

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

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

KEN GORDON, ESQ.
Town Attorney.

RAMSEY A. BOEHNER
Town Planner

JEFF FRISCH
Technical assistance

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

2

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
Planning Board. I'd like to introduce the other Board
members here tonight. We have Pam Delaney, David Fader, John
Osowski, Karen Altman, Jason Babcock-Steiner. Our Town
Attorney is Ken Gordon, our Town Planner and Secretary to the
Board is Ramsey Boehner, and Jeff Frisch is providing our
technical assistance tonight and is the one kind of pulling
all of the magic strings behind the curtain here.

15

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

23

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

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23 waive your arms and Jeff or Ramsey will be able to find you
4 and we will ask you to present your questions or your
5 comments regarding an application.6 Mr. Secretary, will you please call the roll
7 tonight?

8 MR. BOEHNER: Member Osowski?

9 MR. OSOWSKI: Here.

10 MR. BOEHNER: Mr. Babcock-Stiner?

11 MR. BABCOCK-STINER: Here.

12 MR. BOEHNER: Ms. Delaney?

13 MS. DELANEY: Here.

14 MR. BOEHNER: Mr. Fader?

15 MR. FADER: Here.

16 MR. BOEHNER: Mr. Price?

17 CHAIRPERSON PRICE: Here.

18 MR. BOEHNER: Ms. Altman?

19 MS. ALTMAN: Here.

20 CHAIRPERSON PRICE: Okay, thank you. We do
21 officially have a quorum for tonight's meeting.22 The first order of business is to approve the
23 meeting minutes from our April 21, 2021, meeting. Could I
24 ask for someone from the Board to make a motion to approve
25 the meeting minutes?

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

5 CHAIRPERSON PRICE: Is there second? I will
6 second.

7 MR. BOEHNER: There's a second?

8 CHAIRPERSON PRICE: I seconded, Price.

9 Is there any comment or edits necessary?
10 Seconded, Mr. Secretary, will you please call the roll.

11 MR. BOEHNER: Ms. Altman?

12 MS. ALTMAN: Aye.

13 MR. BOEHNER: Mr. Price?

14 CHAIRPERSON PRICE: Aye.

15 MR. BOEHNER: Mr. Fader?

16 MR. FADER: Aye.

17 MR. BOEHNER: Ms. Delaney?

18 MS. DELANEY: Aye.

19 MR. BOEHNER: Mr. Babcock-Stiner?

20 MR. BABCOCK-STINER: Aye.

21 MR. BOEHNER: Mr. Osowski?

22 MR. OSOWSKI: Aye.

23 MR. BOEHNER: Minutes approved.

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

3 July 21st, meeting.

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

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

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

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

23 And Application Number 5P-NB2-21, application
24 of Thomas Fantauzzo, for preliminary site plan approval at
25 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
heard.

4

APPLICATION 6P-01-21

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

10

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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23 like that just to make sure they were acceptable. So, we've
4 gone through that approach.5 We are kind of limited on obviously, the
6 dermatology medical office, it's good to have a backup
7 generator in case you're in a procedure and for some reason
8 there's a power outage and you don't want to leave somebody
9 in the middle of something like that.10 So, the client wants to add a backup
11 generator. We're a bit limited on, actually, we're pretty
12 limited on where we can place it. The west is actually, on
13 the top of the screen is the front yard, so we obviously
14 would not want to place it there, because that would be a
15 visual nuisance.16 The north aisle is basically a drive aisle
17 between us and our adjacent neighbor, so we wouldn't want to
18 put it there. That would be on the right side of the screen,
19 the right side of our property.20 The east is parking, so that's actually the
21 lower part. That's all parking back there. And then, on the
22 south side we have some limitations. We have the area where
23 it says 150 feet right there, that area we'd like to keep
24 open for future patio area for the employees. But, it's also
25 difficult because there's a lot of openings and windows

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

8 So, we are keeping it as tight to the building
9 as we can. The manufacturer, it's listed to be within
10 18 inches, if allowed to be within 18 inches of the building,
11 which is as tight as we can make it. And by placing that,
12 plus the proximate two foot width of the unit, we are left
13 over with about 6.4 feet, which is obviously within the
14 10-foot of our lot line.

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

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

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3 office. So, again, they are pretty quiet.

4 I'm sure that, you know, most people are
5 familiar with them. They probably see them around, their
6 neighbors probably have them, you know.7 And we're obviously trying to hide them. Like
8 I said, we talked to the Conservation Board. We are hiding
9 them with the plantings around it. They seemed okay with
10 those plantings, and obviously we're trying to, you know,
11 mask it as much as possible.12 So, I think that's about it. Obviously, I can
13 answer any questions that you may have about it.14 CHAIRPERSON PRICE: Thank you, Michael. Can
15 you tell us just a little bit, is this going to sit on a
16 concrete pad or does this, you know, are you creating a
17 landscape bed right up to this, or just a little more detail
18 on the ground there, if you could please.19 MICHAEL VERRASTRO: Okay. Yeah, we're
20 obviously going to have to put it on a pad so it doesn't
21 settle and move around. It's going to be hard lined in with
22 a gas line, so it can't move too much.23 We're proposing to have a new 4 by 14 concrete
24 equipment pad underneath it, and actually it extends, if you
25 look at it, it actually extends a bit to cover the two AC

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23 units that are also there. So, the four-foot width, again,
4 the unit is about two-feet wide, so we've got a four-foot
5 wide pad that extends back 14, so it will be nice and stable.6 CHAIRPERSON PRICE: And the height of this
7 from grade?8 MICHAEL VERRASTRO: The unit is just over, I
9 believe four -- no, it's 28 inches high and then also the
10 pad, you're talking about maybe five inches.

11 CHAIRPERSON PRICE: Okay.

12 MICHAEL VERRASTRO: It doesn't have to be very
13 high above grade.14 CHAIRPERSON PRICE: All right. And you did
15 say the automatic test on this is once a month?16 MICHAEL VERRASTRO: Yeah. You can schedule
17 when it happens. It's everywhere from once a week, twice a
18 month to monthly. But, we discussed, I think once a month is
19 fine. We can definitely do it during the daylight hours as
20 mentioned in the code.

21 CHAIRPERSON PRICE: All right, thank you.

22 Ramsey or members are there any questions for
23 the applicant?24 MR. BOEHNER: When will the maintenance of
25 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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3 proposed generator. Are there existing air conditioning
4 condensers somewhere else on the site?

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

8 MR. OSOWSKI: Yeah. I would just --

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

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

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

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

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

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

11 Jason, do you have any questions?

12 MR. BABCOCK-STINER: No.

13 CHAIRPERSON PRICE: And Pam?

14 MS. DELANEY: I'm all set.

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

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

20 CHAIRPERSON PRICE: Okay, thank you.

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

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

24 CHAIRPERSON PRICE: Okay. All right, folks.

25 This is a Public Hearing, is there anyone in the audience

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

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

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

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

9 CHAIRPERSON PRICE: Okay.

10 MR. BOEHNER: I'm not seeing anyone either,
11 Bill.12 CHAIRPERSON PRICE: All right. If by some
13 chance somebody is interested and shows up, we will hopefully
14 have some time to take their comments.15 With that, we will move on to our next
16 application.

17 APPLICATION 6P-02-21

18 6P-02-21 Application of Westfall Medical
19 Realty, LLC, owner, for Demolition Review and Approval and
20 Preliminary / Final Site Plan Approval to raze a 6,015 sf
21 medical building and reuse the existing foundation to
22 construct a new 6,425 +/- sf medical building on property
23 located at 2233 South Clinton Avenue. All as described on
24 application and plans on file.

25 CHAIRPERSON PRICE: The application materials

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23 have been posted on the website along with all of the other
4 applications.5 Is there anyone attending that will speak to
6 the application please?7 TOM FROMBERGER: Good evening. Tom Fromberger
8 from MRB Group here tonight to address any land development
9 questions you have regarding this project.10 CHAIRPERSON PRICE: Okay. Tom, could you give
11 us a brief overview of the proposed action?12 TOM FROMBERGER: Definitely, Bill. As
13 indicated, we are requesting preliminary final site plan
14 approval for the partial demolition of an existing building
15 which includes the entire first floor of a single-story
16 building and roof. The existing foundation will be reused to
17 construct a new building. The plans are made to infill
18 locations which are shown as the hatched area or the fenced
19 hatched area on the plans.20 This marginally increases the building size by
21 approximately 410 square feet. No other site improvements
22 are proposed and other existing utilities will be reused and
23 extended on site. Geothermal to heat and cool the building
24 is currently installed. We met with the Conservation Board
25 on June 8th, they requested an additional street tree and

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23 upon completion of the project, the Town review of existing
4 landscaping conditions.5 So the disturbance is approximately 0.39
6 acres. Our plans indicate incorrectly 0.53 acres. This is
7 the outer area of the limit shown and dashed on our plan. It
8 doesn't recognize that the existing building footprint will
9 not be disturbed for any subtle disturbance, basically.10 Architectural Review was completed and Monroe
11 County DRC as well. This concludes my presentation.12 CHAIRPERSON PRICE: Thank you. Just on a very
13 odd, personal note, any idea where the existing tenants are
14 going?

15 TOM FROMBERGER: I don't know.

16 CHAIRPERSON PRICE: Happens to be my doctor.

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

20 TOM FROMBERGER: Correct, Bill, yes.

21 CHAIRPERSON PRICE: Okay. All vegetation
22 along the street, the green space, all of that remains as is?23 TOM FROMBERGER: That's also correct. Our
24 limit of disturbance is really the hatched area, which Jeff
25 can go around and highlight. It's the outer perimeter where

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

7 CHAIRPERSON PRICE: Okay, all right.

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

10 JEFF FRISCH: I can bring them up.

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

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

20 CHAIRPERSON PRICE: Yes.

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

24 CHAIRPERSON PRICE: Okay.

25 TOM FROMBERGER: A sidewalk being removed, as

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3 well as the vestibule area, a small section.

4 CHAIRPERSON PRICE: Okay, all right. At this
5 point, no partic -- is there any particular building mounted
6 lighting?7 TOM FROMBERGER: I'll let Nate Rozzi, the
8 architect speak on that, but I believe the lighting is
9 strictly over access on doors and entries.

10 CHAIRPERSON PRICE: Okay.

11 NATE ROZZI: That is correct, Tom.

12 CHAIRPERSON PRICE: And, Nate, this has been
13 to the ARB and received ARB approval?14 NATE ROZZI: Correct. This was presented at
15 the April 27th, meeting of the Architectural Review Board.
16 It's consistent with the other facade improvements that were
17 previously approved at the Architectural Review Board for the
18 other buildings in the complex and it received approval, as I
19 said, on the 27th.

20 CHAIRPERSON PRICE: Okay, thank you.

21 All my questions. Any questions from the
22 Board members?23 MR. OSOWSKI: This is John. I have a
24 question. So, the demolition is taking, getting rid of the
25 basically, the structure down to the floor. Is the existing

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23 floor cast in place concrete? Is it a concrete floor that
4 you're taking it down to?5 NATE ROZZI: No, it is a wood-framed deck over
6 a basement.

7 MR. OSOWSKI: Okay.

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

12 MR. OSOWSKI: Very good, thank you.

13 CHAIRPERSON PRICE: Other Board members?

14 Ramsey, do you have any questions?

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

16 Tom, have you begun discussions with Monroe
17 County Water Authority about the fire service and the RPZ and
18 where that RPZ is going to be located? Is it going to be
19 located in the building, outside of the building?20 TOM FROMBERGER: That's in regards to
21 mechanical engineer working on the project. We are not
22 working on that piece, I believe Nate Rozzi has been querying
23 that with Pathfinders.24 NATE ROZZI: Actually, Turner Engineering has
25 been working on that. There's an existing RPZ that is

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

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

7 NATE ROZZI: It is in the building.

8 MR. BOEHNER: Okay, good.

9 Tom, what did you say the area of disturbance
10 was?11 TOM FROMBERGER: Area of disturbance is
12 0.39 acres of soil disturbance.13 MR. BOEHNER: So, you do not have to do a
14 swip?

15 TOM FROMBERGER: Right.

16 MR. BOEHNER: How will the access to the
17 office park be maintained throughout the construction of the
18 new facility?19 TOM FROMBERGER: Access will be from the west
20 entrance and then a staging area on the existing parking lot
21 to the right of the building.22 MR. BOEHNER: Will that only be used for
23 construction, or is that going to be separated out?24 TOM FROMBERGER: No. There will be -- my
25 understanding, it will be used for construction.

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

6 MR. BOEHNER: Construction only?

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

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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23 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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3 that report?

4 NATE ROZZI: I have --

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

7 CHAIRPERSON PRICE: You're muted, Tom.

8 TOM FROMBERGER: Thank you. I have been
9 unmuted. There are, I believe there is some asbestos.10 MR. BOEHNER: Yeah, that was my understanding
11 too.

12 NATE ROZZI: My apologies, I misspoke.

13 MR. BOEHNER: Okay. That's all right, but you
14 have done a report?15 TOM FROMBERGER: The report has been done and
16 submitted to the town.

17 CHAIRPERSON PRICE: Okay.

18 Ramsey, are you good?

19 MR. BOEHNER: Yeah, I don't have any further
20 questions.21 CHAIRPERSON PRICE: Other Board members, other
22 questions? Jason, all set? Pam?

23 MS. DELANEY: Good, thanks.

24 CHAIRPERSON PRICE: Karen, are you all set?
25 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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3 the zoning district and the Planning Board has absolutely no

4 jurisdiction to change that in any way.

5 The Planning Board cannot, may not make a

6 determination on the propriety of the site plan and whether

7 the site plan itself is approved or not, based upon the type

8 of medical services that are going to be provided in this

9 facility.

10 There has been in the past in the Town of

11 Brighton litigation over abortion clinics and it has been

12 made clear to the Town of Brighton that the issue of the

13 permissibility of abortion clinics in the State of New York

14 as a matter of state law and has been preempted by state law

15 that local authorities have no authority to regulate in any

16 way abortion clinics beyond what the State guidelines are.

17 So, I understand that perhaps some, maybe even

18 many of you who have attended this evening's meeting have

19 strong feelings on one side or another of the abortion issue.

20 But, please know that the Planning Board does

21 not make state law, it doesn't have authority to determine

22 whether this proposed building demolition and reconstruction

23 should be approved based upon whether this is or is not an

24 abortion clinic or what type of medical services are being

25 provided within the building.

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

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

15 Bill, any other questions or clarifications?

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

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

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

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

6 And that's all we ask.

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

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

12 JEFF FRISCH: Elizabeth Schreaber --
13 Schrieber.

14 ELIZABETH SCHRIEBER: Good evening.

15 CHAIRPERSON PRICE: Good evening.

16 ELIZABETH SCHRIEBER: Good evening. I
17 appreciate your time tonight and the ability to have this
18 discussion. I wanted to focus in a little bit and just ask
19 for more information on, my understanding is the application
20 is Westfall Medical Center, but this is a Planned Parenthood
21 building.22 Can you tell me a little bit more about the
23 notice that was put in the newspaper and if it had any
24 specific content that listed that this would be a Planned
25 Parenthood medical facility? Thank you very much.

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3 MR. GORDON: Bill, this is Ken Gordon again.
4 If I might just remind those who are participating in the
5 Public Hearing, the purpose of a Public Hearing is for the
6 Planning Board to hear your comments, not to answer your
7 questions. The Planning Board will not be responding to
8 questions during the Planning Board, but please feel free to
9 make whatever comments you wish relative to this project.

10 CHAIRPERSON PRICE: Okay. Go ahead, Jeff,
11 with our next.

12 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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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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23 JEFF FRISCH: Carol Crossed.
45 CHAIRPERSON PRICE: Carol, good evening.
67 You're muted, Carol.
89 CAROL CROSSED: Okay. Can people here me now?
1011 CHAIRPERSON PRICE: Now we can, yes.
1213 CAROL CROSSED: Okay. Thank you so much,
14 Bill.
1516 I'm here with my husband. We have been long
17 time residents of Brighton. We are at 1675 Clover Street. I
18 feel like I'm looking not at you, but it's hard for me to
19 know how to look at everyone. I'm sorry about that.
2021 You know, I think that this very much impacts
22 the use of this building, very much impacts questions that
23 you have already been discussing, particularly the trash,
24 because you'd be talking about biomedical hazardous material,
25 body parts. So, yes, this being a Planned Parenthood does
very much impact the discussion about the environment and
parking, traffic.26 We are writing and we have handed in a letter
27 requesting that there be an adjournment of the Town Planning
28 Board and that they reconsider this application, until a
29 later date and all necessary facts can be known.
3031 This correspondence that I have sent into the
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3 Board -- and I hope all of you have a copy of it -- it
4 apprises the Board of serious concerns that Brighton
5 Residents Against Violence have to date that are based on the
6 few facts that are known so far in this application.

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

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

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

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

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

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

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23 real help and support. Help that they do not receive from
4 Planned Parenthood.5 These mothers and families deserve material
6 and financial help and ongoing support both during and after
7 their pregnancy. We know from long standing experience with
8 the University Avenue Planned Parenthood what this will mean
9 for Brighton and surround businesses. The presence of
10 sidewalk advocates on Westfall and South Clinton during all
11 business hours every single business day of the week. This
12 is called the environment. This disrupts the community and
13 the numerous neighboring medical facilities.14 Advocates and caregivers will regularly be on
15 the busy intersection of Westfall and South Clinton with
16 signs. Because of excess traffic noise, voice amplifiers
17 will need to be used. There will also be increased noise
18 from cars honking. University Avenue residents often
19 complain about the number of cars who pass by and honk,
20 whether in support of or in opposition to Planned Parenthood.21 Look at the signs across the street from
22 University Avenue on the Grove Street residential's
23 neighborhood lawns. They say, please do not honk. There
24 will be large pro-life gatherings that are at the University
25 Avenue Planned Parenthood, they will also now occur in the

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Town of Brighton.

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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.

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

6 CHAIRPERSON PRICE: Thank you, Carol.

7 Appreciate you coming out.

8 Jeff, who is next please?

9 JEFF FRISCH: Amy.

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

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

13 CHAIRPERSON PRICE: Yes, we can.

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

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

25 So, PPCWNY has eight [inaudible] health

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

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

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

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23 We did have a site in Greece which
4 unfortunately we had to close because our landlord sold the
5 building and when we heard about that plan, we were thinking
6 about relocating to Brighton or Henrietta area so that people
7 further south could access us easily using 390.8 And contrary to what was said at the previous
9 Town Board meeting, having a Planned Parenthood in Brighton
10 will increase the diversity, equity and inclusion of Planned
11 Parenthood and the Town of Brighton.12 And lastly, I just want to say, I find that
13 it's a very strange argument to say that the protesters who
14 would cause all of this noise and unneeded police calls and
15 wasting our tax dollars, is the reason that we should not
16 open. Maybe they should stop bothering patients who are
17 trying to get their healthcare, while we are doing the legal,
18 rightful, and beneficial thing. Thank you.19 CHAIRPERSON PRICE: Thank you, Amy, for
20 joining the conversation.

21 Jeff, who is next please?

22 JEFF FRISCH: Dr. Lara Evans.

23 CHAIRPERSON PRICE: Dr. Evans, good evening.

24 JEFF FRISCH: Sorry, I unmuted the wrong
25 person.

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

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

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

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

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23 published in the New England Journal of Medicine. If anybody
4 would like that information, I am more than happy to provide
5 it to the Board, I don't have it off the top of my head, but
6 I know it's been published.7 I would also like to know -- or in support,
8 Planned Parenthood does much more than just abortions and
9 provides care for women in needing just basic things like pap
10 smears, as they said HIV testing, STD testing, of which I've
11 done this week because my patients couldn't get into their
12 gynecologists or did not have a gynecologist.13 And I'd also like to know if we're concerned
14 about how the protesters are going to be safely managed and
15 where they can pray quietly, I would like to know how the
16 patients are actually going to be able to get into the office
17 and not be bothered, regardless of why they are there.
18 Because they have a right to be there and we have a right to
19 provide adequate, safe, and appropriate medical care to every
20 woman in the community. Thank you.21 CHAIRPERSON PRICE: Thank you, Dr. Evens,
22 appreciate your time.

23 JEFF FRISCH: Next will be Wynette Vickers.

24 CHAIRPERSON PRICE: Wynette, good evening.

25 WYNETTE VICKERS: Good evening. I would like

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

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

11 Jeff?

12 JEFF FRISCH: Jen Lockemeyer.

13 CHAIRPERSON PRICE: Jen, good evening.

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

18 But, I really have a concern about the
19 building's ability to handle, if you want to call it waste,
20 if you want to call the parts of children waste, let's call
21 it waste. But, you still have to deal with it and it seems
22 to me the prior application there was more concern over where
23 that generator was going to go and who was going to be
24 affected for derm's office. And here we have an enormous
25 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.

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CHAIRPERSON PRICE: Thank you, Jen.

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Jeff, who is next?

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JEFF FRISCH: Michelle.

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CHAIRPERSON PRICE: Michelle.

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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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23 extremely diverse. I mean, I grew up in New York City, I
4 went to NYU. Some of us call it NYJEW.5 You know, so, I wanted my children to grow up
6 with the experiences that I had and I just feel it's
7 definitely a great location. Actually, my OBGYN office is in
8 Greece and a lot of my patients, you know, they have gone in
9 and out of having medical insurance, and some of them come
10 back with unwanted pregnancies. Some of them come back just
11 not even having a pap smear for so many years.12 And I always say to them, I said, you know,
13 you could have gone to Planned Parenthood. And I feel like,
14 I feel like there's just so much stigma just on that word.
15 Like, just the name, Planned Parenthood, is so loaded. I
16 mean, I can feel, I can feel it in the prior residents that
17 spoke.18 But really, it's, I think it's a great
19 location. Westfall is a hot bed of medical offices. I
20 really don't think it's going to change much to the traffic.
21 In fact, I moved from Clover Hills Drive to Wilshire to avoid
22 the Whole Foods traffic and the Monroe crazy traffic that's
23 happening on that side of town.24 And then, in terms of the people, the
25 picketing and all that, I can just speak from the fact that I

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

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

13 CHAIRPERSON PRICE: Thank you, Dr. Chin.

14 Jeff, who is next?

15 JEFF FRISCH: Heather Coyne.

16 CHAIRPERSON PRICE: Heather, good evening.

17 JEFF FRISCH: Hold on one second.

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

19 CHAIRPERSON PRICE: Yes, we can.

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

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

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3 commenting to express my ardent support for the proposed

4 building of a Planned Parenthood office in our town. Our

5 Town Supervisor has clearly expressed that the core values of

6 Brighton include education, and diversity and inclusion. I

7 can think of no better organization to welcome to Brighton

8 than one that keeps those values at the center of its

9 mission. Whether someone needs low cost gynecological

10 treatment, information and help with hormonal health for

11 menopause or gender affirming care, sexual health testing and

12 treatment, or legally protected pregnancy ending options,

13 Planned Parenthood will support that person with the care and

14 dignity they deserve, legally and morally.

15 I understand there may be some concern about

16 traffic with protestors present. We all know that protestors

17 will be there. They have the legally protected right to

18 protest, just as people here have the legally protected right

19 to end pregnancies. I would hope that those causing any

20 possible traffic disruption would show concern for the lives

21 of drivers and passengers and take care in their approach to

22 protesting.

23 One of the issues with which our country

24 struggles is access to safe, affordable health care for

25 everyone. If our town is to live up to its express values,

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3 then we should be using every opportunity to expand that

4 access. This issue hits communities of color particularly

5 hard. While I would never speak for black people, I would

6 certainly listen to them. Marcella Howell, President and CEO

7 of In Our Own Voice, national black women's reproductive

8 justice agenda, said in January of this year, black women

9 demand immediate action to expand access to reproductive

10 healthcare and to restore reproductive rights.

11 We must ensure that all pregnant people have

12 access to the full range of reproductive care, including

13 abortion care, and the resources to make reproductive health

14 decisions, including the decision to have and raise our

15 families with dignity, end quote.

16 At this terrifying time when states are

17 restricting rights regarding reproductive justice, life

18 saving LGBTQ plus healthcare, accurate historical curricular

19 regarding racism and voting rights all together, I sincerely

20 hope Brighton will continue to welcome organizations like

21 Planned Parenthood that advocate for and center education,

22 compassion, and justice. Thanks a lot.

23 CHAIRPERSON PRICE: Thank you, Heather.

24 Jeff?

25 JEFF FRISCH: Next is Terrence Lester.

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CHAIRPERSON PRICE: Please say the name again?

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JEFF FRISCH: Terrence Lester.

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CHAIRPERSON PRICE: Karen, good evening.

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JEFF FRISCH: Terrence.

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

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

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

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CHAIRPERSON PRICE: Thank you for participating.

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Jeff?

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JEFF FRISCH: Next will be Ellen.

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

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

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

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CHAIRPERSON PRICE: I will address this --

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

If I could, I will just repeat what I said before. This is a Public Hearing, the Planning Board is here to listen to your comments and receive whatever comments or other remarks you would like to make. The Planning Board will not be answering questions.

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

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

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

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

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

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

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

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

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

22 CHAIRPERSON PRICE: Bring it back to focus --

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

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

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

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

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

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

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

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

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

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

23 Jeff, who is next?

24 JEFF FRISCH: Bob.

25 CHAIRPERSON PRICE: Bob, good evening.

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BOB GLUCK: Good evening. Can you hear me?

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CHAIRPERSON PRICE: Yes, we can.

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

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

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

18

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21

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

22

23

24

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

25

CHAIRPERSON PRICE: Sir, Mr. Gluck, keep it

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3 civil.

4

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

6

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

8

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

10

CHAIRPERSON PRICE: Mr. Gluck --

11

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

12

BOB GLUCK: -- how difficult is --

13

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

15

CHAIRPERSON PRICE: Turn him off.

16

BOB GLUCK: -- how difficult is --

17

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

25

CHAIRPERSON PRICE: Jeff, who is next?

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JEFF FRISCH: Ellen.

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CHAIRPERSON PRICE: Ellen, good evening.

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

10

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

18

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

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

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

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

2

3

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

5

6

7

8

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

9

10

11

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

12

13

CECELIA LESTER: Then who can answer our questions?

14

15

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

16

17

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

19

20

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

21

JEFF FRISCH: Jennifer.

22

23

24

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

25

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3 interested in your comments relative to this site plan.

4 Is Jennifer next?

5 JENNIFER KATZ: Good evening. My name is
6 Jennifer Katz, I'm a licensed clinical psychologist, I live
7 on Hillside Avenue, I've been a Brighton resident for over 20
8 years.9 I want to speak briefly about the harm of
10 stigmatizing abortion. Between one in four and one in five
11 women of reproductive age have an abortion in their life
12 times. Stigmatizing abortion endangers people who may become
13 pregnant. There are many valid reasons, both medical, social
14 and others, and the stigmatization of abortion as a procedure
15 adds to the stress, effecting women's physical health, mental
16 health and their family functioning.

17 Thank you for your time.

18 CHAIRPERSON PRICE: Thank you.

19 Others wishing to speak, Jeff?

20 JEFF FRISCH: I don't see anymore -- oh,
21 there's one more, Michael Saffran.22 CHAIRPERSON PRICE: Mike Saffran, okay. Good
23 evening, it's Michael, right?24 MICHAEL SAFFRAN: Yes, correct, thank you.
25 And I'll try to be consistent with the spirit of your

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

5 First of all, a 57-year Brighton resident.

6 You heard correctly, 57, Brighton native, Brighton High
7 School alumnus, life long Brightonian. Raised in central
8 Brighton, now a resident of West Brighton.9 And when former Supervisor Frankel, just a
10 quick aside, when she used to host the West Brighton
11 community forums, to her credit she started those a number of
12 years ago, I was like 30 years old when I moved to West
13 Brighton. I was always one of the youngest people in
14 attendance, but I also thought one of the longest residents.
15 Probably if we were in person today, I'd look around and no
16 longer one of the youngest, but still one of the longest
17 residents at 57 years.

18 I'll try to keep it relatively short.

19 CHAIRPERSON PRICE: Thank you.

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

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23 abortion, it's certain men who accept no responsibility and
4 can walk away.5 I'm also going to address something a little
6 different from those kind of comments that we've heard from
7 others. I work with college students, as do a couple other
8 people here that I recognize their Zoom squares. It's
9 relevant to note, I can't make any claim about percentages
10 and opinions, although it was very good to hear from Ben, the
11 MCC student, because I notice a discernable shift.12 The tide is shifting. Some people would deny
13 that, I see it. The tide is shifting toward pro-life among
14 youth. Gen Z are the students that I have. One of the
15 slogans of the very good organization, Students for Life, I'm
16 wearing one of their shirts tonight, is I am the pro-life
17 generation. There's a lot of truth behind that, there's
18 momentum behind that.19 And so, Brighton where I've lived for
20 57 years, Brighton certainly is one of the most inclusive
21 communities, there's no question about that, in other ways.
22 I implore Brighton and the Planning Board in looking at this
23 proposal to be on the right side of history. We hear that
24 about other things. Be on the right side of history in the
25 pro-life debate. Be on the side of the truly voiceless, the

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3 thank you very much.

4

5 CHAIRPERSON PRICE: Thank you for

6

Jeff?

7

JEFF FRISCH: Graciela.

8

CHAIRPERSON PRICE: Graciela, good evening.

9

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

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

25

CHAIRPERSON PRICE: Thank you for joining our

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3 conversation tonight.

4

Jeff, do you see any others?

5

JEFF FRISCH: I don't see any others.

6

CHAIRPERSON PRICE: This --

7

JEFF FRISCH: Ramsey, you're muted.

8

CHAIRPERSON PRICE: Other --

9

10 MR. BOEHNER: I've seen people waiving their

hands in the screen. A Marie Brennan, do you see her?

11

JEFF FRISCH: Let me find her.

12

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

14

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

16

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

17

18 CHAIRPERSON PRICE: Marie Brennan, good
evening.

19

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

23

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

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

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

6 CHAIRPERSON PRICE: Okay, you're next.

7 Go ahead, Bill. I assume it's Bill, sorry.

8 You're muted, Bill.

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

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

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

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

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

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

17 CHAIRPERSON PRICE: Thank you, William.

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

20 CATHLEEN COSGROVE: Hi, my name is Cathleen
21 Cosgrove.

22 CHAIRPERSON PRICE: Cathleen, good evening.

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

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23 network of mothers and fathers of aborted children who have
4 come to regret our abortions.5 I strongly agree with Carol Crossed about
6 adjourning this, petition to adjourn. And I'm going to tell
7 you why, and I'm going to give you facts, medical and
8 psychological facts, consequences of abortion.9 In the United States, over 140,000 women a
10 year have immediate medical complications from abortions.
11 These include problems such as infection, uterine
12 perforation, hemorrhaging, cervical trauma --13 CHAIRPERSON PRICE: Okay, Cathleen, these
14 are -- you are veering from our --

15 CATHLEEN COSGROVE: No, I'm not.

16 CHAIRPERSON PRICE: Yes, you are. And these
17 points have been made by -- and others have made these points
18 prior to you. Do you have anything new to add to the
19 conversation?20 CATHLEEN COSGROVE: Well, what I'm going to
21 say, simply says that abortion has nothing to do with
22 medicine. It is not medical care.23 CHAIRPERSON PRICE: Okay. That's not
24 something we are here to debate.

25 CATHLEEN COSGROVE: I'm not asking you to

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23 debate it. You listened to other people, I'm asking you to
4 listen to the facts.5 CHAIRPERSON PRICE: Please keep it brief
6 please.7 MR. BOEHNER: And then please keep it to the
8 site plan or the demolition review. Thank you.9 CATHLEEN COSGROVE: You did not tell everybody
10 else that.11 MR. BOEHNER: Yes, we started that in the
12 beginning of the evening.13 CHAIRPERSON PRICE: We did, we made it very
14 clear.15 CATHLEEN COSGROVE: Well, I just want to say,
16 that from experience, I do have skin in this game, literally.
17 Abortion hurts women. It has nothing to do with healthcare.
18 And I don't think that site is to be used for something like
19 that, that hurts women and destroys life.

20 CHAIRPERSON PRICE: Thank you.

21 Who is our next speaker, Jeff?

22 JEFF FRISCH: Maureen Slattery.

23 CHAIRPERSON PRICE: Maureen, good evening.

24 MAUREEN SLATTERY: Hi.

25 CHAIRPERSON PRICE: Good evening, Maureen.

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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 phone. I am a -- trying to think here, I'm a 12-year Brighton resident, I'm also an OBGYN practicing physician, who has been in practice for 18 years. And, I work not far from where the location of the Planned facility would be.

11

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

17

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

21

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

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3 pathology.

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

16 CHAIRPERSON PRICE: Thank you, Maureen.

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

19 CHAIRPERSON PRICE: Yes.

20 JEFF FRISCH: Next is William McGinn.

21 MR. GORDON: Mr. McGinn has already spoken.

22 CHAIRPERSON PRICE: Yes.

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

24 JEFF FRISCH: Let me go through.

25 MR. BOEHNER: I'm looking.

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3 JEFF FRISCH: I do not.

4

MR. GORDON: I do not either.

5

6

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

7

8

CHAIRPERSON PRICE: Do you see anybody named
Fox Crossed?

9

JEFF FRISCH: Yeah, I see a Fox Crossing.

10

11

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

12

JEANNE HORVATH: Hi.

13

CHAIRPERSON PRICE: Good evening.

14

15

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

16

17

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

18

19

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

20

21

CHAIRPERSON PRICE: Thank you, Jeanne.

22

23

24

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

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3 universities for experimentation.

4 They are going to the University of
5 Pittsburgh, and even universities using live babies that have
6 been aborted for experimenting. So, I did miss a lot of what
7 was said before --8 CHAIRPERSON PRICE: Then you missed the fact
9 that we ask you to focus on the aspects of the site plan that
10 we are charged with reviewing.11 JEANNE HORVATH: Well, I think it is a concern
12 wondering, is the facility going to be breaking the law?

13 CHAIRPERSON PRICE: That is your comment?

14 JEANNE HORVATH: Yes.

15 CHAIRPERSON PRICE: Thank you very much.

16 Other one there?

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

19 CHAIRPERSON PRICE: Good evening.

20 CHRIS CONSTANTINE: Am I hearable?

21 CHAIRPERSON PRICE: Yes.

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

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

5 So, it's hard to see the site plan right now.

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

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

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

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

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

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

19 CHAIRPERSON PRICE: Thank you for joining
20 tonight.

21 Do you have another, Jeff?

22 JEFF FRISCH: Yes, Dorothy.

23 CHAIRPERSON PRICE: Dorothy, good evening.

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

25 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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3 comes to the residents, you know, in Brighton. So, I just
4 think that, you know, it's not going to be safe for a lot of
5 people in terms of the police, in terms of the protesters,
6 and of course, in terms of the children and the women who,
7 you know, might, you know, ambulance may be called.

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

12 CHAIRPERSON PRICE: Thank you.

13 Do we want to see if Dorothy can join again?

14 JEFF FRISCH: Yes.

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

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

19 Jeff, are there others?

20 Ramsey, do you see anyone else?

21 MR. BOEHNER: I'm looking.

22 JEFF FRISCH: I don't see anybody else.

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

25 CHAIRPERSON PRICE: Okay, all right. Just so

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

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

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

16 CHAIRPERSON PRICE: Yes. And that does --

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

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

22 APPLICATION 6P-03-21

23 6P-03-21 Application of Brighton Twelve
24 Corners Associates, LLC, owner, for Conditional Use Permit
25 Approval to allow for a new restaurant use on property

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23 located at 1881 Monroe Avenue (2602 Elmwood Avenue). All as
4 described on application and plans on file.5 CHAIRPERSON PRICE: Is there someone in
6 attendance to discuss this?7 JAMES CRETEKOS: Yes, good evening, everybody.
8 My name is James Cretekos, I'm with BME Associates. We're at
9 10 Liftbridge Lane East in Fairport, New York. I'm here on
10 behalf of Brighton 12 Corners Associates LLC. Fred Renaldi
11 apologizes, he had to step out for a family emergency.12 But, we are here this evening as Mr. Price
13 indicated, for a conditional use permit. This is in the
14 space at the 12 Corners Plaza. This is the portion of the
15 building that fronts Elmwood Avenue, and the western portion
16 of the building faces the new CoreLife. This is where the
17 previous Aja Noodle was located a couple of years ago, as
18 well as Brighton Hots had a short run right before COVID
19 shutdown.20 The space has been vacant since the COVID
21 shutdown, and as because of the zoning here, a restaurant use
22 requires a conditional use permit. It's been over a year
23 time frame since that Brighton Hots was closed, which is why
24 we are in front of you this evening.

25 What we are looking to do is have a new

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

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

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

20 So with this, we have provided all of the town
21 requirements, per the town code in our letter of intent. If
22 there's any specific questions about the building, I'd be
23 more than happy to answer them, but in the spirit of it, I
24 know you guys had a long meeting, I'll keep it very short,
25 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

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

11

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

19

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

22

CHAIRPERSON PRICE: Okay.

23

Ramsey, do you have any questions?

24

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

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

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

12 CHAIRPERSON PRICE: Okay, thank you.

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

15 JAMES CRETEKOS: No, sir.

16 MR. BOEHNER: Is there a grease trap?

17 JAMES CRETEKOS: There is an existing grease
18 trap, I believe on the very north side of the building. As
19 part of the kitchen improvements, they're going to be
20 looking at exactly how they need to manage grease. Whether
21 it's individual containers under, you know, the appropriate
22 sink units, or whether they can, you know, reuse that
23 existing grease trap outside. If needed, obviously we will
24 be potentially looking to replace that, but it hasn't been
25 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

8 square feet, is that right?

8 square feet, is that right?

9

10 indicated on the plan, it's going to be about 900 -- or
11 490 square feet excluding the sink areas, which is how you
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
14 the restaurant.

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MR. BOEHNER: And, the bar length is less than

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JAMES CRETEKOS: No live entertainment
knowledge.

MR. BOEHNER: And what are the hours of you know?

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

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3 4:00 p.m. to 9:00 p.m., approximately.

4 MR. BOEHNER: Thank you, appreciate that. I
5 have no further questions.6 CHAIRPERSON PRICE: Okay. Other Board
7 members, questions for the applicant?8 MR. OSOWSKI: Yeah, this is John, I have a
9 question. Which entrance to the restaurant is intended to be
10 the accessible entrance?11 JAMES CRETEKOS: The accessible entrance is
12 the western facing one with the vestibule. There's an
13 existing ADA spot already located on that side of the
14 building with a ramp.15 MR. OSOWSKI: Have you walked in that entrance
16 lately?17 JAMES CRETEKOS: I have not walked in there in
18 the last year or so.19 MR. OSOWSKI: All right, because I really
20 don't think that entrance is compliant. It has a really
21 steep ramp from the outside doors going up a ramp to the
22 inside set of double doors. So, you may want to take a look
23 at that and consider using the south entrance as the
24 accessible entrance. Because this has a much, much preferred
25 slope approaching those doors, and if that's the case you may

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

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

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

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

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

24 MR. OSOWSKI: Sure. Thank you.

25 CHAIRPERSON PRICE: Other Board members have

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3 questions?

4 MS. DELANEY: They are all answered.

5 CHAIRPERSON PRICE: All answered, great.

6 Okay. Ramsey or Ken, anything else?

7 MR. BOEHNER: No other questions.

8 MR. GORDON: All set.

9 CHAIRPERSON PRICE: All right, thank you.

10 All right, James, thank you. Appreciate it.

11 JAMES CRETEKOS: Thank you guys very much.

12 Good luck with the rest of your deliberations.

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

16 JEFF FRISCH: There is, Michael Saffran.

17 CHAIRPERSON PRICE: Yes, please.

18 MICHAEL SAFFRAN: Yes, thank you. As long as
19 I am still hear and listening in on this one as well, I'll
20 keep this very short. Sounds like a great use, a welcome
21 addition to 12 Corners, and consistent too. That's sometimes
22 often what you guys are looking at, a very consistent use.23 I'll also add that 57 year perspective, you
24 mentioned Aja Noodle, it's a shame that they closed. They
25 were a very good restaurant. Brighton Hots, I wasn't even

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3 aware of. That must have been very short lived. But the
4 57-year perspective, I think we're also talking Ken Gordon I
5 think has been around Brighton at least that long too. I
6 think it's the same location as HoJo's, right, Howard
7 Johnson's back in the day. So, yeah, welcome I would see
8 this as a very welcome addition.

9 CHAIRPERSON PRICE: Thank you.

10 Anyone else care to address the application?

11 JEFF FRISCH: I don't see anyone else.

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

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

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

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

25 So, that would have been all of the Public

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

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

8 APPLICATION 6P-01-21

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

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

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

18 MR. BOEHNER: Babcock-Stiner.

19 MS. DELANEY: I'll second.

20 MR. BOEHNER: That's Delaney.

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

23 Mr. Secretary, please call the roll.

24 MR. BOEHNER: Ms. Altman?

25 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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3 6P-01.

4 MR. GORDON: Still on 6P-01.

5 MR. FADER: Oh, I'm sorry, never mind. I
6 withdraw that motion.7 CHAIRPERSON PRICE: Okay. Do you want to make
8 a new motion, or does someone else?9 MR. FADER: Sure, yes. I can make a new
10 motion.

11 CHAIRPERSON PRICE: Okay.

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

16 MR. OSOWSKI: I will second that.

17 MR. BOEHNER: Osowski seconds.

18 CHAIRPERSON PRICE: All right, there has been
19 a motion and a second. Is there any conversation, questions,
20 comments? Okay. As moved and seconded, with conditions.21 1. The generator shall comply with the most current Building
22 & Fire Codes of New York State.23 2. Prior to the installation of the air conditioner units,
24 the units must meet the Town Code and a building permit must
25 be obtained.

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

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

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

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

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

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

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

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

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

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23 Materials and equipment storage shall not be allowed in
4 fenced areas.5 12. Maintenance of landscape plantings shall be guaranteed
6 for three (3) years.

7 13. All proposed landscaping shall be installed.

8 14. All County Development Review Comments shall be
9 addressed.10 15. All other reviewing agencies must issue their approval
11 prior to the Department of Public Works issuing its final
12 approval.13 16. A letter or memo in response to all Planning Board and
14 Town Engineer comments and conditions shall be submitted.15 17. All comments, concerns and requirements of the Town
16 Engineer as contained in the attached memo dated June 14,
17 2021 from Evert Garcia, Town Engineer, to Ramsey
18 Boehner, shall be addressed.19 CHAIRPERSON PRICE: Mr. Secretary, call the
20 roll please.

21 MR. BOEHNER: Ms. Delaney?

22 MS. DELANEY: Aye.

23 MR. BOEHNER: Mr. Babcock-Stiner?

24 MR. BABCOCK-STINER: Aye.

25 MR. BOEHNER: Mr. Osowski?

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3 MR. OSOWSKI: Aye.

4 MR. BOEHNER: Mr. Fader?

5 MR. FADER: Aye.

6 MR. BOEHNER: Mr. Price?

7 CHAIRPERSON PRICE: Aye.

8 MR. BOEHNER: Ms. Altman?

9 MS. ALTMAN: Aye.

10 MR. BOEHNER: Application approved the
11 condition.

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

14 APPLICATION 6P-02-21

15 6P-02-21 Application of Westfall Medical
16 Realty, LLC, owner, for Demolition Review and Approval and
17 Preliminary / Final Site Plan Approval to raze a 6,015 sf
18 medical building and reuse the existing foundation to
19 construct a new 6,425 +/- sf medical building on property
20 located at 2233 South Clinton Avenue. All as described on
21 application and plans on file.

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

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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 record.

8

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

9

MR. GORDON: If you can give her full name 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 have it read in.

14

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

16

Okay, okay.

17

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

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3 Planned Parenthood, I imagine.

4

And, that is the comment, oh --

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

11

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

14

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

16

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

21

22 CHAIRPERSON PRICE: Second.

23

24 MR. GORDON: David, if I may, this is Ken
25 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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3 think would be helpful to the Board in addressing any of the
4 issues that were raised during the Public Hearing tonight.

5

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

8

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

14

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

19

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

22

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

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3 being in a right of way or within an easement.

4 JEFF FRISCH: I just looked at that, South
5 Clinton does not have a sidewalk on that side.6 MR. BOEHNER: We're talking Westfall Road has
7 a sidewalk.8 CHAIRPERSON PRICE: Yeah, Westfall's got the
9 sidewalk.10 MR. BOEHNER: But, again, it's a county
11 sidewalk, but you want to find out if that's a public
12 sidewalk?13 CHAIRPERSON PRICE: I just want it to be clear
14 what the limits of public access are on that sidewalk.15 MR. BOEHNER: So, the applicant's engineer
16 shall identify the public's rights of way along the sidewalk.
17 Is that what you want, Bill?18 CHAIRPERSON PRICE: Yes. It's just
19 clarification of that, because this does appear that the
20 property line, you know, goes out fairly close to the curb
21 line, and confirmation whether or not, or just how the
22 sidewalk is within the public domain.23 MR. BOEHNER: All right. So, I'm just going
24 to say that the applicant's engineer shall identify all
25 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 D. The Board applauds the use of geothermal technology.

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

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

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

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

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

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

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

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

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

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3 engineer.

4 37. All comments of the Conservation Board shall be
5 addressed.6 CHAIRPERSON PRICE: Mr. Secretary, will you
7 please take the roll.

8 MR. BOEHNER: Mr. Osowski?

9 MR. OSOWSKI: Aye.

10 MR. BOEHNER: Jason Babcock-Stiner?

11 MR. BABCOCK-STINER: Aye.

12 MR. BOEHNER: Ms. Delaney?

13 MS. DELANEY: Aye.

14 MR. BOEHNER: Mr. Fader?

15 CHAIRPERSON PRICE: David?

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

18 MR. BOEHNER: Okay, we hear you now.

19 Mr. Price?

20 CHAIRPERSON PRICE: Aye.

21 MR. BOEHNER: Ms. Altman?

22 MS. ALTMAN: Aye.

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

25 CHAIRPERSON PRICE: Okay, thank you.

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5 | APPLICATION 6P-03-21

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

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

13 Ms. ALTMAN: So moved.

14 MR. FADER: I'll second it.

15 CHAIRPERSON PRICE: Moved and seconded to
16 close the hearing.

17 Ramsey, will you call the roll?

18 MR. BOEHNER: Mr. Osowski?

19 MR. OSOWSKI: Aye.

20 MR. BOEHNER: Mr. Babcock-Stiner?

21 MR. BABCOCK-STINER: Aye.

22 MR. BOEHNER: Ms. Delaney?

23 MS. DELANEY: Aye.

24 MR. BOEHNER: Mr.

25 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
4 seconded.

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

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

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

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

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

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

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

23 8. Customer seating will not exceed 66 seats.

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

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

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

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

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

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

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

16 CHAIRPERSON PRICE: Mr. Secretary please call
17 the roll.

18 MR. BOEHNER: Mr. Osowski?

19 MR. OSOWSKI: Aye.

20 MR. BOEHNER: Mr. Babcock-Stiner?

21 MR. BABCOCK-STINER: Aye.

22 MR. BOEHNER: Ms. Delaney?

23 MS. DELANEY: Aye.

24 MR. BOEHNER: Mr. Fader?

25 MR. FADER: Aye.

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3 MR. BOEHNER: Mr. Price?

4 CHAIRPERSON PRICE: Aye.

5 MR. BOEHNER: Ms. Altman?

6 MS. ALTMAN: Aye.

7 MR. BOEHNER: Approved with conditions.

8 MR. GORDON: Folks, with apologies to all of
9 you, I am going to duck out before sign review, and very
10 interesting meeting tonight.11 MR. BOEHNER: You don't want to stay for sign
12 review?13 MR. GORDON: I'm three hours behind you guys,
14 I'm looking to go to dinner.

15 CHAIRPERSON PRICE: Go see that sunset.

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

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3 **SIGNS:**

4 1609 Mattiacio Orthodontics, for a building face at
5 1835 Monroe Avenue.

6 1611 Vitalize, for a building face at 2900 Monroe Avenue.

7 1612 Feet First Shoes and Pedorthics, for a building face at
8 2041 S. Clinton Avenue.

9 1613 1833 / 1835 Monroe Avenue Plaza, for the sign plan at
10 Brighton Commons Plaza (multiple tenants).

11 1614 Seasoning Thai Bistro, for the building face at
12 1881 Monroe Avenue.

13 1615 Firehouse Subs, for a building face at 2830 W Henrietta
14 Road.

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

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

20 MR. BOEHNER: Is that sign 1611?

21 JEFF FRISCH: Okay.

22 MR. BOEHNER: Is that right?

23 JEFF FRISCH: This is old business.

24 CHAIRPERSON PRICE: This is interesting --

25 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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3 plan.

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

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

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

12 Is there anybody that has any comments or
13 concerns?

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

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

22 MR. OSOWSKI: All right. Okay, thanks.

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

25 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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3 in July.

4 CHAIRPERSON PRICE: Okay. Approve as
5 recommended, I move to approve as recommended. Call the
6 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: Motion passes.

20 1613, Jeff.

21 JEFF FRISCH: Sign 1613 at 1835 Monroe Avenue,
22 this is for the sign plan for the Brighton Commons Plaza, it
23 was tabled with conditions at the last ARB meeting.24 MR. BOEHNER: So I would recommend that this
25 Board table it until they finish up with the ARB.

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.

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
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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3 approved that years ago and it's grandfathered in.

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

6 CHAIRPERSON PRICE: I have never seen that --

7 MR. BOEHNER: John, what we're going to want
8 do when the application is approved, is approve with the
9 condition that that sign be removed.10 MR. OSOWSKI: Yeah, that's fine. That'd be
11 great.12 MR. BOEHNER: If you can remember for when
13 they come back, would be how I handle that.

14 MR. OSOWSKI: Okay, thank you.

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

17 MR. BOEHNER: Yeah, but they are legal.

18 CHAIRPERSON PRICE: Okay.

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

21 CHAIRPERSON PRICE: For the tabled, okay.

22 MR. BOEHNER: Ms. Altman?

23 MS. ALTMAN: Aye.

24 MR. BOEHNER: Mr. Price?

25 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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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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23 CHAIRPERSON PRICE: Move we approve as
4 recommended. Call the roll please.

5 MR. BOEHNER: Ms. Delaney?

6 MS. DELANEY: Aye.

7 MR. BOEHNER: Mr. Babcock-Stiner?

8 MR. BABCOCK-STINER: Aye.

9 MR. BOEHNER: Mr. Osowski?

10 MR. OSOWSKI: Aye.

11 MR. BOEHNER: Mr. Fader?

12 MR. FADER: Aye.

13 MR. BOEHNER: Mr. Price?

14 CHAIRPERSON PRICE: Aye.

15 MR. BOEHNER: Ms. Altman?

16 MS. ALTMAN: Aye.

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

19 JEFF FRISCH: Yes.

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

22 CHAIRPERSON PRICE: All right.

23 * * *

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3 REPORTER CERTIFICATE
4
56 I, Rhoda Collins, do hereby certify that I did
7 report in stenotype machine shorthand the proceedings held in
the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 1st day of August, 2021.13 At Rochester, New York
14
1516 Rhoda Collins
17 Rhoda Collins
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