go out 2:30-3 o'clock. They practice. They're done by  
10 6:30-7 o'clock.

11 CHAIRPERSON PRICE: Okay. Other Board members  
12 have questions?

13 MR. OSOWSKI: Yeah, this is John. Tell me, is  
14 the lighting level adequate to televise any games if  
15 that's so desired?

16 DREW DENNETT: I will let Nathan answer that.  
17 But I would say yes, because we have televised games with  
18 our current lights, and these lights are tenfold of what  
19 we have now.

20 NATHAN LINDSAY: Yeah, the short answer is yes.  
21 Couple of years ago I would have said no, even if we were  
22 lighting the field to the same light levels that we are  
23 today. Just the -- one of the benefits of LED when it's  
24 controlled correctly is it appears significantly brighter  
25 than what it actually is. I'm sure everybody on this call

1 has seen bad LED applications, you know, fixtures that  
2 don't have light control and how intense that can be. It  
3 works well for TV and for cameras though because it also  
4 looks brighter than what it really is.

5 And in this case, the actual average light levels  
6 that we're lighting the field and track too, are going to  
7 be very similar, if not the same. What's significantly  
8 different is that the uniformities are much improved. So  
9 you take the high spot and the low spot and figure out  
10 that ratio. Right now it's probably in the 5 to 6 to 1  
11 range. We're going to closer to 1.5 to 1. So that also  
12 helps make it feel brighter and look brighter on TV. The  
13 biggest reason it also looks really bright is because of  
14 the contrast. So right outside of the facility it will be  
15 very, very dark very quickly. So when you have that  
16 bright light against a black back drop it makes a very  
17 impressive scene.

18 And if you just actually just want to scroll  
19 through those local photos. I did pick a few that are  
20 from projects in the metro area they are using our LED.  
21 And I believe everybody has the hard copies. That first  
22 one that you -- just a moment ago, that is Greece Arcadia.  
23 It's about the same distance in that photo from what it is  
24 at Elmwood Avenue, just a touch closer. But gives an idea  
25 of how good it looks compared to what it does today. The

1 next one, Greece Athena. You're actually seeing a little  
2 bit more light in front of me for my iPhone because the  
3 parking lot has lights in there, otherwise it would look a  
4 little better. But, again, just another vantage point  
5 from Elwood Avenue but from Route 100.

6 Next photo is Greece Odyssey from the press box  
7 or from the top row of the bleaches I should say. Next  
8 photo is Brockport tennis. And, again, it's interesting  
9 here just cause you're seeing significantly more glare  
10 from that little 60 watt parking lot LED than you are from  
11 the 1200 watt LED fixtures. Next one, Gates-Chili's new  
12 stadium. Second photo there. Next one is same field just  
13 a different vantage point. Next one is RIT's field again  
14 similar vantage point. That's if you were much closer and  
15 you were walking from the sidewalk, but gives you a nice  
16 view. Next one is Word of Life Bible Institute. Reason I  
17 put that in there is just because they -- that was in  
18 Adirondack Park. So we went through the APA process to  
19 gain approval to light that field. They had a 40 foot  
20 restriction on mounting heights and when they saw what we  
21 could do with light control they allowed us to mount 80  
22 foot poles inside the park boundaries and that field is  
23 lit to NCAA levels, so brighter than what McQuaid Jesuit  
24 is doing. Next one, same photo just different vantage --  
25 or same facility just different view. And then, lastly,



1 one of our favorites. Just threw this in here because  
2 monuments in the national parks are something that we also  
3 light for the same reasons that Drew picked us to light  
4 his field. We're really good at lighting, when people  
5 want to light but not lighting other stuff. So this is  
6 one of many that we do. And although we're a massive  
7 company, we're a privately owned, family owned business  
8 out of Iowa, which is where I was born and raised. So  
9 it's -- you know, getting to work with a company that's  
10 from the United States and involved in light control is  
11 something that we really appreciate. And Drew and I have  
12 spent a lot of time talking about, but that's a good  
13 snapshot. Any questions?

14 CHAIRPERSON PRICE: Thank you.

15 MR. BOEHNER: Do the lights have shields and are  
16 they aimable? Can you adjust them?

17 CHAIRPERSON PRICE: They are. If you want to go  
18 to page two, I believe it was. And then Zoom in on that.  
19 So these are full cutoff fixtures. So there's no light  
20 above the visor, to the side of the visor. They're long  
21 enough that it minimizes reflection light and that entire  
22 system is sealed in a clean room environment when we build  
23 them and it's aimed to a thousandth of a degree inside of  
24 our factory. So we do not change visor configuration once  
25 it's built, but we have a hundred different visor

1 combinations and dial combinations that create a thousand  
2 different options. So when we do a lighting design for  
3 this field which we completed, of course, there'll  
4 actually be multiple different types of fixtures, visors,  
5 diode counts optics and everything to maximize the  
6 performance of the fixture aimed in that particular spot.

7 So when we do need to do a fine tune, we actually  
8 will physically aim the entire fixture down, close it at a  
9 degree or two. Because of what we do in the factory, it's  
10 very rare that that's needed but in the event it is, we  
11 rent a lift, come around there, and actually make a manual  
12 adjustment, lock it back into place and it's perfect.

13 MR. OSOWSKI: Tell me, is there an emergency  
14 lighting system so that if power is lost there's some kind  
15 of a small backup lighting system? Maybe not necessarily  
16 provided by Musco, but provided by another system at the  
17 athletic field.

18 DREW DENNETT: No. We don't have any emergency  
19 backup power. I mean, if we lose power to the building  
20 then I think the entire Town of Brighton would be dark.  
21 I've been at McQuaid for 24 years. Knock on wood. We  
22 have not lost power in our building for any sustained  
23 amount of time, but if we do lose power to the poles  
24 themselves, we do have LED wall packs on our field house  
25 that are quite bright and would be able to illuminate if

1 people needed to exit from the stadium that lost power.  
2 We would have plenty of power on the out building to the  
3 show them their way.

4 NATHAN LINDSAY: And to expand on that, Drew, the  
5 State of New York actually requires an ingress system that  
6 is fed from an emergency supply for any facility that has  
7 5,000 or more spectators. So, again, this is athletic  
8 facilities specifically.

9 DREW DENNETT: Yeah.

10 NATHAN LINDSAY: Most people typically use  
11 invertors or other types of systems, and the requirement  
12 is like what you would expect, you know, one foot candle  
13 with nothing less than 0.1, New York City it's a little  
14 higher.

15 DREW DENNETT: Yeah.

16 NATHAN LINDSAY: But in this case seating  
17 capacity is well under the 5,000 amount.

18 DREW DENNETT: Yeah, this isn't Friday night  
19 lights, we don't get 5,000 thousand people at our games.

20 NATHAN LINDSAY: Right. And on top of that,  
21 they're actually improving their scenario anyway because  
22 now if a flicker is much more likely than a failure in  
23 today's grid scenarios and so with HID that can trigger an  
24 outage, which will then require a cool down period and a  
25 warm-up period to get back to full power. It honestly

1 takes about ten minutes before they will restrike and then  
2 about another ten minutes before you get back to full  
3 power. In the event that there's a flicker here, there's  
4 actually a couple of seconds of power in the drivers for  
5 these so most flickers will never be detected. In the  
6 event that there is a flicker that last five seconds, the  
7 system will automatically know that it's supposed to be on  
8 and when power is restored it will turn itself back on  
9 immediately and it's back to full power. So it actually  
10 reduces the risk in these kinds of scenarios by making  
11 this kind of an upgrade.

12 CHAIRPERSON PRICE: All right. Other Board  
13 members have questions? Jason, Pam, seeing no. Karen?  
14 No David? Okay. Thank you. All right. Ramsey, you set?

15 MR. BOEHNER: All set. Thank you for asking,  
16 Bill.

17 CHAIRPERSON PRICE: Okay. Thank you, Drew.  
18 Thank you, Nate. Sorry if it's Nathan.

19 NATHAN LINDSAY: No preference.

20 CHAIRPERSON PRICE: Okay. This is a public  
21 hearing. Is there anyone in the audience that cares to  
22 address this application? Please use the raise hand  
23 function. Wave your arms.

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

25 MR. BOEHNER: Not seeing anyone either.

1 CHAIRPERSON PRICE: All right. Thank you, guys.  
2 We're going to move on then to --

3 DREW DENNETT: Thank you very much. I appreciate  
4 it. So can I stick around?

5 CHAIRPERSON PRICE: Please do.

6 DREW DENNETT: And then we'll have an  
7 understanding if we're going to be good to go on this by  
8 the end of the night.

9 CHAIRPERSON PRICE: That is correct.

10 DREW DENNETT: Perfect. Thank you for your time,  
11 everyone.

12 NATHAN LINDSAY: Yup. Drew, I'm going hop to  
13 another call. Send me a text if you need me to hop back  
14 on. Everybody, have a great night.

15 MR. BOEHNER: Thank you.

16 NATHAN LINDSAY: Yup. Thank you.

17 CHAIRPERSON PRICE: All right. Our next  
18 application is 5P-03-21. Application of St. Thomas Moore  
19 of Rochester and the Mary Cariola Center, Lessee, for a  
20 Conditional Use Permit approval to allow for a school  
21 accredited by New York State Department of Education  
22 serving students with intellectual disabilities property  
23 located at 2617 East Avenue. I saw Melinda Gaskamp.

24 MR. BOEHNER: Yup.

25 CHAIRPERSON PRICE: Melinda, are you there?

1 MELINDA GASKAMP: Yes.

2 MR. BOEHNER: Hello.

3 MELINDA GASKAMP: Good evening.

4 CHAIRPERSON PRICE: Good evening. Welcome.

5 MR. BOEHNER: And there's Karen.

6 MELINDA GASKAMP: Karen Zandi. Also joining us  
7 who's the president and CEO of Mary Cariola.

8 KAREN ZANDI: And, Melinda, we do Father Hart  
9 with us as well.

10 MELINDA GASKAMP: And Father Hart from St. Thomas  
11 Moore Church.

12 MR. BOEHNER: I think he's OLQP.

13 KAREN ZANDI: Yes. Our Lady Queen of Peace.  
14 He's got both -- both parishes.

15 MELINDA GASKAMP: So I'm here representing Mary  
16 Cariola as vice chairman of their Buildings and Facilities  
17 Committee, and so I'll be brief as well. Pretty simple  
18 project.

19 We are asking for a Conditional Use Permit to  
20 occupy the portion of the existing building that's  
21 currently being used as a school. We would be a secondary  
22 school. Mary Cariola is a not-for-profit state approved  
23 or accredited entity and they're also a member of the  
24 Polish of 853 Schools that oversees and provides support  
25 for schools for children with educational challenges.

1           So just a little bit more about Mary Cariola too  
2           -- and Karen can certainly in jump on this, is that we do  
3           provide educational facilities for children who have  
4           intellectual and physical disabilities. And so it's --  
5           they provide occupational, therapeutic, anything a child  
6           needs to learn and be integrated into the school system.

7           So to be specific about our project, we're  
8           currently -- Mercy is -- is occupying the school, so  
9           they'll be moving on. Our intention is to have -- occupy  
10          this school in two phases. Phase one, we would have 14  
11          classrooms total, but phase one would be 5 classrooms and  
12          then 9 classrooms would happen in phase two, which would  
13          be next school year 2022.

14          So because the building is already being run  
15          as a school, there's very little work that needs to be  
16          done. It's primarily interior renovations to address code  
17          issues. And also because of our student population there  
18          are specific requirements for the building that we would  
19          need to adequately serve our students.

20          The exterior renovations include just window  
21          glazing and then there's two sidewalk handicap curb ramps  
22          that we're proposing and a playground in the northern --  
23          northwest corner of the property and even the playground  
24          is part of the programing for the school because we're  
25          providing fitness equipment that helps with, you know,

1 muscular development and hand-eye coordination things,  
2 like that so it's not just a playground. It's actually  
3 fitness equipment. And then one other exterior  
4 improvement is removal of a very deteriorated tree that  
5 needs to come down, unfortunately. We're not proposing  
6 any new additional parking.

7 In 1993 there was approval for the school that  
8 there's today. They required -- I think it was 243  
9 parking spaces of which they're allowing 164 to be paved.  
10 Our parking will be shared with the church and the  
11 occupancy is quite similar as it is today. So we don't  
12 see the need for any additional parking -- paved parking.  
13 It's going to operate fine. The church and the schools  
14 have the differing hours and different days of the week,  
15 so that will continue to operate well.

16 No additional site lighting proposed either, and  
17 regarding traffic we're actually going to be reducing  
18 traffic because our student population doesn't drive to  
19 school. They all take the bus almost exclusively. So we  
20 don't have a lot of parent drop-off and pickup like  
21 happening today. So the number of the vehicular trips  
22 will be reduced significantly from what it is today.

23 So -- make sure I've touched base -- we did  
24 conduct two Zoom meetings for the neighbors. And also a  
25 couple of face-to-face meetings and had positive feedback.



1 I believe you have two letters of support for the project.  
2 And that's pretty much -- it's very simple, simple  
3 project. Karen, is anything you want to add to that?

4 KAREN ZANDI: I'll address any questions. I  
5 think you did a great job, Melinda. Certainly there's --

6 MELINDA GASKAMP: I'm a little out of practice. I  
7 am a retired landscape architect.

8 KAREN ZANDI: Not on this project you're not. I'm  
9 very grateful for the work that Melinda has done and help  
10 from Ramsey, your team, and Father Hart has been great to  
11 work with. We look forward to a long relationship there.  
12 Our -- our kids will do fine in this facility. We just  
13 need a few upgrades, mostly around safety, and if anybody  
14 has any questions about the agency, I'm happy to talk for  
15 a long time, but I know your meetings are quite long. So  
16 I'll just invite you in when we get settled.

17 CHAIRPERSON PRICE: Thank you both. Just, if you  
18 could, Melinda or Karen, just give us a brief overview.  
19 We know that Mercy has been there and just please compare,  
20 like, your hours, you know, when the students arrive, when  
21 does the classroom day end. What might be some of the  
22 events that go on in the evenings and if those are -- if  
23 those are being developed and you don't have specifics we  
24 just want to get a sense of the time of day and -- and  
25 usage of the facility for evenings and special events.

1 KAREN ZANDI: Well, I would just say it's quite  
2 compatible with the church, as Melinda said. Our school  
3 day is -- typically, kids get off the bus about 3:30.  
4 Their back on the buses. So we do serve a lot of  
5 districts.

6 The geographic scope of our -- of our school is  
7 ten counties. So there is, you know, almost all of our  
8 kids are bussed, but it depends on, you know, the regular  
9 day is pretty much standard for a school day. All of the  
10 children are accompanied into the building. So there's --  
11 most of our kids do not take public transportation, very  
12 few are on what we call "independent walkers" that would  
13 have a pass on their own to, you have, have an activity or  
14 do something like that so that's pretty typical.

15 Our staff -- we've got some early birds that  
16 will, you know, come between 7 and 7:30 in the morning and  
17 pretty much we close up around 5. Evening activities, we  
18 typically have two every year, graduation and prom and  
19 they're a blast. They're really wonderful activities. We  
20 are actually thinking about -- because this will be new to  
21 us, have a small donor event in July, but that's typically  
22 quite small. That'll be our most intimate, our closest  
23 friends.

24 MELINDA GASKAMP: We don't hold athletic events  
25 outside. So there won't be any athletic events need for

1 lighting of fields or anything like that.

2 CHAIRPERSON PRICE: Okay.

3 MR. BOEHNER: Just -- Melinda, this program is  
4 accredited by the New York State Department of Education;  
5 is that right?

6 MELINDA GASKAMP: That's correct.

7 KAREN ZANDI: Yeah. We're licensed as what's  
8 called an 853 School. All of our children that come to  
9 Cariola have to qualify by having an intellectual  
10 disability. But, sort of, our claim to fame is children  
11 that have multiple and complex disabilities. So it's just  
12 -- it's typically not just an intellectual disability  
13 because many of those kids can be mainstreamed in public  
14 school. So we take kids that public schools refer to us  
15 that are beyond the capabilities of the typical public  
16 school and the typical Special Ed programs in public  
17 school.

18 CHAIRPERSON PRICE: Other Board members have  
19 questions?

20 MR. OSOWSKI: Yeah, this is John. Tell me, how  
21 many years of -- what's the length of the agreement  
22 between Mary Cariola Center and the parish?

23 KAREN ZANDI: Sure. Our current least agreement  
24 is four years and that was, frankly, and Father Hart, you  
25 might be able to speak better on this than I. If you

1 exceed four years in the church, it needs quite a bit of  
2 approval to go beyond that. So we were eager to move  
3 forward with the four year agreement that we know we will  
4 be extending. I think if it's five or beyond, the diocese  
5 requires special blessings.

6 FATHER HART: Actually, I think the State of New  
7 York requires it.

8 CHAIRPERSON PRICE: Okay. John, did that answer  
9 your question?

10 MR. OSOWSKI: Yes.

11 KAREN ZANDI: Yeah. We certainly hope and intend  
12 our lease to be much longer than that because we are  
13 investing quite a bite in improvements. You know, it's a  
14 great building. It needs some upgrades and, you know,  
15 there's quite a bit of expense with bathrooms that need to  
16 be made handicap accessible. Aside from, as Melinda said,  
17 the windows, we want to make sure that the environment is  
18 safe for our kids.

19 There's currently 19 classrooms and we will be  
20 occupying 14 of them that will be -- remain as classrooms  
21 and the other rooms will be adapted to accommodate  
22 therapies as Melinda said. We need a PT suite, physical  
23 therapy, occupational therapy. We'll have vision therapy  
24 and lots of clinical services for the kids so we'll  
25 basically flip some of the other classrooms into, you

1 know, modified space to support their needs.

2 CHAIRPERSON PRICE: Other Board members? Karen?

3 MS. ALTMAN: All set.

4 CHAIRPERSON PRICE: Jason? All set. David?

5 MR. FADER: Yup. I'm set.

6 CHAIRPERSON PRICE: Pam? Do you have any  
7 questions? Pam, I see you are trying to talk but your  
8 muted. Okay. All right. Then thank you, Melinda and  
9 Karen, Father. This is a public hearing. Is there anyone  
10 in the audience that cares to address this application?

11 MR. BOEHNER: If you could raise your hand or  
12 wave your hand.

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

14 MR. BOEHNER: I'm not seeing anyone either,  
15 Jeffrey.

16 CHAIRPERSON PRICE: Well, Melinda, good to see  
17 you, and I'm jealous of your retirement. I'm glad your  
18 staying busy. Thank you and Karen for the service you  
19 provide.

20 MR. BOEHNER: Yeah, you guys do a nice job and  
21 you did a nice job with the application which we greatly  
22 appreciate.

23 KAREN ZANDI: I have Melinda to thank for that.  
24 So be careful if you retire, I might scoop you up to  
25 volunteer.

1 CHAIRPERSON PRICE: All right, gang.

2 MELINDA GASKAMP: Thank you.

3 MS. ALTMAN: Thank you.

4 CHAIRPERSON PRICE: All right. We are going to  
5 move onto applications under new business. A reminder  
6 that application of Baptist Temple and the Clover Park  
7 Properties LLC has been adjourned to our June meeting.

8 So that brings us to Application 5P-NB1-21,  
9 Claire Streb is the owner and McMahon LaRue Associates is  
10 agent for Preliminary Site Plan Approval for a single  
11 family house with a 419 square foot attached garage,  
12 property located at 1402 Blossom Road. Good evening, Al.

13 AL LARUE: Good evening. Al LaRue, with McMahon  
14 Associates. The lot itself is quite narrow. It's an  
15 infill lot, 50 feet wide. It's perpendicular. It's only  
16 46.25 feet.

17 We're proposing a house that has a width of 31  
18 giving us a little bit of room. We haven't required any  
19 variances so we're sticking with the seven and a half on  
20 either side and the 40-foot setback. The driveway, we're  
21 looking for a two-car garage. It's -- we're looking also  
22 for a walkout in the back because the grade from the front  
23 of the home to the back of it drops about -- between eight  
24 and nine feet, so it's actually perfect for a walkout.  
25 The structure is a one-story, above grade 1153.

1           So we have been talking with Rick DiStefano about  
2           -- well, we got the walkout area and how do we handle the  
3           walkout area. But we don't plan to disturb anymore than  
4           well, less than half of the site because the area of  
5           disturbance is only, what it is, 1200 square feet --  
6           12,000 square feet. So it's pretty small. And it's a  
7           pretty simple application. Not a whole lot of room for  
8           utilities. Not a whole lot of room for plantings.

9           We have an encroachment of a blacktop driveway to  
10          the west that comes onto our property further inhabiting  
11          us from doing something. We are looking -- we have a  
12          swale that runs in the middle of the driveway there's a  
13          high point just to the south of the -- of the entrance to  
14          the garage and it breaks both ways both sides and then the  
15          swale goes one and a half to two steeper around each side  
16          and down the back and just goes on its way.

17          So that's -- that's it in a nutshell. We know we  
18          have to apply to the State DOT for a driveway permit and,  
19          given your blessing, we will do that right after this  
20          meeting. I'll answer any questions you might have.

21          CHAIRPERSON PRICE: Thank you, Al. Why do you  
22          need a trim cut permit from DOT because of the distance  
23          from the on-ramp?

24          AL LARUE: Actually, the Blossom Road is 286.

25          CHAIRPERSON PRICE: This is a state road. Okay.

1 AL LARUE: Yeah.

2 CHAIRPERSON PRICE: Okay.

3 MR. BOEHNER: Have you guys looked at sharing a  
4 driveway?

5 AL LARUE: I don't believe so.

6 MR. BOEHNER: Because the driveway's partially --  
7 the neighbor's driveway's partially on your client's  
8 property and the curb cuts right next to each other.

9 AL LARUE: Yeah, I know. I'm really not a fan of  
10 sharing driveways, personally. So I wouldn't advise my  
11 client to do it for that reason. I guess we don't mind  
12 them having theirs on our property. I haven't heard  
13 otherwise. But when you get to plowing and maintenance  
14 and everything else, there's always some issue. And I  
15 think I would -- our client would be better served just  
16 having their own driveway and -- and go on their way.

17 MR. BOEHNER: Al, one of the concerns we're  
18 having, and we're trying to get our arms around this,  
19 because we're trying to familiarize ourselves with this  
20 project, I can't tell if you meet code yet. We're going  
21 to need a lot more information about the elevations and  
22 the grading and how they relate to determine if that  
23 walkout is going to be considered liveable floor area, and  
24 if it is, you're going to need a square footage variance  
25 for livable floor area from what I can tell on the plans.



1           The other thing is, I don't know how you measured  
2 your height, you have to be careful with your walkouts  
3 that you meet the high requirement of the district. So  
4 we're probably going to need to look your elevations and  
5 grading plans and try to understand how this is all  
6 working.

7           AL LARUE: This is a topographic survey --  
8 topographic and all the elevations are they're both  
9 existing and proposed, obviously, but -- so the  
10 information is all there. And I have put down a height of  
11 21.83 which is from the back of the structure cause this  
12 is a one-story structure from the road.

13           MR. BOEHNER: I just need to see the elevations  
14 and the grading. Just need more information, Al, to make  
15 sure this thing is code compliant. And two, how your  
16 grading along the side of that building could change it if  
17 it's a basement or a cellar, livable floor area or not.  
18 And that could also change the grading along the side of  
19 the house because you just don't have a lot of room there.

20           AL LARUE: No. You're looking for more developed  
21 drawings?

22           MR. BOEHNER: Yeah.

23           AL LARUE: Okay. I can pass that on. I'm sure  
24 they haven't expended the money at this point because they  
25 weren't sure where we stood with it. So -- but I don't

1 imagine they'll mind. We'll have to have plans anyway.

2 CHAIRPERSON PRICE: Ramsey, what's your concern?  
3 Your concern is that if it is a walkout that deems the  
4 lower -- the base level as --

5 MR. BOEHNER: Liveable floor area. And then they  
6 would be over their allowed square footage, and sometimes  
7 how you handle that is how you back grade along that  
8 foundation wall. How you grade the site and I've seen --  
9 usually you have a lot more area to work with to do proper  
10 grading along the walkout basement wall.

11 AL LARUE: It's right at grade now.

12 MR. BOEHNER: If you have -- if you have more  
13 than 50 percent of the basement wall exposed, your  
14 liveable floor area, that starts getting into liveable  
15 floor area. So if you have your normal basement, we don't  
16 usually calculate a normal basement that's totally covered  
17 by earth or all around it as liveable floor area. But our  
18 code does say if you have have a walkout and you have less  
19 than 50 percent of your wall area exposed, then you're not  
20 livable floor area. So that's what we need to see. And I  
21 can't tell that from these drawings. And also we need to  
22 do a height verification on the elevations.

23 AL LARUE: No. It does show that the complete  
24 back wall is exposed. In a completely --

25 MR. BOEHNER: It's the sidewalls I'm concerned

1 about, Al.

2 AL LARUE: Okay.

3 MR. BOEHNER: To me, it looks like you have more  
4 than 50 percent, but I don't know. I'm not the engineer  
5 designing this or the architect. We couldn't tell. We  
6 tried and it looked like maybe it wasn't. So that's where  
7 we are. It's beyond us. We weren't able to do a work  
8 shop, Al. Workshops help a lot with this. It's a tricky  
9 little site.

10 CHAIRPERSON PRICE: All right. Other questions  
11 from the Board?

12 MR. OSOWSKI: Yeah, this is John. I have a  
13 question. Mr. LaRue, on your letter of April 20th to the  
14 Town, you say that the parcel is .243 acres so just under  
15 10,600 square feet. But you say you're only going to  
16 disturb 12,000 square feet of land. So there seems to be  
17 some kind of a disconnect there.

18 AL LARUE: Yeah, there's a math mistake there.  
19 That might be 1200 feet.

20 MR. OSOWSKI: Yeah. Okay.

21 AL LARUE: It's a little less than half of the  
22 site. So we'll revise that. Not a problem.

23 MR. OSOWSKI: All right. Great. Thank you.

24 MR. BOEHNER: Al, have you talked to New York  
25 State --

1 AL LARUE: No.

2 MR. BOEHNER: -- about the access and what  
3 they're going to require?

4 AL LARUE: Well, we know what they require for  
5 single family residence. So that's -- that's a standard.  
6 So for just a driveway, residential driveway, so we do  
7 know that. And we provided the -- all of the distance and  
8 whatnot that they require. And we'll have a separate map  
9 that will show that and along with the, what is, 16 page  
10 application. Something to that effect. So we know what  
11 we need to do and we know the -- what specs are for a  
12 residential -- just a residential curb cut.

13 MR. BOEHNER: Al, do you know if the project  
14 impacts any wetlands and what about the archaeological  
15 resources? I saw on your mapper that it flagged  
16 archaeological resources.

17 AL LARUE: It did. But we've had other, where  
18 they've indicated those things and we couldn't find  
19 anything. There was nothing that came up that -- that  
20 showed us that we're impacting any of that. So we're not  
21 impacting any of the wetlands.

22 MR. BOEHNER: Okay. What did you look -- what  
23 research did you do on the archaeological?

24 AL LARUE: We did the -- we went back to the  
25 State DOT -- DEC, and asked the question. And they said

1 it's just an automatic that came up, and I don't know why.

2 MR. BOEHNER: It does that.

3 AL LARUE: Yeah, it does. And it does it on some  
4 environmental things too. Some -- some -- we've had it  
5 happen on environmental things, where they say there's a  
6 -- there's an environmental site, yeah, and then there  
7 really isn't, you know. So it's -- but we put it in as it  
8 was and, if you have any information, we'd be glad to --

9 CHAIRPERSON PRICE: Al, there is -- I think it's  
10 easy enough to go in as a guest into the State CRIS  
11 System. C-R -- Cultural Resource Information System.  
12 Just type in the address and see if there are -- there's  
13 either anything identified for the particular site or if  
14 there studies on adjacent sites and some of that  
15 information comes up fairly quickly.

16 AL LARUE: Okay.

17 MR. BOEHNER: That is how you do it.

18 CHAIRPERSON PRICE: Very quickly.

19 MR. BOEHNER: Gives you an eyeshot.

20 CHAIRPERSON PRICE: So if there's anybody else  
21 that did a study, an archaeological or cultural resource  
22 study, in any of the adjacent properties or, you know,  
23 could be -- within a certain distance of your site, you'll  
24 -- you'll see everything there.

25 AL LARUE: Okay.

1 MR. BOEHNER: Al, did you go to the Conservation  
2 Board?

3 AL LARUE: Yes.

4 MR. BOEHNER: They didn't have any concerns; is  
5 that right?

6 AL LARUE: That's correct.

7 MR. BOEHNER: Are there trees going to be removed  
8 as part of this project?

9 AL LARUE: I'm sorry. What?

10 MR. BOEHNER: Are there trees going to be removed  
11 as part of this project? And if there are, how many and  
12 kind of give us a description of what's being --

13 AL LARUE: We don't know how many. But all the  
14 ones from -- from the front of the street back to the sill  
15 fence will need to come down because of -- just don't have  
16 room for leaving any of them there. I don't have a  
17 number.

18 MR. BOEHNER: Do you know what type of trees they  
19 are, secondary growth or do you know --

20 AL LARUE: They're all secondary growth, yes,  
21 they are.

22 CHAIRPERSON PRICE: All right. David, Karen,  
23 Pam, other questions? Jason?

24 MR. BABCOCK-STINER: I'm good.

25 CHAIRPERSON PRICE: Ken, are you all set?

1 MR. GORDON: Bill, just one question for Al.  
2 Just a followup on Ramsey's idea of merging the driveways.  
3 Al, do you know if there's an existing boundary line  
4 agreement or driveway agreement on record in the County  
5 Clerk's Office for that encroaching driveway?

6 AL LARUE: We have not found one. We found a  
7 survey map that showed it, not as much as we have it. But  
8 we found it on a survey map, but nothing found in the  
9 County Clerk's Office that we could find.

10 MR. GORDON: Okay. Thank you.

11 CHAIRPERSON PRICE: All right. At this point  
12 this is a public hearing. Is there anyone that cares to  
13 address this application? Ramsey or Jeff, you seeing  
14 anybody?

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

16 MR. BOEHNER: Let me just check myself. I'm not  
17 seeing anyone either.

18 CHAIRPERSON PRICE: All right. Al, thank you.

19 AL LARUE: Thank you very much.

20 CHAIRPERSON PRICE: Okay. That brings us to the  
21 final public hearing of the night, which is 5P-NV-2 Tom  
22 Fantauzzo, owner for Preliminary Site Plan approval to  
23 construct 600 square foot building addition and to make  
24 some minor site improvements to property located 2041  
25 South Clinton Avenue. Is there anybody here to represent

1 the applicant?

2 THOMAS FANTAUZZO: Yes. I'm here. This is Tom.  
3 Hello, everyone.

4 CHAIRPERSON PRICE: Good evening, Tom.

5 THOMAS FANTAUZZO: So, yes, just what you said  
6 is what we're proposing is the 600 foot addition on the  
7 back of the building. The front part of the building is  
8 relatively small. It's -- it's only about 500 square  
9 feet. We want to put an addition on there for some  
10 storage, some extra elbow room, and a couple of patient  
11 rooms because we see people in wheelchairs. Can you hear  
12 me?

13 CHAIRPERSON PRICE: Yes. I apologize.

14 THOMAS FANTAUZZO: Oh. All right. I thought I  
15 lost you guys, that's all. So we're not asking for any  
16 more additional parking. We're actually going after a  
17 variance for a reduction in parking. We're building --  
18 we'd like to build the addition over -- if you -- there  
19 were some pictures I sent earlier in the week that we are  
20 building it over part -- half of it is already blacktop.  
21 So we're going to be taking up some of the blacktop  
22 between the two buildings with very little -- little bit  
23 of the grass is going to be taken up to put the addition  
24 on. You won't see it from the front. Side, it will look  
25 just like the rest of the building from the sides, and



1 from the one side it's all trees on the side of the  
2 gables.

3 CHAIRPERSON PRICE: Architectural plans for this,  
4 Jeff?

5 THOMAS FANTUAZZO: Yeah. They should be there.

6 CHAIRPERSON PRICE: Okay. All right. And so  
7 from the front it remains looking pretty much the same?

8 THOMAS FANTAUZZO: Yup. You won't see it. And  
9 we are only doing the lower half. If you'll notice we're  
10 not going above the one floor.

11 CHAIRPERSON PRICE: Right. Okay. So you do need  
12 a variance because you're not providing the parking to  
13 meet the code.

14 THOMAS FANTAUZZO: Yeah. They wanted 16 parking  
15 spaces for the square footage of the home. There's just  
16 no possible way we would ever use that. And it's not  
17 necessary. We only book two patients per hour. So  
18 there's only two practitioners, two part-timers. There's  
19 only four of us in the building at any given time and then  
20 if you're booking two patients per hour, with one per  
21 practitioner, you know, maybe one or two walk-ins you're  
22 really still very well below the need for 16 parking  
23 spaces. It's really just not necessary at all. For the  
24 last three years I've booked only two patients.

25 MR. BOEHNER: You also -- they need a side

1 setback variance from one of the plans that they  
2 submitted.

3 THOMAS FANTAUZZO: I'm sorry. What was that?

4 MR. BOEHNER: There's also the need of a side  
5 setback variance. You show 10 feet, when I think 20 feet  
6 is required.

7 THOMAS FANTAUZZO: We have -- well, this is the  
8 existing building. So we're just staying in line with the  
9 existing building. We're not changing anything, and we  
10 have 20 -- 20-some feet on the one side.

11 MR. BOEHNER: You have to have 20 feet on the  
12 other side and it shows that you have 10.4.

13 CHAIRPERSON PRICE: Ramsey, you have to stay  
14 closer to your mic it's -- you're fading.

15 MR. BOEHNER: Their plans only showing that they  
16 have a 10.4 and, if you look at the site data for the  
17 project, it states that it only have has a 10 foot setback  
18 when 20 foot is required.

19 THOMAS FANTAUZZO: On both sides?

20 MR. BOEHNER: Yes.

21 THOMAS FANTAUZZO: Even though we're staying in  
22 line with the same building.

23 MR. BOEHNER: Yes, that's correct.

24 THOMAS FANTAUZZO: What you're saying is that I  
25 have cut this in 10 feet on this one side?

1 MR. BOEHNER: Or get a variance.

2 THOMAS FANTAUZZO: Or get a variance. A site  
3 setback variance?

4 MR. BOEHNER: Yup. Yup.

5 THOMAS FANTAUZZO: Well, that'd be the thing to  
6 do. I'd hate to go through all this and chop this building  
7 in half. It's already small enough.

8 MR. BOEHNER: Yeah. It's just more of us dotting  
9 the I's and crossing the T's, making sure you've got all  
10 the approvals that you need.

11 THOMAS FANTAUZZO: All right. So we have to get  
12 a site setback variance for the side, on the right side of  
13 the building, if you're facing --

14 MR. BOEHNER: Yeah. I think that would be the  
15 north side.

16 THOMAS FANTAUZZO: Yeah, you're right.

17 MR. BOEHNER: And if you look at the dot on the  
18 site plan, you'll see what I'm talking about.

19 THOMAS FANTAUZZO: Even though it's existing,  
20 they -- it can't be -- it has to be --

21 MR. BOEHNER: No. If you had it at 13 or  
22 something but it's 10. So it's not -- it's --it's  
23 further non-conformance, which is not permitted by code.

24 THOMAS FANTAUZZO: If I was to cut it in two or  
25 three feet, that's one thing. To cut it in ten feet would

1 be a lot. I mean, I could go in a couple two or three  
2 feet so if I brought this into 13 feet at the end or 12  
3 feet.

4 MR. BOEHNER: If you'd like we can talk after  
5 this meeting.

6 THOMAS FANTAUZZO: Okay.

7 MR. BOEHNER: And look your alternatives with  
8 the zoning planner.

9 THOMAS FANTAUZZO: Yeah. Just, you know, try to  
10 -- I would try to minimize as much as I could of taking  
11 out of it. But --

12 MR. BOEHNER: I understand.

13 THOMAS FANTAUZZO: But if it's a matter of two  
14 feet or two or three feet I'll -- I can easily go with  
15 that. I need this -- I need this wiggle room in here, in  
16 the center part of the building. It really -- I need the  
17 elbow room. You know, it's just -- it's a small stretch.

18 MR. BOEHNER: I understand.

19 CHAIRPERSON PRICE: We -- Tom, we certainly  
20 can't speak, you know, for the -- for the Zoning Board of  
21 Appeals, but it does seem that it would prepare some fruit  
22 for you just to talk with Ramsey and Rick and see if --  
23 see what the best -- what the best options are for you.

24 MR. BOEHNER: Yeah. I think talking with Rick  
25 would be helpful.

1 MR. GORDON: Tom, have you filed your ZBA  
2 Application for the parking variance yet?

3 THOMAS FANTAUZZO: Yes. We've -- we sent all  
4 applications in for everything.

5 MR. GORDON: I was just looking at cutoff dates  
6 for meetings.

7 THOMAS FANTAUZZO: Yeah, I know. And that's why  
8 when you threw the -- when you said about that variance  
9 for the setback, I was like, ah, man, you know, I'm going  
10 to miss out on other stuff trying to keep everything  
11 rolling.

12 MR. GORDON: I haven't seen the application yet  
13 but assume that side setback variance is not part of the  
14 application.

15 MR. BOEHNER: No. I checked. I did look, Ken.

16 MR. GORDON: I mean, the cutoff date for the June  
17 meeting is gone.

18 MR. BOEHNER: Yeah, it is.

19 MR. GORDON: You're looking at July. June 15th  
20 is the cutoff date for July meeting.

21 THOMAS FANTAUZZO: Well, like I said, I'm more  
22 than happy to talk about if there's a way in setting that  
23 back just a couple feet or more, I'm more than happy to do  
24 it.

25 MR. BOEHNER: Okay. We'll talk.

1 CHAIRPERSON PRICE: Thank you. Other Board  
2 members have questions for the applicant?

3 MR. BABCOCK-STINER: Nope.

4 CHAIRPERSON PRICE: All right. This a public  
5 hearing. Is there anyone that cares to address this  
6 application?

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

8 MR. BOEHNER: I don't see anyone either.

9 CHAIRPERSON PRICE: Okay. All right. Thank you,  
10 that was our --

11 THOMAS FANTAUZZO: Thank you very much.

12 CHAIRPERSON PRICE: Thank you, Tom.

13 THOMAS FANTAUZZO: Yup.

14 CHAIRPERSON PRICE: And Ramsey and Rick can help  
15 you out with that and get you going.

16 THOMAS FANTAUZZO: Yeah. Should I just hang out  
17 and talk to you guys afterward?

18 MR. BOEHNER: No. If you could give a call in  
19 the morning.

20 THOMAS FANTAUZZO: Call you in the morning?

21 MR. BOEHNER: Yeah. Rick is not here.

22 THOMAS FANTAUZZO: Oh, to talk to Rick. Okay.

23 All right. Sounds good.

24 MR. BOEHNER: Okay. Thank you.

25 THOMAS FANTAUZZO: Thanks again.

1 CHAIRPERSON PRICE: Thanks for coming tonight.

2 THOMAS FANTAUZZO: Yup.

3 CHAIRPERSON PRICE: All right. That was our last  
4 public hearing. I think we want to circle back and discuss  
5 the applications. Is everybody good to keep moving here?

6 MS. DELANEY: I'm good.

7 CHAIRPERSON PRICE: All right.

8 MR. BOEHNER: John, you good?

9 MR. OSOWSKI: Yup. Fine.

10 CHAIRPERSON PRICE: All right. Let's go back to  
11 County Club of Rochester Application 4P-01-21. This was  
12 for the clay tennis courts. Their application is for a  
13 site plan modification. Ramsey, how does it become a site  
14 plan modification 'cause the -- 'cause the original tennis  
15 courts had turned into an ice skating rink were approved?

16 MR. BOEHNER: And that the new parking was being  
17 put in, Bill. So it's modification of the site plans that  
18 have been approved in the past.

19 CHAIRPERSON PRICE: Okay. Okay. All right.  
20 Okay so it's a site plan modification. Do we have a  
21 motion to close the public hearing?

22 MR. BABCOCK-STINER: I'll move we close the public  
23 hearing.

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

25 MR. BABCOCK-STINER: Correct.

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MS. DELANEY: I'll second.

MR. BOEHNER: That's Delaney, seconds.

CHAIRPERSON PRICE: Delaney seconds. Any -- any discussion? Motion and second to close the public hearing. Ramsey, would you call the roll.

MR. BOEHNER: Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Fader?

MR. FADER: Aye.

MR. BOEHNER: Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: The hearing is closed.

CHAIRPERSON PRICE: All right. Thank you. Do we have a motion to approve the site plan modification?

MR. BABCOCK-STINER: I move that the Planning Board finds the proposed action will not have a significant impact on the environment and that the Planning Board adopts a negative declaration prepared by Town staff and that the Planning Board approves



1 Application 4P-01-21 based the testimony given, plans  
2 submitted and with the 16 conditions outlined in the  
3 planning report.

4 MR. FADER: I'll second that.

5 MR. BOEHNER: Fader seconds.

6 CHAIRPERSON PRICE: Moved and seconded. Is there  
7 any discussion on the conditions?

8 MR. GORDON: This is Ken. Ramsey, I'm sorry. I  
9 didn't get the conditions so -- or the report this week.  
10 So I'm flying a little blind here. So I'm just going to  
11 ask a couple questions here. Is -- are -- did we build  
12 into the conditions the representation that illumination  
13 will only be on the single western most clay court and  
14 that illumination will be dark sky compliant? You'll  
15 recall that the plans themselves actually show  
16 illumination on all of the courts and is silent as to  
17 whether they are dark sky compliant.

18 MR. BOEHNER: Condition 10 says as shown on the  
19 submitted site plan. The submitted site plan only shows  
20 the one court. Only one court shall be lit, the submitted  
21 lighting exhibit, which I called out during the public  
22 hearing, shall be revised to address this condition.

23 CHAIRPERSON PRICE: Okay. One other note,  
24 Ramsey. Items Number 8 and Number 12 are the same  
25 condition.

1 MR. BOEHNER: Oh, yup. So we're down to 15  
2 conditions. Striking condition 12 because it's repeated.

3 CHAIRPERSON PRICE: Okay. A couple amendments.  
4 Jason?

5 MR. BABCOCK-STINER: Yeah. I'm fine with that.

6 CHAIRPERSON PRICE: Okay. Pam, you seconded. You  
7 okay with the modifications?

8 MS. DELANEY: Yes.

9 CHAIRPERSON PRICE: All right. Okay. If there's  
10 no further discussion, Ramsey, please call the roll.

11 MR. BOEHNER: Osowski?

12 MR. OSOWSKI: Aye.

13 MR. BOEHNER: Babcock-Stiner?

14 MR. BABCOCK-STINER: Aye.

15 MR. BOEHNER: Delaney?

16 MS. DELANEY: Aye.

17 MR. BOEHNER: Fader? David Fader? I think he  
18 said, aye.

19 CHAIRPERSON PRICE: I think he did. He muted but  
20 --

21 MR. BOEHNER: Shake your head up and down if it's  
22 an aye. That's aye. Sorry. Price?

23 CHAIRPERSON PRICE: Aye.

24 MR. BOEHNER: And Altman?

25 MS. ALTMAN: Aye.

1 MR. BOEHNER: Approved with conditions.

2 CHAIRPERSON PRICE: All right. Thank you. All  
3 right. That brings us to -- what does it bring us to?  
4 Sorry. Keep going through engineers reports here. Okay.  
5 Application 5P-01-21, Application of Benderson Development  
6 and Jennifer Blaine, Firehouse Subs for a Conditional Use  
7 Permit in the old Tim Hortons at 2830 West Henrietta Road.  
8 Is there a motion to close the public hearing?

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

11 CHAIRPERSON PRICE: Thank you.

12 MS. ALTMAN: I'll second.

13 CHAIRPERSON PRICE: Moved and seconded. Is there  
14 any discussion? Okay. All in favor. Ramsey, please call  
15 the roll.

16 MR. BOEHNER: Altman?

17 MS. ALTMAN: Aye.

18 MR. BOEHNER: Price?

19 CHAIRPERSON PRICE: Aye.

20 MR. BOEHNER: Fader?

21 CHAIRPERSON PRICE: He says yes.

22 MR. BOEHNER: Delaney?

23 MS. DELANEY: Aye.

24 MR. BOEHNER: Babcock-Stiner?

25 MR. BABCOCK-STINER: Aye.

1 MR. BOEHNER: Osowski?

2 MR. OSOWSKI: Aye.

3 MR. BOEHNER: Hearing is closed.

4 CHAIRPERSON PRICE: All right. Thank you. Is  
5 there a motion? This is a Conditional Use Permit. Do we  
6 have a motion?

7 MS. DELANEY: I'll move that the Planning Board  
8 finds that the proposed action will not have a significant  
9 impact on the environment. The Planning Board adopts the  
10 negative declaration prepared by Town staff, and I'll move  
11 that the Planning Board adopts Application 5P-01-21, based  
12 on testimony given, plans submitted, and the ten  
13 conditions outlined in the Planning Board Report.

14 CHAIRPERSON PRICE: I'll second. Could I just  
15 ask that the one word be changed from adopt to approve?

16 MS. DELANEY: Thanks.

17 CHAIRPERSON PRICE: Is there any further  
18 discussion? Okay. Moved and seconded with one word  
19 modification. Ramsey, will you please call the roll?

20 MR. BOEHNER: Osowski?

21 MR. OSOWSKI: Aye.

22 MR. BOEHNER: Babcock-Stiner?

23 MR. BABCOCK-STINER: Aye.

24 MR. BOEHNER: Delaney?

25 MS. DELANEY: Aye.

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MR. BOEHNER: Fader?

MR. FADER: Aye. Please tell me, you heard me?

MR. BOEHNER: I heard you, David. Loud and clear. Thank you. Member Price.

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Proved with conditions.

CHAIRPERSON PRICE: Okay. That brings us to Application 5P-2-21 McQuaid Jesuit High School, modification of a Conditional Use Permit that dates back to '93, looks like some modifications in 2010. So this is to replace the athletic field lighting. Is there a motion close the public hearing?

MS. ALTMAN: I'll move it.

MR. FADER: I'll second that.

CHAIRPERSON PRICE: Karen and David. Any discussion? Ramsey, please calling the roll to close the public hearing.

MR. BOEHNER: Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Price?

CHAIRPERSON PRICE: Aye.

1 MR. BOEHNER: Osowski?

2 MR. OSOWSKI: Aye.

3 MR. BOEHNER: Fader?

4 MR. FADER: Aye.

5 MR. BOEHNER: Altman?

6 MS. ALTMAN: Aye.

7 MR. BOEHNER: Hearing is closed.

8 CHAIRPERSON PRICE: Thank you. All right. So  
9 the application, again, is for a modification to the  
10 Conditional Use Permit. Is there a motion?

11 MR. BOEHNER: I have one -- well, I have one  
12 question when the motion is made.

13 CHAIRPERSON PRICE: All right.

14 MR. BABCOCK-STINER: I'll move that the Planning  
15 Board finds that the proposed action will not have a  
16 significant impact on the environment and that the  
17 Planning Board adopts the negative declaration prepared by  
18 Town staff and that the Planning Board approves  
19 application 5P-2-21 based on the testimony given, plans  
20 submitted, and the 14 conditions in the Planning Board  
21 Report.

22 MS. DELANEY: I'll second.

23 MR. BOEHNER: Delaney seconds.

24 CHAIRPERSON PRICE: Moved and seconded. Is there  
25 discussion? Ramsey, you had a question.

1 MR. BOEHNER: Yes. Condition Number 14 is that  
2 they can come back and renew the Conditional Use Permit in  
3 a year. Do you want to check to see how it's working or  
4 if you want the lights adjusted? We did that the first  
5 time. We didn't have any problems with the first one.  
6 But it is what we did back in '93. So I just put it in  
7 the report to see if you had any interests in doing that.  
8 And having them come back and seeing how it's working.

9 CHAIRPERSON PRICE: I mean, do you -- what is the  
10 -- what is the Town's approval authority or inspection  
11 authority on this when it is actually installed?

12 MR. BOEHNER: The only thing we could actually  
13 have them do is readjust the lights if there's spillage.  
14 I think this is an improvement over the last --

15 CHAIRPERSON PRICE: Oh sure.

16 MR. BOEHNER: Set of lights. So I'm not sensing  
17 that there's going to be problem, to be honest with you.  
18 I just -- the last time and I was here back then, the  
19 Board really wasn't comfortable with it. But that's --  
20 this is a totally different application and use of the  
21 lights.

22 MR. OSOWSKI: This is John. Based upon the  
23 photographs we saw of all those other school districts'  
24 athletic fields with the lights, I think this would be a  
25 waste of everyone's time to make them come back and, you

1 know, get re-approval to be honest with you.

2 CHAIRPERSON PRICE: I guess I -- I concur with  
3 that. That a reduction in the number of poles, the  
4 efficiency of the fixtures, reduction in total luminaires,  
5 that if you did have authority at the time of, you know,  
6 like a final inspection, I don't -- I don't -- this gets,  
7 you know, what kind of inspection goes along with this,  
8 it's not a C of O, but--

9 MR. BOEHNER: No. We wouldn't know, you know, if  
10 the lights are set right are not, Bill, to be honest with  
11 you. So, you know, I -- I -- I do agree with John. I  
12 just didn't want to not bring it to your attention if  
13 someone felt uncomfortable. That's why I brought it to  
14 everyone's attention.

15 CHAIRPERSON PRICE: Yeah. Thank you. But in --  
16 in my mind you can strike Condition 14.

17 MR. BABCOCK-STINER: Yeah. That's fine with me.

18 MR. BOEHNER: Babcock-Stiner's fine to the  
19 amendment?

20 MR. BABCOCK-STINER: Yup.

21 MR. BOEHNER: And Delaney?

22 MS. DELANEY: Yup.

23 CHAIRPERSON PRICE: Thank you. Any other  
24 discussion? I think this will be an improvement.

25 MR. BOEHNER: Agree.



1 CHAIRPERSON PRICE: Okay. Ramsey, we have a  
2 motion and a second to approve with an amendment to the  
3 conditions. Would you please call the roll?

4 MR. BOEHNER: Altman?

5 MS. ALTMAN: Aye.

6 MR. BOEHNER: Price?

7 CHAIRPERSON PRICE: Aye.

8 MR. BOEHNER: Fader?

9 MR. FADER: Aye.

10 MR. BOEHNER: Delaney?

11 MS. DELANEY: Aye.

12 MR. BOEHNER: Babcock-Stiner?

13 MR. BABCOCK-STINER: Aye.

14 MR. BOEHNER: Osowski?

15 MR. OSOWSKI: Aye.

16 CHAIRPERSON PRICE: All right. Thank you.

17 MR. BOEHNER: With conditions.

18 CHAIRPERSON PRICE: Okay. That brings us to  
19 Application 5P-03-21 St. Thomas Moore of Rochester and  
20 Mary Cariola Center for a Conditional Use Permit, this  
21 again, is at 2617 East Avenue. Do we have a motion to  
22 close the public hearing?

23 MS. DELANEY: I'll move we close the public  
24 hearing.

25 MS. ALTMAN: I'll second.

1 CHAIRPERSON PRICE: Moved and seconded.  
2 MR. BOEHNER: Delaney makes the motion. Altman  
3 seconds.  
4 CHAIRPERSON PRICE: Yes. Please. Moved and  
5 seconded. Ramsey, please call the roll relative to --  
6 MR. BOEHNER: Osowski?  
7 MR. OSOWSKI: Aye.  
8 MR. BOEHNER: Babcock-Stiner?  
9 MR. BABCOCK-STINER: Aye.  
10 MR. BOEHNER: Delaney?  
11 MS. DELANEY: Aye.  
12 MR BOEHNER: Fader?  
13 MR. FADER: Aye.  
14 MR. BOEHNER: Price.  
15 CHAIRPERSON PRICE: Aye.  
16 MR. BOEHNER: Altman?  
17 CHAIRPERSON PRICE: I think she said aye.  
18 MR. BOEHNER: She's shaking her head up and down.  
19 Hearing is closed.  
20 CHAIRPERSON PRICE: Okay. All right. So this,  
21 again, is a Conditional Use Permit. Does anyone care to  
22 make a motion?  
23 MS. DELANEY: I'll move that the Planning Board  
24 finds that the proposed action will not have a significant  
25 impact on the environment, the Planning Board adopts a

1 negative declaration prepared by Town staff, and I move  
2 that the Planning Board approves Application 5P-03-21  
3 based on testimony given, plans submitted, and the ten  
4 conditions outlined in the Planning Board Report.

5 CHAIRPERSON PRICE: I'll second.

6 MR. BOEHNER: Price seconds.

7 CHAIRPERSON PRICE: Any -- does anybody -- moved  
8 and seconded. Is there any discussion on the application?  
9 Anything be heard or the conditions? Okay. Moved and  
10 seconded. Ramsey, please call the roll.

11 MR. BOEHNER: Member Fader.

12 MR. FADER: Aye.

13 MR. BOEHNER: Babcock-Stiner?

14 MR. BABCOCK-STINER: Aye.

15 MR. BOEHNER: Osowski?

16 MR. OSOWSKI: Aye.

17 MR. BOEHNER: Altman?

18 MS. ALTMAN: Aye.

19 MR. BOEHNER: Price?

20 CHAIRPERSON PRICE: Aye.

21 MR. BOEHNER: And Delaney.

22 MS. DELANEY: Aye.

23 MR. BOEHNER: Approved with conditions.

24 CHAIRPERSON PRICE: Thank you, all. All right.

25 Brings us to the application 5P-NB1-21. This is the

1 Application of Claire Streb for new 1153 square foot  
2 single family house with an attached 419 square foot  
3 garage at 1402 Blossom Road.

4 MR. FADER: I move the Board tables Application  
5 5P-NB1-21 based on the testimony given, and the plans  
6 submitted, the 36 items and additional information  
7 outlined in the Planning Board Report are requested to  
8 make a determination of significance and to have a  
9 complete application.

10 MR. BABCOCK-STINER: I second.

11 MR. BOEHNER: Second by Babcock-Stiner.

12 CHAIRPERSON PRICE: Moved and seconded. Any -- I  
13 think it's pretty clear that the staff needs a little bit  
14 more information and clarity on --

15 MR. BOEHNER: Yeah. Yeah. Unfortunately, she's  
16 going to have to go down the -- the property owner is  
17 going to have to go down that road a little but further  
18 just to see if it's meeting code.

19 CHAIRPERSON PRICE: Yeah. So -- okay. All  
20 right. All right. Ramsey, kind of you and Rick can help  
21 out with that.

22 MR. BOEHNER: Yup.

23 CHAIRPERSON PRICE: All right. Thank you.

24 MR. BOEHNER: Yeah. We'll meet with Al and try  
25 to figure it out. Got to do a little bit more work.

1 CHAIRPERSON PRICE: All right. So there's a  
2 motion and a second to table the application. Please call  
3 the roll.

4 MR. BOEHNER: Altman?

5 MS. ALTMAN: Aye.

6 MR. BOEHNER: Price.

7 CHAIRPERSON PRICE: Aye.

8 MR. BOEHNER: Fader?

9 MR. FADER: Aye.

10 MR. BOEHNER: Delaney?

11 MS. DELANEY: Aye.

12 MR. BOEHNER: Babcock-Stiner?

13 MR. BABCOCK-STINER: Aye.

14 MR. BOEHNER: Osowski?

15 MR. OSOWSKI: Aye.

16 MR. BOEHNER: Application is tabled.

17 CHAIRPERSON PRICE: Okay. Last application, not  
18 counting signs is 5P-NB2-21. Tom Fantauzzo, I hope I'm  
19 saying that right. For preliminary site planning approval  
20 for 600 square foot building addition for their -- for his  
21 property at 2041 South Clinton Avenue.

22 MR. OSOWSKI: I move the Board tables Application  
23 5P-NB2-21 based on the testimony given, and the plans  
24 submitted, the 25 items and additional information  
25 outlined in the Planning Board Report are requested to

1 make a determination of significance and to have a  
2 complete application.

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

4 MR. BOEHNER: Babcock-Stiner seconds.

5 CHAIRPERSON PRICE: Yeah. Babcock-Stiner, David,  
6 thank you. Ramsey, how far off is that side setback?

7 MR. BOEHNER: He's right on it. Seven and a half  
8 feet is this -- oh, this one?

9 CHAIRPERSON PRICE: Just curious.

10 MR. BOEHNER: I have to talk with Rick about is  
11 there a prevailing setback. I have to review the code.

12 CHAIRPERSON PRICE: Yeah.

13 MR. BOEHNER: I don't know if it's simple as just  
14 taking off a couple of feet. I have to read the  
15 commercial section to see what it says.

16 CHAIRPERSON PRICE: That's the district that it's  
17 in?

18 MR. BOEHNER: Yeah. I'm tending to think, you  
19 know, you may want to try for that variance but, I mean,  
20 he's going anyhow.

21 CHAIRPERSON PRICE: It'd be nice if he could add  
22 that to his existing application.

23 MR. BOEHNER: Yeah.

24 CHAIRPERSON PRICE: If it hasn't been  
25 distributed.

1 MR. BOEHNER: First, I just want to check with  
2 Rick and say, "Hey, what are your thoughts?"

3 CHAIRPERSON PRICE: Yeah.

4 MR. BOEHNER: You know.

5 CHAIRPERSON PRICE: Yeah.

6 MR. BOEHNER: He needs the square footage. It's  
7 a very small little project.

8 CHAIRPERSON PRICE: Not a lot of residences this  
9 is affecting.

10 MR. BOEHNER: No, it's a parking lot.

11 CHAIRPERSON PRICE: It's not even two stories.

12 MR. BOEHNER: No. No. It's not.

13 CHAIRPERSON PRICE: All right. There's a motion  
14 to table. Seconded. Ramsey, please call the roll.

15 MR. BOEHNER: Altman?

16 Ms. Altman: Aye.

17 MR. BOEHNER: Price?

18 CHAIRPERSON PRICE: Aye.

19 MR. BOEHNER: Fder?

20 MR. FADER: Aye.

21 MR. BOEHNER: Delaney?

22 MS. DELANEY: Aye.

23 MR. BOEHNER: Babcock-Stiner?

24 MR. BABCOCK-STINER: Aye.

25 MR. BOEHNER: Osowski?

1 MR. OSOWSKI: Aye.

2 MR. BOEHNER: Application is tabbed.

3 CHAIRPERSON PRICE: All right.

4 MR. BOEHNER: Onto signs.

5 CHAIRPERSON PRICE: All right. Time for signs.

6 Okay. Jeffrey, you walking us through these?

7 MR. FRISCH: Yeah. This is sign 1609. It's for  
8 Jenny's Bakery. It's a building face sign. It's not  
9 going to be lit. I think it's taking place of bakery that  
10 was previously there. It was approved at the ARB Meeting.

11 MR. BOEHNER: Approved as presented.

12 MR. FRISCH: Yup.

13 CHAIRPERSON PRICE: You want to do these one  
14 right as --

15 MR. BOEHNER: We could, yeah, one-by-one.

16 CHAIRPERSON PRICE: I -- I move to approve as  
17 recommended by ARB.

18 MR. FADER: I'll second that.

19 MR. BOEHNER: That's Fader, seconded.

20 CHAIRPERSON PRICE: Yup. Can we just do an all  
21 in favor?

22 MR. BOEHNER: Yup, we could.

23 CHAIRPERSON PRICE: All in favor?

24 ALL BOARD MEMBERS: Aye.

25 CHAIRPERSON PRICE: Opposed? Okay. Is that sign



1 up already or is that just a good --

2 MR. FRISCH: It's a good rendering.

3 CHAIRPERSON PRICE: Good rendering.

4 MR. FRISCH: Once in a while we get those.

5 MR. BOEHNER: Usually, yeah. It's usually real.

6 MR. FRISCH: This is sign 1609. It is for  
7 Mattiaccio Orthodontics. It was tabled at the ARB Meeting  
8 because they're kind of looking for a sign plan because  
9 they're doing facade improvements to the whole plaza. So  
10 they're looking for kind of a sign plan to see how this  
11 will go along with those.

12 MR. BOEHNER: There was also a variance granted  
13 originally for the number of signs they have on that  
14 building. And they said all the signs had to be the same,  
15 same style. So it gets a little complicated. Right now  
16 they're using pump. So it's a little more complicated  
17 than -- than they figured. So we're going have to work  
18 with them on that.

19 CHAIRPERSON PRICE: We just know how to make his  
20 guy's life miserable, don't we?

21 MR. BOEHNER: He has not had -- he really wants  
22 to be in town. That's for sure.

23 MS. ALTMAN: I was surprised to see him back  
24 after before.

25 MR. BOEHNER: This is his market for sure. He's

1 always been polite.

2 MS. ALTMAN: He was my orthodontist not that long  
3 ago when I, like, went back for my second run.

4 MR. BOEHNER: Okay.

5 CHAIRPERSON PRICE: All right. So -- so it's  
6 tabled there's no -- no --

7 MR. BOEHNER: We do need a vote to table.

8 CHAIRPERSON PRICE: Vote to table. Okay. I'll  
9 move to table as recommended by the ARB.

10 MR. FADER: I'll second that.

11 MR. BOEHNER: Fader.

12 CHAIRPERSON PRICE: All right. All in favor?

13 ALL BOARD MEMBERS: Aye.

14 CHAIRPERSON PRICE: Opposed?

15 MR. FRISCH: All right. Next sign is for Bees  
16 Salon and their just placing the sign over an existing  
17 sign, so kind of like putting something in front.

18 CHAIRPERSON PRICE: Kind of looks they took some  
19 kind of a labeler and just put it on the picture.

20 MR. FRISCH: This was approved as presented by  
21 the ARB.

22 CHAIRPERSON PRICE: Anybody outraged by this or  
23 are we okay? I'll move approval as recommended by the  
24 ARB.

25 MS. ALTMAN: I'll second.

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MR. BOEHNER: Altman on the second.

CHAIRPERSON PRICE: Altman beating out Babcock-Stiner. Okay. Moved and seconded. All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRPERSON PRICE: Anybody opposed?

MR. BOEHNER: I think that's it.

CHAIRPERSON PRICE: All right. Thank you.

(Proceeding concluded.)

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REPORTER CERTIFICATE

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

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

Dated this 19th day of May, 2021

At Rochester, New York.

*Alyssa Thomas*  
Alyssa Thomas