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

June 16th, 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)	

KEN GORDON, ESQ.
Town Attorney.

RAMSEY A. BOEHNER
Town Planner

JEFF FRISCH
Technical assistance

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

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3 JEFF FRISCH: All right. We are good to go.

4 CHAIRPERSON PRICE: Helps if I'm not muted.

5 Good evening, everyone and welcome to the
6 June 16th, Town of Brighton Planning Board.

7 My name is Bill Price, I'm Chairman of the
8 Planning Board. I'd like to introduce the other Board
9 members here tonight. We have Pam Delaney, David Fader, John
10 Osowski, Karen Altman, Jason Babcock-Steiner. Our Town
11 Attorney is Ken Gordon, our Town Planner and Secretary to the
12 Board is Ramsey Boehner, and Jeff Frisch is providing our
13 technical assistance tonight and is the one kind of pulling
14 all of the magic strings behind the curtain here.

15 We will be having Public Hearings tonight.
16 Everyone will have an opportunity to speak. We first ask the
17 applicant to, or the applicant's agent or representative, to
18 make a presentation. The Board has an opportunity upon
19 completion of that presentation to ask questions or make any
20 comments. Once the Board and town attorney, town planner,
21 questions have been answered, then we will open it up to a
22 Public Hearing.

23 Jeff will be looking for you. There is a
24 raised hand feature. If you can't find that, please waive
25 your arms frantically and turn your camera on at that time,

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waive your arms and Jeff or Ramsey will be able to find you and we will ask you to present your questions or your comments regarding an application.

Mr. Secretary, will you please call the roll tonight?

MR. BOEHNER: Member Osowski?

MR. OSOWSKI: Here.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Here.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Here.

MR. BOEHNER: Mr. Fader?

MR. FADER: Here.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Here.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Here.

CHAIRPERSON PRICE: Okay, thank you. We do officially have a quorum for tonight's meeting.

The first order of business is to approve the meeting minutes from our April 21, 2021, meeting. Could I ask for someone from the Board to make a motion to approve the meeting minutes?

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

CHAIRPERSON PRICE: Is there second? I will second.

MR. BOEHNER: There's a second?

CHAIRPERSON PRICE: I seconded, Price.
Is there any comment or edits necessary?
Seconded, Mr. Secretary, will you please call the roll.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Minutes approved.

CHAIRPERSON PRICE: Thank you. We will review and make a motion on the May 19th, meeting minutes at our

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July 21st, meeting.

There are Public Hearings tonight. I believe there are three of them. We will go over some postponements and adjournments with regard to applications that some of the public may not be aware of. But, I want to ask the secretary if the applications for tonight's Public Hearings were properly advertised?

MR. BOEHNER: Yes, they were. The Public Hearings were properly advertised in the Brighton Pittsford Post of June 10, 2021.

CHAIRPERSON PRICE: Thank you. We will now here those. I will call the number and the application information, for those in the audience I want you to know that Application 9P-NB1-20, application of Baptist Temple owner and Clover Park Properties LLC has been tabled or adjourned to our July 21st meeting.

The application of Claire Streb, and McMahon LaRue Associates as agents has been withdrawn by the applicant. That was Application 5P-NB1-21.

And Application Number 5P-NB2-21, application of Thomas Fantauzzo, for preliminary site plan approval at 2041 South Clinton Avenue has been adjourned until our July 21st meeting.

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3 So here is our first application tonight to be
4 heard.

5 APPLICATION 6P-01-21

6 6P-01-21 Application of Mansai Ladrigan,
7 agent, and Arroyo Esondido, LLC, owner, for Site Plan
8 Modification to install a standby emergency generator in a
9 side yard on property located at 900 Winton Road South. All
10 as described on application and plans on file.

11 CHAIRPERSON PRICE: Good evening. Is there
12 anyone here to represent the applicant?

13 MICHAEL VERRASTRO: Can you hear me?

14 CHAIRPERSON PRICE: Now we can.

15 MICHAEL VERRASTRO: Okay. My name is Michael
16 Verrastro, I'm an architect with DDS companies and we are
17 representing Comprehensive Dermatology for the installation
18 of their backup generator system.

19 So, we're here tonight looking for a
20 preliminary and final approval for the installation of a
21 natural gas generator on the side yard within the ten-foot
22 setback. And, those are the two main reasons we are here, is
23 because it is in the side yard and it is within the ten feet.

24 We have already been through the Conservation
25 Board, just to discuss the general plantings and everything

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like that just to make sure they were acceptable. So, we've gone through that approach.

We are kind of limited on obviously, the dermatology medical office, it's good to have a backup generator in case you're in a procedure and for some reason there's a power outage and you don't want to leave somebody in the middle of something like that.

So, the client wants to add a backup generator. We're a bit limited on, actually, we're pretty limited on where we can place it. The west is actually, on the top of the screen is the front yard, so we obviously would not want to place it there, because that would be a visual nuisance.

The north aisle is basically a drive aisle between us and our adjacent neighbor, so we wouldn't want to put it there. That would be on the right side of the screen, the right side of our property.

The east is parking, so that's actually the lower part. That's all parking back there. And then, on the south side we have some limitations. We have the area where it says 150 feet right there, that area we'd like to keep open for future patio area for the employees. But, it's also difficult because there's a lot of openings and windows

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around there and we need to stay within a certain distance from openings. So, the only place really we could put it and we've kind of had a preliminary discussion with the town about possible locations, is this corner where we're showing it in the plan. It would be the upper left-hand corner.

So, we are keeping it as tight to the building as we can. The manufacturer, it's listed to be within 18 inches, if allowed to be within 18 inches of the building, which is as tight as we can make it. And by placing that, plus the proximate two foot width of the unit, we are left over with about 6.4 feet, which is obviously within the 10-foot of our lot line.

Noise-wise, it's very quiet. When it's just sitting, obviously it's not doing anything, it does not make noise. Once a month it does maintenance, it's running at about 55 decibels. Which, for comparison sake, that's about your refrigerator, is about the same decibels. And these are all given at about 23 feet away, so you have to be pretty close to hear it. Obviously, on a busy road like we are on, you're really not going to hear it.

When it does run, obviously in the case of an emergency and it has to run, it's going to be running at about 65 decibels, which is equivalent to your basic business

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office. So, again, they are pretty quiet.

I'm sure that, you know, most people are familiar with them. They probably see them around, their neighbors probably have them, you know.

And we're obviously trying to hide them. Like I said, we talked to the Conservation Board. We are hiding them with the plantings around it. They seemed okay with those plantings, and obviously we're trying to, you know, mask it as much as possible.

So, I think that's about it. Obviously, I can answer any questions that you may have about it.

CHAIRPERSON PRICE: Thank you, Michael. Can you tell us just a little bit, is this going to sit on a concrete pad or does this, you know, are you creating a landscape bed right up to this, or just a little more detail on the ground there, if you could please.

MICHAEL VERRASTRO: Okay. Yeah, we're obviously going to have to put it on a pad so it doesn't settle and move around. It's going to be hard lined in with a gas line, so it can't move too much.

We're proposing to have a new 4 by 14 concrete equipment pad underneath it, and actually it extends, if you look at it, it actually extends a bit to cover the two AC

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units that are also there. So, the four-foot width, again, the unit is about two-feet wide, so we've got a four-foot wide pad that extends back 14, so it will be nice and stable.

CHAIRPERSON PRICE: And the height of this from grade?

MICHAEL VERRASTRO: The unit is just over, I believe four -- no, it's 28 inches high and then also the pad, you're talking about maybe five inches.

CHAIRPERSON PRICE: Okay.

MICHAEL VERRASTRO: It doesn't have to be very high above grade.

CHAIRPERSON PRICE: All right. And you did say the automatic test on this is once a month?

MICHAEL VERRASTRO: Yeah. You can schedule when it happens. It's everywhere from once a week, twice a month to monthly. But, we discussed, I think once a month is fine. We can definitely do it during the daylight hours as mentioned in the code.

CHAIRPERSON PRICE: All right, thank you.

Ramsey or members are there any questions for the applicant?

MR. BOEHNER: When will the maintenance of operation take place?

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3 MICHAEL VERRASTRO: Well, per code it has to
4 take place during daylight hours. We haven't specified, we
5 haven't fine tuned the actual time or day that occurs. If
6 there's any specific criteria we need to follow or the Town
7 has a recommendation or a preference, we'd be happy to hear
8 it.

9 MR. BOEHNER: Now, you want to give it -- you
10 seem to be aware of our Town code. It is daytime we would
11 want you to do it. This is going to be natural gas; is that
12 correct?

13 MICHAEL VERRASTRO: Correct.

14 MR. BOEHNER: Your site plan shows two 4 by 14
15 equipment pads. Is that just a typo on the site plan?

16 MICHAEL VERRASTRO: Yeah, that's a typo.

17 MR. BOEHNER: Yeah, that's what I thought.
18 That's all the questions I have.

19 MICHAEL VERRASTRO: Okay, thank you. Excuse
20 the cat.

21 MR. BOEHNER: I like the cat.

22 CHAIRPERSON PRICE: Karen, do you have any
23 questions? John Osowski?

24 MR. OSOWSKI: Yeah. So, the site plan also
25 shows two new air conditioning condensers to the east of the

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proposed generator. Are there existing air conditioning condensers somewhere else on the site?

MICHAEL VERRASTRO: I would have to check that. I'm not completely familiar with the project as far as that's concerned, but I can check.

MR. OSOWSKI: Yeah. I would just --

MICHAEL VERRASTRO: If they are, I believe my recollection is they would be replaced or removed. I don't think there was going to be more than the two, my recollection.

MR. OSOWSKI: Yeah, I -- because it gave me the impression that it was a possible replacement of one or two or several existing condensers that might be in that present location anyway. Okay, thank you.

CHAIRPERSON PRICE: Michael, could we just be clear about the adjacent uses both the north side, the south side and maybe to your east? They are all office related, correct?

MICHAEL VERRASTRO: Correct, yeah. We are surrounded, it's almost like a medical corner. It's surrounded by two -- I have got to reorient myself. So, to the south, which would be to the left on your screen, there is a medical office. Obviously to the east is Winton Road,

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and then our other two neighbor -- well, the neighbor to the north is a medical office. To the east there is residential I believe, but seems like it's -- well, there's another brick building there that's medical, but it's -- we're not directly adjacent, you know, in your residential, because visually and sound wise we are very well blocked, I think.

CHAIRPERSON PRICE: So, your building actually blocks you from residents. Okay.

Jason, do you have any questions?

MR. BABCOCK-STINER: No.

CHAIRPERSON PRICE: And Pam?

MS. DELANEY: I'm all set.

CHAIRPERSON PRICE: David Fader? David Fader? You all set? You're on mute, I'm going to assume David has no comments.

MR. FADER: Yeah, no, I have no comments, sorry.

CHAIRPERSON PRICE: Okay, thank you.

All right then, Ken Gordon, do you have any comments or questions?

MR. GORDON: All set. Thank you, Bill.

CHAIRPERSON PRICE: Okay. All right, folks. This is a Public Hearing, is there anyone in the audience

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attending tonight that cares to address this application?
Jeff or Ramsey, if you see anybody let me know.

MR. BOEHNER: I'm looking, I'm still looking.

CHAIRPERSON PRICE: And everybody, please
raise your hand in the . . .

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

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: I'm not seeing anyone either,
Bill.

CHAIRPERSON PRICE: All right. If by some
chance somebody is interested and shows up, we will hopefully
have some time to take their comments.

With that, we will move on to our next
application.

APPLICATION 6P-02-21

6P-02-21 Application of Westfall Medical
Realty, LLC, owner, for Demolition Review and Approval and
Preliminary / Final Site Plan Approval to raze a 6,015 sf
medical building and reuse the existing foundation to
construct a new 6,425 +/- sf medical building on property
located at 2233 South Clinton Avenue. All as described on
application and plans on file.

CHAIRPERSON PRICE: The application materials

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have been posted on the website along with all of the other applications.

Is there anyone attending that will speak to the application please?

TOM FROMBERGER: Good evening. Tom Fromberger from MRB Group here tonight to address any land development questions you have regarding this project.

CHAIRPERSON PRICE: Okay. Tom, could you give us a brief overview of the proposed action?

TOM FROMBERGER: Definitely, Bill. As indicated, we are requesting preliminary final site plan approval for the partial demolition of an existing building which includes the entire first floor of a single-story building and roof. The existing foundation will be reused to construct a new building. The plans are made to infill locations which are shown as the hatched area or the fenced hatched area on the plans.

This marginally increases the building size by approximately 410 square feet. No other site improvements are proposed and other existing utilities will be reused and extended on site. Geothermal to heat and cool the building is currently installed. We met with the Conservation Board on June 8th, they requested an additional street tree and

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upon completion of the project, the Town review of existing landscaping conditions.

So the disturbance is approximately 0.39 acres. Our plans indicate incorrectly 0.53 acres. This is the outer area of the limit shown and dashed on our plan. It doesn't recognize that the existing building footprint will not be disturbed for any subtle disturbance, basically.

Architectural Review was completed and Monroe County DRC as well. This concludes my presentation.

CHAIRPERSON PRICE: Thank you. Just on a very odd, personal note, any idea where the existing tenants are going?

TOM FROMBERGER: I don't know.

CHAIRPERSON PRICE: Happens to be my doctor.

Anyway, okay. So, basically, no other changes to the site. This is not necessarily the first building of other building improvements that you are aware of?

TOM FROMBERGER: Correct, Bill, yes.

CHAIRPERSON PRICE: Okay. All vegetation along the street, the green space, all of that remains as is?

TOM FROMBERGER: That's also correct. Our limit of disturbance is really the hatched area, which Jeff can go around and highlight. It's the outer perimeter where

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we're proposing orange construction fencing. And it's focused only on the removal of the building, first floor, and roof, and then reconstruction of it. No additional parking. We are improving an access ramp into the front door.

CHAIRPERSON PRICE: Okay, all right.

Jeff, do you have the images of the architecture of this?

JEFF FRISCH: I can bring them up.

CHAIRPERSON PRICE: It's not entirely necessarily, just, Jeff, would you -- not Jeff, but Tom, would you remind me, how did the square footage increase if you're using the foundation?

TOM FROMBERGER: Jeff, if you can go back to our plan there? The demolition sheet, there you go, if you zoom in to where the building is located. The building currently has a long vestibule, so coming off of the sidewalk it is in almost like a fence hatch pattern.

CHAIRPERSON PRICE: Yes.

TOM FROMBERGER: That's basically going to be infilled as well as another vestibule on the left side. So, we've got one vestibule and a smaller vestibule on the left.

CHAIRPERSON PRICE: Okay.

TOM FROMBERGER: A sidewalk being removed, as

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well as the vestibule area, a small section.

CHAIRPERSON PRICE: Okay, all right. At this point, no partic -- is there any particular building mounted lighting?

TOM FROMBERGER: I'll let Nate Rozzi, the architect speak on that, but I believe the lighting is strictly over access on doors and entries.

CHAIRPERSON PRICE: Okay.

NATE ROZZI: That is correct, Tom.

CHAIRPERSON PRICE: And, Nate, this has been to the ARB and received ARB approval?

NATE ROZZI: Correct. This was presented at the April 27th, meeting of the Architectural Review Board. It's consistent with the other facade improvements that were previously approved at the Architectural Review Board for the other buildings in the complex and it received approval, as I said, on the 27th.

CHAIRPERSON PRICE: Okay, thank you.

All my questions. Any questions from the Board members?

MR. OSOWSKI: This is John. I have a question. So, the demolition is taking, getting rid of the basically, the structure down to the floor. Is the existing

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floor cast in place concrete? Is it a concrete floor that you're taking it down to?

NATE ROZZI: No, it is a wood-framed deck over a basement.

MR. OSOWSKI: Okay.

NATE ROZZI: And the reason for the demolition is that the building is actually so low that it is impossible to get code compliant occupiable ceiling height space within the building as it sits right now.

MR. OSOWSKI: Very good, thank you.

CHAIRPERSON PRICE: Other Board members?

Ramsey, do you have any questions?

MR. BOEHNER: Yes, I do, thank you.

Tom, have you begun discussions with Monroe County Water Authority about the fire service and the RPZ and where that RPZ is going to be located? Is it going to be located in the building, outside of the building?

TOM FROMBERGER: That's in regards to mechanical engineer working on the project. We are not working on that piece, I believe Nate Rozzi has been querying that with Pathfinders.

NATE ROZZI: Actually, Turner Engineering has been working on that. There's an existing RPZ that is

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located inside of building five. The fire service would extend from building five over to building one, and would be serviced through the existing RPZ that's approved.

MR. BOEHNER: And that RPZ is in the building?

NATE ROZZI: It is in the building.

MR. BOEHNER: Okay, good.

Tom, what did you say the area of disturbance was?

TOM FROMBERGER: Area of disturbance is 0.39 acres of soil disturbance.

MR. BOEHNER: So, you do not have to do a swip?

TOM FROMBERGER: Right.

MR. BOEHNER: How will the access to the office park be maintained throughout the construction of the new facility?

TOM FROMBERGER: Access will be from the west entrance and then a staging area on the existing parking lot to the right of the building.

MR. BOEHNER: Will that only be used for construction, or is that going to be separated out?

TOM FROMBERGER: No. There will be -- my understanding, it will be used for construction.

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3 MR. BOEHNER: I'm sorry, what was that, Tom?

4 TOM FROMBERGER: It will be used for
5 construction, is my understanding.

6 MR. BOEHNER: Construction only?

7 TOM FROMBERGER: Construction only, on the
8 right side of the building, kind of out of the way. It's
9 currently building five to the west of us, so that parking
10 lot will be under use. So, I intend the parking and staging
11 area work around the east side of building one.

12 MR. BOEHNER: Are the roof leaders going to be
13 tied into the existing storm system?

14 TOM FROMBERGER: They are. The existing roof
15 leaders are already tied in in proposed ones with policy.

16 MR. BOEHNER: Will you be having any
17 generators?

18 TOM FROMBERGER: No. That's a no from me.

19 MR. BOEHNER: Oh, that's a no. Okay, I'm
20 sorry. And do you know where the location of the HVAC system
21 is going to be?

22 NATE ROZZI: As Tom mentioned, this will be
23 heated and cooled with a geothermal system, so the geothermal
24 wells have been drilled already to the north of the building
25 and they will feed into the basement.

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3 MR. BOEHNER: What are you guys providing for
4 trash? Is there a Dumpster enclosure or?

5 NATE ROZZI: The existing rubbish services are
6 going to maintain.

7 MR. BOEHNER: And that's adequate?

8 NATE ROZZI: Yes.

9 MR. BOEHNER: I don't have any other
10 questions. Thank you.

11 MR. OSOWSKI: This is John. What's the date
12 of the original construction of the present building?

13 NATE ROZZI: I don't know exactly, but it's
14 typical of 1960s vintage low rise office buildings.

15 MR. OSOWSKI: Okay. Has that building been
16 assessed for asbestos containing materials? You know, gypsum
17 board compound, or floor tile or any of those materials?

18 NATE ROZZI: Yes. A hazardous material survey
19 has been done.

20 MR. OSOWSKI: And were any hazardous materials
21 found?

22 NATE ROZZI: Not to my knowledge. I believe
23 that's, no.

24 MR. OSOWSKI: Oh, interesting.

25 MR. BOEHNER: Are you sure? Have you read

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that report?

NATE ROZZI: I have --

MR. BOEHNER: Is that your understanding, Tom Fromberger?

CHAIRPERSON PRICE: You're muted, Tom.

TOM FROMBERGER: Thank you. I have been unmuted. There are, I believe there is some asbestos.

MR. BOEHNER: Yeah, that was my understanding too.

NATE ROZZI: My apologies, I misspoke.

MR. BOEHNER: Okay. That's all right, but you have done a report?

TOM FROMBERGER: The report has been done and submitted to the town.

CHAIRPERSON PRICE: Okay.

Ramsey, are you good?

MR. BOEHNER: Yeah, I don't have any further questions.

CHAIRPERSON PRICE: Other Board members, other questions? Jason, all set? Pam?

MS. DELANEY: Good, thanks.

CHAIRPERSON PRICE: Karen, are you all set? And David?

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3 MR. FADER: I'm all set.

4 CHAIRPERSON PRICE: All right, thank you.

5 Before we open this up, we see people raising
6 hands, we will open up to public comment. I would ask Ken
7 Gordon, the Town Attorney, to just remind both the Board and
8 the public of what the action is here that the Planning Board
9 is being asked to take and to discuss the uses in this
10 district, and what our charge and responsibility is with
11 tonight's hearing.

12 Ken, can you just give us a little legal
13 background on this?

14 MR. GORDON: Thank you, Bill. So, this is
15 really for the benefit of those members of the public
16 attending this meeting and those who may be watching it
17 remotely. The Planning Board is charged with reviewing the
18 site plan to make sure that the plan of the demolition and
19 then reconstruction of the property meets with the Town Code
20 and the requirements under state law, county law, and town
21 law relative to construction aspects of the property,
22 including the structure, including the parking.

23 What we are not reviewing is whatever
24 particular purpose, medical purpose is being used. The
25 purpose proposed for this building is a permitted use within

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the zoning district and the Planning Board has absolutely no jurisdiction to change that in any way.

The Planning Board cannot, may not make a determination on the propriety of the site plan and whether the site plan itself is approved or not, based upon the type of medical services that are going to be provided in this facility.

There has been in the past in the Town of Brighton litigation over abortion clinics and it has been made clear to the Town of Brighton that the issue of the permissibility of abortion clinics in the State of New York as a matter of state law and has been preempted by state law that local authorities have no authority to regulate in any way abortion clinics beyond what the State guidelines are.

So, I understand that perhaps some, maybe even many of you who have attended this evening's meeting have strong feelings on one side or another of the abortion issue.

But, please know that the Planning Board does not make state law, it doesn't have authority to determine whether this proposed building demolition and reconstruction should be approved based upon whether this is or is not an abortion clinic or what type of medical services are being provided within the building.

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Particularly, and I heard some of this at the Town Board meeting just last week, the issue of whether there is going to be protests and/or other public demonstrations outside of this building has absolutely also nothing to do with zoning and planning determinations cannot form the basis. That, again, is out of a prior appellate court decision that involved the Town of Brighton and is controlling upon the Town of Brighton.

So, I wanted to put that out there, certainly for the Planning Board, but also for the members of the public so that everyone understands what role it is that members of the Planning Board are playing this evening.

Bill, any other questions or clarifications?

CHAIRPERSON PRICE: No. I just wanted to be clear on the legal jurisdiction and responsibilities of the Planning Board before we do open this up to comment.

Ken has given us the legal statutes that we are obligated to comply with. I am the chairman of the Planning Board and we'll seek to conduct this in a civil manner. We will open up for conversation.

Our charge again, is only to listen to those comments that pertain to the site plan approval portion of this. We will listen to people, but we kindly ask you that

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if your opinion or opinion similar to yours has been presented before you, do not repeat the same statement or opinion.

And that's all we ask.

So, Jeff, why don't we open it up. I think there are three or four people that I can see raising their hand. Could you -- we will take you in the order that Jeff saw you or sees you raising your hand.

Please go ahead, Jeff, tell us who we have.

JEFF FRISCH: Elizabeth Schreaber -- Schrieber.

ELIZABETH SCHRIEBER: Good evening.

CHAIRPERSON PRICE: Good evening.

ELIZABETH SCHRIEBER: Good evening. I appreciate your time tonight and the ability to have this discussion. I wanted to focus in a little bit and just ask for more information on, my understanding is the application is Westfall Medical Center, but this is a Planned Parenthood building.

Can you tell me a little bit more about the notice that was put in the newspaper and if it had any specific content that listed that this would be a Planned Parenthood medical facility? Thank you very much.

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MR. GORDON: Bill, this is Ken Gordon again.

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If I might just remind those who are participating in the

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Public Hearing, the purpose of a Public Hearing is for the

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Planning Board to hear your comments, not to answer your

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questions. The Planning Board will not be responding to

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questions during the Planning Board, but please feel free to

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make whatever comments you wish relative to this project.

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CHAIRPERSON PRICE: Okay. Go ahead, Jeff,

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with our next.

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JEFF FRISCH: Robert Thornton.

13

CHAIRPERSON PRICE: Good evening, Robert.

14

ROBERT THORNTON: Good evening. Thank you for

15

your time and explanations of the controversy of this

16

proposed building plan. You're taking great care into

17

consideration of all of the aspects of how this facility is

18

going to function for the purposes of Planned Parenthood.

19

There will be controversy over this, there

20

will be people that have a passionate opposition to it. They

21

will be probably wanting to be present to pray for the

22

dignity of the lives lost at the facility as they abort the

23

children there.

24

And, I wonder where in the planning stages of

25

this building and medical facility are they planning to bring

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1
2
3 the pieces of children in and out as medical waste, so that
4 the people that want to pray for those children to be
5 disposed of, and as medical waste, where will they be able to
6 position themselves in an undisrupted manner so that way we
7 can fulfill our faith, Bill, faith-based obligation for the
8 dignity of life of all of the children that are going to be
9 aborted there, that we can just pray in the name of Jesus
10 Christ for them while this is all happening.

11 I understand you've made great painstaking
12 care to make sure that the building gets built properly and
13 everything is impacted environmentally. But, as you probably
14 already know, many people are very passionate about the
15 purpose of this building and those are probably just going to
16 be the main concerns that are going to impact this property
17 after its completion.

18 I understand there's probably nothing we're
19 going to stop the building of this building, but these are
20 probably going to be the main points that are going to happen
21 afterwards and I guess, that's probably the one thought that
22 I have towards that. Thank you.

23 CHAIRPERSON PRICE: Robert, thank you for
24 participating, appreciate it.

25 Jeff, who is next?

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3 JEFF FRISCH: Carol Crossed.

4 CHAIRPERSON PRICE: Carol, good evening.
5 You're muted, Carol.

6 CAROL CROSSED: Okay. Can people here me now?

7 CHAIRPERSON PRICE: Now we can, yes.

8 CAROL CROSSED: Okay. Thank you so much,
9 Bill.

10 I'm here with my husband. We have been long
11 time residents of Brighton. We are at 1675 Clover Street. I
12 feel like I'm looking not at you, but it's hard for me to
13 know how to look at everyone. I'm sorry about that.

14 You know, I think that this very much impacts
15 the use of this building, very much impacts questions that
16 you have already been discussing, particularly the trash,
17 because you'd be talking about biomedical hazardous material,
18 body parts. So, yes, this being a Planned Parenthood does
19 very much impact the discussion about the environment and
20 parking, traffic.

21 We are writing and we have handed in a letter
22 requesting that there be an adjournment of the Town Planning
23 Board and that they reconsider this application, until a
24 later date and all necessary facts can be known.

25 This correspondence that I have sent into the

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Board -- and I hope all of you have a copy of it -- it apprises the Board of serious concerns that Brighton Residents Against Violence have to date that are based on the few facts that are known so far in this application.

Number one, the environmental assessment form, Paragraph 8, wrongly denies that the proposal will, quote, result in a substantial increase in traffic above present levels, unquote. Detailed traffic and parking studies will be required, will they not, before this application can be considered?

And number two, dangerous abortions are not legitimate medical use, as contemplated by the B-1 Zone. The applicant is essentially anonymous, and you may know this. Despite substantial research and investigation we have been unable to find a website or identify the principals behind Westfall Medical Realty LLC. It has been registered with the New York Secretary of State, but further the attached Securities and Exchange Commission filing lists which we provided to you mysteriously lists individuals all are purported with the same last name, and that last name is Westfall. None appear to live in Rochester or be Rochester physicians. This seems extremely unusual that there is this kind of anonymity.

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Why is this application so cloaked in secrecy?
The tenant is Planned Parenthood, the largest provider of abortions in this country. If the applicant cannot be honest about its tenant, we certainly can't count on it to be a good citizen of the Town of Brighton.

This proposal would increase traffic and parking problems to dangerous levels. At the very least, an expert traffic engineer study is required. The secrecy about Planned Parenthood is not difficult to understand. It opposes numerous protests and sidewalk advocates that surround nearly every one of their abortion clinics in the country.

They are aware that conscientious and concerned volunteers are entitled to exercise their freedom of speech and are included under the Federal and State constitutions. This right to public education contrasts sharply with Planned Parenthood's record of concealment and extends even to this pending application before the Board.

Many Brighton Residents Against Violence supporters educate expectant parents, they provide services and assist in making life affirming choices for their children. Volunteer sidewalk advocates from Rochester area organizations reach out to mothers everyday with offers of

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real help and support. Help that they do not receive from Planned Parenthood.

These mothers and families deserve material and financial help and ongoing support both during and after their pregnancy. We know from long standing experience with the University Avenue Planned Parenthood what this will mean for Brighton and surround businesses. The presence of sidewalk advocates on Westfall and South Clinton during all business hours every single business day of the week. This is called the environment. This disrupts the community and the numerous neighboring medical facilities.

Advocates and caregivers will regularly be on the busy intersection of Westfall and South Clinton with signs. Because of excess traffic noise, voice amplifiers will need to be used. There will also be increased noise from cars honking. University Avenue residents often complain about the number of cars who pass by and honk, whether in support of or in opposition to Planned Parenthood.

Look at the signs across the street from University Avenue on the Grove Street residential's neighborhood lawns. They say, please do not honk. There will be large pro-life gatherings that are at the University Avenue Planned Parenthood, they will also now occur in the

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Town of Brighton.

The EAF is wrong and abortions should not be permitted in the Town zone, which is designed for legitimate quote/unquote medical use. Inevitably, a Planned Parenthood in Brighton will also mean higher police presence and strain on police resources. Police are stationed regularly, I'm talking regularly at the University Avenue Planned Parenthood, including to pull drivers over for honking their horns. Neighbors also needlessly call the police multiple times, which force the police to respond to the scene only to have their valuable time wasted at Brighton taxpayer's expense.

Clearly, Paragraph A of this application is materially wrong. As a Brighton resident, I am proud of the town's state of the art medical facilities, particularly in the Westfall/South Clinton area. But abortion is not health care, quite the opposite in fact. The University Avenue Planned Parenthood has increased medical emergencies, necessitating multiple ambulance calls to that site. Planned Parenthood's track record reveals that abortions are not a legitimate, quote/unquote, medical use, as contemplated by the Town's zone.

Thank you for considering our request to

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adjourn this application and to allow the development of a sufficient factual record to substantiate the objection stated in this application. Thank you.

CHAIRPERSON PRICE: Thank you, Carol.
Appreciate you coming out.

Jeff, who is next please?

JEFF FRISCH: Amy.

CHAIRPERSON PRICE: Amy, good evening. Can you please give us your name?

AMY HSI: Hi, yes. Can you hear me?

CHAIRPERSON PRICE: Yes, we can.

AMY HSI: I'm sorry, I'm at my son's soccer game, so I'm calling from my car. My name is Amy Hsi and I live at 240 Oakdale Drive. I am a long time employee of Planned Parenthood of Central and Western New York and a resident of Brighton for over 15 years.

And I just wanted to share some information so that the Planning Board, Town Board, and the residents of Brighton can make an informed decision about this application. After your initial statements, I was not going to speak, but since people are speaking about how they feel, I do want to put this out.

So, PPCWNY has eight [inaudible] health

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centers and one mobile clinic that spans Western New York from Buffalo to Syracuse. The clinics are located in urban, suburban, and rural areas. And one thing that they have in common is that they are all located where patients may not be able to get the services we offer easily from other health centers.

And, yes, those services, I am proud to say, do include legal, safe, in-clinic abortions at some of our health centers, and medication abortions at all of our health centers. We also offer other life saving and health promoting services, such as birth control, emergency contraception, and long acting reversible birth control which, incidentally, reduces the need for abortion.

We have smoking cessation, HIV testing prevention and education, testing and treatment for sexually transmitted infections, which are increasing at alarming rates in Monroe County. Urinal tract and vaginal infection testing and treatment, pap tests, colposcopy and breast exams which screen for cancer, wellness exams, miscarriage treatment, menopause and menstrual problem treatment and gender affirming hormone treatment. We offer all these services in-clinic, in person, and via tele-a-health. And we do it with respect, without judgment, no matter what.

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We did have a site in Greece which unfortunately we had to close because our landlord sold the building and when we heard about that plan, we were thinking about relocating to Brighton or Henrietta area so that people further south could access us easily using 390.

And contrary to what was said at the previous Town Board meeting, having a Planned Parenthood in Brighton will increase the diversity, equity and inclusion of Planned Parenthood and the Town of Brighton.

And lastly, I just want to say, I find that it's a very strange argument to say that the protesters who would cause all of this noise and unneeded police calls and wasting our tax dollars, is the reason that we should not open. Maybe they should stop bothering patients who are trying to get their healthcare, while we are doing the legal, rightful, and beneficial thing. Thank you.

CHAIRPERSON PRICE: Thank you, Amy, for joining the conversation.

Jeff, who is next please?

JEFF FRISCH: Dr. Lara Evans.

CHAIRPERSON PRICE: Dr. Evans, good evening.

JEFF FRISCH: Sorry, I unmuted the wrong person.

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DR. LARA EVANS: Yes, thank you. Hi, my name is Dr. Lara Evans, I'm a physician in the community, I'm actually right down the street from the proposed area and a resident of Brighton for many years, over 20 at this point, on Viennawood Drive.

I would like to speak in support of what I think Michele is her name, just said. That has been my experience as a long-term physician in the community. We have a tremendous lack of ability for access for patient care and the last few years I have done more gynecologic care than I have in my previous 25-year career, because people have had difficulty with access.

I would also like to speak of some of the inaccurate statements that were made earlier. As far as medical waste goes, of anything that might be coming out of Planned Parenthood, it would be handled in the same way things that are medical waste would be coming out of my office, which is down the street, and any of the other office buildings are around and it would be handled appropriately.

Secondly, the concept of a dangerous abortion, this has been a well studied and researched question, that it is actually safer to have an abortion than it is to continue to carry a pregnancy to full term. That has been studied and

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published in the New England Journal of Medicine. If anybody would like that information, I am more than happy to provide it to the Board, I don't have it off the top of my head, but I know it's been published.

I would also like to know -- or in support, Planned Parenthood does much more than just abortions and provides care for women in needing just basic things like pap smears, as they said HIV testing, STD testing, of which I've done this week because my patients couldn't get into their gynecologists or did not have a gynecologist.

And I'd also like to know if we're concerned about how the protesters are going to be safely managed and where they can pray quietly, I would like to know how the patients are actually going to be able to get into the office and not be bothered, regardless of why they are there. Because they have a right to be there and we have a right to provide adequate, safe, and appropriate medical care to every woman in the community. Thank you.

CHAIRPERSON PRICE: Thank you, Dr. Evens, appreciate your time.

JEFF FRISCH: Next will be Wynette Vickers.

CHAIRPERSON PRICE: Wynette, good evening.

WYNETTE VICKERS: Good evening. I would like

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to say that Planned Parenthood offers access to women who may need specific GYN care regardless of their immediate ability to pay, as well, which tends to effect minorities to a greater degree. So, by initially approving this application Brighton is taking another step towards a more equitable community.

CHAIRPERSON PRICE: Thank you for your comments. Appreciate your time coming out.

Jeff?

JEFF FRISCH: Jen Lockemeyer.

CHAIRPERSON PRICE: Jen, good evening.

JEN LOCKEMEYER: Hi, good evening. I thought this was about the site requirements, so I don't know why physicians are commenting about the benefits of killing your own baby.

But, I really have a concern about the building's ability to handle, if you want to call it waste, if you want to call the parts of children waste, let's call it waste. But, you still have to deal with it and it seems to me the prior application there was more concern over where that generator was going to go and who was going to be affected for derm's office. And here we have an enormous medical facility that is engaged in a very controversial

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3 medical practice. Quite frankly, in my opinion, a barbaric
4 medical practice, but nevertheless, I would think the
5 Planning Board would be very concerned about the landlord's
6 ability to manage all of this waste and all of the traffic.
7 And, that would be the end of my comment. Thank you.

8 CHAIRPERSON PRICE: Thank you, Jen.

9 Jeff, who is next?

10 JEFF FRISCH: Michelle.

11 CHAIRPERSON PRICE: Michelle.

12 DR. MICHELLE CHIN: Yes, hi. This is
13 Dr. Michelle Chin. I am a Brighton resident since 2003, I
14 lived on Clover Hills Drive and now I live on Wilshire Road.
15 I have never been employed by Planned Parenthood, I am not an
16 abortion provider. I have not been since 2000, and this
17 community needs providers. And these are safe, I don't want
18 to repeat what Amy Hsi and Dr. Lara Evans stated, but I think
19 Brighton is an excellent location.

20 I personally live in Brighton, I chose
21 Brighton. I'm from New York City originally, after residency
22 at Strong I chose Brighton because it is racially diverse.
23 It's not only ethnically diverse, it is the most gay
24 friendly, you know, suburb of Rochester. There are more
25 interracial parents than I've seen. Religiously, it's

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extremely diverse. I mean, I grew up in New York City, I went to NYU. Some of us call it NYJEW.

You know, so, I wanted my children to grow up with the experiences that I had and I just feel it's definitely a great location. Actually, my OBGYN office is in Greece and a lot of my patients, you know, they have gone in and out of having medical insurance, and some of them come back with unwanted pregnancies. Some of them come back just not even having a pap smear for so many years.

And I always say to them, I said, you know, you could have gone to Planned Parenthood. And I feel like, I feel like there's just so much stigma just on that word. Like, just the name, Planned Parenthood, is so loaded. I mean, I can feel, I can feel it in the prior residents that spoke.

But really, it's, I think it's a great location. Westfall is a hot bed of medical offices. I really don't think it's going to change much to the traffic. In fact, I moved from Clover Hills Drive to Wilshire to avoid the Whole Foods traffic and the Monroe crazy traffic that's happening on that side of town.

And then, in terms of the people, the picketing and all that, I can just speak from the fact that I

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was going to a Planned Parenthood to do some rehearsals for a show of the vagina monologs. And I had to cross those picketers, and I wasn't even going there as a patient. I wasn't even going there as a provider, and it was -- I, it was difficult for me to even enter the building.

So, I really feel that being amongst other medical facilities because it is a medical facility, would be very helpful for patients and providers to continue to go there. And I guess that's all I have to say. You can go back to muting me. Thank you.

CHAIRPERSON PRICE: Thank you, Dr. Chin.

Jeff, who is next?

JEFF FRISCH: Heather Coyne.

CHAIRPERSON PRICE: Heather, good evening.

JEFF FRISCH: Hold on one second.

HEATHER COYNE: Okay, hi. Can you hear me?

CHAIRPERSON PRICE: Yes, we can.

HEATHER COYNE: Wonderful. Okay. Like Amy, I was going to hold off on comments, but I am just going to put them out there and you can just say thank you and we can move on.

But, I just want to say, my name is Heather Coyne and I live on Hollywood Avenue in Brighton. I'm

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commenting to express my ardent support for the proposed building of a Planned Parenthood office in our town. Our Town Supervisor has clearly expressed that the core values of Brighton include education, and diversity and inclusion. I can think of no better organization to welcome to Brighton than one that keeps those values at the center of its mission. Whether someone needs low cost gynecological treatment, information and help with hormonal health for menopause or gender affirming care, sexual health testing and treatment, or legally protected pregnancy ending options, Planned Parenthood will support that person with the care and dignity they deserve, legally and morally.

I understand there may be some concern about traffic with protestors present. We all know that protestors will be there. They have the legally protected right to protest, just as people here have the legally protected right to end pregnancies. I would hope that those causing any possible traffic disruption would show concern for the lives of drivers and passengers and take care in their approach to protesting.

One of the issues with which our country struggles is access to safe, affordable health care for everyone. If our town is to live up to its express values,

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then we should be using every opportunity to expand that access. This issue hits communities of color particularly hard. While I would never speak for black people, I would certainly listen to them. Marcella Howell, President and CEO of In Our Own Voice, national black women's reproductive justice agenda, said in January of this year, black women demand immediate action to expand access to reproductive healthcare and to restore reproductive rights.

We must ensure that all pregnant people have access to the full range of reproductive care, including abortion care, and the resources to make reproductive health decisions, including the decision to have and raise our families with dignity, end quote.

At this terrifying time when states are restricting rights regarding reproductive justice, life saving LGBTQ plus healthcare, accurate historical curricular regarding racism and voting rights all together, I sincerely hope Brighton will continue to welcome organizations like Planned Parenthood that advocate for and center education, compassion, and justice. Thanks a lot.

CHAIRPERSON PRICE: Thank you, Heather.

Jeff?

JEFF FRISCH: Next is Terrence Lester.

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3 CHAIRPERSON PRICE: Please say the name again?

4 JEFF FRISCH: Terrence Lester.

5 CHAIRPERSON PRICE: Karen, good evening.

6 JEFF FRISCH: Terrence.

7 CHAIRPERSON PRICE: Oh, I'm sorry, Terrence,
8 yes. Good evening, Terrence.

9 TERRENCE LESTER: Good evening, thank you. I
10 live at 25 Eastland Avenue, I am attending tonight's meeting
11 in support of -- or I should say affirmation of
12 Ms. Crossett's comment regarding request for adjournment of
13 these -- of the proposed approval of this facility. I also
14 find that there seems to be sort of a break down in the
15 process of public notification of the purpose of express use
16 of the building, which Planned Parenthood being what it is
17 and the majority of its income coming from the performance of
18 abortion procedures is an important -- it shouldn't be a
19 footnote on the application.

20 So, I just, I won't speak anymore, because
21 I thought that Ms. Crossett expressed herself so eloquently,
22 but I also oppose this proposed approval. Thank you.

23 CHAIRPERSON PRICE: Thank you for
24 participating.

25 Jeff?

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3 JEFF FRISCH: Next will be Ellen.

4 CHAIRPERSON PRICE: Ellen, good evening, could
5 you give us your name, please?

6 ELLEN DUNKIN: Good evening. My name is Ellen
7 Dunkin. Thank you for allowing me to speak. I have been a
8 proud Brighton resident for over ten years now, but I am
9 extremely disappointed by the lack of transparency with this.
10 You know, I don't know when this whole process was started,
11 but we're just finding out right now that this medical
12 facility is indeed a Planned Parenthood. And there are many,
13 many Brighton residents who would have liked to know that
14 beforehand.

15 Liz, I believe her name was Liz, in the
16 beginning asked, you know, why, why weren't we notified? You
17 said you couldn't answer that. Who could I go to to ask that
18 kind of question?

19 CHAIRPERSON PRICE: I will address this --

20 MR. GORDON: Bill, this is Ken Gordon again.
21 If I could, I will just repeat what I said before. This is a
22 Public Hearing, the Planning Board is here to listen to your
23 comments and receive whatever comments or other remarks you
24 would like to make. The Planning Board will not be answering
25 questions.

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ELLEN DUNKIN: Okay, thank you. So then, let me just touch on a little bit, I'm not going to respond to everything that others have said, just a couple things.

First of all, the point that Planned Parenthood, that there's a lack of, you know, medical facilities in the area where people can go. And I want to say that there are a lot of FQ, Federally Qualified health centers. They work on the same basis, sliding scale, and actually they offer more comprehensive healthcare than Planned Parenthood.

And just to give you an idea of how many we have in the Rochester area, there is about eight or so of them within a mile of the University Avenue Planned Parenthood, and there are many, many more in the area, and like I said, they offer comprehensive healthcare.

One of the Planned Parenthood people mentioned STD testing is one of their, you know, services. Again, this can be something that patients can go somewhere else to get it for free, actually. There are some walk-in places where they can get it for free.

Anyway, I won't keep going on about that, but also just to touch briefly on the protester conversation that we're having here, I am with ROC Love Will End Abortion, I'm

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with BRAVE, Brighton Residents Against Violence. And so, I'm a sidewalk advocate, I am on outside of the University Avenue and I can assure you that we are peaceful and that we do not block access at all.

So, Michelle Chin I think must have been talking about a different, I guess, group, because we are not even in that area that she had mentioned and we never block access. We never make it difficult for people to get in.

But, what we do do is provide help for them that Planned Parenthood does not offer. So, just to give you some real life examples, we just threw baby showers for two women recently who have turned away from abortions. They got everything they needed, completely for free, so thousands of dollars worth of brand new items. We've helped pay people's rent, people's internet bills, we've been with them and as they -- help them work through abusive relationships, getting out of those really difficult relationships.

So anyway, I just want to give you a picture --

CHAIRPERSON PRICE: Bring it back to focus --

ELLEN DUNKIN: -- of really what we are doing out there. We're truly there --

CHAIRPERSON PRICE: Ellen?

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3 ELLEN DUNKIN: -- to help the woman -- yes?

4 CHAIRPERSON PRICE: Please focus the comments
5 on the application, and not what your organization does or
6 doesn't do.

7 ELLEN DUNKIN: Okay. Yes, I'm sorry. I was
8 just responding to some of the other people's comments.

9 CHAIRPERSON PRICE: We've heard them, so
10 please don't keep --

11 ELLEN DUNKIN: Okay, yes, okay. So, sure,
12 just to get down to it, I am asking you to adjourn this
13 application on the grounds of needing a traffic study, an
14 environmental study. There's been a question of where the
15 medical waste would go. And, I will ask you to adjourn it on
16 those reasons, and also the lack of transparency. Brighton
17 residents have not had a chance to voice their opinion on
18 this because we are just now finding out that this is Planned
19 Parenthood. Thank you.

20 CHAIRPERSON PRICE: Thank you, I appreciate
21 your summary.

22 Jeff, who is our next speaker?

23 JEFF FRISCH: Ben.

24 CHAIRPERSON PRICE: Ben, good evening. Please
25 introduce yourself.

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3 BEN CHERNJAVSKY: Hi. My name is Ben
4 Chernjavsky, I am a MCC graduate this year. I live on
5 Landing Road in Brighton.

6 I want to voice my support of all that Ellen
7 just said and Carol who come before me. I think that being a
8 MCC resident, and a young person, my generation, we know that
9 one quarter of our generation is missing because of abortion,
10 one quarter of my generation has been killed by abortion.

11 So, I think that Brighton, we could really do
12 a lot better than opening an abortion mill in our town. We
13 could be providing real, comprehensive help for women, and
14 not just saying that killing our pre-born children is going
15 to fix all our problems.

16 So, that's pretty much all I have to say. I
17 think that everything has already been said before, so I will
18 just keep it brief. I think that we can just do lot better.
19 Thank you.

20 CHAIRPERSON PRICE: Thank you for coming out,
21 appreciate it.

22 Jeff?

23 JEFF FRISCH: Next is Elizabeth.

24 CHAIRPERSON PRICE: Elizabeth, have we heard,
25 is this Elizabeth Schrieber?

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3 ELIZABETH BELCHER: It looks like I'm on. No,
4 my name is Elizabeth Belcher. I am also --

5 CHAIRPERSON PRICE: Okay.

6 ELIZABETH BELCHER: -- a Brighton resident,
7 and I live on Dale Road. I wanted to reiterate, so I guess
8 for some background, I have my PH.D in the biomedical
9 sciences, and I also have training in epidemiology. I have a
10 lot of experience working at the Strong Medical Center campus
11 and in different laboratories there.

12 And, one thing I wanted to bring up is
13 questions about whether this facility would be involved in
14 any research activities and if there are zoning questions
15 that need to be related to being involved in research? And
16 the reason I ask that is because sometimes research labs
17 partner with medical facilities and require specific zoning
18 or specific, I should say, regulations with regard to the
19 facilities. Like, for example, BSL two level labs that would
20 be dealing with research relating to human samples.

21 So, I have questions about that. I have
22 questions about the incineration of waste and -- I'm sorry
23 the disposal of waste and whether the biohazard waste will be
24 incinerated on site and whether the building has the
25 appropriate facilities to do so. And, if there's any reason

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to suspect that this, if there is incineration of the medical material on site, if this has any potential impact on the air quality in the area.

And I also do have a question about ambulance access, because as I think some other people have brought up the Planned Parenthood facility and other Planned Parenthood facilities oftentimes need to have ambulance access to the building. And my concern is whether there has been appropriate studies about ambulance access to the building, whether the parking lot is suited to handle that, and whether this will impact the traffic flow, inside -- coming into and out of the medical park location, and how this will impact the surrounding traffic and anything related to that.

So, I thank you for this, and I also ask as well if it's -- I will say I don't know much about what qualifies as a medical organization in terms of the zoning perspective. A number of people have voiced opinions about Planned Parenthood being a healthcare organization, but I will say from a research perspective, there are numerous studies including one that I was just reading in the Journal of Effective Disorders, where 57,000 women that were seen across 281 different gynecological practices. And they looked at differences between women who had their first ever

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medical diagnose of depression, anxiety, or other mental health disorders, versus women who did not.

And interestingly they found that women who had medically induced abortions within the past five years, had two times the odds of having depression, anxiety, or other mental health diagnose.

So, I just wanted to raise to the Board because I felt like I am in agreement that there weren't enough opportunities to discuss this in other context and I recognize that this might be slightly off focus, but does this really qualify as a medical care facility?

And, you know, does the owner of the building feel that this qualifies as a medical facility? And how will the ownership of the space be impacted by all this? Sorry, that last part didn't make sense, but, yes. So, thank you for your time.

CHAIRPERSON PRICE: Thank you for joining the conversation, appreciate it.

When you do speak, I ask that you please turn on your camera.

Jeff, who is next?

JEFF FRISCH: Bob.

CHAIRPERSON PRICE: Bob, good evening.

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3 BOB GLUCK: Good evening. Can you hear me?

4 CHAIRPERSON PRICE: Yes, we can.

5 BOB GLUCK: Okay. I'm a proud Brighton
6 resident for nearly 30 years. My wife and I have raised our
7 children in Brighton. We have a home on Dunbarton Drive.

8 And, I heard loud and clear the town attorney
9 start the conversation, the open discussion, with being
10 mindful of the role of this particular hearing. And I was
11 going to be respectful of the attorney. I fully understand
12 this is not the venue to debate life versus choice.

13 However, after hearing women and physicians
14 speak about their support of the abortion, I can't sit here
15 silently, so I will cut to the chase. I am a Jew, okay? I'm
16 a conservative Jew who lives in Brighton for 30 years, who's
17 probably part of a minority.

18 However, the anonymity, the cloak in silence,
19 the lack of information, if this gets out to the conservative
20 Jewish community in Brighton, there will be loud protests,
21 okay?

22 So, the woman, and I don't know if you are a
23 physician or not, who said how difficult it was to cross
24 protesters? I want to ask you a question, okay?

25 CHAIRPERSON PRICE: Sir, Mr. Gluck, keep it

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civil.

BOB GLUCK: I want to ask her a question. If it's so --

CHAIRPERSON PRICE: No, you're not going to do that.

BOB GLUCK: If it's so difficult to walk across a --

CHAIRPERSON PRICE: Mr. Gluck --

MR. GORDON: We are going to have to --

BOB GLUCK: -- how difficult is --

MR. GORDON: -- mute you, sir, if you do not follow the quorum --

CHAIRPERSON PRICE: Turn him off.

BOB GLUCK: -- how difficult is --

MR. GORDON: -- of this Public Hearing. And that quorum of this Public Hearing includes not making comments attacking other speakers. We are respectful of all of your rights to speak tonight. Please do take the opportunity to express your concerns to the Town Planning Board. The Town Planning Board is here to listen, not to answer your questions. But, please do not attack other speakers, and if you do you will be muted. Thank you.

CHAIRPERSON PRICE: Jeff, who is next?

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3 JEFF FRISCH: Ellen.

4 CHAIRPERSON PRICE: Ellen, good evening.

5 ELLEN POUTHIR: Good evening. I just had a
6 thought. With the first proposal regarding the generator,
7 there was talk about adjacent properties being -- whether or
8 not they are residential. And I didn't hear in this proposal
9 if there are adjacent properties that are residential.

10 So, I would just ask that the Board look into
11 that. It seems like from what I am hearing, there's a lot of
12 lack of transparency of this tenant and their business. And,
13 maybe if there are adjacent properties or very close by
14 properties that are residential, those residents should know
15 what's being proposed here, if they are not aware. I don't
16 know if the Town Board, what you do about that. But, I would
17 just ask that you look into that.

18 And also, it seemed like there was some
19 uncertainty about the hazardous materials report. There was
20 a positive and a negative answer on that, so I would ask that
21 the Planning Board maybe adjourn this application to get more
22 information on that hazardous materials report and look at
23 that a bit closely. Thank you for your time.

24 CHAIRPERSON PRICE: Thank you for joining us
25 tonight, appreciate it.

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3 Jeff?

4 JEFF FRISCH: Next will be Cecelia.

5 CHAIRPERSON PRICE: Cecelia Lester, good
6 evening.

7 CECELIA LESTER: Hi, yes. My name is Cecelia
8 Lester, I was just calling in to say that we've heard you say
9 several times now that you're not able to answer our
10 questions. And I would just sort of generally ask, then who
11 is? And because I did attempt to call the Town Board, let's
12 see, it was on the 9th, and I'll tell you what my experience
13 was with that.

14 We were given a phone number through the
15 website, I tried calling this number three or four times. I
16 know two other people who did as well between the time of
17 7:00 and 7:20. The phone would ring, no one would answer it
18 and it would go to voice mail, okay?

19 The -- whoever was hosting the Zoom was
20 completely unaware of the fact that people were waiting to be
21 let into the Zoom meeting, and so did not have the comments
22 section enabled, so people were not able to tell them that we
23 were waiting. The YouTube comments were also disabled.

24 And finally, Supervisor Moehle said that the
25 open forum discussion had ended because he was completely

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unaware of the fact that nobody could get in. I ended up sending him a message on Facebook and it was about 7:30 at that time, and he was very nice and opened up the Zoom to whomever was waiting.

But, at this point it was just a few people. And, you know, it just seems like, to restate what other people have said as far as the lack of transparency, I mean, people should know about this. This is a completely controversial organization. I mean, people would want to know that that's coming here.

And I would say that, you know, as far as access, to second Ellen's comment about the Federally qualified health [inaudible] 252 facilities in New York State where women can get abortions. I mean, to put that in perspective, there's 48 Wegmans in New York State, okay?

People can get abortions already in Brighton, okay? And 86 percent of the nongovernment revenue of Planned Parenthood -- and this has been testified to by Cecille Richards in front of Congress -- comes from abortion. This is an abortion facility. It's the leading provider of abortions in this country, and abortion is an elective medical procedure. That's why it's called choice because there's alternatives to this procedure.

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3 CHAIRPERSON PRICE: I believe you're wandering
4 away from our goal and our focus here tonight.

5 CECELIA LESTER: Okay, okay, fair enough. But
6 here's the thing though, wait, one last thing. Who can
7 listen to us then? If you are not listening to us, okay, and
8 you're not listening to the residents of Brighton --

9 CHAIRPERSON PRICE: We never said we are not
10 listening, we are not answering your questions is what we
11 said.

12 CECELIA LESTER: Then who can answer our
13 questions?

14 CHAIRPERSON PRICE: We will consider your
15 concerns, just state your concern and we will consider it.

16 CECELIA LESTER: Where is the Democratic
17 process though? If you don't answer us, if the Town Board
18 doesn't answer us, then where do we hear anything that --

19 CHAIRPERSON PRICE: Jeff, please mute her,
20 please. Okay. Let's speak -- let's go to our next speaker.

21 JEFF FRISCH: Jennifer.

22 CHAIRPERSON PRICE: I'm going to ask everybody
23 to please remember what our attorney asked you all to do, is
24 to focus on this application. Do not given us a lot of
25 details about Planned Parenthood or your perceptions. We are

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interested in your comments relative to this site plan.

Is Jennifer next?

JENNIFER KATZ: Good evening. My name is Jennifer Katz, I'm a licensed clinical psychologist, I live on Hillside Avenue, I've been a Brighton resident for over 20 years.

I want to speak briefly about the harm of stigmatizing abortion. Between one in four and one in five women of reproductive age have an abortion in their life times. Stigmatizing abortion endangers people who may become pregnant. There are many valid reasons, both medical, social and others, and the stigmatization of abortion as a procedure adds to the stress, effecting women's physical health, mental health and their family functioning.

Thank you for your time.

CHAIRPERSON PRICE: Thank you.

Others wishing to speak, Jeff?

JEFF FRISCH: I don't see anymore -- oh, there's one more, Michael Saffran.

CHAIRPERSON PRICE: Mike Saffran, okay. Good evening, it's Michael, right?

MICHAEL SAFFRAN: Yes, correct, thank you. And I'll try to be consistent with the spirit of your

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request, but also, you know, perhaps some personal opinion here.

First of all, a 57-year Brighton resident. You heard correctly, 57, Brighton native, Brighton High School alumnus, life long Brightonian. Raised in central Brighton, now a resident of West Brighton.

And when former Supervisor Frankel, just a quick aside, when she used to host the West Brighton community forums, to her credit she started those a number of years ago, I was like 30 years old when I moved to West Brighton. I was always one of the youngest people in attendance, but I also thought one of the longest residents. Probably if we were in person today, I'd look around and no longer one of the youngest, but still one of the longest residents at 57 years.

I'll try to keep it relatively short.

CHAIRPERSON PRICE: Thank you.

MICHAEL SAFFRAN: Because some of these comments have been articulated by others very, very well. I'm opposed to the Planned Parenthood abortion clinic in Brighton for some of the reasons that have been already articulated by others. Harm to women, harm to youth, harm to family. I think, you know, if anyone is empowered by

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abortion, it's certain men who accept no responsibility and can walk away.

I'm also going to address something a little different from those kind of comments that we've heard from others. I work with college students, as do a couple other people here that I recognize their Zoom squares. It's relevant to note, I can't make any claim about percentages and opinions, although it was very good to hear from Ben, the MCC student, because I notice a discernable shift.

The tide is shifting. Some people would deny that, I see it. The tide is shifting toward pro-life among youth. Gen Z are the students that I have. One of the slogans of the very good organization, Students for Life, I'm wearing one of their shirts tonight, is I am the pro-life generation. There's a lot of truth behind that, there's momentum behind that.

And so, Brighton where I've lived for 57 years, Brighton certainly is one of the most inclusive communities, there's no question about that, in other ways. I implore Brighton and the Planning Board in looking at this proposal to be on the right side of history. We hear that about other things. Be on the right side of history in the pro-life debate. Be on the side of the truly voiceless, the

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most vulnerable, be on the side of the unborn.

And, for other reasons, lack of transparency with this proposal, as others have mentioned, I likewise support adjournment of this proposal. Thank you.

CHAIRPERSON PRICE: Thank you, Michael, for your time.

Are there others?

JEFF FRISCH: Dan Simpson.

CHAIRPERSON PRICE: Dan, good evening. Dan, you're on mute.

DAN SIMPSON: Yes, thank you. I'm sorry. I'll speak very briefly. I just want to speak in favor of this application. I certainly agree that all of the I's should be dotted and the T's crossed. So, certainly do ensure that the environmental review and the traffic review and all of those are correct. I appreciate the care that you are taking.

Mostly what I appreciate is that Brighton is making space in its community for -- to provide greater equitable access to healthcare. Equitable access to healthcare continues to be a problem in our country, to the extent that Brighton is making space for that. We are doing the right thing and we are on the right side of history. So,

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thank you very much.

CHAIRPERSON PRICE: Thank you for participating.

Jeff?

JEFF FRISCH: Graciela.

CHAIRPERSON PRICE: Graciela, good evening.

GRACIELA: Hello, sorry. I am Graciela, I live at Warrington Drive. And, I'm here to support the Planned Parenthood. I wasn't planning on speaking, but because two previous people thought they would speak for my entire generation. I thought I would just comment and I say that I think there are more people concerned about having equitable access to healthcare going into their future. And, if they are not comfortable with their parents or, like, knowing, or having privacy, or just -- sorry, my dog just did something.

But, or if they just aren't close to another facility, it's just very helpful to have. And, I think that as other people on this discussion have stated, it's more important to be discussing the actual environmental impacts of the site than the potential protesters that could arise from it. Thank you.

CHAIRPERSON PRICE: Thank you for joining our

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conversation tonight.

Jeff, do you see any others?

JEFF FRISCH: I don't see any others.

CHAIRPERSON PRICE: This --

JEFF FRISCH: Ramsey, you're muted.

CHAIRPERSON PRICE: Other --

MR. BOEHNER: I've seen people waiving their hands in the screen. A Marie Brennan, do you see her?

JEFF FRISCH: Let me find her.

MR. BOEHNER: Yeah, I don't think they know how to raise their hand on Zoom.

MR. GORDON: We've got Marie Brennan, we've got Bill McGinn.

MR. BOEHNER: That's all I see right now.

CHAIRPERSON PRICE: Marie Brennan, good evening.

MARIE BRENNAN: Good evening, thank you so much. I apologize for my lack of knowledge with these type of meetings, but I appreciate the chance to say just a quick comment.

I have been a Brighton resident for about 12 years here on Warrington Drive with my family. And, one thing I wanted to say, just -- I was trying to think because

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I had more comments kind of related that maybe you can address, like you said in the beginning, because it's not within your purview. But, I hope this applies to your purview, and that's why I am making this comment.

I would hope with hearing all of the discord, you know, between people who are very much oppose to this Planned Parenthood coming to Brighton that there would no special, you know, tax breaks given to that organization. I know sometimes that's done, you know, because they're considered a non-for-profit organization, but I mean, you can clearly hear that there are many people who are very disturbed by having such a facility in their, you know, beloved town.

And I would just like the Board, with that is part of -- within your purview, excuse me, to consider very strongly not giving them, you know, extra tax breaks. Because not -- many people are obviously opposed to this type of organization. So, thank you so much for your time.

CHAIRPERSON PRICE: Thank you, appreciate it.

I see someone raising their hand, there's no name, but is Bill first?

JEFF FRISCH: Yeah, William, I see.

CHAIRPERSON PRICE: William, sorry. Yeah, we

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see there's another woman that is 908911, we don't know a name.

JEFF FRISCH: I see her, I'll get to her next.

CHAIRPERSON PRICE: Okay, you're next.

Go ahead, Bill. I assume it's Bill, sorry. You're muted, Bill.

WILLIAM MCGINN: My name is William McGinn, I have been a Brighton resident for more than 50 years. And I move and request that the Board, Planning Board consider the request for an adjournment by Carol Crossed. I think it's a matter of fundamental fairness. I'm astounded at the lack of transparency in the application, as to the nature of the building use. Nowhere was there any indication that it was going to be a facility for abortions. Nowhere were the names of the members of the LLC available. They were all apparently listed as Mr. Westfall in looking at the list.

I think as a matter of fundamental fairness, the public in Brighton should be made aware of what the nature of this medical facility is. It is only about a half mile from another abortion facility, a Dr. Wardmans, I think that ought to be taken into consideration.

And I think the environmental considerations need more study. First of all, the use of the facility and

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the medical waste that is generated, is it going to be incinerated, is there going to be an incinerator on the premises, is the sewage system going to have to be expanded? What is the traffic flow? There should be a traffic study.

Clinton Avenue and specifically Westfall Road is a very busy road already. And, I therefore move in support of Carol Crossed's petition that the Board adjourn making a decision and provide the town with more opportunity to discuss this matter.

It's clearly a very volatile issue of placing an abortion facility in the Town of Brighton, not very far from an existing abortion facility. And, I think that the lack of transparency by the applicant is very, very troubling. Thank you.

CHAIRPERSON PRICE: Thank you, William.

Jeff, we have someone. We're going to ask her to introduce herself and give her name.

CATHLEEN COSGROVE: Hi, my name is Cathleen Cosgrove.

CHAIRPERSON PRICE: Cathleen, good evening.

CATHLEEN COSGROVE: Good evening, thank you for listening to me. I'm a regional coordinator for the Silent No More awareness campaign. We are the largest

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network of mothers and fathers of aborted children who have come to regret our abortions.

I strongly agree with Carol Crossed about adjourning this, petition to adjourn. And I'm going to tell you why, and I'm going to give you facts, medical and psychological facts, consequences of abortion.

In the United States, over 140,000 women a year have immediate medical complications from abortions. These include problems such as infection, uterine perforation, hemorrhaging, cervical trauma --

CHAIRPERSON PRICE: Okay, Cathleen, these are -- you are veering from our --

CATHLEEN COSGROVE: No, I'm not.

CHAIRPERSON PRICE: Yes, you are. And these points have been made by -- and others have made these points prior to you. Do you have anything new to add to the conversation?

CATHLEEN COSGROVE: Well, what I'm going to say, simply says that abortion has nothing to do with medicine. It is not medical care.

CHAIRPERSON PRICE: Okay. That's not something we are here to debate.

CATHLEEN COSGROVE: I'm not asking you to

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debate it. You listened to other people, I'm asking you to listen to the facts.

CHAIRPERSON PRICE: Please keep it brief please.

MR. BOEHNER: And then please keep it to the site plan or the demolition review. Thank you.

CATHLEEN COSGROVE: You did not tell everybody else that.

MR. BOEHNER: Yes, we started that in the beginning of the evening.

CHAIRPERSON PRICE: We did, we made it very clear.

CATHLEEN COSGROVE: Well, I just want to say, that from experience, I do have skin in this game, literally. Abortion hurts women. It has nothing to do with healthcare. And I don't think that site is to be used for something like that, that hurts women and destroys life.

CHAIRPERSON PRICE: Thank you.

Who is our next speaker, Jeff?

JEFF FRISCH: Maureen Slattery.

CHAIRPERSON PRICE: Maureen, good evening.

MAUREEN SLATTERY: Hi.

CHAIRPERSON PRICE: Good evening, Maureen.

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3 JEFF FRISCH: You're kind of breaking up.

4 MAUREEN SLATTERY: Can you hear me?

5 CHAIRPERSON PRICE: Yes.

6 ELIZABETH SCHRIEBER: Okay. Sorry, I'm on my
7 phone. I am a -- trying to think here, I'm a 12-year
8 Brighton resident, I'm also an OBGYN practicing physician,
9 who has been in practice for 18 years. And, I work not far
10 from where the location of the Planned facility would be.

11 And if we're keeping it to just this kind of
12 stuff, I'd like to say, one, I don't really that it's going
13 to add a whole lot to the traffic in that area. There's a
14 lot of medical facilities in that area already. And in
15 general, Planned Parenthoods don't pull, like, hundreds and
16 hundreds of people into their clinics every day.

17 Secondly, Moe Wortman doesn't do abortions
18 anymore. He's on the verge of retirement. What goes on a
19 half mile from where the proposed location is is somewhat
20 irrelevant.

21 Three, medically, race is not really going to
22 be an issue. I don't want to go into all of the details of
23 how these things happen, but, it is not any different than
24 any other facility in the area that does things that have
25 medical waste. In fact, most things will actually go to

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pathology.

And if we're really going to get into the medical bits and pieces of all of this, which I know we're not really supposed to, it is actually safer for women to have abortions than carry a baby to term. I know this is not the forum for this kind of a thing, but it is absolutely, positively speaking as a woman who has saved women's lives by performing that procedure, I just want to say that it is absolutely, positively a medical procedure. And, given all of the good things that Planned Parenthood does, I think that we should absolutely consider Brighton as a good location, as a mother of daughters, as a person who takes care of women. I think we need to consider this. Thank you.

CHAIRPERSON PRICE: Thank you, Maureen.

MR. BOEHNER: I ask that people keep it to the site plan and demolition, if we could.

CHAIRPERSON PRICE: Yes.

JEFF FRISCH: Next is William McGinn.

MR. GORDON: Mr. McGinn has already spoken.

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Jeff, do you see anyone else?

JEFF FRISCH: Let me go through.

MR. BOEHNER: I'm looking.

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3 JEFF FRISCH: I do not.

4 MR. GORDON: I do not either.

5 MR. BOEHNER: And I don't either. I see no
6 one else.

7 CHAIRPERSON PRICE: Do you see anybody named
8 Fox Crossed?

9 JEFF FRISCH: Yeah, I see a Fox Crossing.

10 CHAIRPERSON PRICE: Just ask Fox Kroft if you
11 wish to make a comment? Fox Crossed, I'm sorry.

12 JEANNE HORVATH: Hi.

13 CHAIRPERSON PRICE: Good evening.

14 JEANNE HORVATH: Hi. Actually, my computer
15 kept going out during this, so, I am against having this
16 site --

17 MR. GORDON: Could you please identify who you
18 are?

19 JEANNE HORVATH: Oh, my name is Jeanne Horvath
20 and I am a Brighton resident.

21 CHAIRPERSON PRICE: Thank you, Jeanne.

22 JEANNE HORVATH: And I'm afraid I missed some
23 of the things that were said. And, I just want to say I am
24 against having a facility that has been known to be violating
25 the law by selling baby parts and selling them to

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universities for experimentation.

They are going to the University of Pittsburgh, and even universities using live babies that have been aborted for experimenting. So, I did miss a lot of what was said before --

CHAIRPERSON PRICE: Then you missed the fact that we ask you to focus on the aspects of the site plan that we are charged with reviewing.

JEANNE HORVATH: Well, I think it is a concern wondering, is the facility going to be breaking the law?

CHAIRPERSON PRICE: That is your comment?

JEANNE HORVATH: Yes.

CHAIRPERSON PRICE: Thank you very much.

Other one there?

JEFF FRISCH: Yes, there is another hand up, Chris.

CHAIRPERSON PRICE: Good evening.

CHRIS CONSTANTINE: Am I hearable?

CHAIRPERSON PRICE: Yes.

CHRIS CONSTANTINE: Okay. My name is Chris Constantine, I moved to Brighton in 1982. So, I am going to say something about the site plan, namely that I didn't get to see the site plan before this meeting tonight because I

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only learned of this meeting tonight and the proposal, the application, today.

So, it's hard to see the site plan right now. So, you'll understand if I don't understand what's on it, or can't see it. I'd like to know, I mean, I know you can't answer any questions, but my question would be, if I could see it and answer my own questions even, what -- and I don't know this area terribly well. I mean, I go by there a lot, I've gone to the doctors down there, but I don't, I don't have it well in my head. Are there sidewalks here? Or, will the people who will be down there, will they be kind of in the street in Westfall, or? Because, there should be safety there should be sidewalks.

Can people get -- are people going to legally be allowed to go into this whole site where the parking lots are? And, it doesn't seem like they would be allowed to be in there, so they would have to be kind of on the exterior of the whole site. And, I just don't -- it seems to me, that given the nature of the applicant or what's going to be happening there, it doesn't seem to me that that's an adequate response, or an adequate plan.

And, I guess, you know, if you think that those people shouldn't be there, well, that's another thing

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of course, because they will be. And so, I mean, I think that the intersection of people exercising their rights and, of course, people doing -- exercising their rights to get into the building. I mean, at least down at University, the people who object, including myself, object to the facility have to stay away.

I mean, we can be on sidewalks. There's a public sidewalk, there's public sidewalks. But, I don't know about here. Are there? In the area, not just on the out way on the outside. I don't see that as an adequate plan, I guess, for this particular facility.

And, that's all I have to say. And again, I would say, I can't really read this plan from my iPad, and I didn't get to know about it until today, which echoes some other comments. So, thank you very much for letting me speak.

CHAIRPERSON PRICE: Thank you for joining tonight.

Do you have another, Jeff?

JEFF FRISCH: Yes, Dorothy.

CHAIRPERSON PRICE: Dorothy, good evening.

JEFF FRISCH: Dorothy, we can't hear you.

MR. BOEHNER: We can't hear you.

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3 CHAIRPERSON PRICE: You don't appear to be
4 muted, but we can't hear you. I'm sorry, can anybody else
5 hear her, I can't.

6 JEFF FRISCH: I can't hear her.

7 MR. BOEHNER: She's unmuted, it's on her end,
8 I think.

9 JEFF FRISCH: Yeah, all right.

10 CHAIRPERSON PRICE: Dorothy, please give it
11 another try. Nope, sorry.

12 JEFF FRISCH: Sorry, Dorothy.

13 CHAIRPERSON PRICE: I don't understand why
14 that's happening, but . . .

15 JEFF FRISCH: All right. There's somebody --

16 CHAIRPERSON PRICE: Dorothy, sorry, please,
17 you know, maybe reenter and see if you can try again, none of
18 us can hear you.

19 CARRIE PERHAM: Hello?

20 CHAIRPERSON PRICE: Who's hello? Yes.

21 CARRIE PERHAM: All right. Yes, hi. I, so,
22 yeah, I just wanted to say something quick. I'm definitely
23 in support of Carol, and just regarding the site and
24 everything. You know, I think the word safe has been brought
25 up a lot. Safe is kind of the most important thing when it

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comes to the residents, you know, in Brighton. So, I just think that, you know, it's not going to be safe for a lot of people in terms of the police, in terms of the protesters, and of course, in terms of the children and the women who, you know, might, you know, ambulance may be called.

And, I think it's going to be a lot. I don't think safe is the right word. So, that is my thing that I want to say. So, I just say we stop using the word safe, because it's not going to be safe at all. So, thank you.

CHAIRPERSON PRICE: Thank you.

Do we want to see if Dorothy can join again?

JEFF FRISCH: Yes.

No, sorry, Dorothy, we can't hear you again.

CHAIRPERSON PRICE: Okay. Dorothy, we apologize if somehow this is on our end, but none of us can hear you.

Jeff, are there others?

Ramsey, do you see anyone else?

MR. BOEHNER: I'm looking.

JEFF FRISCH: I don't see anybody else.

MR. BOEHNER: I'm still looking. No, that's it.

CHAIRPERSON PRICE: Okay, all right. Just so

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everyone knows what we will be doing tonight, is we have one more Public Hearing, and then we will circle back as a Board and discuss each of the applications. And, you will have a sense of our decisions on each of the three Public Hearings tonight.

If you cannot stick around, you are certainly welcome to reach out to the town in, I would say, not until tomorrow afternoon or Friday morning. But, we will be discussing this application after we hear our next applicant.

MR. BOEHNER: Bill, I would also like to make a statement that the correspondence that have been received will be made part of the record for the Public Hearing tonight.

CHAIRPERSON PRICE: Yes. And that does --

MR. BOEHNER: And I did receive a number of communications, so I did want to let everyone know that.

CHAIRPERSON PRICE: Okay. Our -- have to go back, I was scrolling through communications earlier and, so, our next application.

APPLICATION 6P-03-21

6P-03-21 Application of Brighton Twelve Corners Associates, LLC, owner, for Conditional Use Permit Approval to allow for a new restaurant use on property

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located at 1881 Monroe Avenue (2602 Elmwood Avenue). All as described on application and plans on file.

CHAIRPERSON PRICE: Is there someone in attendance to discuss this?

JAMES CRETEKOS: Yes, good evening, everybody. My name is James Cretekos, I'm with BME Associates. We're at 10 Liftbridge Lane East in Fairport, New York. I'm here on behalf of Brighton 12 Corners Associates LLC. Fred Renaldi apologizes, he had to step out for a family emergency.

But, we are here this evening as Mr. Price indicated, for a conditional use permit. This is in the space at the 12 Corners Plaza. This is the portion of the building that fronts Elmwood Avenue, and the western portion of the building faces the new CoreLife. This is where the previous Aja Noodle was located a couple of years ago, as well as Brighton Hots had a short run right before COVID shutdown.

The space has been vacant since the COVID shutdown, and as because of the zoning here, a restaurant use requires a conditional use permit. It's been over a year time frame since that Brighton Hots was closed, which is why we are in front of you this evening.

What we are looking to do is have a new

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restaurant come into the space, similar to before. It will be the Seasoning Thai Bistro. There's another restaurant owned by the same family currently in Webster, New York. They are very community involved and they're excited to be able to bring their business to kind of the hub of Brighton.

Basically, what we're looking to do is kind of maintain a lot of the interior space, completely update the kitchen with new, modern equipment, new paint on the interior. Some other, you know, minor changes to help kind of celebrate the unique high ceilings in the space. They're going to bring a lot of, like, interior agriculture plants to help liven up the space.

The exterior things we're doing is really just new signage. We were at the ARB, as well as the Zoning Board of Appeals, at their last two meetings and I believe we have everything approved, as well as the couple variances we needed to get for the signage.

So with this, we have provided all of the town requirements, per the town code in our letter of intent. If there's any specific questions about the building, I'd be more than happy to answer them, but in the spirit of it, I know you guys had a long meeting, I'll keep it very short, unless there is things you would like to know.

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3 CHAIRPERSON PRICE: Okay. This is conditional
4 use application, you're not proposing any changes to the
5 exterior site of the plaza, or the parking, or lighting on
6 the exterior of the building?

7 JAMES CRETEKOS: That is correct.

8 CHAIRPERSON PRICE: And the number of seats
9 that you are proposing, is that consistent with what was in
10 Aja Noodle and Brighton Hots?

11 JAMES CRETEKOS: I'm not sure on Brighton
12 Hots, but, yes, it is consistent with Aja Noodle. We have 65
13 seats shown here, including the bar spaces. At the bar
14 spaces, only about 16 linear feet. Again, we've kind of
15 touched on a lot of these items in our letter of intent.
16 Hours of operation, they're going to be open for lunch, as
17 well as dinner. So, it will be, like, 11:00 to 2:30 and then
18 4:00 to 9:00.

19 And, you know, this will kind of complete the
20 last vacant space that's in this building that's been there
21 for a little bit.

22 CHAIRPERSON PRICE: Okay.

23 Ramsey, do you have any questions?

24 I guess, James, real quick, just one. Is this
25 predominantly an eat-in facility, and are you using a lot of

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paper products? Or is this more, silverware and china kind of thing?

JAMES CRETEKOS: It will be primarily silverware and china, but there -- they will have takeout containers. They are having kind of a very lively feel. They want to create some walkability connections, just based on this being right at the 12 Corners, they want to kind of service both. But, in general, it will be a sit down, full service restaurant, waiter, china, et cetera.

CHAIRPERSON PRICE: Okay, thank you.

MR. BOEHNER: James, you're not proposing outdoor dining, right?

JAMES CRETEKOS: No, sir.

MR. BOEHNER: Is there a grease trap?

JAMES CRETEKOS: There is an existing grease trap, I believe on the very north side of the building. As part of the kitchen improvements, they're going to be looking at exactly how they need to manage grease. Whether it's individual containers under, you know, the appropriate sink units, or whether they can, you know, reuse that existing grease trap outside. If needed, obviously we will be potentially looking to replace that, but it hasn't been evaluated at this point.

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3 MR. BOEHNER: Now, James, the kitchen. You
4 said the kitchen is going to be remodeled. Do you know how
5 big that kitchen is going to be?

6 JAMES CRETEKOS: Yes.

7 MR. BOEHNER: It wouldn't be less than 250
8 square feet, is that right?

9 JAMES CRETEKOS: That is correct. As we've
10 indicated on the plan, it's going to be about 900 -- or
11 490 square feet excluding the sink areas, which is how your
12 code requires us to account for it. And I believe it has to
13 be greater than 250 square feet, based on what we're doing in
14 the restaurant.

15 MR. BOEHNER: And, the bar length is less than
16 20 feet?

17 JAMES CRETEKOS: Yes, sir, it is. I believe
18 16 feet in length.

19 MR. BOEHNER: Great. And will there be live
20 entertainment?

21 JAMES CRETEKOS: No live entertainment
22 planned, to my knowledge.

23 MR. BOEHNER: And what are the hours of
24 operation, do you know?

25 JAMES CRETEKOS: 11:00 a.m. to 2:30 p.m., and

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4:00 p.m. to 9:00 p.m., approximately.

MR. BOEHNER: Thank you, appreciate that. I have no further questions.

CHAIRPERSON PRICE: Okay. Other Board members, questions for the applicant?

MR. OSOWSKI: Yeah, this is John, I have a question. Which entrance to the restaurant is intended to be the accessible entrance?

JAMES CRETEKOS: The accessible entrance is the western facing one with the vestibule. There's an existing ADA spot already located on that side of the building with a ramp.

MR. OSOWSKI: Have you walked in that entrance lately?

JAMES CRETEKOS: I have not walked in there in the last year or so.

MR. OSOWSKI: All right, because I really don't think that entrance is compliant. It has a really steep ramp from the outside doors going up a ramp to the inside set of double doors. So, you may want to take a look at that and consider using the south entrance as the accessible entrance. Because this has a much, much preferred slope approaching those doors, and if that's the case you may

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want to relocate that accessible parking spot to the south side.

Just take a really hard look at that, because it looks like that airlock, you know, double door front entrance probably had a step in it at some point in the past. And somebody put in a really, really short steep ramp there that is no where near being a, you know, being a one in twelve slope. So I suggest you take a really hard look at that.

JAMES CRETEKOS: Sure. We can certainly review that as part of this and, you know, if we need to, we can coordinate with, you know, town staff to do some minor improvements there.

If the grades and things we can't get to work there, then we would, as you mentioned, look to probably relocate that to the south side of the building.

I do want to note, though, that the parking spaces on the western face are kind of shared. The property line does go right down them. So, depending on what we want to do, we would have to get, probably coordinate with the adjoining property as well.

MR. OSOWSKI: Sure. Thank you.

CHAIRPERSON PRICE: Other Board members have

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questions?

MS. DELANEY: They are all answered.

CHAIRPERSON PRICE: All answered, great.

Okay. Ramsey or Ken, anything else?

MR. BOEHNER: No other questions.

MR. GORDON: All set.

CHAIRPERSON PRICE: All right, thank you.

All right, James, thank you. Appreciate it.

JAMES CRETEKOS: Thank you guys very much.

Good luck with the rest of your deliberations.

CHAIRPERSON PRICE: Thank you. This is a Public Hearing, is there anyone who cares to address this application?

JEFF FRISCH: There is, Michael Saffran.

CHAIRPERSON PRICE: Yes, please.

MICHAEL SAFFRAN: Yes, thank you. As long as I am still hear and listening in on this one as well, I'll keep this very short. Sounds like a great use, a welcome addition to 12 Corners, and consistent too. That's sometimes often what you guys are looking at, a very consistent use.

I'll also add that 57 year perspective, you mentioned Aja Noodle, it's a shame that they closed. They were a very good restaurant. Brighton Hots, I wasn't even

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aware of. That must have been very short lived. But the 57-year perspective, I think we're also talking Ken Gordon I think has been around Brighton at least that long too. I think it's the same location as HoJo's, right, Howard Johnson's back in the day. So, yeah, welcome I would see this as a very welcome addition.

CHAIRPERSON PRICE: Thank you.

Anyone else care to address the application?

JEFF FRISCH: I don't see anyone else.

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

CHAIRPERSON PRICE: Okay, all right. That was our last Public Hearing. For anyone that may be in the audience thinking that there was some other application tonight, the application of the Baptist Temple and Clover Park Properties has been adjourned to our July 21st meeting.

Application of Claire Streb, has -- this is for a single-family house at 1402 Blossom Road, that application was withdrawn by the applicant.

And, the application of Thomas Fantauzzo, for a preliminary site plan approval, for an addition at his building on 2041 South Clinton Avenue has been adjourned to our July 21st meeting as well.

So, that would have been all of the Public

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Hearings for tonight. At this point we will go back and have discussions on the Public Hearings that we heard. Is everyone okay at this point to keep going?

All right, we are going to continue, our first application for discussion.

APPLICATION 6P-01-21

6P-01-21 Application of Mansai Ladrigan, agent, and Arroyo Esondido, LLC, owner, for Site Plan Modification to install a standby emergency generator in a side yard on property located at 900 Winton Road South. All as described on application and plans on file.

CHAIRPERSON PRICE: Do we have a motion to close the Public Hearing on this application?

MR. BABCOCK-STINER: I'll move we close the Public Hearing.

MR. BOEHNER: Babcock-Stiner.

MS. DELANEY: I'll second.

MR. BOEHNER: That's Delaney.

CHAIRPERSON PRICE: Moved and seconded to close the Public Hearing, any discussion?

Mr. Secretary, please call the roll.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

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3 MR. BOEHNER: Mr. Price?

4 CHAIRPERSON PRICE: Aye.

5 MR. BOEHNER: Mr. Fader?

6 MR. FADER: Aye.

7 MR. BOEHNER: Ms. Delaney?

8 MS. DELANEY: Aye.

9 MR. BOEHNER: Mr. Babcock-Stiner?

10 MR. BABCOCK-STINER: Aye.

11 MR. BOEHNER: Mr. Osowski?

12 MR. OSOWSKI: Aye.

13 MR. BOEHNER: Hearing closed.

14 CHAIRPERSON PRICE: Okay, thank you. All
15 right. This application is for a site plan modification, is
16 there a motion to, on the site plan modification?

17 MR. FADER: I move the Board tables the
18 Application 6P-02-21, based on testimony and plans given and
19 the 34 additional pieces of information are needed so the
20 Planning Board can make a determination of significance and
21 to complete an application.

22 CHAIRPERSON PRICE: David, this is -- are you
23 speaking to 6P-01 or 6P-02?

24 MR. FADER: 6P-02.

25 CHAIRPERSON PRICE: No, this is -- we are on

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6P-01.

MR. GORDON: Still on 6P-01.

MR. FADER: Oh, I'm sorry, never mind. I withdraw that motion.

CHAIRPERSON PRICE: Okay. Do you want to make a new motion, or does someone else?

MR. FADER: Sure, yes. I can make a new motion.

CHAIRPERSON PRICE: Okay.

MR. FADER: I move the Board adopt the negative declaration prepared by town staff and the Board approves Application 6P-01-21 based on the testimony given, plans submitted and the 17 conditions.

MR. OSOWSKI: I will second that.

MR. BOEHNER: Osowski seconds.

CHAIRPERSON PRICE: All right, there has been a motion and a second. Is there any conversation, questions, comments? Okay. As moved and seconded, with conditions.

1. The generator shall comply with the most current Building & Fire Codes of New York State.

2. Prior to the installation of the air conditioner units, the units must meet the Town Code and a building permit must be obtained.

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3. The generator is approved to be installed in the side yard with a minimum side setback of 6 ft.

4. The placement of the generator shall not interfere with the safe passage of pedestrians or vehicles.

5. The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes.

6. Maintenance operation of the generator shall take place only during daylight hours.

7. The generator shall only operate on LP or natural gas.

8. Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed the decibels documented in the submitted application.

9. Meet all requirements of the Town of Brighton's Department of Public Works.

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

11. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction.

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Materials and equipment storage shall not be allowed in fenced areas.

12. Maintenance of landscape plantings shall be guaranteed for three (3) years.

13. All proposed landscaping shall be installed.

14. All County Development Review Comments shall be addressed.

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

16. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

17. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated June 14, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

CHAIRPERSON PRICE: Mr. Secretary, call the roll please.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

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MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Application approved the
condition.

CHAIRPERSON PRICE: Okay, all right. That
brings us to Application 6P-02-21.

APPLICATION 6P-02-21

6P-02-21 Application of Westfall Medical
Realty, LLC, owner, for Demolition Review and Approval and
Preliminary / Final Site Plan Approval to raze a 6,015 sf
medical building and reuse the existing foundation to
construct a new 6,425 +/- sf medical building on property
located at 2233 South Clinton Avenue. All as described on
application and plans on file.

JEFF FRISCH: Bill, before, the lady Dorothy,
she couldn't speak, she left a comment through chat, so I
sent that to Ramsey. I don't know how you want to proceed
with that.

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3 MR. BOEHNER: I will read it into the --

4 MR. GORDON: Exactly, Ramsey, that's right.
5 If you can give a full name too Ramsey if you have that.

6 CHAIRPERSON PRICE: Just read it into the
7 record.

8 MR. BOEHNER: Hold on, let me find it.

9 MR. GORDON: If you can give her full name
10 too, Ramsey, when you read it. If you have that.

11 MR. BOEHNER: I do not have her full name.

12 MR. GORDON: All right. Well, we'll still
13 have it read in.

14 MR. BOEHNER: This is the comment from the
15 woman who couldn't speak. Not sure how as --

16 Okay, okay.

17 Briefly, I ask for an adjournment based on the
18 lack of transparency and honesty. The need to clarify how
19 fetal remains are disposed of -- I'm sorry, just lost it
20 again -- are disposed of. Will there be a relationship with
21 the U of R in terms of an experimentation? How will the
22 other office's clients be affected and the access for
23 ambulances? There's nothing that PP offers other than
24 abortions that isn't readily available for Federally
25 qualified health centers. Brighton doesn't need PP, which is

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Planned Parenthood, I imagine.

And, that is the comment, oh --

This is a very hot issue and I think it's imperative that the Board answers these questions, particularly in light of the PP's habits of dishonesty. So many owners with a list of names of Westfall. There should be no rush to push through this. Thank you for your patience tonight.

CHAIRPERSON PRICE: Okay. If Dorothy is out there, thank you for finding an alternative way of sharing your thoughts with us, we appreciate it.

Okay, so, I guess I will just ask, is there a motion on this application?

MR. FADER: How about, I move the Board tables Application 6P-02-21, based on the testimony given and the plans submitted. The 34 items of additional information outlined in the Planning Board report are requested to make a determination of significance and to have a complete application.

CHAIRPERSON PRICE: Second.

MR. GORDON: David, if I may, this is Ken Gordon, would you also add to your motion a request to the project sponsor to submit any additional materials that they

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think would be helpful to the Board in addressing any of the issues that were raised during the Public Hearing tonight.

MR. FADER: Sure, but I think that should probably be another, that should be item 35 on the things we asked for.

CHAIRPERSON PRICE: I have, in looking at this, I have a question that I would like to ask the applicant's engineer to look into. And that is, it does appear that the property line, that a portion of, or let's say even a significant portion of the public sidewalk is outside the right of way and therefore, private property.

And I would just like that confirmed as to, if they could color code something that shows the extent of, you know, public sidewalk along Westfall. I don't believe there's much sidewalk along Westfall -- I'm sorry, on Clinton much beyond the radius of that intersection.

MR. BOEHNER: So, Bill, let me understand. You want the applicant's engineer to identify public sidewalks on the site?

CHAIRPERSON PRICE: I don't believe there's any, under easement. You know, I would just want clarification as to the location of the sidewalk and whether it's publicly -- and how it's publicly accessible, either by

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being in a right of way or within an easement.

JEFF FRISCH: I just looked at that, South Clinton does not have a sidewalk on that side.

MR. BOEHNER: We're talking Westfall Road has a sidewalk.

CHAIRPERSON PRICE: Yeah, Westfall's got the sidewalk.

MR. BOEHNER: But, again, it's a county sidewalk, but you want to find out if that's a public sidewalk?

CHAIRPERSON PRICE: I just want it to be clear what the limits of public access are on that sidewalk.

MR. BOEHNER: So, the applicant's engineer shall identify the public's rights of way along the sidewalk. Is that what you want, Bill?

CHAIRPERSON PRICE: Yes. It's just clarification of that, because this does appear that the property line, you know, goes out fairly close to the curb line, and confirmation whether or not, or just how the sidewalk is within the public domain.

MR. BOEHNER: All right. So, I'm just going to say that the applicant's engineer shall identify all public sidewalks --

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3 CHAIRPERSON PRICE: Thank you.

4 MR. BOEHNER: -- that are available.

5 CHAIRPERSON PRICE: Thank you.

6 MR. BOEHNER: And then, we have the condition
7 that the applicants engineer should submit any information to
8 respond to the issues raised, plus the matters in the
9 Planning Board report shall be addressed by the project
10 engineer.

11 CHAIRPERSON PRICE: How many, is that 36
12 conditions now?

13 MR. BOEHNER: Yes. And then, I have a,
14 there's 36 and I have a 37, all comments of the Conservation
15 Board shall be addressed.

16 CHAIRPERSON PRICE: Okay.

17 MR. GORDON: For the record, Ramsey, this is
18 Ken. I heard David make a motion, I'm not sure we've heard a
19 second yet, maybe you did.

20 MR. BOEHNER: Yes, Jason did.

21 MR. BABCOCK-STINER: Yes, I did second.

22 MR. GORDON: Okay.

23 MR. BOEHNER: So hard to hear.

24 MR. FADER: And I'm okay with the changes.

25 MR. BABCOCK-STINER: Yes, same here.

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CHAIRPERSON PRICE: Okay. Motion to table and with a second, both the proposer and have agreed to the additional three comments, any further discussion?

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

2. A pre-demolition asbestos survey shall be submitted to and reviewed by the building and Planning Department.

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

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

5. Meet all requirements of the Town of Brighton's Department of Public Works.

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

7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

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8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.

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

10. Maintenance of landscape plantings shall be guaranteed for three (3) years.

11. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

12. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

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13. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the Dumpster and shall not be higher than six and one-half (6.5) feet.

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

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

16. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.

17. All County Development Review Comments shall be addressed prior to final approval.

18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

19. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with

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Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice Requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.

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

21. The proposed building shall be sprinklered in accordance with Town requirements.

22. Erosion control measures shall be in place prior to site disturbance.

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

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

25. The location of the HVAC shall be shown on the site plan.

26. All comments and concerns of the Town Engineer as contained in the attached memo dated June 16, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

27. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

28. The plans shall be revised to address the following comments of the Conservation Board:

A. Existing foundation plantings if to remain will need to be analyzed after construction and replaced where needed.

B. If foundation plantings are to be removed as part of demolition then a foundation planting plan should be submitted for town review.

C. Consider planting a few deciduous shade trees throughout the campus.

D. The Board applauds the use of geothermal technology.

29. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow

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to accommodate the demands associated with this project must be provided.

30. A sanitary sewer permit must be obtained from the Town of Brighton sewer department before construction and/or demolition can begin. The sanitary sewer must be plugged prior to the start of construction.

31. A sprinkler permit must be obtained from the Town's Fire Marshal before the start of new construction.

32. The location of the existing geothermal utility lines should be depicted on the plans.

33. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: Demolition, restoration, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.

34. The location of the existing storm sewer utilities should be depicted on the plans.

35. The applicant's engineer shall identify all public sidewalks that are available.

36. The applicants engineer should submit any information to respond to the issues raised, plus the matters in the Planning Board report shall be addressed by the project

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engineer.

37. All comments of the Conservation Board shall be addressed.

CHAIRPERSON PRICE: Mr. Secretary, will you please take the roll.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Jason Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

CHAIRPERSON PRICE: David?

MR. FADER: I'm not sure if you can hear me, but, aye.

MR. BOEHNER: Okay, we hear you now.

Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Matter is tabled, the hearing is kept open.

CHAIRPERSON PRICE: Okay, thank you.

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All right. That brings us to it looks like
I'm way beyond my --

APPLICATION 6P-03-21

6P-03-21 Application of Brighton Twelve
Corners Associates, LLC, owner, for Conditional Use Permit
Approval to allow for a new restaurant use on property
located at 1881 Monroe Avenue (2602 Elmwood Avenue). All as
described on application and plans on file.

CHAIRPERSON PRICE: Is there a motion to close
the Public Hearing?

Ms. ALTMAN: So moved.

MR. FADER: I'll second it.

CHAIRPERSON PRICE: Moved and seconded to
close the hearing.

Ramsey, will you call the roll?

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

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3 MR. BOEHNER: Mr. Fader?

4 MR. FADER: Aye.

5 MR. BOEHNER: Ms. Altman?

6 MS. ALTMAN: Aye.

7 MR. BOEHNER: Hearing is closed.

8 CHAIRPERSON PRICE: Okay. We have closed the
9 Public Hearing. Is there a motion on the conditional use
10 permit approval?

11 I will actually move approval of the
12 conditional use permit for Application 6P-03-21. The town
13 findings on SEQRA, and, Ramsey, I don't have the number of
14 conditions in front of me, but can you confirm that?

15 MR. BOEHNER: There's 15 of them.

16 CHAIRPERSON PRICE: And the 15 conditions down
17 planning staff report.

18 MR. FADER: I will second that.

19 MR. BOEHNER: Fader seconds.

20 CHAIRPERSON PRICE: Moved and seconded, is
21 there any further discussion? Karen, Pam, Jason, everybody
22 good with it?

23 MR. OSOWSKI: Yes.

24 MS. ALTMAN: Good.

25 MS. DELANEY: Yes.

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CHAIRPERSON PRICE: All right. Moved and seconded.

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

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

3. All conditions of the Zoning Board of Appeals shall be met.

4. Meet all requirements of the Town of Brighton's Department of Public Works.

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

6. Applicant shall comply with the requirements of §207-14.2 of the Comprehensive Development Regulations regarding refuse and grease handling, cleaning of exhaust hoods/vents and other applicable regulations.

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

8. Customer seating will not exceed 66 seats.

9. Prior to any outdoor dining, all required Town approval shall be obtained.

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10. No live or broadcast music or other entertainment shall be allowed.

11. The restaurant shall have a minimum square foot gross floor area space in the dining room area of 15 square feet per seat.

12. The maximum total length of the bars at which alcohol is served shall be 20 feet or less.

13. The kitchen floor area shall be no less than 250 square feet.

14. The sale of alcoholic beverages be incidental to food sales.

15. Hours of operation shall be no earlier than 6:00 a.m. nor later than 12:00 midnight.

CHAIRPERSON PRICE: Mr. Secretary please call the roll.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

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MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Approved with conditions.

MR. GORDON: Folks, with apologies to all of you, I am going to duck out before sign review, and very interesting meeting tonight.

MR. BOEHNER: You don't want to stay for sign review?

MR. GORDON: I'm three hours behind you guys, I'm looking to go to dinner.

CHAIRPERSON PRICE: Go see that sunset.

MR. BOEHNER: Thank you, Ken. Enjoy the rest of it, Ken.

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SIGNS:

1609 Mattiaccio Orthodontics, for a building face at
1835 Monroe Avenue.

1611 Vitalize, for a building face at 2900 Monroe Avenue.

1612 Feet First Shoes and Pedorthics, for a building face at
2041 S. Clinton Avenue.

1613 1833 / 1835 Monroe Avenue Plaza, for the sign plan at
Brighton Commons Plaza (multiple tenants).

1614 Seasoning Thai Bistro, for the building face at
1881 Monroe Avenue.

1615 Firehouse Subs, for a building face at 2830 W Henrietta
Road.

CHAIRPERSON PRICE: All right. That brings us
to our signs, which we have. Jeffery, you're on.

JEFF FRISCH: This is for sign 1609, it's for
Mattiaccio Orthodontics, it's going into Brighton Commons.
They're doing facade alterations on it now.

MR. BOEHNER: Is that sign 1611?

JEFF FRISCH: Okay.

MR. BOEHNER: Is that right?

JEFF FRISCH: This is old business.

CHAIRPERSON PRICE: This is interesting --

MR. BOEHNER: We're doing signs, right?

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3 JEFF FRISCH: Yes.

4 CHAIRPERSON PRICE: Oh, 1609 is down under old
5 business.

6 MR. BOEHNER: Okay. So you want to go to
7 1609?

8 JEFF FRISCH: Yes.

9 MR. BOEHNER: Okay. Are you sharing it?

10 JEFF FRISCH: Yes.

11 CHAIRPERSON PRICE: So, ARB recommended
12 tabling it?

13 JEFF FRISCH: No, they approved it at the last
14 meeting.

15 CHAIRPERSON PRICE: Okay.

16 MR. BOEHNER: Do you have the letter? There
17 was a sign claim, right?

18 JEFF FRISCH: Yeah, that's separate from this.

19 CHAIRPERSON PRICE: Okay. So, they changed
20 the entire plaza signage.

21 JEFF FRISCH: They're coming in with a sign
22 application for the rest of the plaza, but the Board wanted
23 to see that, what that would kind of look like before they
24 approved this sign. And so, then they approved this sign and
25 they're still working on bringing out the details of the sign

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plan.

CHAIRPERSON PRICE: All right. So, ARB has approved this piece and are looking at a more comprehensive signe package for the entire building?

JEFF FRISCH: Yes, that's under a separate sign number.

CHAIRPERSON PRICE: Okay, all right. Okay. I personally don't have a problem with it. I have been following the construction as it's going along here.

Is there anybody that has any comments or concerns?

MR. OSOWSKI: Yeah, this is John. It's kind of inter -- I mean, will all of the rest of the signs not start the name off with a capital letter, like this one, Mattiaccio, the M is a small letter. I don't know, that seems kind of odd, but.

JEFF FRISCH: Yeah, they're planning to have the whole plaza being the same fashion as this one. But that's starting in a lower case letter.

MR. OSOWSKI: All right. Okay, thanks.

CHAIRPERSON PRICE: Jason, it's been a while since you've chimed in on fonts.

MR. BABCOCK-STINER: No, looks good to me.

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3 CHAIRPERSON PRICE: Okay.

4 MR. BOEHNER: Bill, we should approve as
5 recommended.

6 CHAIRPERSON PRICE: Yes, 1609, approved as
7 recommended. Call the roll please.

8 MR. BOEHNER: Ms. Altman?

9 MS. ALTMAN: Aye.

10 MR. BOEHNER: Mr. Price?

11 CHAIRPERSON PRICE: Aye.

12 MR. BOEHNER: Mr. Fader?

13 MR. FADER: Aye.

14 MR. BOEHNER: Ms. Delaney?

15 MS. DELANEY: Aye.

16 MR. BOEHNER: Mr. Babcock-Stiner?

17 MR. BABCOCK-STINER: Aye.

18 MR. BOEHNER: Mr. Osowski?

19 MR. OSOWSKI: Aye.

20 JEFF FRISCH: All right. Next, we'll go back
21 to new business. This is 1611 at 2900 Monroe Avenue, it's
22 for the Vitalize. It's going to be back, internally lit,
23 white letters.

24 MR. BOEHNER: What did the Architectural
25 Review Board recommend, Jeff? This is sign 1611, right?

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JEFF FRISCH: Yes. It was approved with conditions to center the text under the gable.

CHAIRPERSON PRICE: Yes. It's interesting. It's hard to see the doors with those trucks in front of it. But, it's going to be offset from something, either the door or window, whatever that is. This is the old Park Ave bike, right?

JEFF FRISCH: Yes.

CHAIRPERSON PRICE: Probably end up with -- if it was offset from the --

Okay. Anybody have concerns? No? Approve as recommended with the condition that --

MR. BOEHNER: Yeah, approve with conditions as recommended.

CHAIRPERSON PRICE: Okay. Please call the roll.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Delaney?

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3 MS. DELANEY: Aye.

4 MR. BOEHNER: Mr. Babcock-Stiner?

5 MR. BABCOCK-STINER: Aye.

6 MR. BOEHNER: Mr. Osowski?

7 MR. OSOWSKI: Aye.

8 JEFF FRISCH: Next one is sign 1612 at
9 2041 South Clinton Avenue for Feet First Shoes and
10 Pedorthics.

11 MR. BOEHNER: And what was the recommendation
12 of the ARB?

13 JEFF FRISCH: Approved as presented.

14 CHAIRPERSON PRICE: Okay, agreed.

15 Move to approve as recommended by ARB. Is
16 this already up?

17 MR. BOEHNER: I don't think it is.

18 MR. OSOWSKI: No.

19 CHAIRPERSON PRICE: This is our applicant that
20 wants to put the addition on, right?

21 MR. BOEHNER: Yes. He adjourned it because he
22 had applied for a few more variances and he'll be hearing
23 those in July.

24 CHAIRPERSON PRICE: Okay.

25 MR. BOEHNER: And then, should be back to us

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in July.

CHAIRPERSON PRICE: Okay. Approve as recommended, I move to approve as recommended. Call the roll.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner.

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Motion passes.

1613, Jeff.

JEFF FRISCH: Sign 1613 at 1835 Monroe Avenue, this is for the sign plan for the Brighton Commons Plaza, it was tabled with conditions at the last ARB meeting.

MR. BOEHNER: So I would recommend that this Board table it until they finish up with the ARB.

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3 CHAIRPERSON PRICE: Motion to table. Okay.

4 MR. OSOWSKI: Yeah, you know, I have a problem
5 with that entrance sign over on Monroe, it says Brighton
6 Commons parking and that Thomas Taylor shop below it that's
7 been there for seems like a long time. That shouldn't be
8 there, that has to go.

9 MR. BOEHNER: So, you want that as a condition
10 or something, John?

11 MR. OSOWSKI: That's what I'm saying, yeah.
12 It doesn't look good. It doesn't go with all the rest of the
13 good signage there. I don't know.

14 MR. BOEHNER: So, right now it's being tabled.

15 MR. OSOWSKI: Yeah.

16 JEFF FRISCH: Which sign are you talking
17 about? This one?

18 MR. OSOWSKI: It's a photograph that shows the
19 Brighton Comm --

20 JEFF FRISCH: This one?

21 MR. OSOWSKI: Yeah, that one right there,
22 yeah.

23 JEFF FRISCH: Okay, yeah.

24 MR. OSOWSKI: That sign looks like an
25 afterthought. I'm hoping that no previous Planning Board or,

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approved that years ago and it's grandfathered in.

MR. BOEHNER: I don't think that's the case, looking at it.

CHAIRPERSON PRICE: I have never seen that --

MR. BOEHNER: John, what we're going to want do when the application is approved, is approve with the condition that that sign be removed.

MR. OSOWSKI: Yeah, that's fine. That'd be great.

MR. BOEHNER: If you can remember for when they come back, would be how I handle that.

MR. OSOWSKI: Okay, thank you.

CHAIRPERSON PRICE: The real estate signs clutter things up over on Elmwood too.

MR. BOEHNER: Yeah, but they are legal.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: All right. I'm going to call the roll here, call the order. Ready?

CHAIRPERSON PRICE: For the tabled, okay.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

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3 MR. BOEHNER: Mr. Fader?

4 MR. FADER: Aye.

5 MR. BOEHNER: Ms. Delaney?

6 MS. DELANEY: Aye.

7 MR. BOEHNER: Jason Babcock-Stiner?

8 MR. BABCOCK-STINER: Aye.

9 MR. BOEHNER: Mr. Osowski?

10 MR. OSOWSKI: Aye.

11 MR. BOEHNER: All right, Jeff, let's see 1614.

12 JEFF FRISCH: 1614 is the sign plan -- or the
13 sign for the Thai Bistro. That came in previously. It was
14 approved as presented by the ARB.

15 MR. BOEHNER: Now, Jeff, they need variances,
16 have they gotten the variances?

17 JEFF FRISCH: I don't believe -- yeah, I think
18 they did.

19 MR. BOEHNER: I think it was last week, right?

20 CHAIRPERSON PRICE: Guy from BME said they got
21 them.

22 MS. DELANEY: We've moved from all lower case
23 to all upper case.

24 JEFF FRISCH: Different building.

25 MR. BOEHNER: Different ownership.

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3 CHAIRPERSON PRICE: Same plaza, I get your
4 point, Pam.

5 MR. BOEHNER: So, approved as recommended.

6 CHAIRPERSON PRICE: Call the roll.

7 MR. BOEHNER: Mr. Osowski?

8 MR. OSOWSKI: Aye.

9 MR. BOEHNER: Mr. Babcock-Stiner?

10 MR. BABCOCK-STINER: Aye.

11 MR. BOEHNER: Ms. Delaney?

12 MS. DELANEY: Aye.

13 MR. BOEHNER: Mr. Fader?

14 MR. FADER: Aye.

15 MR. BOEHNER: Mr. Price?

16 CHAIRPERSON PRICE: Aye.

17 MR. BOEHNER: Ms. Altman?

18 MS. ALTMAN: Aye.

19 MR. BOEHNER: Sign 1615.

20 JEFF FRISCH: Sign 1615 for 2830 West
21 Henrietta Road for Firehouse Subs. They were also in front
22 of -- they needed variances and they were approved for them.

23 CHAIRPERSON PRICE: Okay. So, the conditions
24 have been satisfied, we can approve as presented?

25 MR. BOEHNER: Yes, approved as recommended.

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CHAIRPERSON PRICE: Move we approve as
recommended. Call the roll please.

MR. BOEHNER: Ms. Delaney?

MS. DELANEY: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Jeff, that's it for the signs,
right?

JEFF FRISCH: Yes.

MR. BOEHNER: And I think that's it for the
agenda.

CHAIRPERSON PRICE: All right.

* * *

REPORTER CERTIFICATE

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

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

Dated this 1st day of August, 2021.

At Rochester, New York

Rhoda Collins
Rhoda Collins