
BRIGHTON

PLANNING

BOARD

July 21, 2021
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON

RAMSEY A. BOEHNER, TOWN PLANNER

JOHN J. OSOWSKI)	
KAREN ALTMAN)	BOARD MEMBERS
JASON BABCOCK-STIENER)	

KENNETH GORDON, ESQ.
Town Attorney

ABSENT: DAVID FADER
PAMELA DELANEY

REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRMAN PRICE: Downstairs, we're ready to
2 begin. All right. Good evening everyone and welcome
3 to the July 21st, 2021, meeting of the Town of
4 Brighton Planning Board. This is the first time that
5 we have met in 13 months, I believe. And we are
6 meeting, again, in person as a result of the
7 Governor's rescinding certain provisions of the Open
8 Meeting Law that was changed during the COVID
9 pandemic.

10 So we're now back live. We all have the
11 application information. That's why we are using
12 computers. We do not mean to not pay attention to
13 everybody. We are. But all the drawings and
14 application information is now on our computers and we
15 will not look at the screen the way we have the last
16 12 months.

17 So welcome and we appreciate everyone coming
18 out. At this point, Mr. Secretary, would you please
19 call the roll for tonight?

20 MR. BOEHNER: Altman?

21 MS. ALTMAN: Here.

22 MR. BOEHNER: Price?

23 MR. PRICE: Here.

24 MR. BOEHNER: Babcock-Stiener.

25 MR. BABCOCK-STIENER: Here.

1 MR. BOEHNER: Osowski.

2 MR. OSOWSKI: Here.

3 MR. BOEHNER: Absent is Fader and Delaney.

4 CHAIRMAN PRICE: Thank you. We received our
5 meeting minutes for our May 19th meeting. Does
6 someone wish to make a motion to approve those meeting
7 minutes?

8 MR. GORDON: Before we do that, could we
9 just confirm that the meeting was properly noticed and
10 advertised.

11 CHAIRMAN PRICE: We do that after this.

12 MR. GORDON: Ah. Sorry.

13 CHAIRMAN PRICE: Just before -- before the
14 public hearing.

15 I'm looking for anybody that would like to
16 make the motion.

17 MR. OSOWSKI: I will move that we approve
18 the May 19th meeting minutes.

19 MR. BOEHNER: Osowski. Motions.

20 MS. ALTMAN: Second.

21 MR. BOEHNER: Second by Altman.

22 CHAIRMAN PRICE: Okay. Moved and seconded.
23 Any discussion, corrections, additions. Okay. Please
24 call the roll.

25 (Ms. Altman, aye; Mr. Price, aye; Mr.

1 Babcock-Stiener, aye; Mr. Osowski, aye.)

2 (Upon roll, the motion to approve minutes
3 carries.)

4 CHAIRMAN PRICE: Thank you. We will review
5 the June 16th meeting minutes at our August 18th
6 meeting. We will now be holding our public hearings.
7 And Mr. Secretary, have the public hearings been
8 properly advertised.

9 MR. BOEHNER: Yes. The public hearings were
10 properly advertised in the Brighton-Pittsford Post of
11 July 15th, 2021.

12 CHAIRMAN PRICE: Okay. Thank you. We hear
13 those now. And these are all public hearings. And
14 the process is that we listen to the application
15 presented by the applicant or their agent and then
16 we'll have the public hearing portion, same as when we
17 are on Zoom.

18 **Application 6P-02-21**

19 CHAIRMAN PRICE: First application tonight
20 is 6P-02-21, the application of Westfall Medical
21 Realty, LLC, for demolition review and approval of
22 preliminary and final site plan to raze 6,015 square
23 foot medical office building and reuse the foundation
24 to construct a 6,400 medical office building at 2233
25 South Clinton Avenue. Tom.

1 MR. FROMBERGER: Good evening. I'm Tom
2 Fromberger, MRB Group, representing the applicant and
3 owner. As you are aware from our last meeting, we
4 received three comment letters, one was from the
5 Planning Board. The second was from the Public Works.
6 And the third was from --

7 CHAIRMAN PRICE: Tom -- Tom, Excuse me.
8 Can -- can he take his mask off?

9 MR. GORDON: Yeah. Any -- let me just make
10 this sort of general announcement. For you, Tom, and
11 for anyone else that is going to be speaking. Once
12 you get to the podium and you're ready to speak,
13 please feel free -- you're not required to take your
14 mask down, but please feel free if you'd like to. And
15 then, obviously, replace it after you leave the
16 podium. Thank you.

17 MR. FROMBERGER: Thank you. We received
18 three comment letters. We've addressed each of those
19 comments in the letters as they are specified from the
20 Planning Board, the Department of Public Works and
21 Monroe County DRC. We resubmitted back on July 7th in
22 regard to those components.

23 If there's anything in particular that you'd
24 like to go through, we can go through them or we can
25 address --

1 CHAIRMAN PRICE: Now, were there any
2 questions that you had heard at the last public
3 meeting that you wanted to address with regard to some
4 of the questions that -- that were raised? I know
5 there was one about the public access to the sidewalk
6 along Westfall Road. If you have a plan, I'd
7 appreciate you hanging it up. And when you do talk,
8 if you could speak into the microphone. I think there
9 are others in the other room listening and I just want
10 to make sure they can hear. Thank you.

11 MR. FROMBERGER: On our updated plan we
12 showed the available sidewalks. Sidewalks are on the
13 east side of South Clinton Avenue, shaded in this
14 location. There's sidewalks up on North Westfall on
15 both the north and south side of the street.

16 The right-of-way and property comes through
17 and travels around this location. There is an
18 existing easement that covers the sidewalk, as well as
19 a Monroe County DOT easement that covers the sidewalk
20 on this side. There is an existing 10-foot wide
21 sidewalk easement on South Clinton Avenue as well.

22 CHAIRMAN PRICE: Okay. There were also
23 questions about adequate, I guess, drive aisles or
24 ambulance access and circulation.

25 MR. FROMBERGER: In regard to ambulance

1 circulation there is adequate circulation in this --
2 in the parking lot areas. I also routed a fire truck
3 through that and I was able to accommodate the parking
4 location.

5 CHAIRMAN PRICE: Okay.

6 MR. BOEHNER: Tom, can you just go through
7 why the building is being demolished?

8 MR. FROMBERGER: Sure the building is being
9 demolished. It's actually partially being demolished.
10 The first floor and roof are being taken down. The
11 foundation is being kept. There's a small minor
12 building addition, which is approximately 410 square
13 feet and that includes basically the vestibule area.
14 In this location, another bump out on the side
15 bringing our total to -- I think it's 6,00 --
16 6,425 square feet.

17 The building is being demolished to improve
18 the building height inside to make it more accessible
19 and usable as a facility.

20 CHAIRMAN PRICE: Is there a basement?

21 MR. FROMBERGER: There is a basement.

22 CHAIRMAN PRICE: That would remain. That's
23 obviously staying?

24 MR. FROMBERGER: Right.

25 MR. BOEHNER: Tom, what is the increase in

1 square footage from the existing building to the new
2 building?

3 MR. FROMBERGER: The total building size
4 will increase by 410 square feet.

5 MR. BOEHNER: That's for the --

6 MR. GORDON: Ramsey. Can you lean forward
7 and speak --

8 MR. BOEHNER: Yes. I'm sorry.

9 MR. GORDON: Thank you.

10 MR. BOEHNER: You said 410 feet and that is
11 for the vestibule and some office, did you say?

12 MR. FROMBERGER: I'll post up this other
13 plan. So there's a current vestibule bump out in the
14 existing structure in these two locations this
15 demising wall or front wall will be extended out and
16 these will now become offices and a new entry area.

17 MR. BOEHNER: Have you done the demolition
18 asbestos survey?

19 MR. FROMBERGER: We have. We have done a
20 pre-demolition asbestos survey. We submitted a copy
21 to the Town as well as an electronic copy.

22 MR. BOEHNER: And what did that report say?

23 MR. FROMBERGER: It did show that there was
24 asbestos in the building. And that will be abated
25 appropriately.

1 MR. BOEHNER: And the necessary reports will
2 be submitted to the Town?

3 MR. FROMBERGER: Correct. Yeah.

4 MR. BOEHNER: And what type of provisions
5 are you providing for trash?

6 MR. FROMBERGER: Trash, there's an existing
7 dumpster enclosure on site.

8 MR. BOEHNER: It is enclosed, Tom?

9 MR. FROMBERGER: There are two dumpsters
10 down in the bottom. And you are correct, these two
11 dumpsters are not enclosed.

12 MR. BOEHNER: Are those the dumpsters that
13 you're proposing to use?

14 MR. FROMBERGER: Those are the dumpsters we
15 are keeping.

16 MR. BOEHNER: Okay. So the dumpsters that
17 are not enclosed are the ones that you're going to
18 use.

19 MR. FROMBERGER: Correct.

20 MR. BOEHNER: Okay. Thank you. And Tom,
21 are you guys providing any modifications to the
22 landscape plan that address like safety, security and
23 legal compliance?

24 MR. FROMBERGER: We can. We can add some
25 additional landscaping. Right now, landscaping around

1 the building is to remain during construction. Any
2 damaged materials from construction will be replaced
3 in kind. And we do have a landscaping allowance for
4 that in our construction budget.

5 MR. BOEHNER: And you have other allowances
6 in the budget for other landscaping also?

7 MR. FROMBERGER: We do. In meeting with the
8 Conservation Board they asked that we add some
9 additional deciduous trees. And we are proposing
10 those on site. I think there are three total. We
11 will be working with a landscape architect in
12 preparing a plan for that and submitting that to the
13 Town.

14 MR. BOEHNER: Okay. The new exterior
15 lighting, is there any?

16 MR. FROMBERGER: There is exterior lighting.
17 We did submit a lighting plan for that. There is no
18 site lighting in regard to parking lots. The only
19 lighting is in regard to building mounted fixtures in
20 regard to access or lighting over security for doors.

21 MR. BOEHNER: Security for doors. Okay.
22 And will the building be sprinklered?

23 MR. FROMBERGER: The building will be
24 sprinklered. Water comes into building number 5 and
25 then it gets distributed out. Building 5 is

1 sprinklered. This will now become sprinklered. We're
2 extending a 4 inch fire service into this building to
3 accommodate that.

4 MR. BOEHNER: And the roof leaders are going
5 to be tied into the storm system?

6 MR. FROMBERGER: All the existing roof
7 leaders on site are tied into underground drainage,
8 which all flows to a stormwater management facility.
9 It's my understanding that the new building will be
10 connected into those same piping.

11 MR. BOEHNER: And am I correct that the HVAC
12 system is going to be in the basement?

13 MR. FROMBERGER: The HVAC system has now
14 been converted to geothermal. Geothermal lines are
15 located on the north side of the building that was
16 recently completed approximately a month ago. The
17 HVAC units are located in the basement.

18 MR. BOEHNER: I don't have any other
19 questions.

20 CHAIRMAN PRICE: All right. Do you have
21 questions?

22 MR. OSOWSKI: I have a question. Might this
23 project be an opportunity to extend the sidewalk
24 around the corner from Westfall and go down Clinton
25 Avenue? Take advantage of the easement that's there.

1 MR. FROMBERGER: In regard to over on the
2 side here?

3 MR. OSOWSKI: Right.

4 MR. FROMBERGER: There was some difficulty
5 with an existing hydrant, looking up at the top.
6 There's a lot of vegetation and landscaping along this
7 side. Those would be my initial comments. I'm not at
8 liberty to make that decision on behalf of the owner,
9 but -- but those are my --

10 MR. OSOWSKI: Is -- is that something that
11 the Town can request or --

12 MR. BOEHNER: It's something, I guess, you
13 can consider, but we probably should talk about that.

14 MR. OSOWSKI: Okay.

15 MR. FROMBERGER: Yeah. To do that is a
16 very -- it's a significant amount of construction and
17 expense to do that to get that down to the other
18 location.

19 MR. OSOWSKI: I mean, that's an obvious gap
20 in the sidewalk there because it's -- you can see it's
21 further south, but then there's a gap along the
22 property there. So -- anyway.

23 CHAIRMAN PRICE: Where does it start again?
24 On the west side?

25 MR. OSOWSKI: On the other side of the

1 driveway, the south driveway entrance.

2 MR. FROMBERGER: There are crosswalks here
3 at the corners at South Clinton and Westfall to allow
4 you to transfer and walk down. There's also
5 crosswalks at all these different locations.
6 Obviously, you know, history has shown that a sidewalk
7 being placed in there is difficult. But it's, you
8 know -- it would require a lot of reconstruction of
9 this area, additional landscaping, potentially moving
10 a fire hydrant. It's definitely a significant cost.

11 CHAIRMAN PRICE: Karen, do you have any
12 questions? Ramsey, you're all set?

13 MR. BOEHNER: No other questions.

14 CHAIRMAN PRICE: Okay. All right. Thank
15 you, Tom. All right this will be the public hearing
16 portion of it where we allow the public to speak. I
17 do want to just ask your consideration when you come
18 up and speak.

19 First off, we do thank you for participating
20 in the process of making Brighton a better place to
21 live. We know that many of you have sincere passions
22 about the topics that are being discussed tonight. We
23 are interested in hearing what you have to say, but we
24 do ask that you keep your remarks brief.

25 We did have our public hearing last time and

1 we heard a lot from both sides. Those comments from
2 our last meeting are on the record as are all of the
3 correspondence that has been submitted to the prior
4 public hearing as well as prior to this meeting.

5 We've asked that you direct all your
6 comments to the Planning Board, not to anyone else in
7 the audience or to the applicant. We are asking you
8 to be civil and respectful of one another. And with
9 that we will not be actually answering questions
10 tonight, but we are listening to your remarks with
11 regard to the demolition and the site plan that we are
12 going to be making a decision on.

13 So what I will do -- we have many speakers
14 signed up already. 36 I believe. I will say the
15 first three names and then as the first person is
16 done, I will give the name of the next person on deck.
17 So we will always have three people ready to -- ready
18 to speak. The first speaker to sign up tonight is
19 Jane Mallwitz to be followed by Carol Crossed and then
20 third is Vicki Gara.

21 MR. GORDON: And if I could just add to
22 Bill's comments. For those folks who are on deck
23 ready to speak, if you're in this room, in the main
24 auditorium, great. Just stay in your seat and when
25 it's your turn to speak, just get up and speak. If

1 you're downstairs or if you're outside and you're next
2 to speak, we have two chairs out in the lobby. You
3 can wait in those chairs out in the lobby so you don't
4 have to run up from downstairs to speak. Okay? Thank
5 you.

6 CHAIRMAN PRICE: Jane, are you here?

7 MS. MALLWITZ: Yes, thank you.

8 CHAIRMAN PRICE: Good evening. Thank you
9 for coming out.

10 MS. MALLWITZ: Thank you. Good evening. I
11 appreciate the opportunity to address the Planning
12 Board.

13 CHAIRMAN PRICE: Jane, excuse me. I'm going
14 to ask everybody to please be cognizant of the mic.
15 We've got fans going on and --

16 MS. MALLWITZ: Is that better?

17 CHAIRMAN PRICE: It is. But please try to
18 speak right into it. Thank you so much.

19 MS. MALLWITZ: Okay. Good evening. I
20 appreciate the opportunity to address the Planning
21 Board. I strongly oppose 6P-02-21 and the building of
22 a Planned Parenthood in Brighton. Does Planned
23 Parenthood really represent the values of our
24 community? And if so, as a resident, I find this
25 disgraceful.

1 In addition to their immoral murder of
2 children, this will be very disruptive to the
3 community. And I can guarantee you there will be
4 frequent vocal and graphic protests. I hope people
5 use this hearts and their conscience when they're
6 deciding the approval.

7 Furthermore, as a side note to Planned
8 Parenthood, parents want nothing to do with the CSE
9 being promoted by Planned Parenthood and this group.
10 Thank you.

11 CHAIRMAN PRICE: Thank you. Okay. That
12 will be the last time we have clapping or anything
13 that relates to an outburst for either side. And I'd
14 appreciate your cooperation with that.

15 The next is Carol Crossed followed by Vicki
16 Gara and Bob Gluck.

17 MS. CROSSED: Thank you. I live at 1675
18 Clover Street. And I'm here to voice my disapproval
19 of the building of a Planned Parenthood.

20 I'd like to read a statement or a letter
21 that Mr. Price -- you are Mr. Price? I'm sorry. I
22 could not hear you. Yeah. Okay -- that Bill McGinn
23 sent to you. He's an attorney and he is working with
24 Brighton Residents Against Violence.

25 CHAIRMAN PRICE: Has this been sent to the

1 Town?

2 MR. BOEHNER: Yes. We have received it.

3 CHAIRMAN PRICE: I don't -- please don't
4 read it. Just get the highlights. If it's been sent,
5 then it's been entered into the record.

6 MS. CROSSED: It was our understanding that
7 you were going to read this to us.

8 CHAIRMAN PRICE: No.

9 MS. CROSSED: All right. Mr. McGinn states
10 that he had an opportunity to speak to the Planning
11 Board on June the 16th. His office and his home is in
12 the Town of Brighton. And ha says that according to
13 your letter dated June 21st to Mr. Tom Fromberger, Tom
14 at MRB Group, at Westfall Realty, at first glance it
15 appears that the Planning Board wants very detailed
16 information. And so he asks that this additional
17 information be sought from MRB Group.

18 These issues he believes are not addressed.
19 And I could not hear everything that you said, Tom.
20 So forgive me if this is a repeat. What are the plans
21 for the disposal of medical waste such as the remains
22 of aborted fetuses? Now, I know you talked about
23 dumpsters --

24 CHAIRMAN PRICE: You're addressing the board
25 and we're not answering questions.

1 MS. CROSSED: Okay. Will there be an
2 environmental impact study on the production of the
3 medical waste from abortions to be performed at this
4 abortion facility?

5 Will the facility be used for second and
6 possibly third trimester abortions?

7 Will the facility be used for the
8 performance of medical experimentation and research on
9 the fetus of an aborted patient?

10 Will any of the body parts that are the
11 product of an abortion be marketed and sold by Planned
12 Parenthood from this facility as has happened
13 elsewhere?

14 Will there be an environmental impact study
15 on the increased volume of traffic that a facility
16 such as Planned Parenthood would likely produce?

17 Will there be a disproportionate number of a
18 abortions of black and brown fetuses and women
19 compared to the general population of the area at this
20 proposed Planned Parenthood abortion clinic?

21 Just as Margaret Sanger wanted to limit the
22 births of immigrant children, do her philosophical
23 followers at Planned Parenthood today have a desire to
24 reduce minority populations?

25 Is this what is desired for the Town of

1 Brighton, which claims to be an inclusive community?

2 The University of Rochester and other
3 medical providers currently have a large number of
4 medical buildings in the Town of Brighton and in the
5 area nearby, the Town of Henrietta and the City of
6 Rochester to serve the various medical needs of a
7 large population. So why is another abortion center
8 desired in the Town of Brighton?

9 He talks about the sidewalks and I believe
10 Mr. Fromberger did address that. It is logical to --
11 for protesters -- that pro-life protesters will
12 frequently be at the site. How will the Town handle
13 the issue of traffic safety to both walking protesters
14 and motorists on South Clinton Avenue? Will the Town
15 conduct any studies and suggest proposals to resolve
16 these traffic and pedestrian problems?

17 One of the areas that Bill McGinn did not
18 address in this letter is the excessive police --
19 policing that will be required. I was able to pass
20 out the four pages of the police report that I
21 obtained from the current abortion clinic that's
22 already in the Town of Brighton. I don't know how
23 many we really need here. And it happens to be, as
24 you know, a quarter of a mile up to the street from
25 this proposed clinic. And this one is at 220 South

1 Clinton Avenue, Morris Wortman. I have here that
2 police records from 1999 from four months during the
3 construction of that abortion clinic. And they are
4 single space. Let me just show them to you.

5 CHAIRMAN PRICE: Okay. Please wrap up
6 your --

7 MS. CROSSED: I'm sorry?

8 CHAIRMAN PRICE: Get to the conclusions.
9 Please get your conclusions. We have several other
10 people to speak.

11 MS. CROSSED: There are 55 single space
12 police calls to that facility. And there's only one
13 doctor in that facility by the way. And these calls
14 did not result in any kind of criminal activity.
15 These calls were basically to harass people expressing
16 their -- their right to free speech.

17 And is this the way that the Town of
18 Brighton and this Planning Board believes that the
19 good citizens of Brighton should spend their tax
20 money? I have copies of these to give to each of you,
21 the police records. There were 199 in a five-month
22 period. Thank you.

23 CHAIRMAN PRICE: Thank you very much for
24 coming out.

25 MR. GORDON: Ms. Crossed, if you could

1 provide those to Mr. Boehner. Provide them -- there
2 you go. Thank you. And I do want to just note and I
3 should have noted it earlier that the Town staff has
4 received numerous email communications today and
5 earlier than today on this plan from both folks in
6 opposition and folks in support. All of those emails
7 will be made part of the public hearing record here
8 tonight and will be entered in the record of the
9 public hearing. So it's not necessary to reread all
10 of those comments because they are going to be part of
11 the public record.

12 CHAIRMAN PRICE: Okay. Thank you, Carol.
13 Next is Vicki Gara. On deck is Bob Gluck and Bill
14 McHale is following Bob.

15 MS. GARZA: Hi. My name is Vicki Garza.
16 I'm also at 1675 Clover Street with Carol Crossed. I
17 just want to come here this evening to remind people
18 that conception -- that life does begin at conception.
19 So I'm going to be very quick.

20 This is Psalm 139:1-18. You have searched
21 me, Lord, and you know me. You know when I sit and
22 when I rise. You perceive my thoughts from afar. You
23 discern my going out and my lying down. You are
24 familiar with all my ways. Before a word is on my
25 tongue, you, Lord, know it completely. You hand me in

1 behind and before and you lay your hand upon me. Such
2 knowledge is too wonderful for me and too lofty for me
3 to attain.

4 Where can I go from your spirit? Where can
5 I go if I flee from your presence? If I go up to the
6 heavens, you are there. If I make my bed in the
7 depths, you are there. If I rise on the wings of the
8 dawn, if I sit along the far side of the sea, even
9 there your hand will guide me. Your right hand will
10 hold me fast.

11 If I say surely the darkness will hide me
12 and the light become night around me, even the
13 darkness will not be dark to you. The night will
14 shine like the day for darkness is as light to you.
15 For you created my inmost being. You knit me together
16 in my mother's womb. I praise you because I am
17 fearfully and wonderfully made. Your works are
18 wonderful. I know that full well. My frame was not
19 hidden from you when I was made in the secret place.

20 When I was woven together in the depths of
21 the earth, you saw my unformed body. All the days
22 ordained for me were written in your book before one
23 of them came to be.

24 And I just want to remind people that this
25 is -- this is the word of God and life begins at

1 conception.

2 CHAIRMAN PRICE: Thank you, Vicki. Bob
3 Gluck please and then Bill McHale and Donna Kearner.
4 Donna Kearner is after Bill McHael. Good evening.

5 MR. GLUCK: Evening. First, want to
6 acknowledge the police presence here tonight. Thank
7 you, officers, for keeping us safe and your duty to
8 the Town of Brighton.

9 My name is Bob Gluck and I have been and
10 still remain a resident of Brighton for nearly
11 30 years. I am fully aware that this seven member
12 Brighton Town Planning Board reviews all applications
13 for rezoning, site plan reviews, conditional use
14 permits, consideration of request by developer for the
15 construction of new subdivisions, thus the reports and
16 findings of this Planning Board are a vital importance
17 in deciding the above matters.

18 This is stated on the Town's website. And I
19 quote, "The role of the Brighton Planning Board is in
20 a unique position to give advice on the future of our
21 community." My comments pertain to the proposed
22 demolition of a 6,015 square foot medical building at
23 2233 South Clinton Avenue and the reuse of this said
24 existing foundation to construct a new 6,425 square
25 foot medical building by Westfall Medical Realty, LLC.

1 I presume that some, if not all of you, have
2 children. I also presume that safe to say that you
3 value the lives of all children, not only your own and
4 perhaps you even value the life of the unborn. If, in
5 fact, both the Planning and Town Board approves this
6 proposed development of that building, one of the
7 procedures that will be offered and performed is
8 medically termed intact dilation and extraction or
9 also referred to as a DNX.

10 I'm also fully aware that the State of New
11 York's 2019 Reproductive Health Act allows for this
12 procedure to be performed up and until the time of
13 birth and that it was previously capped at the 24-week
14 gestation period.

15 Prior to both the Planning and Town Board's
16 authorizing approvals for this development of this
17 so-called medical building, please listen and ponder
18 the following statement by our former Supreme Court of
19 the United States Justice John Paul Stevens to
20 illustrate the procedure at it's detrimental impact
21 that it will have on the wellbeing of the Town of
22 Brighton. And I quote Justice John Paul Stevens. "It
23 is evident that a mother who comes to regret her
24 choice to abort, must struggle with a grief more
25 anguished and sorrow more profound when she learns

1 what she once made did not know that she allowed a
2 doctor to pierce the skull and vacuum the fast
3 developing brain of her unborn child." Justice John
4 Paul Stevens.

5 So I ask all of you is this the type of
6 legacy you want to own for the future of the Town of
7 Brighton? Do you want the blood of the innocent
8 babies on your hands? How will each one of you answer
9 God when he asked you on judgment day why did you
10 approve that building and allow the shedding of
11 innocent blood to occur in your community? Thank you.

12 CHAIRMAN PRICE: Thank you for coming out.
13 Next is Bill McHale, followed by Donna Kearner and
14 Donald Martell.

15 MR. McHALE: My name is Bill McHale and I'm
16 from Seneca Falls, home of women's rights, including
17 unborn women's rights. Recently Texas Governor, Greg
18 Abbott, kept his word and signed into law a pro-life
19 bill that prohibits abortion after an unborn baby's
20 heartbeat can be heard, which is usually around
21 six weeks. The law to a large degree effectively
22 outlaws abortion in the Lone Star State. It goes into
23 effect on September 1st, 2021.

24 "Our creator endowed us with the right to
25 life," Abbot said at the bill signing. And yet

1 millions of children lose their right to life every
2 year because of abortion. In Texas we worked to save
3 those lives.

4 The Heartbeat Bill is now law in the Lone
5 Star State. This bill ensures the life of every
6 unborn child with a heartbeat will be safe from the
7 ravages of abortion. In a Tweet the Governor said
8 "The Heartbeat Bill is now law in the Lone Star
9 State." This Bill ensures the life of every unborn
10 child with a heartbeat will be saved from the ravages
11 of abortion.

12 Although the law prohibits abortion after
13 the child's heartbeat is detectable, exceptions are
14 allowed in the cases of a medical emergency. If a
15 doctor performs an abortion after the heartbeat can be
16 detected, anyone may filed a lawsuit against the
17 doctor.

18 The Texas Heartbeat Act is a novel approach
19 allowing for citizens to hold abortionists accountable
20 through private lawsuits according to the Texas Right
21 to Life. No heartbeat law passed by another state has
22 taken this strategy. Additionally the bill does not
23 punish women who obtain abortions.

24 Our Governor, Cuomo, is currently under
25 investigation for sexual misconduct. He has

1 controversies for handling of nursing home deaths
2 during the pandemic and a massive book deal. We all
3 know he calls himself a Catholic. Yet we also know
4 how bad his attitude and what he's done to make
5 abortions so available in this state. He is up for
6 election next year. We need a governor like Texas
7 Governor Greg Abbott. I ask everyone here who cares
8 about life that they will get involved in that
9 election and never have a Governor like him again.
10 Thank you.

11 CHAIRMAN PRICE: Thank you. Donna Kearner.
12 Donald Martell following and then Devyn Chase. Good
13 evening.

14 MS. KEURNEI: Hi. Donna Keurnei.

15 CHAIRMAN PRICE: I apologize.

16 MS. KEURNEI: It's okay.

17 CHAIRMAN PRICE: There are some names that I
18 can't read here and I'm going to mess up.

19 MS. KEURNEI: That's okay. Thank you for
20 listening to us. Thank you for letting us express our
21 thoughts. And thank you everybody in here for being
22 so nice and polite and everything. It's nice.
23 Anyway.

24 I oppose this abortuary. And one thing that
25 I always think about is imagine -- I have -- I have a

1 puppy dog that I love very much, little Teddy. And I
2 would defend his life just like I would, you know, a
3 family member or a friend or whatever. Imagine if
4 they were building a scientific lab instead of an
5 abortuary there. And what -- what they're doing is
6 just some people don't want their puppy -- their dog
7 to have any more puppies or their cat to have any more
8 kitties, whatever.

9 So the people bring the animals in there and
10 they -- and the puppy mother and cat, whatever, are
11 given pain medication and the -- so they -- the
12 doctor -- doctor goes at it, puts in the utensil
13 destroys the puppy with no anesthesia whatsoever and
14 no pain medication for that -- for that animal.

15 Same thing happens with an unborn baby, a
16 human baby, is that they don't give that baby any
17 anesthesia, no pain medicine. The poor thing suffers
18 and it's an excruciating way to die. I cannot imagine
19 being given -- a utensil going at me -- because the
20 baby senses that. And the baby's have a beating heart
21 at four weeks. And then their nervous system forms.
22 And then they can feel pain, just like an animal can
23 feel pain. And, you know, everything wants to live.
24 You know, you see an ant walking along or a butterfly
25 and you try to grab it, whatever. It wants to get

1 away. It wants to live. And the same thing happens
2 to an unborn baby when it's being aborted.

3 I have family members that have had
4 abortions. I have friends that have had abortions.
5 And I know that down the road they're -- they're going
6 to have some side effects from that. And I am here if
7 they need me to -- you know, to be with them and help
8 them through stuff because I know they did it because
9 they thought they had to for whatever reason. But yet
10 they have side effects later. I have some friends
11 that have some psychological issues and -- you know,
12 with anger and different things.

13 So -- and if this was happening to animals,
14 I'll bet you the majority of all of us upstairs and
15 downstairs and outside would be out there protesting
16 against such cruelty to have these animals
17 exterminated in such a cruel way. You know, they
18 could be adopted out like -- just like the little
19 children could be adopted out. My -- one of my nieces
20 they've been trying to have a child. They've gone
21 through everything. They tried to have a baby and
22 they just want a baby, but there's so many babies that
23 are aborted.

24 And it's a sad thing. And it's evil. And
25 so -- so, I mean, you know, why aren't the people that

1 are protesting these animals at labs that are being
2 abused and stuff and stuck in cages, why don't they
3 feel the same way about human life, is what I can't
4 understand. I just can't figure that out. I don't
5 get it. I guess it's an issue of discernment, I
6 suppose, of what's right and what's wrong and having a
7 formed conscious, I guess. But anyway.

8 Susan B. Anthony is one of my heroes. She
9 was against abortion. She called it child murder and
10 infanticide in her day. And she wrote a newspaper
11 called "The Revolution." She was friends with
12 Elizabeth Cady Staton at Seneca Falls. They wrote
13 against abortion. They saw it as a atrocity. And it
14 really hurts mothers. It hurts the mothers and, you
15 know, it kills the babies.

16 So, you know, abortion is just -- it is.
17 It's a mutilation. It's a -- and it's a shame that
18 these kids are thrown out. A lot of them are minority
19 children, you know black children and Hispanic
20 children and these perfectly perfect little human
21 beings, you know, with a heart, soul, mind and
22 everything.

23 And so anyway I'm going to be out -- if this
24 thing is approved, God forbid, you know, I ask you to
25 please think about it and consider it because it would

1 put a -- it would -- it would cast a bad aura around
2 Brighton, or any town for that matter. I live in the
3 Town of Ogden, Ogden, New York. So I'll be out there
4 in front protesting if this thing does go through.
5 And pro-life people are peaceful people. You know,
6 we're not the kind of people that injure people and
7 burn down buildings. And if -- if anybody does that
8 in our group, we're just -- it's like, go home. You
9 know, we're not -- we're not into violence, you know,
10 the majority of us, 99.9 percent of us.

11 So we will be out there protesting
12 peacefully and praying. And so I do pray that you all
13 please take that in consideration because it is -- you
14 know, it is -- it's the killing of an unborn baby.
15 It's murder. So I would hope that somebody would have
16 defended my life if my mom were going to abort me.
17 She never -- she never would have. She was going
18 through a hard marriage program when I was conceived.
19 And yet, you know, I said to her one day -- I said
20 when she was alive I said -- of course when she was
21 alive -- I said "Thank you for having me. Thank you
22 for giving me birth." You know, and she was a
23 beautiful loving mother. And she started to cry and
24 she said "You know what else? I never would have done
25 anything else, Donna." So, you know, God bless her

1 and she's a good lady. Thank you.

2 CHAIRMAN PRICE: Thank you, Donna. Donald
3 Martell please and then Devyn Chase and then Bernie
4 Heveron.

5 MR. MARTELL: Hi. My name is Donald Martell
6 and I am speaking today in full support of the
7 proposed Planned Parenthood alongside dozens of my
8 comrades.

9 I want to start off by saying that
10 healthcare is a human right and Planned Parenthood is
11 the most inclusive provider of healthcare in the
12 country. As an organization that provides affordable
13 healthcare to millions, is it imperative we ensure
14 this healthcare facility is built. As someone who has
15 sought out testing and subsequently treatment, I can
16 give personal testimony to the fact that Planned
17 Parenthood provides cheap care with great compassion
18 and inclusivity without discrimination or judgment.

19 This is not something a crisis pregnancy
20 center can say. Crisis pregnancy centers are
21 manipulative organizations that seek to intercept
22 pregnant women seeking information about abortions and
23 pressure them into carrying the fetus to term. They
24 claim being a legitimate health care clinic in order
25 to get pregnant women inside where they are

1 manipulated, abused and lied to about what their
2 options are in regard to their president -- pregnancy.

3 In 2017 alone Planned Parenthood provided
4 health care to 2.4 million patients a provided 4.7
5 million tests and treatment for sexually transmitted
6 infections, nearly 300,000 breast examinations, more
7 than 270,000 pap smears and provided birth control to
8 nearly 2 million people. Nearly 75 percent of all
9 patients who report their income live at or below the
10 federal poverty line.

11 This facility will be a critical safe space
12 for the people of Brighton. And the surrounding areas
13 can get the excellent treatment they need regardless
14 of socioeconomic class, race, creed or gender
15 expression. As someone who cannot get pregnant and
16 carry a child, I fully support the right for anyone
17 who is able to get pregnant to access abortion
18 services if they so choose. What other people do with
19 their own bodies is not my business. It's not your
20 business. And it's certainly not the business of some
21 religious fanatics hell-bent on controlling the lives
22 of pregnant people. If you don't want an abortion,
23 don't get one. No one is forcing you to. If you're
24 pro-life and get pregnant, don't get an abortion. No
25 one is forcing you to. Shut your mouth about what

1 other people want to do with their bodies. These
2 people are not pro-life. They are anti-choice. Just
3 look at some of the pro-life people here. Most of
4 them can't even wear a mask correctly. They don't
5 have vaccinations and --

6 CHAIRMAN PRICE: Okay. All right.

7 MR. MARTELL: They want control and power
8 over people.

9 (Simultaneous talking from the audience.)

10 MR. MARTELL: This person right here is
11 wearing a freedom shirt while simultaneously
12 advocating for disallowing people with uterus
13 control over their own bodies. If you don't want an
14 abortion, don't get one. And if you're concerned
15 about police using the resources --

16 CHAIRMAN PRICE: Don -- Don --

17 MR. MARTELL: -- on your, protest, then
18 don't protest. So ask you all, who are you going to
19 side with? The people against freedom of choice? The
20 people who just last week compared abortion to the
21 Holocaust? The people who yell and scream at
22 people --

23 CHAIRMAN PRICE: Don, that's enough.

24 MR. MARTELL: -- going into Planned
25 Parenthood for care and shaming them for an extremely

1 difficult decision? Or are you going to side with the
2 people who are fervently pro-choice, pro-autonomy,
3 pro-healthcare and pro-women? The choice is yours. I
4 ask you to move forward with this facility to ensure
5 that it gets built. Your community needs it. Thank
6 you.

7 CHAIRMAN PRICE: We -- we appreciate --

8 (Simultaneous talking from the audience.)

9 CHAIRMAN PRICE: Please. Please. We
10 appreciate you coming out, expressing your point of
11 view, but you were disrespectful and I do not -- I ask
12 everyone to please respect the opinions and the points
13 of view of others. That was disrespectful.

14 (Interruption from audience member.)

15 CHAIRMAN PRICE: Okay. Thank you, Mr.
16 Gluck -- Mr. Gluck --

17 (Interruption from audience member.)

18 CHAIRMAN PRICE: Devyn Chase, please. Devyn
19 Chase. And then Bernie Heveron. And then Rachel
20 Rosen Simpson please.

21 MR. GORDON: And before you start, just a
22 quick comment. Folks, we're all going to hear things
23 that we don't like tonight. And we're just going to
24 need to listen to them politely and respect the fact
25 that other people have the right to have opinions,

1 right or wrong, different than ours.

2 (Interruption from audience member.)

3 MR. GORDON: Captain, would you have a chat
4 with this gentleman please? Yes. Thank you. I think
5 he needs to have a chat outside. Thank you.

6 CHAIRMAN PRICE: Yup. Devyn.

7 MR. CHASE: Hi. My name is Devyn Chase. I
8 live at 403 Benton Street. Last week I came to this
9 very hall, this Wednesday, to advocate for Robin Wilt.
10 And then I heard some of the arguments of the
11 pro-choice here today and decided to make my
12 appearance here today.

13 I'm here to quite firmly and unequivocally
14 say that I'm for and in support of Planned Parenthood.
15 To refuse opening a medical service that provides
16 birth control, STD checks, pregnancy tests, health
17 screenings and generally providing medical and sexual
18 education for low income constituents should be enough
19 to override the complaints of any opposition. But
20 since we are going to talk about abortion, let's talk
21 about it.

22 First, some statistics. About 30 percent of
23 women in the United since 1840 will get abortions and
24 of that 30 percent, 7 in 10 will be mothers, that's
25 having at least one child beforehand. And as reading

1 that statistic for the first time, you know, it's not
2 something that was brought up to me, it's a little
3 hard to demonize mothers.

4 90 percent of all abortion occur within the
5 first two weeks when it is less than the size of a
6 kidney bean, just a clump of cells. Catholics have
7 abortions at the same rate as the general population
8 also. Just wanted to get that one in there. Young
9 women under 18 are about 7 percent of those getting
10 abortions. Low wage, unemployed and uninsured people
11 get more abortions than those of higher paid or better
12 medical insurance due to reliable birth control being
13 expensive in this country and multiple visits to the
14 doctors.

15 Black people also have abortions at higher
16 rates than white people due to job discrimination and
17 less likely to have reliable contraception in their
18 reach. And I also want to stay on that topic as well
19 because something that I heard last week was that
20 black babies are being in droves of genocide. I heard
21 someone say that it is comparable to the Holocaust.
22 And I thought that was quite outrageous.

23 And I wanted to quote from a book I have.
24 It's called "Without Apology," by Jenny Brown. And
25 this was by Dr. Willie Parker, an abortion

1 practitioner who is African-American, takes particular
2 exception to these claims saying that "People behind
3 black genocide chargers are using women of color as
4 pawns in a much bigger game for they understand too
5 little the foot soldiers in the debate do. In
6 abortion politics all women are sisters linked by
7 their ability to bear children.

8 If they anti-abortions group can change the
9 terms framing as systemic racism perpetuated by big
10 healthcare institutions against black people, then
11 they can change the laws around abortion and no one
12 will intervene, not even white women who need
13 abortions too."

14 I also wanted to quote as well that -- and
15 what's something I have heard as well and I'd like to
16 posit is that if many of these people -- many in the
17 group and -- and -- should that -- are advocating
18 against Planned Parenthood "were truly generally
19 honestly concerned about fetal pain, were they truly
20 concerned for women's health and are sincerely
21 bothered that women are abortions for economic
22 reasons, they would provide and advocate for free
23 contraception and more effective contraceptives with
24 fewer unpleasant side effects and effective, safe,
25 easy birth control for men, sex education that

1 encourages the use of contraceptives presents clear --
2 clear pros and cons and makes condoms and expectations
3 for men along with birth control available in high
4 schools, free and easily available morning-after
5 pills, easy and free access to early abortions
6 including pill abortions, which you can do as soon as
7 you know you're pregnant, eliminating all wait times,
8 and universal healthcare, childcare, and paid parental
9 leave."

10 And I'll finally leave on this final quote.
11 It has come from a Seattle woman who organized Shout
12 for Your Abortion in 2015 with Lindsey West and
13 Kimberly Morrison, stated in a Facebook post "Like a
14 year ago I had an abortion and I remember this
15 experience with near inexpressible level of gratitude.
16 I'm telling you this today because the narrative of
17 those working to defund Planned Parenthood relies on
18 the assumption that abortion is still something to be
19 whisper about. Plenty of people still believe that on
20 some level if you are a good woman, abortion is a
21 choice which should be accompanied by some level of
22 sadness, shame or regret. But you know what? I have
23 a good heart and having a abortion made me happy in a
24 totally unqualified way. Why wouldn't I be happy I
25 was not forced to become a mother?"

1 Thank you. Have a good day.

2 CHAIRMAN PRICE: Thank you, Devyn. Next is
3 Bernie Heveron, followed by Rachel Rosen Simpson and
4 then Heather Coyne.

5 MR. HEVERON: Hi. Thank you. I'm Bernie
6 Heveron. I live at 623 Bonnie Brae Avenue here in
7 Brighton. I teach in Brighton. I work here. I've
8 been here since 1991. And I firmly oppose the
9 building of Planned Parenthood in this -- in this
10 community.

11 Some of the statistics we just heard are
12 off. A million people helped by healthcare through --
13 with Planned Parenthood is not a big number.
14 Healthcare facilities around the country help tens of
15 millions of people. But the number of abortions that
16 they do provide around the country, 330,000 last year
17 by their only annual report.

18 Also let's be clear why Planned
19 Parenthood -- Planned Parenthood wants to build here.
20 It's on their website that they are -- they're moving
21 into Upstate New York and into California where
22 abortion is legal and can be done right up until the
23 last term. So we're going to be bringing people from
24 neighboring states, Ohio, Pennsylvania, where they --
25 where they know restrictions are down the line. We've

1 got Supreme Court cases coming up and the restrictions
2 like Texas could come to Ohio, to Pennsylvania, to
3 other states and the people will come here to get
4 abortions.

5 How does that serve the Brighton community?
6 That's not our community. We oppose it. And let --
7 someone wrote a letter last week saying Planned
8 Parenthood sent out a letter to all their membership
9 saying that there are people from -- not even from
10 Brighton who are opposing this. So let's rally.
11 Let's get everyone down here and show our support for
12 Planned Parenthood.

13 I live here. I know lots of people who live
14 here. Not everyone could be here, but lots and lots
15 of people in Brighton oppose this building of this
16 facility. It's going to be a big problem. You can
17 see how divided we are right now just in this room.
18 You can see the division. It's not going to go away.
19 It hasn't gone away. It's been here for a long time.

20 Just to give myself a little credibility
21 here, I am an adoptive father. I'm a single father.
22 I -- we adopted and my wife passed away. So I know
23 how tough it is to be single and to schedule, you
24 know, field hockey and, you know, doctors appointments
25 and all those things and get my child scheduled with

1 all her activities. It's not easy. I had to give up
2 a lot. And people do give up a lot when they want to
3 raise a child.

4 If we want to really support women in this
5 community let's help Compass Care. Let's help
6 Margaret Home. Let's help Focus Pregnancy Center
7 downtown. Let's -- let's get out there and -- and
8 help people who -- mothers who are in need and walk
9 with them. But to just say, yes, everyone should have
10 an abortion, that's -- that's not okay. It's just not
11 okay. Thank you.

12 CHAIRMAN PRICE: Thank you, Bernie. Rachel
13 Rosen Simpson, then Heather Coyne is on deck and Emily
14 Gerlach. Good evening.

15 MS. SIMPSON: Good evening, thanks for
16 enduring the full spectrum of all of us this evening.
17 My name is Rachel -- is that better?

18 CHAIRMAN PRICE: Thank you.

19 MS. SIMPSON: I'm a graduate of the Brighton
20 schools and my parents and little sister still live in
21 Brighton in my childhood home. That's my mom back
22 there supporting me tonight. I'm here tonight as
23 member the ROC DSA Sosh Femme Collective to voice my
24 support for the newest location of Planned Parenthood
25 opening in Brighton and to briefly share my personal

1 story as an explanation for my support.

2 After I was raped at university I ended up
3 moving back home to begin the hard work of recovering
4 from trauma and heartbreak in hopes of regaining
5 enough stability to finish my degree and move on with
6 my life. Unfortunately I did not have healthcare that
7 covered mental health services and there were loss no
8 free support groups at the time for rape survivors.
9 The only place I could access therapy was through the
10 rap crisis services offered at Planned Parenthood, now
11 known as Restore. And they allowed me to see a
12 wonderful counselor named Carol for free every couple
13 of weeks for almost a year, which helped save my life.

14 To those who are opposed to Planned
15 Parenthood, they have a myopic view of the life-saving
16 work they do to provide holistic healthcare to those
17 who otherwise would not have access to it in our
18 for-profit healthcare system. It is apparent to me
19 that people who claim to be pro-life obviously care
20 more about some lives and not at all about others like
21 mine. To be frank, I was already nearly suicidal.
22 And if I had gotten pregnant from being raped and did
23 not have the safe option to have an abortion, I would
24 not have survived to actively choose motherhood as I
25 now have. I'm 30 weeks pregnant today.

1 Planned Parenthood helped me survive to make
2 that choice with a loving and supportive partner and
3 on my terms when I felt ready and stable enough for
4 the challenges that come with parenthood. I'm forever
5 grateful for their support in this journey. It hasn't
6 been easy. If you truly care about saving lives like
7 mine and also my unborn child's by extension, I hope
8 you will all have the necessary compassion to allow
9 others access, complete access to all Planned
10 Parenthood's services whenever needed. A new location
11 in Brighton will be an amazing asset to advance
12 healthcare access and equity in our community. Thank
13 you for listening.

14 CHAIRMAN PRICE: Thank you, Rachel. Heather
15 Coyne is next followed by Emily Gerlach and then Lois
16 Verde.

17 MS. COYNE: Hi there. My name is Heather
18 Coyne and I live in the heart of Brighton. I'm
19 commenting to express my ardent support for Planned
20 Parenthood in Brighton. Our Town Supervisor has
21 clearly expressed that the core values of Brighton
22 include education and diversity and inclusion. I can
23 think of no better organization to welcome to Brighton
24 than one that keeps those values at the center of its
25 mission. Whether someone needs low cost gynecological

1 treatment, information and help with hormonal health
2 for menopause or gender affirming care, sexual health
3 testing or legally protected pregnancy ending options,
4 Planned Parenthood will support that person with the
5 care and dignity they deserve legally and morally.

6 One of the issues with which our country
7 struggles is access to safe affordable healthcare
8 especially for communities of color. If our town is
9 to live up to its expressed values, then we should be
10 using every opportunity to expand that access. At
11 this time when states are restricting rights regarding
12 reproductive justice, life-saving LGBTQ+ healthcare,
13 accurate historical curricula regarding racism and
14 voting rights all together, I sincerely hope Brighton
15 will continue to welcome organizations like Planned
16 Parenthood that advocate for and center education,
17 compassion and justice, thank you.

18 CHAIRMAN PRICE: Thank you, Heather. Emily
19 Gerlach, then Lois Verde and Madeline -- I think
20 it's -- Madeline, I apologize. It's -- it's
21 Hollender, I think, but I'm not sure. Emily, how are
22 you?

23 MS. GERLACH: Good. My name is Emily
24 Gerlach and I'm a college student living here in
25 Rochester. I'm here to draw the Board's attention to

1 as aspect of the abortion controversy that is often
2 overlooked. As a psychology major my research often
3 revolves around the consequences of stressful life
4 events and specifically the negative psychological and
5 emotional effects of the abortion procedure.

6 New York abortion providers are not required
7 under law to provide their clients with information on
8 negative impacts to their mental and emotional health.
9 31 states including more left-leaning ones like
10 Michigan, Minnesota, Pennsylvania, Wisconsin, and Maine
11 have abortion-informed consent requirements. New
12 York, the state with the highest rate of abortion,
13 actually lacks any form of informed consent laws.

14 Planned Parenthood, the "largest single
15 provider of abortions in the US," consistently opposes
16 abortion informed content laws. Why is this? Why
17 would any organization that by their own statement
18 claims to be a trusted healthcare provider and
19 informed educator want to deny any information to a
20 woman with such a big life decision to make? What is
21 it that they know that their uninformed clients don't?

22 If most women end up at Planned Parenthood
23 as the result of an unwanted pregnancy, the stress
24 they are already undergoing is only going to be
25 magnified by the physical trauma of an abortion. The

1 human brain often seeks to suppress trauma like this
2 so that post-abortive women may only realize decades
3 later how her abortion has impacted the past 10 to
4 20 years of her life.

5 Thousands of women per day experience the
6 psychological and emotional shocks of induced
7 pregnancy termination and the association between
8 abortion and an increase in mental health problems is
9 statistically significant. This means that there is
10 at least a 95 percent chance that there's a direct
11 relationship between abortion and negative mental
12 health repercussions.

13 An abortion interrupts a women's hormonal
14 cycle in a way that is similar, to a miscarriage, but
15 worse. The natural process of a miscarriage is more
16 gradual than the sudden shock of a vacuum sucking an
17 unborn child from a woman's uterus. A female body has
18 little time to recognize this shock and therefore
19 struggles to recover even more than it would from a
20 miscarriage.

21 Women who have undergone an abortion are
22 consistently shown to be at greater risk of mental
23 health issues. These are not -- these include but are
24 not limited to depression, anxiety, grief, suicidal
25 tendencies and post-traumatic stress symptoms.

1 Undergoing abortion places women at an increased risk
2 for substance abuse disorders.

3 Abortion is a complex event that I hope the
4 Board can recognize is harmful to women's health. Our
5 economy-driven culture encourages women to suppress
6 and even deny negative psychological responses to
7 their abortions. Every woman in Brighton
8 contemplating an abortion should be well informed
9 about the documented risks prior to the procedure. If
10 Planned Parenthood were indeed the trusted healthcare
11 provided and informed educator they claim to be, then
12 they should be obligated to inform a pregnant woman
13 that choosing to terminate the life of her unborn
14 embryo or fetus could significantly impact her mental
15 health.

16 All feminist, all people in Brighton, no
17 matter their beliefs should welcome opportunities to
18 provide women with impactful and vital information
19 regarding this own reproductive health. Another
20 Planned Parenthood will not "preserve the character
21 and quality of life" in the Town of Brighton's
22 neighborhoods and business areas, nor will it protect
23 the overall mental health of the women in the city.
24 There are many true federally qualified healthcare
25 clinics here already.

1 I have a handout here for the Board from the
2 Guttmacher Institute, Planned Parenthood's own
3 research arm, with information on informed consent
4 requirements. Thank you.

5 CHAIRMAN PRICE: Thank you. Lois Verde,
6 Madeline and then Deborah McDell-Hernandez.

7 MS. VERDE: Does this work?

8 CHAIRMAN PRICE: Good evening.

9 MS. VERDE: Okay. Do my best to read it.
10 Good evening. Thank you for hearing me. I was a
11 little complexed at to why we were considered another
12 abortion clinic in the area. And so I did just a
13 little research on it and just a simple Google and I
14 found out that currently in the Brighton area there
15 are already existing at least eight OBGYN medical
16 clinics with as many as 37 doctors representing those
17 clinics. Four of the eight clinics are on South
18 Clinton Avenue. At least five out of the eight
19 mentioned OBGYN providers perform abortions. All
20 provide full women's health services. That does not
21 include the already existing Planned Parenthood clinic
22 that is less than five miles away.

23 To say we need Planned Parenthood in the
24 area because of the medical services is clearly not
25 true. In fact, Planned Parenthood does not provide as

1 much holistic services as these other clinics. Now,
2 want to consider -- I want you to consider the
3 abortion issue itself especially in relation to the
4 minors, which someone had already mentioned, that we
5 no longer need parental permission to give an
6 abortion.

7 According to the ACLU there's 350,000 US
8 teenagers under the age of 18 become pregnant each
9 year. Children in New York State no longer have
10 permission -- parental permission to have an abortion.
11 They are making life decisions and possibly
12 life-threatening decisions that could and often do
13 affect the rest of their lives without the loving care
14 of their parents and caregivers. Possibly you.

15 The Planned Parenthood loves to tell us how
16 safe the procedure is, but there is a risk. And
17 they -- they note the risks. And some of those risks
18 include, but not completely -- this is just a small
19 list that I want to bring out -- is that it doesn't
20 affect fertility. It doesn't cause problems to future
21 pregnancies. And it doesn't cause premature birth or
22 miscarriages. They do state unless there is a rare
23 but serious problem that can happen and they proceed
24 to list these. I want to just bring your attention to
25 these because it does affect the mental health of an

1 individual later in life. And that is the damage they
2 can do to the injury of your cervix, uterus and/or
3 organs. So what does the injury to a uterus do?
4 According to the AC -- I'm sorry -- the ACS Fertility
5 Group in California -- they are not political.
6 They're not pro or against abortion. They're
7 fertility. So they get people in that are wanting to
8 have babies later in life. And so the information you
9 find out on that site is regarding that information,
10 nothing about abortions. Well, except for facts. So
11 what do they say about it? They said uterine
12 scarring, which is what happens when they damage the
13 uterine -- can also cause reoccurring pregnancy loss,
14 miscarriages. It can enable you to conceive. It
15 affects the functional lining of the uterus and can be
16 reason -- and can be a reason for infertility --
17 infertility. Sorry.

18 They continue by confirming that the cause
19 can be from prior abortions. Planned Parenthood's
20 statement is clearly not true. It maybe on a rare
21 sense, but the fact of the matter is that child may
22 never know until it grows up and has a baby or wants
23 to have a baby, then they find out they've had damage
24 caused by the abortion. And I don't know if that's
25 even ever listed in part of their statistics because

1 it didn't happen or wasn't known immediately after.

2 So my statement to you not only does it
3 damage their future ability for these children, but
4 God forbid should the child go home after a procedure
5 be dropped off since they didn't have to have an
6 adult -- a parent -- a guidance to take them there.
7 It could be a kid who drops them off at home while the
8 parent is at work and the parent thinks the child is
9 in school and they go home and they hemorrhage. They
10 hemorrhage. Who's there to protect them? Think of
11 that. It's a horrible situation.

12 So I'm asking you please to consider the two
13 things that I brought before you. The area is already
14 inundated with the abilities to get abortion.
15 Inundated. I don't even know why this is on the board
16 at all, why you guys are even considering this because
17 you're inundated with abortion abilities. And the
18 second one is that Planned Parenthood's, which is the
19 primary business is abortion, is causing harm and
20 danger to our children. Thank you. I do have the
21 statistics here.

22 CHAIRMAN PRICE: I'm sorry. Did you have a
23 question? If you want to leave any written
24 statements --

25 MS. COYNE: I do have -- yeah. The

1 statistics. I got information for all -- all of this
2 is for you.

3 CHAIRMAN PRICE: We'll -- we'll put it into
4 the record. Thank you. Next is Madeline followed by
5 Debora McDell-Hernandez and Brooke Levandowski.
6 Madeline, my apologies. I can't read your last name.

7 MS. HELLENCIA: No, it's okay. Okay.
8 Hello. My name is Madeline Hellenencia. I'm a college
9 student and I've lived most of my entire life in
10 Fairport, New York. I'm here to address my concerns
11 with the addition of a Planned Parenthood and I would
12 like to discuss how I could see it affecting the
13 community of Brighton.

14 Although some people may consider abortion
15 to be healthcare, to those who are disabled in utero.
16 It is not -- as July 26th approaches I will be
17 celebrating the anniversary of the Americans with
18 Disabilities Act. As someone with a disabled brother,
19 I am more than thankful for this act because of the
20 protection and awareness it brings to the disabled.
21 The Americans with Disabilities Act prohibits
22 discrimination against people with disabilities in
23 several areas including employment, transportation,
24 public accommodations, communications and access to
25 state and local government programs and services. And

1 although this act is set in place to protect the lives
2 and the dignity of the disabled, they are at the
3 greatest risk of harm and discrimination in the womb.

4 We update apartment regular -- or -- sorry.
5 Department regulations and construct architectural
6 alterations in order to prohibit discrimination in the
7 basis of disabilities in all services. However, we
8 also continue to discriminate against the disabled by
9 violently killing them in the womb. Why would we vow
10 to protect the lives of the disabled yet support a
11 facility that is the biggest threat to their lives?

12 This goes beyond discrimination and
13 disrespect. This is the plain disregard for human
14 life based on the discrimination of the disabled. For
15 example, where prenatal testing reveals unborn
16 children may be born with Down Syndrome, 67 percent
17 end in abortion, most of which are later term. These
18 innocent children are increasingly being targeted and
19 killed based on disability.

20 I wish to live in and represent a community
21 that celebrates the life of the disabled. I want to
22 live in a place where I know people like my brother
23 are respected and given all the opportunities that
24 they deserve. I want to know that there's a place
25 where people like my brother are encouraged to find

1 fulfillment in their lives regardless of what society
2 sees as a handicap. My hope is that one day the
3 disabled in and out of the womb will obtain respect
4 and dignity that is their natural and constitutional
5 right.

6 The law Iceland permits abortion after 16
7 weeks if the fetus has a fetal deformity. Because of
8 this law close to 100 percent of women who receive a
9 positive test for Down Syndrome terminate their
10 pregnancy. And with a population of around 333,000,
11 Iceland has on average just one or two children born
12 with Down Syndrome per year usually after their
13 parents have received inaccurate test results. What
14 did these statistics reflect about Iceland's society?
15 I think that it reflects that this country is proud of
16 these statistics and celebrates its eugenic culture.
17 Is this what the Town of Brighton wants? Do we wish
18 to be a community that encourages discrimination of
19 the disabled solely because these innocent children do
20 not fit the confines of normal?

21 With all of this in mind, please consider
22 the kind of facility we invite into this community.
23 Thank you.

24 CHAIRMAN PRICE: Thank you for coming out.
25 Appreciate it. I really did mess up your name.

1 MS. COYNE: It's fine.

2 CHAIRMAN PRICE: I apologize. Debora
3 McDell-Hernandez. Then Brooke Levandowski and then
4 Michael Jaffran.

5 MR. GORDON: Bill, I'm going to interrupt
6 just briefly again with two announcements. First, I'm
7 noticing more and more of the folks in this room are
8 not wearing their masks over their nose and mouth. I
9 know it's warm in here, folks, but our policy in Town
10 Hall to keep us all safe is to be fully masked.
11 Please place your mask over your nose and mouth unless
12 you're at the podium speaking, at which time you can
13 remove it. And then when you leave the podium, please
14 put it back on. That applies for the folks downstairs
15 as well.

16 Second announcement is that I don't know if
17 all of you know this, but this public hearing is being
18 broadcast on YouTube. So if you're uncomfortable
19 sitting here listening to the public hearing in this
20 very warm room, you're free to go home and watch it on
21 YouTube or watch it outside on your cell phone as you
22 wish. Thank you.

23 CHAIRMAN PRICE: Good evening.

24 MS. McDELL-HERNANDEZ: Sorry.

25 CHAIRMAN PRICE: Good evening.

1 MS. McDELL-HERNANDEZ: Good evening,
2 everyone. My name is Debora McDell-Hernandez and for
3 full transparency I am a proud employee of Planned
4 Parenthood where I serve as the senior director of
5 public and community affairs. So I appreciate the
6 opportunity to speak to you, the board, as well as the
7 other members of the audience. And I'd also like to
8 take a moment just to thank the people who have come
9 today in support of Planned Parenthood or have written
10 letters in our support or who are standing outside in
11 solidarity.

12 I am not a resident of Brighton. I live in
13 the City of Rochester. However, I am a frequent
14 visitor to Brighton. My primary physician is in
15 Clinton Crossings. My neurologist is also in Clinton
16 Crossing. And to set the record straight, I would
17 like to make a correction to the way that people have
18 been referring to Planned Parenthood.

19 We are a healthcare provider. We are a
20 healthcare center and not an abortion clinic. And I
21 heard the same said of one of your residents not far
22 from where we'll be, Dr. Morris Wortman. I am a
23 former patient of his and I was having chronic
24 menstrual issues, excessive bleeding and I was happy
25 to go to his services and get the problem corrected

1 without a hysterectomy. I did not need him for an
2 abortion. So his office provides more than abortions.
3 Just wanted to state that.

4 So not a Brighton resident, but I do
5 frequent Brighton often and I've had the pleasure of
6 collaborating with many organizations in Brighton as
7 well as individuals who are residents of Brighton.
8 And many of the places I have collaborated with as
9 well as Planned Parenthood are your places of
10 worship -- places of worship that are for the
11 Unitarians, Jewish people. And I would like to
12 recommend or let people remember that Brighton is a
13 very diverse community and everybody in Brighton is
14 not a Christian practicing Christianity. So there are
15 many faiths in Brighton and I think we need to be
16 cognizant of that before we try to push morality and
17 religion on others in our community.

18 So Planned Parenthood provides a range of
19 healthcare services as many people have already shared
20 with you, everything from family planning to abortion
21 which is still legal in New York State and the US. So
22 we provide -- we provide a variety of services for
23 youth as well as adults. And those services also
24 included advocacy. We advocate for legislation that
25 promotes access to healthcare, equitable healthcare,

1 affordable healthcare. We also advocate for things
2 like voter rights. We advocate for LGBTQ rights. So
3 we are not a one hit wonder or a single lane
4 organization. We do a lot by way of healthcare
5 advocacy and education.

6 And unlike fake clinics, which are also
7 known as crisis pregnancy centers, we don't have to
8 lure our patients. No one's being forced to visit
9 Planned Parenthood just as no one's being forced to
10 visit Morris Wortman or Clinton Crossings. We would
11 be a business standing there following all the
12 business zoning compliance rules. And anyone who
13 wants to visit us is free to come and visit us. And I
14 would like to also say that our services are
15 affordable. Everyone -- well, not everyone -- may
16 have commented that there are so many healthcare
17 providers in Rochester or the greater Rochester area.
18 Well, unfortunately all of those healthcare providers
19 aren't necessarily going to provide a space that is
20 welcoming to the LGBTQ population. People want to go
21 where they feel honored, respected and welcome. A lot
22 of those places also aren't going to be able to help
23 you if you have no money or insurance.

24 So those are just things to keep in mind
25 when thinking of Planned Parenthood and how accessible

1 we are to the community. I'll keep this short. The
2 only other thing I wanted to just acknowledge that we
3 do a lot to support the communities that we're in. So
4 again, education for youth. We have In Control in
5 Rochester. We have The Connection in Niagara Falls as
6 well as Teen Reality Theater in Buffalo. And those
7 are places that are youth drop-in centers that provide
8 youth -- for a place for networking access to free
9 internet, but also extracurricular activities during
10 the summer. We have several programs now up and
11 running that are introducing urban youth to gardening
12 and farming, healthy meals.

13 We're still in a pandemic, but earlier in
14 pandemic many of our centers were a source of food for
15 families in need and just a source for students who
16 may have been struggling to get their studies done
17 while working remotely or studying remotely.

18 The last thing I want to comment on because
19 obviously I am a black woman. I'm an African-American
20 woman and I've heard race brought up a lot this
21 evening, killing of blacks, of black babies. And I
22 just want to set the record straight on the black
23 lives matter narrative. It is offensive to me as a
24 black woman to hear people constantly twist the
25 narrative to their advantage. The black body has been

1 policed and abused for centuries in this country.
2 Whether it was rape through slavery and the female
3 body was used as a tool for economic gain. So I would
4 just like to say that black women, and all women I'm
5 sure, but especially black women would appreciate
6 having agency on their bodies and having family
7 planning be done on their terms and not having people
8 push and pull their reproductive choices at their
9 whim. So thank you for listening.

10 And the only other thing I want to say to
11 people who want to help the community, if you want to
12 help black people, you want to know what keeps a lot
13 of black families up at night? Food insecurity. Go
14 out help people open more grocery stores in urban
15 areas that are food deserts. Help people who are
16 working who can't afford child care get affordable
17 childcare. Do some lobbying. Write some letters to
18 your legislators. Do you know about 200 kids in
19 Rochester don't have beds to sleep in? I have several
20 friends who work for school districts who've gone and
21 done home visits and are literally walking over
22 children because children are sleeping on the floor,
23 on sofas. So if you really want to be active and do
24 some activating in your community, go help those
25 causes. And that's all I have to say. I appreciate

1 your time and thank you.

2 CHAIRMAN PRICE: Thank you. Brooke
3 Levandowski and Michael Jaffran followed by Carrie
4 Perman -- Perham. I'm sorry. Good evening.

5 MS. LEVANDOWSKI: Good evening. Good
6 evening Brighton Town Planning Board members.
7 Impressive work on my last name. My name is Dr.
8 Levan -- Brooke Levandowski. I live in Monroe County
9 and I vote. As a lesbian I just want to say how
10 grateful I'm to see the pride flag outside. It made
11 me feel really welcome. And I loved that. I come to
12 you today wearing three hats.

13 I'm a former Planned Parenthood patient.
14 When I was a graduate student at Syracuse University,
15 I wasn't able to obtain birth control from SU. And I
16 was in an abusive relationship. And I'm so pleased
17 that Planned Parenthood was able to provide me free
18 birth control. I'm also the current board chair of
19 Planned Parenthood of Central New York and Western New
20 York. And I am also a sexual and reproductive health
21 researcher and epidemiologist at URMC.

22 I'm pleased to be here today to thank you
23 for your support of moving our clinic within your Town
24 limits. We've conducted extensive marketing analysis,
25 which has found that Brighton is the very best new

1 location for one of our clinics that provides sexual
2 and reproductive healthcare to all people regardless
3 of their ability to pay and their individual
4 identities no matter what.

5 The opposition often say that there are many
6 other health care providers who offer the same
7 services as Planned Parenthood. That statement is not
8 accurate. Planned Parenthood provides services to
9 patients regardless of their ability to pay. The same
10 cannot be said about other healthcare providers. As a
11 sexual and reproductive health researcher, I want to
12 assure you that you've heard a lot of research this
13 evening which was incorrectly interpreted and
14 misunderstood. I'm happy to correct this at another
15 time. So feel free to reach out and I'll leave you my
16 card.

17 We're proud to provide well women visits,
18 which include breast and cervical cancer screening,
19 birth control counseling and methods, and abortion to
20 support our community members' ability to plan their
21 parenthood and care for their family. And we also
22 have expanded transgender hormone provision and other
23 care to my LGBTQ+ community.

24 We really appreciate your support and we
25 look forward to a long, respectful, mutually

1 supportive relationship with you as we serve your
2 residents with care, no matter what. Thank you.

3 CHAIRMAN PRICE: Thank you, doctor. Next is
4 Michael Jaffran, followed by Carrie Perham and then
5 James Appel. Good evening.

6 MR. SAFFRAN: Good evening. It's Michael
7 Saffran.

8 CHAIRMAN PRICE: Oh, that's an S. I'm
9 sorry.

10 MR. SAFFRAN: I'm sorry for the poor
11 handwriting. Thank you, Mr. Price, for this
12 opportunity. Kudos to you on running an excellent
13 meeting. I attended the Zoom meeting last month. You
14 seem to have incredible patience and run an excellent
15 meeting. So kudos on that. I'm a long time Brighton
16 resident as I mentioned in the Zoom meeting last
17 month. And I had an opportunity last month to express
18 some personal views. And a lot of people certainly
19 tonight are expressing pro-life, pro-choice views. So
20 once again, I'll try to perhaps offer some comments in
21 keeping with the purpose of this Planning Board.

22 So I implore the Planning Board to listen to
23 the citizens of Brighton. You've heard many of them
24 tonight. Some very, very good comments. We don't
25 want a Planned Parenthood in Brighton anymore then we

1 would want a Classy Cat or a Show World in Brighton.
2 This is very much, I think, in your purview as the
3 Planning Board, you know religious views aside.

4 A couple speakers ago was criticizing people
5 for sharing religious views. It's perfectly fine that
6 they do. Religious views aside, we don't want a
7 Planned Parenthood in Brighton. Planned Parenthood is
8 not healthcare. Use whatever word you wants. It is
9 not healthcare.

10 Abortion is surgical contraception, the lone
11 exception being when it's the mother's life in damage.
12 And certainly some people accept that as an agreeable
13 reason. The vast majority of cases it's surgical
14 contraception. We are very proud, I think, as
15 Brighton residents of the strong healthcare facilities
16 there that are in our town. Many thanks to the
17 University of Rochester, right, for being such a large
18 presence in Rochester and Brighton. So we are proud
19 the healthcare facilities in the Winton -- or excuse
20 me -- the Clinton and Westfall area especially. It's
21 a robust area for healthcare. Abortion is not
22 healthcare.

23 Another speaker previously tonight made the
24 size argument, the size of a peanut I think he said.
25 That's been debunked, that argument, size does not

1 matter. It's life. It's human life. We've heard the
2 my body my choice argument. That's been debunked.
3 There are many things that by law we can't do with our
4 own bodies. So that argument has been debunked. They
5 are weak arguments.

6 You have a half a dozen pages of letters
7 that you've received, probably some six dozen letters,
8 some in support, some in opposition to this facility.
9 But again, listen to the citizens of Brighton.
10 Whatever your individual positions might be on this
11 Planning Board in regard to abortion, listen to the
12 citizens of Brighton. Who don't want this facility,
13 for pro-life reasons sometimes, quality of life
14 reasons all the time, pro-family reasons, social
15 justice reasons.

16 It's the ultimate social justice debate for
17 human equality issues. So please listen to the
18 citizens of Brighton. And thank you again.

19 CHAIRMAN PRICE: Thank you, Mike. Next is
20 Carrie Perham followed by James Appel and Dorothy
21 Hayes. Is Carrie here? Thank you.

22 MS. PERHAM: Hi, everyone. How are you?

23 CHAIRMAN PRICE: Good evening.

24 MS. PERHAM: All right. Hi everyone -- oh
25 sorry. Go ahead. Oh, I'm good? Okay. Hi everyone.

1 My name is Carrie Perham. I'm on the board for
2 Feminists Choosing Life of New York. We are a
3 statewide human rights coalition that engages in
4 grassroots activism to promote pro-life feminism and
5 core principles of non-violence an non-discrimination.
6 I currently live in the city on Oxford Street.

7 As young women who seeks the same services
8 that women's healthcare facilities offer, I can tell
9 you for certain that Planned Parenthood does not
10 provided comprehensive healthcare and there are
11 several other facilities in and around Brighton that
12 do. A planned Planned Parenthood is simply not needed
13 in Brighton, New York.

14 Planned Parenthood will mislead you into
15 thinking that they offer full service healthcare like
16 cancer screening. This is false. They do breast
17 examples, which any other family doctor can do. But
18 they do not do mammograms. Let's be clear. The
19 difference between Planned Parenthood and a federally
20 qualified health center is one thing. Abortion.

21 Planned Parenthood is not needed for women's
22 healthcare services. Planned Parenthood is not needed
23 for reproductive healthcare like STD testing or birth
24 control. Planned Parenthood does only one thing that
25 you can't get anywhere else, which is abortion. And

1 you still have that there is an abortion clinic right
2 Clinton Avenue. Why do we need two abortion clinics
3 in the same location?

4 Besides that there's one eight minutes east
5 of Brighton head, UR Medicine Women's Healthcare
6 practice and, of course, a Planned Parenthood
7 10 minutes north of Brighton in University Avenue.
8 Why do we need so many? Is this a really good use of
9 the building and -- the building and the land at
10 Westfall? Is it worth the negative impact on the
11 surrounding businesses?

12 Here in my hands I have our Women's Guide to
13 Healthcare brochure created by Feminists Choosing Life
14 of New York and Feminists for Non-Violent Choices.
15 This brochure, which I'll give to all of you, each of
16 the board -- I'm sorry -- is specific to the Western
17 New York and Rochester region. It lists several
18 actual comprehensive healthcare centers in our area,
19 15 in total comprehensive healthcare options in
20 Rochester. Is this not enough? Are we really in need
21 of a falsely advertised comprehensive healthcare
22 clinic? Think about it.

23 Here are the Towns in Rochester that do not
24 have -- I'm sorry -- in the Rochester region that do
25 not have a Planned Parenthood. Webster, Greece,

1 Henrietta, Penfield, Fairport, Irondequoit. Why is it
2 that they don't have an abortion clinic? The Town of
3 Brighton is clearly overcompensating for nearby towns
4 whose citizens don't want one. Why do you think the
5 one in Greece closed? Please take a look at the
6 numerous healthcare clinics that surround us and ask
7 yourself if this is really what Brighton needs, what I
8 need, because I can tell you that it is not more
9 abortion clinics.

10 If you would like a brochure I also have
11 more than enough for everyone. I have -- yeah. I
12 have several of those. We also recently launched an
13 app called Women's Guide to Healthcare where you can
14 select a service you want and it connects you with the
15 nearest clinic in Rochester or Buffalo. These are the
16 places that do the business you want. These are the
17 places that provide the services you want for your
18 women and children, not Planned Parenthood.

19 Besides this brochure I want to give each of
20 you a water bottle with a quote from Alice Paul, the
21 author of "Equal Rights Amendment." She said abortion
22 is the ultimate exploitation of women." Thank you.

23 CHAIRMAN PRICE: Thank you, Carrie. All
24 right, James. Good Evening.

25 MR. APPEL: Good evening. My name is James

1 Appel. I'm the messianic rabbi of a Congregation
2 Shema Yisrael. It's a messianic Jewish congregation
3 on Edgewood Avenue. We just moved in after buying the
4 former facility of Edgewood Free Methodist Church. So
5 we have a congregation of people who are very much
6 opposed to having an abortion facilities in the Town
7 of Brighton.

8 I want to say first of all, thank you to all
9 of you on the Planning Board. I am amazed at your
10 endurance and your willingness to stay for so long and
11 listen to so many people. So kudos to you. I think
12 you're doing a great job with -- I'm sure you didn't
13 expect this when you signed up to be on the board, but
14 here we are.

15 What I'd like to bring up today is a word
16 that has often been spoken as we've heard from people
17 and for the Board to consider this word, inclusion.
18 And I would say diversity also. As a rabbi there are
19 often times when I have to take into consideration
20 disparate views, people who believe this and people
21 who believe this, and still have to live together, get
22 along together to be part of the congregation. And it
23 is a difficult task. And I've learned some things
24 over the years of how best to do that.

25 Perhaps I've learned the most of how to do

1 it from my wife and our marriage, just to give you an
2 example, I love to travel in mountainous areas and
3 look at beautiful views and lakes and hills. I'm sure
4 many of you like to do that too. But my wife suffers
5 from car sickness. And so if we were to go visit the
6 Adirondacks and drive through those wonderful high
7 peaks, areas, she would be getting sick and not very
8 happy. So we don't do it because even though that's
9 something I like to do, that's something that is
10 really, really abhorrent for her.

11 And as what I see here happening and I'd
12 like to consider is that we have lots of people
13 expressing well thought out views as to why having an
14 abortion facility in Brighton will be a good thing. A
15 little more convenience. It would be helping poor.
16 People all these wonderful things, which they, of
17 course, hold as very valid views.

18 On the other hand you have a large number of
19 people as you have seen here today who believe that a
20 abortion facility is a place where people are
21 murdered. And it is an abhorrent thing that vexes
22 everything who has that opinion. Whether you agree
23 with it or not, I think you can understand if you have
24 that opinion it vexes you to have that in your town.
25 It vexes you to be something that your town taxes

1 support because our town taxes do support the upkeep
2 of this place.

3 So I would just like to have you consider
4 the gravity, let's say, of one set of opinions versus
5 the gravity of the other set of opinions. And just as
6 we don't travel on mountain roads when we go on
7 vacation to be able to see that, there are people who
8 are part of this town who do this -- to -- for whom
9 this is something that is very serious and very
10 vexing. It's not just a matter of convenience or of
11 something that will help a few people. It's something
12 that really puts us over the limit of what we can put
13 up with. Thank you.

14 CHAIRMAN PRICE: Thank you, Rabbi. Next is
15 Dorthy Hayes followed by Gabby Lara and Deanna Joy.

16 MS. HAYES: Good evening. And I'd like to
17 echo the rabbi's comments on your patience and
18 endurance. This is -- really for us even just staying
19 around and it's long. And I really appreciate that.

20 I'm not a Brighton resident, but what
21 happens here is of consequence to me not only because
22 family and friends live here and that I come here for
23 shopping and doctor's appointments, that I have -- and
24 I have six grandchildren that go to Elmwood Pediatric
25 Group, which is right in that same area, but because

1 I'm also a sidewalk advocate. I'm co-director of ROC
2 Love Will End Abortion, which is a sidewalk advocacy
3 group that's regularly in front of the abortion
4 industries here in Rochester. And I see firsthand
5 that Planned Parenthood doesn't offer reasonable
6 long-term solutions for men and women.

7 It's certainly obvious this evening Planned
8 Parenthood isn't a benign healthcare organization.
9 Their reason for being is abortion. Their business is
10 to kill children. But they play that fact down
11 instead to try to convince the public that they're
12 essential healthcare that other -- that other
13 providers are fake or inadequate. The only thing they
14 bring to the table is the one thing they're trying to
15 hide. Abortion. They will -- not there'll be no
16 benefit here. They will not benefit Brighton. They
17 are dishonest.

18 When you look at -- just look how they tried
19 to sneak into the Town. All ten members of the
20 Westfall Medical Realty, LLC have the same last name,
21 Westfall. It's a little suspicious. They're
22 notorious for not reporting the rape of young girls.
23 My daughter-in-law was pregnant as a result of rape
24 when she was 15. She told those at the clinic that
25 she had been raped and there was absolutely no support

1 or reporting to authorities. That's a huge selling
2 point for the sex industry and not a desirable element
3 to encourage in your community.

4 They also offer limited healthcare, contrary
5 to what you hear from their employees, and nothing
6 that's not readily available from dozens of other
7 nearby providers, many of whose purpose is to serve
8 the underserved. If you search federally qualified
9 health centers, you will see there are dozens of these
10 facilities throughout Rochester. And their purpose is
11 to provide good comprehensive healthcare. Monroe
12 County even has free walk-in clinics for STD testing
13 right down the street from the proposed site.

14 As a sidewalk advocate that sees the needs
15 of these predominantly young women of color face the
16 needs they face and how easily they're dismissed after
17 their abortion, it makes me cry. Planned Parenthood
18 has one solution and it isn't progressive. It's
19 barbaric. That's why we're on the sidewalk to educate
20 and to support women throughout their pregnancies and
21 after. And that's why we continue to be here.
22 Abortion isn't victimless. When you applaud abortion,
23 you're applauding the victory of the strong over the
24 weak, the powerful over the defenseless.

25 I also think your community has a right to

1 know. Do the businesses surrounding Westfall know
2 who's moving in? And when you look at your front --
3 you know, on the step what will be coming with that?

4 Since the Reproductive Health Act was passed
5 and removed essentially all obstacles to abortion and
6 late-term abortions, which are no longer required to
7 be done in hospitals or by physicians, do you know how
8 late in the pregnancy they will be performing
9 abortions and how they plan to dispose of the remains?
10 It appears from the plans of the Planned Parenthood on
11 University Avenue that the aborted children are put
12 through some sort of grinder and then disposed into
13 the sewer system. Is that plan for the proposed site?

14 California and Florida or starting to
15 investigate what's this -- this is doing to the water
16 systems. How will this affect yours? Will they be
17 supplying bodies and body parts for research as they
18 have in Pittsburgh? Will they be compensated
19 financially as they are in other areas of the country?

20 I know this is a volatile issue and I know
21 Planned Parenthood is a rich and powerful,
22 intimidating organization, but I hope you will give
23 this consideration -- careful consideration. As the
24 saying goes women deserve better than Planned
25 Parenthood and I believe Brighton does too. Please

1 deny Planned Parenthood access to your good town.

2 Thank you.

3 CHAIRMAN PRICE: Thank you, Dorthy. Next is
4 Gabby Lara, then Deanna Joy and then Amy Yosha. Let
5 me just see -- is Gabby here? Okay. Maybe outside.
6 We can come back. Is Deanna here? We'll come back
7 to -- I'm looking lost because I'm seeing things
8 happening in the back. I apologize for that. Good
9 evening.

10 MS. JOY: Hello.

11 CHAIRMAN PRICE: I'm not sure who you are.
12 So please introduce yourself.

13 MS. JOY: Yup. My name is Deanna Joy and
14 I'm a lifelong resident of the City of Rochester,
15 co-director of ROC Love Will End Abortion and
16 certified educator, mentor and coach. I am active in
17 the local sidewalk ministry and I want to share a bit
18 of my experience being present over the past year
19 outside of the University Avenue Planned Parenthood
20 and at the past Greece facility.

21 Planned Parenthood is a racist organization
22 based on their founder, Margaret Sanger. Margaret
23 Sanger was all about eugenics, elimination of the
24 black race. She spoke at Ku Klux Klan meetings and
25 considered blacks as, in her own words, weeds of

1 society. One young lady who discovered this prior to
2 her appointment decided not to go into Planned
3 Parenthood because she wanted to be true to her roots.
4 Margaret Sanger would be proud of the work that
5 Planned Parenthood is doing today.

6 Monroe County's black community is on the
7 path to extinction. Our population meets the
8 international union for conservation of nature's red
9 list criteria for an endangered species. More than
10 one in three black children are missing from our
11 families due to abortion. In Rochester 36 percent of
12 black pregnancies end in abortion. Racial and ethnic
13 minorities represent a total of 24 percent of the
14 population of females of child-bearing age in our
15 county, but have 65 percent of the abortions.

16 Also from our sidewalk presence there are
17 many unhappy neighbors. Some sidewalk advocates
18 including myself use voice amplifiers to assist us in
19 reaching out to women and men coming an going from
20 Planned Parenthood to share community resources and
21 better health healthcare facility options. The
22 neighbors do not like the noise from the amplifiers,
23 but also they are bothered by the many cars that honk
24 as they drive by. The neighbors have expressed these
25 things to be a nuisance to them that disrupts the

1 peace of their neighborhood.

2 I also want to mention and bring to your
3 attention the increased police presence on University
4 Avenue. And I have also been there on different
5 occasions when the ambulance had to called, one of
6 those times even a fire truck arrived prior to the
7 ambulance arrival. You can be assured that increased
8 use of police and ambulance resources will be needed
9 in Brighton if the Planned Parenthood comes here.

10 I just want to leave you with this question.
11 Is Planned Parenthood an organization that aligns with
12 Brighton's mission and do they reflect Brighton's core
13 values? I do urge you to say no to Planned Parenthood
14 in Brighton. Thank you for your time and thank you
15 for listening. Have a great night.

16 CHAIRMAN PRICE: Appreciate your time.
17 Thank you. Is Gabby here? Thank you, again. Good
18 evening. Please.

19 MS. LARA: Good evening member of the Town
20 of Brighton Planning Board members and thank you for
21 the opportunity to address you today. My name is
22 Gabby Lara and I am the Students for Life Action state
23 captain and Brighton Residents Against Violence
24 outreach coordinator. We stand together today to
25 express our opposition for the initial plan to have

1 another potential abortion facility to be built in the
2 Town of Brighton. Students for Life Action and BRAV
3 has grave concerns about the abortion industry
4 controversy sweeping across the State of New York with
5 Planned Parenthood committing 354,871 abortions a year
6 in the US according to heir public 2020 annual report
7 that can be found on their website. This is 972
8 abortions committed each day, 71 per hour and one baby
9 killed every 89 seconds.

10 We are here to speak for citizens and four
11 our generation having lost one in four due to
12 abortion. And we now face constant pressure to accept
13 abortion as a solution instead of the violent
14 devastating problem that it is. This view is flawed
15 as you are all aware. Another Planned Parenthood site
16 is seeking to establish a new abortion business in
17 Westfall Medical Park, which is stated to be Monroe
18 County's most developed and prestigious medical
19 corridor representing medical related practice.

20 But medicine heals. It does not
21 intentionally kill for profit. Therefore I can firmly
22 and confidently say that Planned Parenthood does not
23 represent the medical communities. Those who are
24 under the false impression that Planned Parenthood is
25 really a women's health clinic and not just an

1 abortion vendor may think that Planned Parenthood --
2 or may think that women need Planned Parenthood, but
3 we know better than that. We know that Planned
4 Parenthood is not in the business of health, but of
5 exploitation. We know that federally qualified health
6 centers outnumber Planned Parenthood more than 13 to 1
7 providing more than double the services option as
8 Planned Parenthood and serve 15 times as many patients
9 as Planned Parenthood. Most importantly federally
10 qualified healthcare centers do not kill their
11 patients.

12 And in the Town of Brighton -- the Town of
13 Brighton does not need Planned Parenthood. Everything
14 Planned Parenthood sells and provides except abortion
15 can be found in the nationwide network of federally
16 qualified health centers at universally low prices.
17 They provide health services such as STD testing,
18 flash treatment, pregnancy tests, gynecological exams
19 and in the Rochester region there are over 15
20 federally qualified healthcare centers.

21 For years Planned Parenthood officials,
22 staff and surveys have repeatedly promoted false
23 information about the services they offer. For
24 example, falsely claiming they do mammograms for
25 women. They also are currently under federal

1 investigation for the procurement and research
2 involving fetal trafficking of children killed in
3 late-term abortions. Planned Parenthood also has a
4 history of not reporting medical emergencies of their
5 abortion patients or calling an ambulance during
6 abortion emergencies.

7 In every abortion Planned Parenthood kills
8 the child and endangers a woman's life. This is not
9 prestigious healthcare. If every Planned Parenthood
10 in the nation closed tomorrow, federally qualified
11 healthcare centers would only need to take
12 approximately two new patients a week to absorb their
13 clients. Women in Brighton do not need Planned
14 Parenthood.

15 Thank you for the opportunity to speak to
16 you all and please support these reasonable concerns
17 we have for our citizens. Thank you.

18 CHAIRMAN PRICE: Thank you, Gabby. Up next
19 is Amy Yosha followed by Shawn Weeks and then Chris
20 Belder. And I apologize. Belcher probably. Good
21 evening.

22 MS. YOSHA: Hi. Thank you so much. I'd
23 like to offer my perspective today from several
24 different viewpoints. I am a resident of Brighton. I
25 am a family physician and I am a very proud board

1 member of Planned Parenthood of Central and Western
2 New York. I feel tremendous pride that my town could
3 have a Planned Parenthood.

4 This is something that we bring today to the
5 light. It is a place that does share Brighton's
6 values. A place that represents inclusivity and
7 empowerment. It is a place that anyone can access to
8 have some of the most vulnerable conversations and
9 receive care that is based on science. Some may argue
10 that care should not be based on morals and values,
11 but it is. The difference is that Planned Parenthood
12 holds the values of compensation and the values that
13 individuals have the knowledge about their own life,
14 their own bodies and able to make their own decisions.

15 In my family medicine practice I both love
16 and admire my patients. They have taught me so many
17 lessons. One that I carry today is to meet my
18 patients where they are. Patients are telling us that
19 they are here and that they need care. We need to
20 show up. Please demonstrate that you value access and
21 individuals' knowledge about their own health by
22 approving our Planned Parenthood site here in
23 Brighton. Thank you.

24 CHAIRMAN PRICE: Thank you, doctor. Next is
25 Shawn Weeks. Followed by Chris Belcher and Karen

1 DeWitt.

2 MR. WEEKS: Good evening. I appreciate your
3 patients, again, as others have said. I am a resident
4 of Brighton. I live at 555 Bonnie Brae Avenue and one
5 of the reasons we moved to Brighton was because of the
6 education. We wanted to have our daughter go to
7 Brighton High School. And we appreciate the community
8 here.

9 One thing that we've heard a lot from people
10 is about -- just from the previous person -- about
11 compassion and having everyone have a choice. I think
12 the reality is that I'm standing here for the future
13 citizens of Brighton meaning those who need a choice
14 to be born; right? They can't take that choice on
15 their own unless they're given that opportunity. So
16 I'm here to represent the future citizens of Brighton
17 who, unless they are given the opportunity to be born,
18 will not have that choice in life without the gift of
19 life. How can you choose?

20 All of us should be grateful for our
21 parents, for our moms, right, because without the
22 choice of being able to be brought into this world we
23 have no choice. We have no life. So my purpose is
24 for you as the Town Board Planning Committee to
25 consider is it really worth building a facility or

1 demolishing a facility that currently is or was a
2 healthcare facility to build another facility that is
3 so-called healthcare, but their primary purpose is to
4 end the life of a child. So I would hope you consider
5 this and consider all those residents of Brighton who
6 has expressed the same concern. Thank you.

7 CHAIRMAN PRICE: Thank you for coming out,
8 John. Up next is Chris Belcher. And please forgive
9 me if I got your name wrong, Chris.

10 MR. BELCHER: You got it right. Thank you.
11 Good evening and thank you for the opportunity to
12 speak. My wife and I have been residents of Brighton
13 for nearly a decade. We strongly oppose a Planned
14 Parenthood coming into our town. There are numerous
15 other providers that provide better services to those
16 in need that don't also end innocent lives. Not only
17 that, but Planned Parenthood aborts minority babies at
18 a higher rate than any other race. This is a grave
19 social justice issue of our time. If this was
20 something that Planned Parenthood was proud of, they
21 would openly promote it instead of trying to sneak it
22 in. Abortion is not healthcare and women deserve
23 better. Thank you.

24 CHAIRMAN PRICE: Thank you, Chris. I
25 apologize. I didn't follow up on this. The next

1 speaker is Karen DeWitt followed by Sophie Alesi --
2 Sophia Alesi. Karen DeWitt. Okay.

3 MS. DeWITT: Hello. Thank you so much. My
4 name is Karen DeWitt and I've come tonight as a
5 neighbor -- I'm down the road in Penfield -- to
6 encourage the Brighton Planning Board to say no to
7 Planned Parenthood.

8 While Planned Parenthood purports to do more
9 than other organizations to present unintended
10 pregnancies and the need for abortions, Planned
11 Parenthood is widely known as our nation's leading
12 provider of abortions. In fact, they state on their
13 website that we're proud to provide abortion services.

14 According to the Guttmacher Institute in
15 2017, 862,320 abortions were provided nationwide,
16 105,380 in New York State. This amounts to 12 percent
17 of the national abortion rate. Between 2015 and 2017
18 New York saw a 19 percent increase in abortion
19 providing facilities. According to the -- the
20 2018-2019 Planned Parenthood report, abortion made up
21 95 percent of their pregnancy resolution services.
22 Prenatal services accounted for 2.7 percent,
23 miscarriage care 0.6 percent, adoption referrals
24 1.2 percent. Cancer screenings and prevention
25 services drop by 69 percent and contraceptive services

1 dropped by 34 percent.

2 Planned Parenthood can pocket up to \$1,500
3 for a single abortion procedure. And it says on their
4 website and as shown in some undercover videos. There
5 are a number of directing staff in the ranks who
6 actively deal fetal tissue to researching firms such
7 as Stem Express, Advanced Bioscience Resources,
8 Biomex, and Novogenix despite laws in their state
9 against this type of practice. It's no secret that of
10 all Planned Parenthood's services which have been
11 discussed tonight by the opponents, abortion is a
12 lucrative option for the community. And it's no
13 secret that New York State has little restrictions on
14 abortion, which means that it's a great ground for
15 Planned Parenthood -- Planned Parenthood's business
16 strategy. These facts give me loving concern for what
17 Planned Parenthood plans to bring to this community of
18 Brighton and to my neighboring community of Penfield.

19 If those of us here were part of Planned
20 Parenthood's abortion statistics, these seats would be
21 empty tonight, our lives discarded in the name of
22 healthcare. Brighton community -- our Brighton Town
23 Board -- Planning Board please consider saying no to
24 Planned Parenthood and considering if there's pressure
25 for other women's healthcare to look into other

1 options. Thank you.

2 CHAIRMAN PRICE: Thank you for coming out,
3 Karen. Next is Sophia Alesi followed by Cecilia
4 Lester. Good evening. Please. Thank you.

5 MS. ALESI: Hello. My name is Sophia. I
6 live in Rochester. I'm here tonight to speak in
7 support of Planned Parenthood. Being so vehemently
8 pro-life doesn't make anybody actually pro-life. What
9 I mean by that is that if all the same people
10 advocating against a Planned Parenthood being built
11 actually wanted to reduce the number of abortions as
12 much as possible, they'd be advocating for things like
13 early and honest sex education, accessible and free
14 birth control, paid parent leave, universal
15 healthcare, the complete revamping of the foster care
16 system for universal child care and more.

17 People don't care about the conditions a
18 child lives in after they're born. They don't care
19 about the condition the mother and family lives in
20 during the pregnancy or at any point really. They
21 don't care at all about actually providing support or
22 meeting community members' needs. They care about
23 banning people with uteruses from making decisions
24 about their bodies.

25 Now, I understand that from the opposing

1 perspective, if my being as objective as possible in
2 recognizing the other perspective that this is about
3 banning murdering and not banning abortion, but
4 ultimately that is an opinion and people have to
5 recognize that. This topic is controversial and the
6 fact of the matter is that a considerable amount of
7 people in the medical field support abortion as do a
8 considerable amount of the general population. What
9 ultimately is your opinion cannot rid other people of
10 their bodily autonomy.

11 Now, I clearly feel unwaveringly that
12 abortion is not murder, but even if you disagree, you
13 must understand that your opinion is not enough of a
14 consensus to dictate the outcome of other people's
15 lives. People with uteruses need to be able to make
16 this decision for themselves.

17 Now, I also feel that it's safe to assume
18 that at the very least a good portion of the people
19 that oppose abortion do in the name of Christianity.
20 However, I'd like point out that in just 1976 the
21 Southern Baptist Convention passed resolutions
22 affirming Roe v. Wade. Christians as a voter block
23 only turned against abortion after they were bated
24 into doing so by right-wing politicians. According to
25 Politico, there's stuff about this on NPR too, it

1 wasn't until 1979 a full six years after Roe that
2 evangelical leaders at the behest of the conservative
3 activist Paul Weyrich seized on abortion not for moral
4 reasons but as a rallying cry to deny President Jimmy
5 Carter a second term. Why? Because the anti-abortion
6 crusade was more palatable than the religious right's
7 real motive, which was protecting segregated schools.
8 Unfortunately this scheme was incredibly successful
9 and still profoundly impacts American Politics to this
10 day.

11 I'd also like to mention that abortions are
12 not the only service that Planned Parenthood provides.
13 They're one of very few accessible providers that are
14 for many people the only means of obtaining birth
15 control, getting STI testing, cancer screenings,
16 pelvic exams, prenatal care and more. The citizens of
17 Brighton need and deserve to have a place where these
18 services are accessible.

19 And lastly, this is a little bit of a call
20 back to some things that were said last week about
21 people in the parking lot taking up space in the Town.
22 I hope that when you see those people, you take a
23 moment to think about who they are and what they may
24 be going through. These are people's partners who are
25 there for moral support. They're people's families

1 sitting in a car maybe to give their loved ones some
2 privacy while they're inside. Maybe they're me and my
3 friends not long ago piled in the back seat trying to
4 stop crying long enough to go inside and ask for an
5 STD to pregnancy testing after one of us was raped.
6 Reducing Planned Parenthood to just one thing is
7 inaccurate and taking away many people's only means of
8 getting life-saving health care is immoral. Thank
9 you.

10 CHAIRMAN PRICE: Thank you, Sofia. Cecilia
11 Lester followed by Ellen Duncan and then Paul Jason.

12 MS. LESTER: Hi. My name is Cecilia Lester
13 and I'm a Brighton resident who has lived in the
14 Homemaker's neighborhood for seven years. I'm here
15 tonight to speak on behalf of Brighton Residents
16 Against Violence and the over 13 -- over 1,300
17 citizens who have signed a petition urging the board
18 to deny Planned Parenthood their proposed application
19 this evening.

20 The Town authorizes this board to regulate
21 the opening and operation of certain businesses so as
22 to preserve the character and quality of life in
23 Brighton. Brighton citizens value truth, justice,
24 diversity and inclusion. Planned Parenthood is an
25 organization that routinely engages in conduct that

1 compromises -- compromises this ethic. As a
2 multiple-billion dollar corporation that is
3 financially incentivized to perform as many abortions
4 as it can, Planned Parenthood is a medical facilities
5 unlike any other in America. It's unique conduct will
6 have uniquely damaging repercussions for our
7 communities.

8 The board must consider Planned Parenthood's
9 application in light of what it does and how it does
10 it. We must honestly examine this organization and
11 its practices. Unfortunately, unlike Brighton
12 citizens, truth is not a virtue that Planned
13 Parenthood values. Planned Parenthood has engaged in
14 a well-documented pattern of deceptive practices in
15 their individual patient interactions and in their
16 public relations campaigns and sloganeering.

17 Unlike any other medical facility, Planned
18 Parenthood must lie to gain entry into a community.
19 Their initial application before the board made no
20 reference of Planned Parenthood itself. According to
21 recent accounts from NPR and CBS, Planned Parenthood
22 routinely uses shell companies to conceal their
23 identity in order to divert public attention from
24 their presence. What other healthcare facility would
25 begin it's relationship with the community shrouded by

1 this kind of secrecy and deception?

2 While a spirit of transparency is currently
3 transforming access to medical information in all
4 other areas of healthcare, Planned Parenthood has been
5 willing -- willing to litigate -- to limit -- limit
6 women's access to imaging of their own bodies. In
7 addition, as documented by whistleblower Myra
8 Rodriguez, and she's a former employee, Planned
9 Parenthood's internal policy does not require patients
10 to know prior to their sedation who will be present in
11 the room and who will be performing and participating
12 in their surgical abortion, whether this is a medical
13 student, an intern, a nurse or a physician.

14 Unlike any other medical facility Planned
15 Parenthood lies about what they do. They consistently
16 and falsely assert that they provide a much broader
17 scope of medical care than their final documents
18 suggest. They minimize the outsized role that
19 elective abortion play in their business.

20 Only before Congress under penalty of
21 perjury did Planned Parenthood leadership admit that
22 they do not offer mammograms, that their surgical
23 services are predominantly abortion and that
24 86 percent of their non-government revenue comes from
25 abortion. Planned Parenthood must sell elective

1 abortion procedures to healthy women with healthy
2 pregnancies in order to remain solvent.

3 Unlike any other medical facility, Planned
4 Parenthood's \$1.7 billion annual revenue depends upon
5 and ending a yearly average of 127,000 young black
6 lives. 73 percent of the women who seek abortion do
7 so under financial dress. Poverty often coerces black
8 women to choose abortion and Planned Parenthood
9 capitalizes on this.

10 Unlike any other medical facility Planned
11 Parenthood welcomes sex traffickers into communities.
12 A Loyola University of Chicago study found that
13 Planned Parenthood comes in contact with a volume of
14 victims and perpetrators of sex trafficking, second
15 only to emergency departments. They attract sex
16 traffickers and rapists because they have a reputation
17 for turning a blind eye. Multiple court cases and
18 undercover investigations reveal a pattern of Planned
19 Parenthood aiding and abetting the worst kind of men.

20 Unlike any other medical facility Planned
21 Parenthood attracts widespread and consistent protests
22 on a daily basis. I know that you've been in here and
23 you can't see what's going on outside, but I'll tell
24 you there are women out there making all sorts of
25 suggestive gestures, yelling the F-word with an

1 amplification system. They've been taking signs that
2 I've created and -- and writing on them and tossing
3 them aside. And as a -- as a parent, I mean, my
4 pediatrician's office is directly across the street
5 from -- from that kind of behavior that will be
6 coming. They come here. They -- these crowds go
7 where Planned Parenthood goes. At the University
8 Avenue Planned Parenthood site this is has led to
9 hundreds of 911 requests to protect citizens'
10 constitutional right to peaceful protest.

11 Unlike any other medical facility Planned
12 Parenthood frequently disposes of clearly discernible
13 human remains. Proper disposal of fetal remains is of
14 such significance as to have been addressed by the
15 Supreme Court in *Box versus Planned Parenthood* in
16 2019. The court affirmed that the state has a vested
17 interest in their proper disposal against the wishes
18 of Planned Parenthood. The court -- the court
19 excluded fetal remains from the definition of
20 "infectious and pathological waste." Think about
21 that. Planned Parenthood considers the corpse of a
22 human child to be waste.

23 What becomes of Brighton's ethic of
24 inclusion when a line is drawn down the center of our
25 town with privileged children being welcomed into

1 loving arms at Elmwood Pediatric Group and poor and
2 minority children are placed into Brighton's
3 dumpsters?

4 Aleksandr Solzhenitsyn wisely observed
5 violence has nothing to cover itself with but lies.
6 And lies can only persist through violence. Because
7 of the violence that Planned Parenthood performs it
8 must rely on lies to obfuscate and confuse. As board
9 members your citizens have empowered you with the
10 solemn responsibility to act on our behalf to maintain
11 Brighton's integrity. In light of an honest
12 understanding of Planned Parenthood there's only one
13 logical conclusion. This organization does not engage
14 in practices that are consistent with Brighton's
15 character and their application must be denied. Thank
16 you. I appreciate this. I know this has been a long
17 night for you.

18 CHAIRMAN PRICE: Thank you, Cecilia. Next
19 is Ellen Duncan followed by Paul Jasen and Emilia
20 Aquino.

21 MS. DUNCAN: Hello.

22 CHAIRMAN PRICE: Good evening.

23 MS. DUNCAN: Good evening. My name is Ellen
24 Duncan. I'm a Brighton resident for over 10 years and
25 a member -- a member of BRAV, Brighton Residents

1 Against Violence. I've witnesses with my own eyes
2 numerous ambulances arrive at the university of
3 Planned Parenthood to take away women on stretchers.
4 I was out -- outside of Planned Parenthood when an
5 ambulance pulled in to take a post-abortive woman
6 away. The very next day I saw yet another ambulance
7 pull in to take another woman away. And these aren't
8 isolated occurrences.

9 I would hope that the character and dignity
10 that I believed Brighton to have would demand better
11 for women. I'm asking you to look into this before
12 making a decision on Planned Parenthood's application.
13 Thank you.

14 CHAIRMAN PRICE: Thank you for coming out.
15 One second. She needs a break. All right. It's
16 9:15 -- 9:14. We're going to take a five-minute
17 break. We'll be starting up again with Paul Jasen and
18 then Emilia Aquino. Five minutes.

19 (There was a pause in the proceeding.)

20 CHAIRMAN PRICE: We're going to reconvene at
21 this point. Thank you. Our next speaker is Paul
22 Jasen followed by Emilia Aquino and then Mary -- I'm
23 going to go with Sherman. Is Paul here? Good
24 evening.

25 MR. JASEN: Good evening, everyone and thank

1 you for letting me speak. I'm going to address my
2 comments strictly to the site plan. This is the
3 Planning Board. So my comments are brief. And I'm
4 going to draw -- speak directly the plan and its
5 deficiencies.

6 I'm opposed to Planned Parenthood coming to
7 Brighton. I reviewed the documents online submitted
8 for review for the public. Excuse me. I did not see
9 a traffic study completed for this location. Planned
10 Parenthood representative Mr. Olek declares that
11 "There's no anticipated substantial increase in
12 traffic beyond current levels." And he says that in
13 his letter, in the documents. Frankly, this is not
14 true.

15 Planned Parenthood's clientele is not the
16 same as the prior occupants of the site. Much of
17 Planned Parenthood's business are walk-in clients,
18 people without an appointment who just simply arrive
19 there and request services. And this is a very
20 substantial part of their business, in addition to the
21 regularly scheduled appointments. This is going to
22 require additional parking spaces for these new people
23 that keep coming in. Many of Planned Parenthood's
24 clients arrive via public transportation and they use
25 ride-hailing services such as Uber and Lyft. And

1 these services just come in and out dropping people
2 off, picking people up, just constant in and out of
3 traffic.

4 (Interruption by audience member.)

5 MR. JASEN: Something funny?

6 CHAIRMAN PRICE: Please do not --

7 MR. GORDON: Please restrain yourselves from
8 making outbursts. We really have had a fairly polite
9 exchange of ideas, even though they're ideas that we
10 may or may not agree with. So please let's continue
11 with that.

12 MR. JASEN: Thank you. So many of these
13 clients, whether they have an appointment or just
14 simply are showing up to request services, arrive via
15 these lifts, hot riding hailing services as well as
16 taxicabs. Many of Planned Parenthood's clients also
17 arrive by bus. Many of them come from the other
18 areas, from the city to the west from the city, to the
19 north from Henrietta, to the south from the adjoining
20 suburbs to the east. And they arrive by bus. And the
21 sidewalk areas are insufficient to handle and
22 accommodate the increased pedestrian traffic
23 especially for handicapped people, people with a
24 wheelchair, people who need assistance walking. And
25 this also especially does not accommodate winter

1 travel. Sidewalks are very narrow. The Westfall Road
2 has no sidewalk.

3 As you can see from outside and hopefully
4 you were able to observe what was happening outside,
5 the sidewalks become very crowded. And so pedestrians
6 are unable to pass through. And Planned Parenthood
7 should be required to expand the sidewalks and to make
8 them larger and to put a new sidewalk on Westfall Road
9 to accommodate the pedestrian traffic because it's
10 their traffic that's impinging on the free access of
11 people to come and go. So they should expand both the
12 South Clinton Avenue and the Westfall's side road.

13 Many Planned Parenthood clients loiter in
14 the parking area waiting for clients inside. So they
15 drop off somebody who goes inside and they wait in the
16 car or from them to themselves gain entry for an
17 appointment. Again, many of these are just walk-in
18 clients. And Planned Parenthood should be responsible
19 for ensuring that those who are loitering in the
20 parking lot refrain from smoking tobacco and
21 marijuana, which is now becoming very prevalent.

22 And this affects innocent bystanders. This
23 affects the other businesses in that area. So if a
24 mom brings their children having a doctors appointment
25 at one of the other locations, they have to run this

1 gauntlet of the people loitering around Planned
2 Parenthood.

3 They also play very loud music which is also
4 a disturbance. Planned Parenthood should be required
5 to ensure these disturbances don't happen in their
6 parking lot. And they need more parking spaces than
7 what the plan shows. I also do not see any plans for
8 signage for the property. None of that was included
9 in the online documents. And Planned Parenthood
10 should be prohibited from erecting large neon signs
11 that do not fit with the community. And I'm sure that
12 if they had their way, they'd put up a huge billboard
13 so that everyone on the expressway could see it. They
14 should be prohibited from doing that and that should
15 be specified very clearly.

16 Planned Parenthood has failed to include any
17 plans for fencing and security cameras. Planned
18 Parenthood typically turns their locations into high
19 security fortresses. They put up fences. They put up
20 large trees. They got cameras everywhere that don't
21 fit in with the neighborhood, does not fit in with the
22 community. And they've not failed to disclose what
23 they plan to do and there's deficiency in the plan
24 that they submitted. And they should be required
25 amend that and to state their plans for signage, for

1 fencing, for large tree planting they're going to be
2 planting in there, as well as how many parking spaces
3 that's going to take up.

4 This next point is very important to a great
5 number of people. Planned Parenthood has failed to
6 indicate how they plan to dispose of the remains of
7 the aborted children. This is a very sensitive issue.
8 So for people like me and for many people in the
9 community, these are real children. There's no
10 question about where life begins. We have thousands
11 of years of empirical evidence that proves a person's
12 life begins at conception and a person's life begins
13 at no other time and no other place. A person doesn't
14 come into existence a week later or ten weeks later or
15 three months later or six months later or when they
16 are born. Everything that they will be begins right
17 there at conception. Everything without conception
18 there is no life period.

19 And so when these children are aborted,
20 their remains should be treated with dignity and they
21 shouldn't be just thrown in the dumpster. And Planned
22 Parenthood has failed to indicate how they intend to
23 dispose of the remains because they're not going to
24 call a funeral parlor. At the downtown location
25 there's a veterinarian clinic right across the street

1 from Planned Parenthood. When an animal dies, they
2 have an undertaker come to take the remains of the
3 animal. The animal is treated with dignity and
4 respect. That doesn't happen at Planned Parenthood.

5 Planned Parenthood has simply said they tend
6 to follow the law. Planned Parenthood needs to
7 disclose to the people of this community how they
8 intend to dispose of the remains of these aborted
9 children. This is very sensitive, very important.
10 These remains should not be treated in a haphazard way
11 or simply thrown away.

12 Planned Parenthood's proximity to a
13 religious institution, McQueen Jesuit High School --
14 their location near to this religious institution is
15 not appropriate for this community. Brighton would
16 not allow a pornography store or a strip club in this
17 location. And it should not allow Planned Parenthood
18 to locate there as well because those things aren't
19 allowed in Brighton and neither should Planned
20 Parenthood be allowed.

21 Planned Parenthood's deception -- their
22 deception in this entire process in failing to notify
23 the community that its location is going to be used
24 for an abortion clinic. They used the pseudonym --
25 the shell corporation Westfall Medical Realty so when

1 the hearings are advertised, nobody knows it's Planned
2 Parenthood coming here. That's intentional. That's a
3 deceit. It's not appropriate. It should not be
4 allowed in our community. We do everything out in the
5 open so that people can express what they want to say
6 what they want in their community and when they don't
7 want in their community. So when Planned Parenthood
8 deceives the public and fails say that they're the
9 ones coming in and uses this nebulous shell
10 corporation instead to hide their true intentions,
11 it's not appropriate. And they should be required to
12 re-advertise all of these hearings under their true
13 name and what they truly plan to do, to operate and
14 what type of business they're going to perform and all
15 the types of business they intend to perform, not just
16 abortion.

17 Because Planned Parenthood -- one of their
18 business practices is not to inform parents and they
19 intentionally tell that to young people. They go into
20 the schools and they say to young people, don't worry.
21 We wouldn't tell your parents. And so they come in
22 there for these life-alternating procedures. They
23 come in for an abortion and their parents have no
24 idea. They come in for transgender services and their
25 parents have no idea. These are life-altering medical

1 decisions. Parents are responsible for their children
2 in all aspects of life. If a child has a tattoo or
3 wants to take an aspirin they need parental consent
4 except for the invasive procedures that Planned
5 Parenthood skirts around informing parents of the
6 truth of what they're doing.

7 Planned Parenthood has failed to address any
8 plans for security at this location and Planned
9 Parenthood is notorious for allowing violence against
10 peaceful protesters and prayer groups. And you are
11 able to witness that right here. All the swear words,
12 all the pushing and shoving and all the getting in the
13 face of other people who are just simply praying.
14 Planned Parenthood needs to provide security for that.
15 That's not a Brighton obligation to have police go
16 over there and have to take care of everything that
17 Planned Parenthood's doing to try to make violence.
18 And that's part of their game plan is to provoke
19 people. It's not right.

20 And finally, this location should be
21 required to pay property taxes on the full market
22 value assessment for this location. It should not be
23 given any tax breaks at all, any tax credits, any
24 deferment of taxes because that shifts the tax burden
25 to everyone else, to the residential taxpayers, to the

1 commercial business tax payers. And so they in effect
2 subsidize abortion because Planned Parenthood fails to
3 pay its fair share in taxes. Tax breaks have not been
4 disclosed in the plans. Again the omission I think on
5 purpose.

6 So in conclusion Planned Parenthood is not a
7 good neighbor. They should be prevented from building
8 an abortion clinic in this location. Thank you.

9 CHAIRMAN PRICE: Thank you, Paul. Emilia
10 Aquino followed by Mary Sherman and Bill Kennan. Good
11 evening.

12 MS. AQUINO: What's up, board members?
13 What's up, audience? What's up, YouTube? I'm nothing
14 but myself so I talked frankly and that's what you
15 get. I would like to make it very apparent that there
16 are zero black people in this room and zero indigenous
17 people in this room also that the board is completely
18 white people and that there are two women here. All
19 of you are seemingly cis, meaning you identify with
20 the gender that you were assigned. And you are all --
21 I'm not sure, but seem heterosexual, which I can't
22 confirm.

23 The reason I bring this up is because all of
24 you speak for the people who are not here. This is
25 not about you. And this is not about your views

1 personally. You are on this board to speak for
2 everyone in Brighton, which is more than just white
3 people and cis people and heterosexual people.

4 What's up? My name is Emilia Aquino. I am
5 a proud Filipino. I use they/them pronouns and I
6 identify as gender fluid. I'm standing here to
7 articulate that all the things that Planned Parenthood
8 provides will still happen even if Planned Parenthood
9 did not exist. There would still be abortions there.
10 There will still be people trying to get testosterone
11 and gender hormone therapy. So not having it doesn't
12 mean that abortions won't happen. It just means that
13 they'll happy unsafely just like how we know in
14 history with hangers, whatever they can do to get it
15 out because they feel they don't want this child.

16 I support Planned Parenthood because they
17 provided a safe low-cost way to get gender affirming
18 hormone care, have safe sex, and get a safe abortion
19 so much more. I am privileged to be here speaking
20 today because there are so many voices and stories
21 that you will never hear. None of you go past the red
22 line. You all stay in the suburbs. You don't know
23 how they feel. You don't know what they go through.
24 They don't know how hard it is with money and with
25 struggling and with the fear that if you did have your

1 black child that they will be grown up in a white
2 supremacist nation. That they are fearful that their
3 child will have to worry about getting shot by the
4 police.

5 Planned Parenthood is pro-life. They are
6 pro- keeping people that come into their office safe,
7 healthy and alive. I do have to ask if you are
8 pro-life meaning anti-abortion, how are you supporting
9 these babies after they're born if you don't have this
10 Planned Parenthood? Are you building a homeless
11 shelter? Are you building an adoption center?
12 Because -- just because these babies are born doesn't
13 mean they have a life that they can do whatever they
14 want. They might grow up into a family that doesn't
15 have the money, that won't have the money, to support
16 them. And they might get sick.

17 These parents that are trying to get the
18 abortion know this. They know they can't afford a
19 baby. They know that their mental illness can't
20 support a baby. But if this baby is born, you send it
21 to an adoption center? How many of us are supporting
22 adoption centers? How many are funding adoption
23 centers? How many people are taking care of those
24 kids and those teenagers who don't have parents, who
25 don't have families, who won't get an education so

1 they be can president or whatever you think that they
2 can become? Because you're still giving them a life
3 that they can't thrive in.

4 I can't speak for everyone who's been to
5 Planned Parenthood. I can only speak for myself and
6 when I've been there. They have been nothing but kind
7 and compassionate and understanding. Some people
8 can't tell their parents because their parents will
9 hurt them. That's the truth. Not every parent is
10 nice. Not every parent is supportive. Some parents
11 will kick them out. I'm lucky to have a mom that when
12 I came out as gender fluid is trying her best. But so
13 many of my friends and community members are kicked
14 out. And that's when we need to find our own families
15 and support ourselves. And sometimes that's as young
16 as 14, 12. So how are you helping them?

17 I'm here to show my support for Planned
18 Parenthood because it is a safe resource for the
19 people already living to live their life. If you are
20 pro-life, be proactive for the living. Planned
21 Parenthood reminds me that I am pro-choice. I am only
22 a person that can say what happens to my body. None
23 of you will see me tomorrow. None of you will tell me
24 how to eat, how to walk. That's my choice of what I
25 do with my body and my life.

1 So what makes you think that you board
2 members who don't know me at all can say what you're
3 going to do with my body? If I want to get hormone
4 therapy from a company -- from a facility that I know
5 is kind and nice and will accept me, why can't I have
6 that opportunity? Why do have I to go to someone on
7 the streets who knows that I'm desperate for it? And
8 then I don't even know what's in it, but I want it so
9 bad because I want to be myself and I want to feel
10 like myself.

11 I am pro-life because I support the living
12 people who are trans, who are non-binary, who are
13 gender fluid, black, brown, indigenous, Asian,
14 incarcerated, every human being on earth who is alive
15 already. I'm asking you to keep an open mind. This
16 isn't just about you. This isn't just about the white
17 parents in Brighton in this suburban area that doesn't
18 have the horrors and the pain that a lot of us go
19 through outside of your own community. But just be
20 kind. Be kind to everyone, even if you don't
21 understand them. It's their choice to do what they
22 want with their body. And that's why I'm here to
23 support Planned Parenthood. Thank you for your time.

24 CHAIRMAN PRICE: Thank you. Thank you,
25 Emilia. Mary Sherman followed by Bill Keenan and Tim

1 Hansen. Mary, please tell me I said that right.

2 MS. SHERMAN: Despite my bad handwriting.

3 Thank you. So I understand that part of the purview
4 of the Planning Board is to determine whether a
5 proposed project fits with the mission and values of
6 the Town of Brighton. And based on that I urge the
7 Board to deny the application because Planned
8 Parenthood has a long documented history of refusing
9 to report child rape and sex trafficking. Numerous
10 undercover investigations across the United States by
11 the organization Live Action, caught on video, Planned
12 Parenthood failing to report child rape cases and sex
13 trafficking. And you said verify this by Googling
14 Live Action and Planned Parenthood or also the
15 founder's name Lila Rose and you can see the videos.
16 And you can see this is documented. This is not made
17 up. It's not hearsay. It's a video.

18 Besides the work of Live Action, individuals
19 who had gone to Planned Parenthood for abortions
20 confirm that child rape and sex trafficking
21 experiences were not reported by Planned Parenthood.
22 One child rape victim went public because she ended up
23 suing Planned Parenthood for not acting on her report
24 that her father was abusing her and raping her. Her
25 name was Denise Fairbanks and the case is Denise

1 Fairbanks versus Planned Parenthood. You can find
2 that online. And what happened was that her father,
3 her own father, was raping her starting at age 13 and
4 at age 16 she became pregnant by him raping her. He
5 took her and forced her to have an abortion at Planned
6 Parenthood. She told the people at Planned Parenthood
7 he was raping her. They did nothing. They sent her
8 home with him and the abuse continued for 18 more
9 months until her high school basketball coach filed a
10 police report.

11 I cannot imagine the physical and emotional
12 trauma that that poor girl went through especially
13 after you tell someone you know, a supposed medical
14 practitioner that you hope will help you and got no
15 response. I just can't imagine the trauma. So people
16 that have experienced it, you know, not -- not having
17 reports made as well as the organization Live Action
18 confirm this. So eventually Denise Fairbanks sued
19 Planned Parenthood and she -- she stated that for
20 six years Planned Parenthood did everything possible
21 to try to defeat my legal claims. That's
22 unconscionable.

23 As for Planned Parenthood and sex
24 trafficking there's report by the Beazley Institute at
25 Loyola University of Chicago and somebody else

1 referenced it and that too you can find it online.
2 It's B-E-A-Z-L-E-Y, Institute at Loyola University
3 Chicago. And they documented how sex traffickers
4 forced their victims to get abortions at Planned
5 Parenthood so as to get the girls and women back on
6 the street as soon as possible. And one of the
7 victims stated in this report that Planned Parenthood
8 was chosen by the traffickers because "They didn't" --
9 meaning Planned Parenthood -- "They didn't ask any
10 questions." So again these are documented instances
11 of Planned Parenthood aiding and abetting child rape
12 and sex trafficking.

13 Planned Parenthood's application does not
14 mean that women will be denied access to reproductive
15 service or abortions. They University of Rochester
16 Medical Center, Strong Health, whatever it's name is
17 nowadays, they provide abortions. And it is highly
18 doubtful that Strong UPMC would fail to report child
19 rape and sex trafficking. I cannot imagine that
20 institution allowing those things to not be reported
21 in accordance with state law.

22 So denying Planned Parenthood's application
23 means that you'll be refusing to aid and abet child
24 rape. And, you know, by the way, sometimes we think,
25 well, this is Rochester. You know sex trafficking,

1 that's something that happens near the border areas of
2 the country or in big cities. You know what? Google
3 sex trafficking in Rochester and you will find it's
4 here. There were convictions as recently as February
5 2021 and December of 2020. So it's here. And that
6 was only the first page of what I Googled.

7 Just 2 more quick points is that on the
8 issue of choice, yes, a woman has a choice what to do
9 with her body. And her choice is -- when she makes
10 the choice to have sex, that's when the choice occurs.
11 After that it's a choice about what are you going to
12 do with another human being's life, if you should
13 conceive. So there's a choice and it's at the point
14 you decide to have sex.

15 And just quickly about the issue of Planned
16 Parenthood serving low-income -- income women and, you
17 know, seeming to be the only choice for low-income
18 women. Medicaid covers pretty every gynecological
19 service a woman needs including abortion. Medicaid
20 pays for abortion. So the issue of income, moot
21 point. So I encourage you to refuse the application
22 of Planned Parenthood. Thank you.

23 CHAIRMAN PRICE: Thank you, Mary. Bill
24 Keenan, followed by Tim Hansen and then Pastor Tom
25 Burgo. My apologies. Bill Keenan I assume?

1 MR. KEENAN: Yes. Hi. And I'm speaking on
2 behalf of my wife, Kim also. We're asking you to not
3 approve Planned Parenthood's plan for Brighton. As
4 you probably know there are no services that Planned
5 Parenthood provides other than abortion that more than
6 a dozen other Rochester areas agencies also provide.
7 We don't need another baby-killing facility in our
8 community, a facility wherein black women will abort
9 their babies at three times the rate of other women.

10 As Supreme Court Justice Clarence Thomas
11 noted, this genocide of the black community was
12 intentionally planned by Planned Parenthood's founder,
13 Margaret Sanger, and her legacy continues today. The
14 Town of Brighton as you know prides itself on being
15 progressive, yet the well documented deceptive
16 practices of Planned Parenthood and their money making
17 abortion mills are regressive and oppressive. They
18 don't reflect the values of this town as you heard
19 other people say.

20 We've also heard people talking about how
21 the pro-life community does not support babies after
22 they're born and that's why we need to have abortion.
23 Well, as a member of ROC Love Will End Abortion in
24 Rochester here, I can attest to the fact that whenever
25 there's a women who's abortion-minded and wants to

1 talk to someone about support, we have a -- there's a
2 committee of at least ten folks who immediately kick
3 into gear, hold a baby shower for them, find an
4 apartment for them, support them afterwards with
5 formula, diapers. In fact, my sister, she's the one
6 in charge of this. When she posts a baby shower
7 online from Amazon and has 30 items on, it's usually
8 gone within two days. And people say I couldn't get
9 things. So that happens all the time. She had two
10 just two weeks ago. So Rochester is a very generous
11 community. We don't need to be killing our babies.
12 We can support mothers after they're born, after the
13 babies are born.

14 I'd like to mention Planned Parenthood does
15 none of the things, supporting of women after their
16 abortions that they claim to even though their motto
17 is care no matter what. So I ask you not to approve
18 their plans for -- for setting up another Planned
19 Parenthood in Brighton here. And one of my friends
20 was holding this sign, which I liked. It's a quote
21 from the Talmud. It says "Whoever saves one life
22 saves the world." I like that and I ask you to help
23 us in that effort to save the world through saving one
24 life. Thank you.

25 CHAIRMAN PRICE: Thank you, Bill. Next is

1 Tim Hansen followed by Pastor Tom Burgo and then Joan
2 Rufin. I apologize if I got that wrong. Good
3 evening.

4 MR. HANSEN: I'd like to express my
5 appreciation to the Board for the endurance and
6 patience. My name is Tim Hansen and I live on Irving
7 Road here in Brighton. I'm here this evening to voice
8 my opposition to any town action supporting Planned
9 Parenthood, the Planned Parenthood clinic at 2233
10 South Clinton Avenue and the Westfall Park Medical
11 Center.

12 Brighton is a strong community of diverse
13 people who respect the rule of law and the rights of
14 life, liberty and the pursuit of happiness. Our
15 community can't welcome and cannot allow this
16 organization to conduct the wholesale killing of
17 innocent human life. The deliberate sacrifice is
18 morally and ethically wrong and will only serve to
19 weaken and diminish our town, our neighborhoods and
20 our families.

21 I urge all Town Planning Board members to
22 vote no on the Planned Parenthood clinic in Brighton.
23 At the same time I urge you to be open to business
24 proposals that support life and build up our
25 community. We are all a part of humanity and must do

1 what we can to make Brighton better and stronger.

2 Thank you.

3 CHAIRMAN PRICE: Thank you Tim, next is past
4 Pastor Tom.

5 MR. BURGO: Hi. As I said, I'm Tom Burgo.
6 I'm a resident of Clarkson, New York, but I'm employed
7 at Congregation Shema Yisrael at 250 Edgewood Avenue.
8 I want to again commend the board for your patience
9 and your kindness and doing an outstanding job. I
10 want to talk about some of the subjects that have been
11 brought up tonight.

12 For instance, reproductive rights. Many
13 have talked about that. I'm in favor of reproductive
14 rights, but I also want to make it clear that
15 reproduction occurs at conception. At the moment of
16 conception there is a unique human being with a unique
17 DNA that is created. Reproduction has occurred.
18 People have discussed -- talked about that making the
19 decision for their own body and only they have the
20 right to do it. As a matter of fact, one of the signs
21 says that we fight for all, except for the unborn. By
22 having your right through abortion to make the
23 decision for your own body, you deny the unborn child
24 that exact right.

25 On the Planned Parenthood building on

1 University Avenue there's a mural and there's a quote
2 that says "Your body is your story, it's chapters full
3 of adventures and hardships and only you can write
4 it." Abortion denies the unborn child the ability to
5 write that very story.

6 But I also want to talk about post-abortion
7 syndrome. It's very politicized. It's very
8 controversial. And it's also very real. Many of the
9 statistics that are used to deny post-abortion
10 syndrome or short-term the person is feeling relief
11 after making a very difficult decision. But I've had
12 the opportunity to work firsthand with men and women
13 who are suffering from the life long effects of post
14 abortion syndrome. It often has major psychological
15 effects on them, major physical effects.

16 David Reardon from the Elliot Institute has
17 done long-term studies on this. There's a 5 percent
18 more likelihood of drug and alcohol abuse among those
19 who have chosen abortion, 30 percent increase in
20 anxiety disorders, 33 percent of those who engage an
21 abortion have eating disorders. 60 percent of them
22 have said "A part of me died." 65 percent have
23 symptoms of PTSD. There's a 65 percent increase in
24 depression among those who have engaged in abortion.
25 60 percent have suicidal thoughts. There's a

1 3.5 percent increase in the death rate and suicide
2 rate is 6 times higher among the population who has an
3 abortion, in fact, over a hundred percent increase in
4 those who are hospitalized for mental disorders after
5 the abortion.

6 64 percent say they were coerced in one way
7 or another into having the abortion. That is not
8 necessarily their first choice, but they were coerced
9 into having it. I found it ironic that those
10 promoting abortions have not been victims of abortion.
11 Had they been a victim of abortion, the very rights
12 that they're stand for would never have taken place.

13 I just, again, want to say the sanctity of
14 human life -- sciences tell us life begins at
15 conception. It's a human being. It's not about the
16 suffering or the problems that someone has. I don't
17 think terminating an innocent life is an acceptable
18 solution for any of these problems. Thank you very
19 much.

20 CHAIRMAN PRICE: Thank you, Pastor. I think
21 I've got this name right now. Joan Rubin and then
22 Emma Leigh.

23 MS. RUBIN: Yes, I'm Joan Rubin. I live at
24 25 Wilshire Road in the Town of Brighton and I'm a
25 professor of history at the University Rochester. I

1 have heard so much misinformation tonight that my head
2 is spinning. When I and my colleagues talk to our
3 students, we stress critical thinking. At the risk of
4 slipping into the role that my husband calls my
5 "schoolmarm role," I just want to urge the Board to
6 engage in critical thinking that know it has practiced
7 it its previous decisions.

8 Let's get one thing straight. Planned
9 Parenthood is not an abortion clinic. Other people
10 have said this, but it bears repeating. It is a
11 provider of a broad range of healthcare services for
12 all women with compassion and without judgment. But
13 let me stay something more personal. I grew up in
14 Brighton and graduated from Brighton High School. My
15 parents moved here in 1948 I moved back here in 1979
16 to raise my own two children. At my family dinner
17 table I learned of my parents ardent support for
18 Planned Parenthood. And I learned about the values
19 that support rested on.

20 And, again, these words have been said
21 earlier and maybe tossed around, but I want to repeat
22 them. Inclusion, social justice, equity, diversity
23 and a good quality of life for all people insofar as
24 that is possible. I have written my remarks on a
25 Costco receipt, which I now have to turn over here.

1 But I'll just -- I'll just -- I'll just speak from the
2 heart and that is to say I want Planned Parenthood in
3 my town. This is my community and the values of our
4 town or entirely consistent with the values of equity
5 and justice and inclusion that Planned Parenthood
6 represents.

7 Those of you who are old-timers either in
8 the audience or on the Board are going to remember
9 when we turned down a gated community in Brighton. We
10 don't want gated access to healthcare for women
11 either. Thank you.

12 CHAIRMAN PRICE: Thank you -- thank you --
13 stop. Thank you, Joan. Next is Emma Leigh followed
14 by Ben -- and, Ben, I haven't got a prayer of saying
15 your last name right. Is Emma here? Anyone find
16 Emma? Last name is Leigh. Emma Leigh. Is Ben here?
17 Ben, I apologize. He may have left. Patrizio Biondo?
18 I hope that's how it's pronounced. Patrizio Biondo?
19 How about Maura Hamilton?

20 MR. GORDON: Let's just give it a minute,
21 Bill, for people to catch up with your announcements.

22 CHAIRMAN PRICE: Yeah.

23 MR. GORDON: They could be downstairs.

24 CHAIRMAN PRICE: You went to look for Emma?
25 She's not there. Okay. She's welcome to speak if you

1 do see her. And how about Ben? Ben -- I can't
2 even -- C-H-E-R-B-J-A-S-K-Y, I believe. And then
3 Patrizio Biondo, Maura Hamilton. Okay. Hello, Maura.

4 MR. GORDON: Why don't you call the next
5 couple names too.

6 CHAIRMAN PRICE: Then Nay Powers and
7 Michelle Casey. Good evening.

8 MS. HAMILTON: Hi. So I'm here to speak to
9 the importance of putting a Planned Parenthood in our
10 community. My name is Maura Hamilton by the way. As
11 a bigender and bisexual human who uses they/them
12 pronouns, I cannot put into words seen I felt during
13 every step of my experience with Planned Parenthood,
14 from asking for my pronouns prior to my visit and
15 actually using them to asking about partners to going
16 above and beyond for patient privacy by asking if I
17 wanted them to call me and what they should refer to
18 themselves as. I felt comfortable the whole time and
19 this almost never happens for me in medical facilities
20 at all.

21 All these people are equating Planned
22 Parenthood equaling abortion which equals bad. This
23 minimizes the complexity that surrounds this issue and
24 the other resources that Planned Parenthood has. I
25 grew up like many of these people speaking out against

1 Planned Parenthood today. But I have taken the time
2 to learn and educate myself, which has made me realize
3 that it's so much more complicated than just good or
4 bad, yes or no.

5 If your goal is to end abortions, preventing
6 Planned Parenthood from entering this community will
7 do absolutely nothing towards that goal. Rich people
8 will always be able to have safe abortions. Instead
9 you're removing life-saving access to not just
10 abortions, but also gender affirming healthcare that
11 does not need to involve potentially abusive
12 parents -- because not everyone's parent's are
13 great -- reproductive health and so many other needed
14 services. If reduce or eliminating abortion is your
15 goal, fine. Access these services -- but if that's
16 the goal, access should be increased, not decreased,
17 along with increased sex education and funding for
18 inclusive education and healthcare, thank you.

19 CHAIRMAN PRICE: Thank you Maura. I
20 appreciate you coming out. We have Nay Powers and
21 then Michelle Casey and then we have had three other
22 folks sign up after Emma. I do apologize for that.
23 And Nay, could I ask that we let Emma speak? Okay.
24 Then you can come up after. Thank you.

25 MS. POWERS: Hi. My name is Nay Powers.

1 I'm here to speak standing with Planned Parenthood. I
2 just wanted to address a couple narratives that I've
3 heard tonight that I want to clear up.

4 Planned Parenthood is not an abortion
5 clinic. According to their 2020 report they did over
6 10,374,069 services in total. 52 percent of those
7 were STI testing, 25 percent contraception services,
8 13 percent other women's health services, 6 percent
9 cancer screenings for preventions, which saved over
10 75,578 women whose cancer was detected early or whose
11 abnormalities were identified. 3 percent were
12 abortion services, which totals 350,871 services.
13 3 percent in total. One percent being other services.

14 The other narrative that I want to address
15 is that Planned Parenthood targets and coerces black
16 women into getting abortions, which insinuates that
17 black women aren't intelligent enough to make informed
18 decisions about their own pregnancy. That in itself
19 is a racist narrative that ignores systemic economic
20 disparities in black communities that cause women to
21 turn to Planned Parenthood because it serves those who
22 cannot afford healthcare elsewhere. Thank you.

23 CHAIRMAN PRICE: Thank you. I'll continue
24 to ask. Please don't do that. Thank you. Emma, good
25 evening.

1 MS. LEIGH: So I wanted to come here tonight
2 in support of Planned Parenthood. I went to Planned
3 Parenthood for several years for healthcare. Planned
4 Parenthood is a healthcare facility. It's a doctor's
5 office. And I went there for OBGYN services and where
6 they provided me with birth control and really
7 knowledgeable considerate compassionate care. They
8 are services to communities. They do not take away
9 from communities. I would also -- sorry. Gathering
10 my thoughts here.

11 I would also like to speak to the folks who
12 say that they are pro-life. And I would like to share
13 that if you are pro-life, I invite you to stand up for
14 the children who are here in the community now, not
15 the hypothetical children that could or may not exist
16 some point in the future for some or not, but the
17 children that are here now. Because the children in
18 our communities need you. They need your advocacy and
19 your willingness to come and picket for something.
20 Like show up for the kids in our school that are
21 eating moldy bologna sandwiches and Slim Jim's for
22 lunch. They are children who are here now with us.

23 We need to be showing up for those children
24 who are living and breathing and right here right now.
25 There are so many different ways to do that. It's not

1 just in the schools. The school's just got a lot of
2 funding. Let's make sure that really goes to the kids
3 because they shouldn't be eating moldy bologna for
4 lunch. They shouldn't have had to wave goodbye to
5 what? 300 teachers?

6 So I ask that if you are pro-life, to
7 advocate for the people who are here now and see how
8 their lives could be bettered rather than speaking
9 hypotheticals.

10 CHAIRMAN PRICE: Thank you, Emma. I will
11 ask again, has Ben been here? He's not? Okay. And
12 Patrizio Biondo? Ask again. That brings us to
13 Michelle Casey with Taylor Howarth on deck and then
14 there are still two after that. Tom.

15 MR. FROMBERGER: Bill, before we get to
16 Michelle and I will introduce her, I just wanted to
17 say a couple remarks here as well. I'd like to thank
18 you, everyone, for all their comments both residential
19 and community-wide. A couple issues have been brought
20 up in regard to Westfall Medical Realty. They are not
21 a shell economy for Planned Parenthood. I have been
22 told they are strictly a tenant. What Planned
23 Parenthood is a proposed tenant. So Westfall Medical
24 Realty is not a parent company or connected with
25 Planned Parenthood.

1 Number two was in regard to signage on the
2 building. Signage for the entire property owned by
3 Westfall Medical Realty signage is on the kiosks in
4 front of the spaces and that's what is proposed for
5 this space.

6 One other comment was in regard to parking.
7 For medical uses the site does comply with the Town of
8 Brighton code. The site requires 264 parking spaces.
9 Currently it has 271 spaces. There is also additional
10 space on the property green space that could be used
11 for additional parking if needed. So with that, I'd
12 like to introduce Michelle Casey, CEO of Planned
13 Parenthood. Also Christian Ulk is here as well if you
14 have any additional comments.

15 CHAIRMAN PRICE: Okay. Thank you, Tom.

16 MS. CASEY: Hi. Good evening and thank you
17 for your patience tonight. I'm Michelle Casey. I'm
18 the CEO of Planned Parenthood of west -- Central
19 Western New York. There's been a lot said here
20 tonight and a lot of sensational information that has
21 nothing to do with reality. And then a lot of, you
22 know, heartfelt opinions. If the Planning Board has
23 additional questions that have been brought from any
24 of the comments this evening, we'd be glad to answer
25 any of those that you might have.

1 We -- Planned Parenthood is an Article 28
2 licensed healthcare facility and we are regulated and
3 inspected by the New York State Department of Health.
4 As was just noted, we are not owners of the building.
5 We are going to be a tenant here. We are not in any
6 way associated with Westfall Medical Associates. They
7 own the entire plaza. We're just going to be renting
8 one part of one building.

9 We were very up front with the Town of
10 Brighton in our application about who was the owner
11 and who was going to be the tenant. There was no
12 cover-up there. There are rules that govern where
13 protesting, religious activity and expression of this
14 so-called sidewalk counseling and other activities are
15 allowed and where they are prohibited. This is a
16 well-settled matters having been established through
17 extensive litigation and an issuance of an injunction
18 in the United States District Court for the Western
19 District of New York. The rules established by this
20 litigation and injunction apply at all facilities
21 providing reproductive healthcare services in the
22 Western District of New York, which includes all of
23 Monroe County, including the proposed facility that
24 will be operated by us.

25 We've given a lot of submissions to

1 questions that you have put forth and as we've
2 demonstrated, we plan to comply with all the
3 applicable town requirements related to parking,
4 traffic control, environmental protection and with
5 respect to traffic levels in particular, there have
6 been a lot of statements today about numbers of
7 people. There's, you know, honestly this is a, you
8 know -- we have a fixed number of exam rooms and a
9 certain number of patients that can be seen in the day
10 depended on what the service is. The most patients we
11 would see in a day is 26, in an eight-hour period.
12 That's, you know, I have a lot of medical services in
13 that complex area and that's not even a tiny drop in a
14 bucket. So, you know, I don't think that there would
15 be any additional traffic issues there.

16 All of the medical waste that would be
17 generated at the facility, which has nothing to do
18 with -- honestly there have been a lot of really
19 unrealistic things about what medical waste would be.
20 But any of that would be managed in full compliance
21 with all regulatory and requirements and applicable
22 laws. We aren't, you know -- that is a highly
23 regulated situation.

24 The siting of the proposed facility is
25 governed by the certificate of need process by the New

1 York State Department of Health, pursuant to article
2 28 of the New York State Public Health Law. This
3 process governs the establishment's ownership,
4 construction, renovation and change in service of
5 diagnostic and treatment centers. This certificate of
6 need has already been issued by the State of New York
7 and has given us for the proposed facility as
8 qualifying as a diagnostic and treatment center.

9 The State of New York would come and inspect
10 the facility to make sure it met all the construction
11 requirements before we would open. And we are subject
12 to ongoing regular and surprise inspections by the New
13 York State Department of Health. So a lot of things
14 that have been said this evening or in an unbelievable
15 realm. I would say, you know, I'm very proud that we
16 provide abortion services. It is not the only service
17 we provide. But I will tell you one thing about that.
18 When abortion becomes less assessable, it just becomes
19 less safe. It doesn't become less happen -- less
20 often. People find means when they don't want to be
21 pregnant anymore. And so I think it's, you know,
22 certainly within the laws of the state and in our job
23 to be able to have people have access to safe, legal
24 abortion.

25 We don't have counter protestors at our

1 facilities. You are more than welcome to check with
2 the City of Rochester Police Department. But we do
3 call the police when the protestors are breaking the
4 law. Thank you very much for your time and I
5 appreciate your patience this evening.

6 CHAIRMAN PRICE: Thank you. Taylor Howarth.

7 MS. HOWARTH: Hello. My name is Taylor
8 Howarth. If what I'm about to say sounds redundant,
9 it's because it's important and you should listen. I
10 would not be the healthy and happy person that I am
11 today if it were not for the medical care that I
12 received at Planned Parenthood in Greece. This
13 facility closed in 2020 with a gratuitous nod from the
14 Chick-fil-a across the street. So I am here to
15 personally advocate for its necessary replacement in
16 the form of a center here in the Town of Brighton.

17 The two things that I can say definitively
18 are one, that my reproductive organs are not a
19 battlefield on which wars of moral bigotry will be
20 won. And two, that the philosophical personhood of an
21 unborn child will never trump my bodily autonomy. We
22 have an epidemic of hate speech and control over women
23 in Rochester. You can see it firsthand in the
24 numerous crisis pregnancy centers scattered throughout
25 city where clergy folk dress in white cloaks and spare

1 no layers of deception to manipulate and divert women
2 away from comprehensive care. You can also see it
3 every Saturday morning outside the Planned Parenthood
4 on University Avenue where people of God Harass and
5 seek to instill fear and shame into women for their
6 choices in an effort to change the course of their
7 lives as if they are God themselves. Clearly these
8 people are delusional. Their arguments would never
9 hold up in a court of law. And as a more valuable
10 alternative, I truly hope that you prioritize and take
11 to heart the experiences of individuals who have
12 actually used and continue to need these services.
13 Thank you.

14 CHAIRMAN PRICE: Do I have to ask you to
15 leave? Please be respectful. I've asked you not to
16 do that. Don't act all Pollyanna. Just don't do it.
17 Everybody here has behaved fabulously tonight. Don't
18 ruin it. We have two other speakers left that have
19 signed up, Elora Kang and then John Khoury.

20 MS. KANG: Hi. My name is Elora Kang. I am
21 from New York city. My mom, my sister and my brother
22 are doctors at Mount Sinai Columbia University, NYU,
23 and Lennox Hill Hospital. So pretty incredible
24 institutions. And I had to get an abortion. And when
25 I talked to them, they encouraged me to go to Planned

1 Parenthood. The facility, the aftercare -- which I
2 know there's been some remarks that a lot of the
3 doctors there, medical professionals, don't care what
4 happens to women, to femmes -- what happens to their
5 bodies, but that is absolutely not true. To this day,
6 this was years ago, I am still in contact with that
7 doctor.

8 I also wanted to mention that, you know,
9 with the stigmas of abortion, there's always going to
10 be that these women, these femmes, these people who
11 have autonomy over their body won't be successful. I
12 am a very successful photographer. I went to Cornell
13 University. I worked at Cornell University. I am --
14 I have published in the New York Times. And I think a
15 lot my strength -- and I know that a lot of strength
16 has come from an organization like Planned Parenthood,
17 who gave me education, who gave me healthcare and
18 provided care.

19 And I also want to break down one more
20 stigma that -- about pro-life, which I'm not here to
21 say that you're wrong for what you believe in. That's
22 not who I am. What the thing is that people who
23 receive abortions, it is their hardest decision of
24 their life. It is -- we are not going in there -- and
25 I know it seems like I'm speaking on behalf of so many

1 people, but I've been to so many support groups and
2 not one person is excited about this. This is one of
3 the most heartbreaking procedures. But it's a choice
4 that we make because we will be able to make that
5 choice for the rest of our life.

6 But it's not easy. Nobody's happy. It's
7 something that we consider every single day. So I
8 don't want people to think just because you are making
9 a choice for your body, and women want to make choices
10 for their bodies, that means they are some how
11 pro-abortion. We just want to be able to make choices
12 for our bodies. And I really hope -- I'm sure some of
13 you have daughters around my age. I really hope you
14 take that into consideration.

15 And the last thing I want to say is that I'm
16 adopted. I'm adopted from South Korea. And the thing
17 about that is adoption -- that abortions in South
18 Korea have been illegal up until 2019. And the
19 abortion rate now in compared is -- was progressively
20 high when it was illegal. And there were far more
21 deaths, far more deaths in South Korea because of
22 that.

23 My partner grew up in Brighton. His whole
24 family grew up in Brighton. And when he heard that
25 this was happening, Matthew O'Brien, he was

1 devastated, not because he's raging. It's because
2 people should have the choices of their own body.
3 Thank you.

4 CHAIRMAN PRICE: Thank you. Jonathan
5 Khoury. Good evening.

6 MR. KHOURY: Hi, everyone. I'm John Khoury.
7 I am Palestinian. I grew up in Oklahoma. I've been
8 in Brighton now for just a couple of years. I teach
9 math and physics at the Rochester Institute of
10 Technology. So I'm just here to share a little bit of
11 experience about what it was like growing up in
12 Oklahoma.

13 We have a total of three Planned Parenthoods
14 in our entire state. We are also leading fourth in
15 teen pregnancies in the entire nation. So it is
16 important that it has been disclosed already. Planned
17 Parenthood offers a wide range of services beyond that
18 of abortion. Education, contraception being some of
19 them. I am also a queer person. So I identify with
20 the LGBTQ population. And queer male-bodied
21 individuals are 17 times more likely to contract and
22 spread STIs than non-queer male body people. So just
23 some numbers of the spread of those STIs in Oklahoma
24 versus that in New York, again, a place that advocates
25 and actually funds those services and that education.

1 In Oklahoma for every 100,000 people, 599
2 contract chlamydia per year. In New York, 604. So
3 they're very close with one another. 229 spread
4 gonorrhea or contract gonorrhea while 188 in New York.
5 So less here in New York. While the queer population
6 here in New York is estimated to be about 1.2 million,
7 in the Oklahoma it's 28,000. So those are pretty
8 staggering numbers. And it's pretty clear that
9 Planned Parenthood is opportunity to help a population
10 of people that could very much need it. So that's all
11 I really have to say. Thanks.

12 CHAIRMAN PRICE: Thank you. At this point
13 this is the list of speakers who signed up. I will
14 ask is there anyone that has not had an opportunity to
15 speak that wishes to do so, anybody outside, anybody
16 else downstairs?

17 MR. GORDON: Bill, I'd like to put something
18 on the record as part of the public hearing.

19 CHAIRMAN PRICE: Go ahead, Ken.

20 MR. GORDON: So I know the board has heard a
21 lot of commentary this evening on this project. I
22 just want to put on the record for the public hearing
23 a few remarks. There's been remarks from speakers
24 regarding this Board's need to consider the zoning or
25 rezoning of this site. I don't think I need to tell

1 you this, but that's not before you. Zoning, rezoning
2 variances, that isn't within the jurisdiction of this
3 board and is not required for this project as it is
4 being proposed for a site which is zoned properly for
5 this medical use.

6 There's been some suggestion that the use
7 proposed is in some way an adult use. Our code
8 defines what is an adult use under our code. And
9 lastly, what is before this Board, as you know, is a
10 site plan approval and the factors to be considered
11 despite what many of the speakers said might be
12 factors -- the factors are defined under the code.
13 And I just ask this Board to make sure we follow those
14 factors set forth in the Town Code Section 217-12
15 Subdivision C. That's what we're following. That's
16 what we'll be considering tonight. And that's what
17 your job is, the Board, as you enter your
18 deliberations later this evening.

19 MR. BOEHNER: Ken, I would also like -- that
20 there's application for the demolition of the building
21 down to the foundation.

22 MR. GORDON: Correct. And that -- and we
23 would find the factors to be considered for that under
24 Article 73 of the Town Code for the demolition of the
25 building. So it is a demolition plan approval, you're

1 correct, Ramsey, and site plan approval.

2 MR. BOEHNER: That's correct.

3 MR. GORDON: That's all I had. Thank you,
4 Bill.

5 MR. BOEHNER: Thank you again.

6 CHAIRMAN PRICE: Thank you. All right. We
7 do have other matters. I would ask the Board if there
8 is a motion to close the public hearing at this point
9 for this application?

10 MR. OSOWSKI: I'll make a motion we close
11 the public hearing.

12 MR. BABCOCK-STIENER: I'll second.

13 MR. BOEHNER: Osowski moved.

14 CHAIRMAN PRICE: Seconded by
15 Babcock-Stiener.

16 MR. BOEHNER: Babcock. Closed hearing.

17 (Altman, aye; Mr. Price, aye;

18 Mr. Babcock-Stiener, aye; Mr. Osowski, aye.)

19 (Upon roll call, motion to close public.
20 Hearing carries.)

21 CHAIRMAN PRICE: Okay. To everyone who is
22 here and choosing to leave at this point, on behalf of
23 this Board I wish to thank everyone for participating
24 and I truly appreciate the demeanor and calm attitude
25 that everyone displayed in presenting arguments on

1 both sides of a very passionate issue. So thank you
2 all. And please consider participating in other
3 matters as well in the future. We appreciate it.

4 MR. BOEHNER: Thank you.

5 **Application 7P-01-21:**

6 CHAIRMAN PRICE: All right. Our next
7 application tonight is application 7P-01-21, the
8 application of 150 Metro Park LLC for preliminary and
9 final site plan approval, conditional use approval for
10 a 9,000 square foot pole barn.

11 MR. BOEHNER: They've requested adjournment.

12 CHAIRMAN PRICE: My apologies. I managed to
13 get all the way to the bottom before I read that part.
14 And that's it. Never mind.

15 **Application 7P-02-21:**

16 CHAIRMAN PRICE: We have application of
17 which is 7P-02-21, Tom Fantauzzo, owner for site,
18 final site plan approval for a 600 square foot
19 addition at 2041 South Clinton Avenue. Good evening.

20 MR. GORDON: Just a point of clarification
21 and Ramsey or Bill, I'm not sure who can provide this.
22 There are two applications on relative to this
23 project. Are we --

24 MR. BOEHNER: That's right.

25 MR. GORDON: We're holding these public

1 hearings together.

2 MR. BOEHNER: Yes. Both of them. So it
3 should be the application 7P-02-21 combined with the
4 application 5P-NB2-21 for combined. Preliminary and
5 final applications are combined.

6 CHAIRMAN PRICE: All right. Thank you for
7 clarification.

8 MR. BOEHNER: Thank you, Ken.

9 CHAIRMAN PRICE: Good evening.

10 MR. FANTAUZZO: I'm Tom Fantauzzo, the
11 owner. We're looking for final approval on the
12 addition. We've gone through all the variances and --

13 CHAIRMAN PRICE: You did get the -- you did
14 secure the variances?

15 MR. FANTAUZZO: Yup. We got all the
16 variances --

17 MR. BOEHNER: You got Architectural Review
18 Board Approval?

19 MS. FANTAUZZO: Yup. We're just looking for
20 a final on this. We got the parking reduction and the
21 offset that was all approved. Everything's --

22 MR. BOEHNER: Okay. So you're not using a
23 dumpster.

24 MR. FANTAUZZO: I'm sorry?

25 MR. BOEHNER: You're not using a dumpster?

1 MR. FANTAUZZO: Not at the moment.

2 MR. BOEHNER: Because if you do, you will
3 need to enclose it.

4 MR. FANTAUZZO: I did read that. So that
5 would be a plan of doing that if we did it.

6 MR. BOEHNER: And then Conservation Board
7 asked you to consider planting a couple of deciduous
8 trees. Do you have a problem with that?

9 MR. FANTAUZZO: No. We don't have any
10 problems with that. Like I told them in the past
11 that, you know, I want to make this the site look and
12 I have no problems with more trees. I'm not going to
13 put a ton of them in there. I don't want to hide the
14 building, but I -- you know, we'll add some in the
15 front, sure.

16 MR. BOEHNER: I don't have any other
17 questions myself.

18 CHAIRMAN PRICE: Okay. As far as you know
19 we're not looking at anything that's different than
20 the last time you were here?

21 MR. FANTAUZZO: Yeah. It's just a matter --

22 MR. BOEHNER: No, it's just getting the
23 variances.

24 MR. FANTAUZZO: Exactly. We appreciate it.

25 CHAIRMAN PRICE: All right.

1 MR. FANTAUZZO: Yeah.

2 MR. BOEHNER: Sorry it took so long.

3 CHAIRMAN PRICE: Questions from the Board?

4 MR. OSOWSKI: About lighting of the parking,
5 will that be provided?

6 MR. FANTAUZZO: There is some currently, but
7 we probably will be lighting more. But not a lot. I
8 mean, there's -- there's some on the building right --
9 we don't run after hours. We're only there 'til 5:30
10 at night. We're medical. So we only stick between 9
11 and 5:30. So there's no nighttime actually business
12 going on.

13 CHAIRMAN PRICE: Your operation doesn't --

14 MR. FANTAUZZO: No. We're only open on
15 Saturdays until 3 in the afternoon and Sundays we're
16 closed.

17 CHAIRMAN PRICE: Is it fair to say that if
18 you did any additional light it might be with
19 something like a lamp post?

20 MR. FANTAUZZO: It'll be minimal.

21 CHAIRMAN PRICE: Or a building mounted.

22 MR. FANTAUZZO: Yes. Yes. There -- there
23 was one by the street. It needed to be replaced. We
24 didn't. We took it down for now. It was on a flower
25 plaque out by the front. Yeah. So, no. There's some

1 on the building that shine into the parking lot.
2 There's one on each corner -- on each corner of the
3 building shining down, the lights.

4 CHAIRMAN PRICE: If you would just make
5 sure, Tom and Mike, that you make sure there's cut off
6 on those fixtures so that they don't shine off the
7 site or provide glare that might hinder the police
8 from, you know, being able to see.

9 MR. FANTAUZZO: Sure. Sure. Yeah.
10 They're -- they're not glaring. They're just -- light
11 up --

12 MR. BOEHNER: If you just check in with us
13 and we'll tell you that it's okay.

14 MR. FANTAUZZO: Yeah. Yeah. Sure.

15 CHAIRMAN PRICE: All right. Everybody's
16 good with questions? How about you, Ken? Okay. All
17 right. Thank you. Looking at the audience, I'm going
18 to ask if anybody cares to speak or has comments about
19 this application? All right. Thank you. Could I
20 have a motion to close the public hearing on this
21 application?

22 MS. ALTMAN: I move to close the hearing on
23 this application.

24 MR. BABCOCK-STIENER: I'll second.

25 CHAIRMAN PRICE: Ramsey, I know we're doing

1 things a tad out of order on you.

2 MR. BOEHNER: Who seconded? I got Babcock
3 second.

4 (Mr. Price, aye; Ms. Altman, aye; Mr.
5 Babcock-Stiener, aye; Mr. Osowski.)

6 (Upon roll motion to close public hearing
7 carries.)

8 CHAIRMAN PRICE: All right. Thank you. The
9 rest of our deliberations will be after the other
10 public hearings.

11 **Application 7P-03-21:**

12 CHAIRMAN PRICE: Our next application is
13 7P-03-21, Nick Leonardo for EPOD woodlot permit
14 approval to remove brush, ground debris, stumps and
15 dead fall at 851 Clover Street. Nick, we meet in
16 person. We meet face-to-face.

17 MR. LEONARDO: I thought we have. It's been
18 three years. I didn't think I'd be back here. So I'm
19 Nick Leonardo. I've met most of you before. I
20 basically -- I thought our engineer would be here or
21 the landscape architect, but I don't know where they
22 are. So -- but essentially what we're proposing is
23 that we have an area disturbance, which we maintained
24 inside our orange fencing. And I have some photos.
25 I'm going to pass these out, if that's okay.

1 MR. BOEHNER: I'll pass them out.

2 MR. LEONARDO: They're all different if you
3 want to take a look. So making sure we're following
4 all rules and everything we want to go outside the
5 area disturbance to clean up, all the brush, the
6 existing land -- land cover is very like scattered.
7 There's like -- there's no grass. There's nothing
8 really. So all we're proposing is to clean up and do
9 a lawn installation and remove all the trees that are
10 on the ground that are dead. We're not proposing any
11 more trees or shrubs being -- there really is no
12 shrubs. We're just proposing putting in a lawn, I
13 guess, at this point outside of our area disturbance.

14 I don't believe there's any additional
15 grading -- any major grading changes or anything
16 that's not already on the plan. But Greg, if he was
17 here, he would probably be able to explain that better
18 than me. You can see a lot of the dead trees on the
19 ground. And the continuity of ground is very, I mean,
20 this -- there's like a -- almost a trench right now in
21 between the original fence and outside the orange
22 fence because the way the land cover is.

23 CHAIRMAN PRICE: All right. Nick, have you
24 been following the rules?

25 MR. LEONARDO: Well, we did have to take

1 down one tree by mistake or two. We have to put more
2 up, I guess. But that was an oversight from the
3 excavator because we weren't out there. But --

4 MR. BOEHNER: Are the trees shown on the
5 plans because I was finding the plants to be kind of
6 confusing of what was originally proposed. What were
7 you asking to modify? What trees are going to -- are
8 going to remain and what trees are planning --
9 including the trees that you're supposed to replant as
10 restitution for the violation?

11 MR. LEONARDO: Right. So there's no
12 additional trees coming down at this point that were
13 not on the original plan, approved plan. The -- we
14 did add the 37, I believe it's 37, trees on the new
15 plan to satisfy the Town. The trees that have to be
16 planted in addition I think are up to the Town's
17 discretion because there was two -- I think 2 inch
18 saplings that got taken down that weren't supposed to.
19 And I talked to Mike Guyon and Everett. We were all
20 out there and I asked him, you know, where do you guys
21 want these because they have to go back in the ground
22 right away and they said they'll get back to me.

23 MR. BOEHNER: No. I sent you a letter. I
24 was supposed to approve them. They need to be on the
25 plans so this Board can approve them as part of this

1 process.

2 MR. LEONARDO: Well, these are outside our
3 property. These are town trees.

4 MR. BOEHNER: There were some of your
5 trees --

6 MR. LEONARDO: Yeah --

7 MS. BOEHNER: -- that I think that you have
8 to plant.

9 MR. LEONARDO: Two additional.

10 MR. BOEHNER: Yeah. And that's what I
11 want -- I want to show those trees on the plan. And I
12 also looked at the landscaping plan. It seemed to
13 change. I was having trouble understanding the plans.

14 MR. LEONARDO: Yeah. We got a landscape
15 architect from a company who was originally going to
16 do our actual landscape. And they just -- they took
17 the same trees -- they put a tree list together. They
18 moved the trees around to make them, I guess, I don't
19 know, better placement based on where the house is
20 now. They went out and took pictures of everything.
21 I didn't know that we had to put these two addition
22 ideal trees on this plan because we weren't coming
23 here for that. We were coming here to talk about
24 outside the area disturbance. No one told me anything
25 about those two trees that we took down being on this

1 new site plan.

2 MR. BOEHNER: Well, we just need to do -- to
3 know everything.

4 MR. LEONARDO: Oh, we -- yeah. We can.
5 That's not a problem at all.

6 MR. BOEHNER: What are you planning to do
7 with the rocks?

8 MR. LEONARDO: That's up for debate.
9 That's, you know -- that's another thing that we kind
10 of talked to Everett about. We could haul them off.
11 We could -- we'd prefer to keep them on site. And
12 now, the Town was out there. Everett and Mike were
13 out there. We were looking in the Town right-of-way
14 to alleviate foot traffic. And we're not opposed to
15 doing that. I think the neighbors may have some
16 objections, but, you know, I guess it's not safe
17 apparently. So we could show that on a site plan.
18 Again, I don't know if that's necessarily affecting
19 the engineering of any kind, having a rock
20 landscaping --

21 MR. BOEHNER: I think the next question is,
22 and this is up for the consideration of the Board, if
23 you want to have the perimeter of 10-20 feet
24 preserved?

25 CHAIRMAN PRICE: We did receive one. We did

1 receive a letter from a neighbor just kind of
2 concerned that, you know, what you might be looking
3 for is kind of a manicured look right out to the edges
4 of the property. That is not what, you know, we are
5 trying to do with the -- I think we had this
6 conversation way back when you first started that, you
7 know, you tried to make the argument of, you know,
8 being consistent with the neighborhood, but what
9 EPODS, you know, try to do is maintain as much of the
10 habitat benefits as we can. So I would encourage you
11 to look at working with your landscape architect in
12 the -- in the firm to consider maybe a different type
13 of grass that you plant at the perimeter that is
14 allowed to grow a little bit higher. It isn't
15 something that you mow on a regular basis. It could
16 be wildflower mixes or these other types of seed mix
17 that doesn't -- does provide habitat, you know --
18 excuse me. But you don't have to mow it and it would
19 give, you know, some of that habitat benefit that has
20 been a little bit lost but then gives, you know, the
21 manicured look at least, you know, around the
22 property, around the house itself.

23 MR. LEONARDO: Yeah. I mean, I -- so my
24 only question is like in the Town code it says that
25 landscaping and lawn care is completely exempt EPOD.

1 So I don't understand if it is exempt, then why does
2 it matter what kind of grass I plant?

3 CHAIRMAN PRICE: Well, for that matter, why
4 does --

5 MR. BOEHNER: If you look at the EPOD, if
6 you leave the EPOD --

7 MR. LEONARDO: But --

8 MR. BOEHNER: You have the right to maintain
9 it.

10 MR. LEONARDO: There's no brush though.
11 It's just dirt.

12 CHAIRMAN PRICE: This is --

13 MR. BABCOCK-STIENER: So I'm a little
14 concerned because it seems like every time you come in
15 front of us it's -- you're asking for a little bit
16 more and little bit more. This is an EPOD, an
17 Environmental Protection Overlay District. It's not a
18 big flat lawn. And again, every time you've come in
19 front of us, you're asking for a little bit more. And
20 where does that stop? When -- at what point does this
21 EPOD get to be an EPOD? I mean, if we're not going to
22 have an EPOD, then we're just going to do away with
23 it.

24 MR. LEONARDO: Well, we're not talking about
25 removing big giant bushes. We're talking about

1 removing dirt. I mean, if you look at the photos,
2 most of the stuff in those photos is mulch and dirt.
3 There's not -- there's no shrubs. There's no really
4 anything. I mean, when I came back here the first
5 time, we asked to remove dead trees. Out of the 120
6 trees we removed 70 dead trees. There's still
7 probably 30 dead trees on that lot that were not in
8 the original site plan that are outside the area
9 disturbance. We didn't ask to take any of those trees
10 down. What I'm asking is to remove --

11 CHAIRMAN PRICE: Falling trees.

12 MR. LEONARDO: Fallen trees and four leaf
13 clovers. That's what's out there, and dirt. And put
14 in grass because there's no green space. The Town's
15 right-of-way is fully dirt. There's no green space on
16 the Town right-of-way and it's been like that since
17 before we started the project. I mean, I'm trying to
18 add more trees, more shrubs, more bushes and more
19 greenery. There's nothing out there. I -- I --

20 CHAIRMAN PRICE: You know, we fear you're
21 trying to go full width, full depth of your property
22 with mowed lawn.

23 MR. LEONARDO: Yeah. I mean, I'm not. I
24 mean, if -- if the Town wants to see, like you said,
25 like maybe a taller grass on a perimeter, but, I mean,

1 right now inside the area disturbance, that perimeter
2 we have we're not even remotely near the edges of the
3 property, not even close. I mean, I probably got 40,
4 50 feet before we get to the edge of the property.

5 MR. BABCOCK-STIENER: I would want to see a
6 much more detailed landscape plan before I would be
7 willing to concede just, yeah, go ahead and plant
8 some --

9 MR. LEONARDO: Again, I -- I just want to
10 say this --

11 MR. BOEHNER: What he may be able to do is
12 take the rocks too that he has on site and they would
13 gradate that area that he should just leave alone and
14 let -- have for --

15 MR. BABCOCK-STIENER: If we can get a plan
16 that shows what areas, what grasses are going in,
17 what's going to be delineated and saved in there,
18 that's one thing. But right now, I don't really see
19 that.

20 MR. LEONARDO: But I do want to know where
21 in the Town code it says I can't decide what grass I
22 put on my lawn. There's no -- it literally says
23 there's an exemption on landscaping. It's -- it's --
24 it's in the Town code, including shrub removal, dead
25 tree removal. Like, I don't -- shouldn't even have to

1 be here for this part of it based on the code. I read
2 it.

3 MR. BOEHNER: You're welcome to challenge
4 the interpretation of me. Go back to the Zoning Board
5 if you like.

6 MR. LEONARDO: I'm not saying it's not an
7 EPOD District.

8 MR. BOEHNER: No. That's what you can do.

9 MR. LEONARDO: No, I know.

10 MR. BOEHNER: I just want to be real clear
11 to you.

12 MR. LEONARDO: Yeah. I'm not --

13 MR. BOEHNER: I don't want to argue with
14 you.

15 MR. LEONARDO: Sure. I'm not saying this is
16 not an EPOD District. It just says that landscaping
17 in an EPOD is -- it's exempt from a permit.

18 CHAIRMAN PRICE: Okay.

19 MR. BOEHNER: Okay.

20 CHAIRMAN PRICE: We'll be tabling this
21 tonight for further discussion. Clearly there's a
22 disconnect between your understanding of what an EPOD
23 is and digging to try and find some way to get the
24 landscape that you want, not the EPOD that we want
25 this to be. So we're trying to marry the two.

1 MR. LEONARDO: Yeah. And I'm open to ideas.

2 CHAIRMAN PRICE: And you're finding
3 arguments and you're coming back here multiple
4 times -- I really hope you don't violate anything any
5 further. Kind of disappointed in this. You know, you
6 came with all kinds of, you know, I'm going to be a
7 good citizen, a good neighbor. I don't -- I've lost
8 faith in your ability to do that. So we're going to
9 give you some conditions that you -- you'll have to
10 comply with and you'll be back here again next month.

11 MR. LEONARDO: Yeah. That's fine. It's
12 fine with me. I'm just going based on what's in the
13 code.

14 CHAIRMAN PRICE: Thank you very much. And
15 make sure your landscape architect is with you next
16 time.

17 MR. LEONARDO: Okay.

18 CHAIRMAN PRICE: This is a public hearing.
19 Is there anybody that wishes to address this matter?
20 Okay. Moving on. Actually that is our -- I
21 apologize. That is our last public hearing. And I do
22 want to have a vote to table the application of
23 Nicholas Leonardo.

24 MR. BOEHNER: You want to deliberate later?

25 CHAIRMAN PRICE: Well, I -- we've been

1 closing the hearings and -- but if -- we'll -- we'll
2 wait 'til later, Ramsey.

3 MR. BOEHNER: Ken, do you want him to --

4 MR. GORDON: Yeah. I think for
5 consistency's sake. Either we close the public
6 hearing or we table the matter to the next meeting. I
7 think that would -- I think Bill's idea is right on
8 point.

9 MR. BOEHNER: Okay. So no one needs to make
10 a motion to table --

11 MR. GORDON: Somebody would need to make a
12 motion --

13 (Simultaneous conversation.)

14 MR. BOEHNER: -- and are you comfortable
15 with that?

16 CHAIRMAN PRICE: I move to table the
17 application of Nick Leonardo, which is number 7P-03-21
18 based on the testimony given and conditions in the
19 staff report for the applicant to consider and respond
20 to.

21 MR. BABCOCK-STIENER: I'll second.

22 MR. BOEHNER: That was a motion by Price,
23 second by Babcock-Stiener.

24 (Ms. Altman; aye; Mr. Price, aye; Mr.
25 Babcock-Stiener, aye; Mr. Osowski, aye.)

1 (Upon roll motion to table application
2 7P-03-21 carries.

3 **Application 7P-NB1-21:**

4 CHAIRMAN PRICE: This is application
5 7P-NB1-21. This is 1950-1966 Monroe Avenue, LLC, is
6 the owner for concept review to redevelop an existing
7 non-conforming gas station located at 1950 and 1966
8 Monroe Avenue. Good evening.

9 MR. GOLDMAN: Good evening. Yup, it's still
10 evening. Mr. Chairman, members of the Board, my name
11 is Jerry Goldman. I'm the attorney and agent for PEM,
12 LLC, who is the owner and developer of the former
13 Mobile station located at the corner of Monroe and
14 Elmwood Avenues. With me tonight is John Sciarabba
15 from LandTech who is the project engineer. We were
16 before the Board for concept review I believe it was a
17 couple months ago, maybe three months ago, to discuss
18 concept review for this particular corner. I'll give
19 you a very brief orientation. I know it's been a long
20 night. Trying not to -- not to be redundant.

21 The property that we're talking about is
22 comprised of two parcels. The existing Mobile station
23 parcel is located right in the corner of Monroe. And
24 the developer has acquired a property which contains a
25 hairdresser currently right behind it on Monroe Avenue

1 frontage. We appear before the Board and discussed a
2 number of concept alternatives with regards to the
3 site and have evaluated them strongly and evaluated
4 them the best we could to try to conform with the code
5 as well as the desires of Planning Board relative to
6 the site.

7 One of the alternatives, I'll cut right to
8 the chase, would be to try to place the building
9 closer to the intersection and to put the gas pumps
10 behind the site. However, this property is located in
11 the -- in the BF1 neighborhood zoning district and gas
12 stations are not a permitted use in that district.
13 Therefore we've been informed by town staff that we
14 cannot breach this line with the gas station operation
15 on this particular site without having to seek a use
16 variance, which we've discuss and reviewed with town
17 staff. And we have reached a conclusion, which I
18 believe is the right conclusion, that which would be
19 unattainable from a legal point of view.

20 We wanted to move it up front. It's not
21 something that we can do and be able to redevelop this
22 corner. As a Brighton resident, I live at 59
23 Branchwood Lane. I know many of you live in central
24 Brighton area and relatively close to this site. I've
25 always looked forward to the time when this Mobile

1 station would be developed and -- and the Quickly's
2 people are, I believe, the right people to do it.

3 I'll talk a little about the site plan and
4 what we've done relative to and what we are prepared
5 to do. What we have done primarily is to, one,
6 decrease the amount of non-conformity on the site in a
7 number of different ways. For example, right now our
8 impervious lot coverage is approximately 92.4 percent.
9 We are reducing it under the code level of 65 to 63.8
10 percent on this site. So we have ample green areas
11 and unlike some site plans that you may see, it's
12 actually quality green space. It is along the
13 frontage of both Monroe and Elmwood. On our site plan
14 at this point does not depict a detailed landscape
15 plan. We are here for concept, but we are prepared to
16 take this front area and to be as creative as the
17 Board wants us to be to -- to create essentially what
18 could be almost a pocket park in that -- in that small
19 area along the frontage. But again, try to create
20 something which will create the urban streetscape that
21 all of us desire for this particular area.

22 We have also gone so far as to try to
23 minimize the amount of relief that we need from the
24 Zoning Board of Appeals. One item of relief that we
25 need from the Zoning Board of Appeals is the

1 interpretation that we are more conforming or less
2 non-conforming. It's a difficult concept at
3 11 o'clock at night. Because what we are trying to do
4 is take a gas station with a repair facility, which is
5 not permitted, a repair facility is not permitted in
6 the zoning district, and replace it with a convenience
7 store, which is a permitted use in the -- in the
8 district. However, our definition under the Brighton
9 code for convenience stores that gasoline should not
10 be sold, but since we would be less non-conforming,
11 the Zoning Board has the authority to be able to grant
12 that interpretation, that relief, and we will be
13 requesting that relief from the Zoning Board.

14 In addition, we have minimized to the
15 maximum extent that we could -- the variances which
16 are necessary, and frankly, we're down to five, which
17 under our code on a site the size is -- was a pretty
18 ambitious undertaking. The variances that we need are
19 one along Monroe Avenue front because that is the
20 shorter of the two by a couple of feet. This is
21 considered our front setback, which is 20 feet, which
22 essentially is kind of what we want to accomplish and
23 that's to bring it towards the street anyway. But the
24 code really doesn't allow that or call for that in --
25 in pure numbers.

1 In addition, this is considered to be the
2 side setback and we have a 1-foot setback in this
3 area. Any canopy is likely going to require relief
4 and this canopy is going to require two items of
5 relief, one for the canopy location and second for
6 canopy -- well, three. One for the canopy size and
7 the setback is essentially the same as it was before.
8 So we'll be applying for -- but we'll see whether, in
9 fact, a variance will be necessary for that.

10 One thing that we were very happy with is
11 that we have the ability to have this be fully
12 walkable for pedestrians without having to traverse
13 the parking area. We show the sidewalk connection on
14 Monroe Avenue and, in fact, we have the ability to
15 bring a sidewalk in from Elmwood so that anybody who
16 comes from literally any direction can get to -- get
17 to the main building without the necessity of having
18 to -- having to cross a parking area, which is --
19 which is a big deal for all of us in terms of design
20 and trying to establish this as a community use and
21 one which would be well accepted within the community.

22 Another thing that we have to display and as
23 part of the application here that you -- is our
24 architectural elevations for the site. We do have an
25 area which does have a two-story look to it on the

1 building. Again, an urbanism concept in terms of the
2 design itself. Our efforts are primarily designed to
3 one, minimize the relief that we need under the
4 existing code, as I said before, two, to try to
5 incorporate some of the -- some of the desires as --
6 as expressed by the Planning Board at the last
7 meeting. You've got a code to work with and that's
8 what we're trying to do. So with that and given the
9 hour, we'll stop now. We would appreciate receiving
10 any input we can from the Board. Our objective, if we
11 can get there, would be in your deliberations to
12 achieve some sort of consensus if the -- if the
13 variances are something that this board can support in
14 terms of its view of the site plan. So with that,
15 John -- I'm preemptive. I'm sorry.

16 MR. SCIARABBA: I really have nothing to add
17 other than we look forward to preparing more detailed
18 plans in the future that meet your guidelines. So I
19 know it's been a drastic change from the plan that you
20 saw previously. So I'm ready to take notes and move
21 forward in that direction.

22 CHAIRMAN PRICE: All right. Thank you.
23 Typically, same as last time, with concept review we
24 tend to give you each of our own opinions on this and
25 they may align, they may not. I will try to recap at

1 the end what the significant points are so that you
2 have, hopefully, some clearer direction as you go back
3 and move a little closer toward a preliminary final
4 application. Jason, you --

5 MR. BABCOCK-STIENER: I -- you know I like
6 it. I -- you know, you guys are working under
7 constraints. It's a vast improvement on what is
8 there. I do like the idea of a sidewalk connection to
9 Elmwood. I love the idea of having that as like a
10 little, you know, not necessarily a pocket park, but
11 an area in the corner that maybe has some trees you
12 can go sit under or something. I'd leave that up to
13 the landscape architects to figure out, you know, what
14 that is. But I -- I like it. I mean, yeah. Ideally
15 maybe it would be moved around a little differently,
16 but --

17 MR. GOLDMAN: We appreciate the comments.
18 One thing we don't lack in our area are landscape
19 architects. So we'll be sure to be working on that
20 before make our formal submission.

21 CHAIRMAN PRICE: We're in trouble when the
22 attorney knows the terms "walkable" and "urban
23 streetscape."

24 MR. GOLDMAN: Scary, isn't it?

25 CHAIRMAN PRICE: Truly scary. I'm staying

1 out of your realm.

2 MR. BOEHNER: Throw the buzzwords around.

3 MR. GOLDMAN: It's relatively novel for
4 people not to play attorney. I want you to know that.

5 MR. BOEHNER: He also carries the scale with
6 him.

7 MR. GOLDMAN: Both architects and engineers.

8 CHAIRMAN PRICE: John, do you have --

9 MR. OSOWSKI: No. I would like to reiterate
10 what Jason said about the sidewalk connection to
11 Elmwood. And yeah understanding the constraints
12 you're working under and trying to -- trying to
13 minimize, you know, what your variances are you have
14 to ask for.

15 MR. GOLDMAN: Thank you.

16 MS. ALTMAN: I -- I also agree with the
17 importance of that sidewalk connection and that my
18 colleagues have just also stated. And I was one who
19 really liked the idea of the building being pushed to
20 the corner from one of -- excuse me -- one of the
21 original concepts that you had in. So anything that
22 you can come up with that sort of creates that urban
23 streetscape, I would be very interested in hearing
24 more ideas about, I guess.

25 MR. GOLDMAN: We're working with very

1 minimum, I guess, in terms of pushing this forward in
2 terms of impervious around this area. And again, we
3 want to provide as generous amount of clean space
4 as -- in that area as we possibly could. So we're
5 listening to it. We're trying to -- we're trying to
6 get as close as we can get to moving that building
7 closer to the corner, but understand, right now, we're
8 operating with variances for these buildings.

9 MR. BABCOCK-STIENER: Just one more thing
10 real quick.

11 MR. GOLDMAN: Yeah.

12 MR. BABCOCK-STIENER: I did also like the
13 concept kind of the -- kind of that second-story close
14 to the -- the street front because I do think that
15 helps to kind of build that -- that wall there.

16 MR. GOLDMAN: Right. Monroe Avenue, we've
17 got kind of the urban streetscape with this piece over
18 here -- do I keep flipping too fast?

19 MR. BOEHNER: No. No. We're --

20 CHAIRMAN PRICE: You're killing -- you're
21 killing me.

22 MR. BOEHNER: -- just busting on you. It's
23 late.

24 CHAIRMAN PRICE: Your urban -- before you
25 know it Richie and Fromberger are going to start

1 rattling off Latin names of trees.

2 MR. GOLDMAN: That I can't do.

3 MR. BOEHNER: Just giving you a hard time,
4 Jerry, you and your buzz words.

5 CHAIRMAN PRICE: Okay. I think you're
6 seeing a little bit of consensus. I, you know, a
7 little disappointed that, you know, after 60 years
8 plus of waiting for this to redevelop. But I think,
9 you know, moving it further up as in one of the prior
10 schemes that we were presented really offered probably
11 a little better solution than this one. But
12 understanding the conditions of the code and lift that
13 it would take on the concept of a use variance is --
14 it's probably better to get the best that we can and
15 work with you to create something that does provide
16 activity at the street, which is on the corners and
17 the front of the building on the Monroe Avenue side.
18 I saw the elevation implied, at least a fenced in area
19 where people have a chance to sit and just seeing
20 people in the windows, seeing people on the street is
21 an entirely different concept than we have been used
22 to for a very, very long time with the buildings and
23 the surface parking that have been there.

24 Yeah. I think, you know, we have to get
25 into the nitty-gritty and get the triangular piece up

1 front and the piece in front of the building blown up
2 to larger scales -- actually smaller scales. But get
3 into the details of those and the facades and heights
4 and your canopy and the rendering look might have
5 looked a little bit low, but that's -- that's fine. I
6 mean, I think --

7 MR. SCIARABBA: I think it's 15 feet at the
8 bottom.

9 CHAIRMAN PRICE: I mean, we'll get at it.
10 Yeah. I mean, the amount of curb cut that you're
11 closing down, still a lot of benefits to it. Jerry,
12 there's -- I just have one question. Is this the
13 green space up on the Elmwood Avenue side to the -- I
14 guess it would be the upper right of the thing. Yeah.
15 Is that part of the parcel or --

16 MR. GOLDMAN: Yes.

17 CHAIRMAN PRICE: It is. Okay. I mean,
18 that's -- that's -- that's not a small area to sneeze
19 at. That -- that is also a fairly substantial green
20 space. That we can take advantage of.

21 MR. GOLDMAN: Work with. Yeah.

22 MR. SCIARABBA: It's a challenge a little
23 bit with the dumpster area.

24 CHAIRMAN PRICE: Sure. Yeah. You may
25 have -- you may have to run some truck turning and

1 figure out if it needs to be angled or not. But I
2 think all of your elements are there and they're all
3 oriented pretty well.

4 MR. GORDON: Bill.

5 CHAIRMAN PRICE: Oh, here we go.

6 MR. GORDON: Well, you know if Jeffery's
7 going to play planner --

8 MR. BOEHNER: No. Landscape architect.

9 MR. GORDON: Oh, well. So since we're in
10 concept review and since, you know, we're that early
11 in the process, here's a concept that I'd like you to
12 review with your client. And that concept is, you
13 know, gasoline pump passes. So if you got rid of your
14 gasoline pumps, you can put that building on the
15 corner of the lot and you wouldn't have to push it
16 back. So would you your client consider -- would
17 quick consider a convenience store for that corner,
18 that goes on the corner of that lot and not in stall
19 fuel pumps?

20 MR. GOLDMAN: We can review that with them.
21 It certainly is not their business model. I mean,
22 they started out as -- at the gas station exclusively
23 and they do run gas stations exclusively, but
24 certainly it can -- it can be reviewed. I mean I can
25 tell you this, we do have to my mind, Brighton

1 residents, a dearth of existing gas stations. And I
2 know we don't want to encourage them.

3 So I think that working with the ones that
4 we have has some -- has some real benefit. If, in
5 fact, this does become totally passé to the extent
6 that is not utilitarian, the maybe we could talk about
7 putting another building on the corner and by that
8 time the codes may change so that we don't have
9 setbacks -- so we don't have setback issues anymore.
10 If we think we have setback issues now, if we were to
11 put this building in the corner, we would be talking
12 about area variances galore in addition to everything
13 else we're talking about. So --

14 MR. GORDON: It's just that I know -- I
15 think I know that it's the canopies and the pumps that
16 are driving your building to where it is. And if we
17 eliminated the canopies and the pumps, we'd have a
18 different situation altogether. And so before, you
19 know -- before you come back with the finals, it just
20 would be interesting to know the answer to that, if
21 Quickly's might think about doing that because I think
22 that is the direction of the industry. I think,
23 truly, you know, convenience stores with gas pumps
24 are, you know, sort of very 20th century.

25 MR. GOLDMAN: I'm not seeing that many --

1 well, I'm not going to debate the point. I will take
2 it back to our client.

3 MR. GORDON: Thank you. That's all I'm
4 asking.

5 MR. GOLDMAN: And we'll review it with them
6 and report back.

7 CHAIRMAN PRICE: All right. You feel
8 comfortable? You have --

9 MR. GOLDMAN: I felt better before Ken
10 started talking, but that's okay.

11 MR. BABCOCK-STIENER: Ain't that always the
12 case.

13 MR. GOLDMAN: If we can be informal and
14 colloquial, I'm going to be informal and colloquial
15 too. Nonetheless I do appreciate the -- the input
16 from -- from the Board members. Again I know it's --
17 I know it's late. So we'll let you go and we
18 appreciate not having to wait until the end of
19 deliberations to hear the discussion.

20 CHAIRMAN PRICE: All right thank you.

21 MR. BOEHNER: Bill, should we do decisions?

22 CHAIRMAN PRICE: Sure.

23 (Public hearings concluded.)

24 * * *

25 (Board decisions begin.)

1 CHAIRMAN PRICE: All right. Then let's go
2 back to the beginning of the agenda. And we've closed
3 the public hearing on application 6P-02-21.

4 **Application 6P-02-21**

5 Application of Westfall Medical Realty, LLC,
6 owner, for Demolition Review and Additional Info
7 Approval and Preliminary/Final Site Plan Approval to
8 raze a 6,015 square feet medical building and reuse
9 the existing foundation to construct a new 6,425 +/-
10 square feet medical building on property located at
11 2233 South Clinton Avenue. All as described on
12 Application and plans on file. TABLED - PUBLIC
13 HEARING REMAINS OPEN.

14 Motion made by Mr. Babcock-Stiener to adopt
15 the ten findings outlined in the Planning Board report
16 based on the application, submitted testimony
17 presented in the determinations, comments and
18 recommendations of the Historic Preservation
19 Presentation Commission, Architectural Review Board
20 and conservation board for application number
21 6P-02-21.

22 **FINDINGS:**

23 1. The existing building, if currently designated as
24 a landmark, has received required approvals from the
25 Historic Preservation Commission, and if not currently

1 designated, has been found by the Commission not to be
2 a candidate for designation by the Historic
3 Preservation Commission as a landmark.

4 2. The Architectural Review Board and Conservation
5 Board have reviewed the project per the requirements
6 of the article and their determinations and
7 recommendations have been considered.

8 3. The project is consistent with the Brighton
9 Comprehensive Plan.

10 4. The Project meets all Town zoning requirements.

11 5. The Brighton Department of Public Works has
12 approved the proposed grading plan for the project.

13 6. The project complies with the requirements of the
14 Town's regulations regarding trees.

15 7. A restoration/landscaping plan has been
16 conditionally approved by the Planning Board.

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

1 Section 56-3, and the asbestos survey and removal
2 requirements of section 56-5.

3 9. The project will not, under the circumstances of
4 the particular case, be detrimental to the health,
5 safety or general welfare of persons residing or
6 working in the neighborhood and will not be
7 detrimental to the public welfare or injurious to
8 property or improvements in the neighborhood.

9 10. The project does not have a significant negative
10 impact on affordable housing with the Town.

11 (Second by Mr. Price.)

12 MR. GORDON: And just to clarify, this is a
13 motion for approval of the demolition?

14 MR. BOEHNER: To adopt the findings.

15 CHAIRMAN PRICE: Of demolition.

16 MR. GORDON: Right. But just relative to
17 demolition?

18 MR. BOEHNER: Relative to demolition.

19 MR. GORDON: I didn't hear that. Maybe he
20 said it first thing.

21 MR. BABCOCK-STIENER: I may not have.

22 MR. GORDON: What was the first thing he
23 said?

24 MR. BABCOCK-STIENER: Do you want me to do
25 it again?

1 MR. GORDON: I just want to make sure that
2 Member Babcock-Stiener, who made the motion, is
3 limiting this motion to the findings for the
4 demolition portion of the application only and that --
5 was it Member Altman man who seconded.

6 CHAIRMAN PRICE: It was me.

7 MR. BOEHNER: No, it was Price.

8 MR. GORDON: Member Price who seconded also
9 agrees to that provision.

10 MR. BABCOCK-STIENER: I agree.

11 CHAIRMAN PRICE: I agree.

12 MR. GORDON: Okay. Great. Then we're good.

13 CHAIRMAN PRICE: All right. Moved and
14 seconded. Ramsey, do you want to call the roll.

15 (Mr. Osowski, aye; Mr. Babcock-Stiener, aye;
16 Mr. Price, aye; Ms. Altman, aye.)

17 (Upon roll motion carries.)

18 CHAIRMAN PRICE: Okay. That brings us to a
19 decision on this. Is there -- does anyone have a
20 motion --

21 MR. OSOWSKI: I'll move that the Planning
22 Board find that the proposed action will not have a
23 significant impact on the environment and that the
24 Planning Board adopts the negative declaration
25 prepared by town staff. And this is for application

1 6P-02-21. And I will move that the Planning Board
2 approve application 6P-02-21 based on testimony given,
3 plans submitted and the 28 conditions outlined in the
4 Planning Board report.

5 **CONDITIONS:**

6 1. An Operational Permit shall be obtained from the
7 Town of Brighton Fire Marshal (Chris Roth,
8 585-784-5220).

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

11 3. Prior to issuance of any building permits, all
12 plans for utility and stormwater control systems must
13 be reviewed and have been given approval by
14 appropriate authorities. Prior to any occupancy, work
15 proposed on the approved plans shall have been
16 completed to a degree satisfactory to the appropriate
17 authorities.

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

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

22 6. The project and its construction entrance shall
23 meet the New York State Standards and specifications
24 for Erosion and Sediment Control.

25 7. The contractor shall designate a member of his or

1 her firm to be responsible to monitor erosion control,
2 erosion control structures, tree protection and
3 preservation throughout construction.

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

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

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

19 11. The existing dumpsters shall be enclosed with
20 building materials that are compatible with the
21 Existing building and located in the rear yard. The
22 enclosure shall equal the height of the dumpster.

23 12. The parking lot shall be striped as per the
24 requirements of the Brighton Comprehensive Development
25 Regulations.

1 13. All outstanding Site Plan comments and concerns
2 of the Town Engineer and Fire Marshal shall be
3 addressed.

4 14. All outstanding Site Plan comments and concerns
5 of the Town Engineer regarding soil erosion,
6 stormwater control, water system and sanitary sewer
7 design shall be addressed prior to final approval.

8 15. All County Development Review Comments shall be
9 addressed prior to final approval.

10 16. All other reviewing agencies must issue their
11 approval prior to the Department of Public Works
12 issuing its final approval.

13 17. The project will comply with the requirements of
14 NYSDOL Code Rule 56 regarding asbestos control and
15 Chapter 91 of the Code of the Town of Brighton,
16 Lead-Based Paint Removal. In addition to any other
17 requirements of Code Rule 56, the applicant shall
18 verify that the project will comply with Section
19 56-3.4(a)(2) regarding on-site maintenance of a
20 project record, and Section 56-3.6(a) regarding 10 Day
21 Notice requirements for residential and business
22 occupants. The property owner shall ensure that the
23 licensing requirements of Section 56-3 and asbestos
24 survey and removal requirements of Section 56-5 are met.
25 18. Prior to the issuance of a demolition or permit

1 or building permit, asbestos shall be removed
2 according to NYS and the Town of Brighton requirements
3 and verification shall be submitted from a qualified
4 company that asbestos has been removed.

5 19. The proposed building shall be sprinklered in
6 accordance with Town requirements.

7 20. Erosion control measures shall be in place prior
8 to site disturbance.

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

18 22. All comments and concerns of the Town Engineer as
19 contained in the attached memo dated July 20, 2021,
20 from Everett Garcia, Town Engineer, to Ramsey Boehner,
21 shall be addressed.

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

25 24. Hydraulic calculations demonstrating that the

1 proposed water distribution network has sufficient
2 pressure and flow to accommodate the demands
3 associated with this project must be provided prior to
4 the issuance of a building permit for the project.

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

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

16 27. A sprinkler permit must be obtained from the
17 Town's Fire Marshal.

18 28. As agreed to by the applicant, the plans shall be
19 modified to address safety, security, and legal
20 compliance. The revised plan shall be submitted to
21 the Executive Secretary for review and approval.

22 (Second by Mr. Price.)

23 (Ms. Altman, aye; Mr. Price, aye; Mr.
24 Babcock-Stiener, aye; Mr. Osowski, aye.)

25 (Upon roll motion carries.)

1 **Application 7P-02-21**

2 Application of Thomas Fantauzzo, owner, for
3 Final Site Plan Approval to construct a 600 +/- square
4 feet building addition and to make other minor site
5 improvements on property located at 2041 South Clinton
6 Avenue. All as described on application and plans on
7 File.

8 Mr. Babcock-Stiener makes the motion that
9 the Planning Board finds that the proposed action will
10 not have a significant impact on the environment and
11 the Planning Board adopts the negative declaration
12 prepared by town staff. Mr. Babcock-Stiener also
13 moves that the Planning Board approves applications
14 7P-02-21 and 5P-NB2-21 based on the testimony, given
15 plans submitted and with the 21 conditions outlined in
16 the Planning Board report.

17 **Conditions:**

- 18 1. An Operational Permit shall be obtained from the
19 Town of Brighton Fire Marshal (Chris Roth,
20 585-784-5220).
- 21 2. The entire building shall comply with the most
22 current Building & Fire Codes of New York State.
- 23 3. Prior to issuance of any building permits, all
24 plans for utility and stormwater control systems must
25 be reviewed and have been given approval by

1 appropriate authorities. Prior to any occupancy, work
2 proposed on the approved plans shall have been
3 completed to a degree satisfactory to the appropriate
4 authorities.

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

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

9 6. The project and its construction entrance shall
10 meet the New York State Standards and Specifications
11 for Erosion and Sediment Control.

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

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

22 9. The parking lot shall be striped as per the
23 requirements of the Brighton Comprehensive Development
24 Regulations.

25 10. All outstanding Site Plan comments and concerns

1 of the Town Engineer regarding soil erosion,
2 stormwater control, water system and sanitary sewer
3 design shall be addressed prior to final approval.

4 11. All outstanding comments of the Fire Marshal
5 shall be addressed.

6 12. All County Development Review Comments shall be
7 addressed.

8 13. All other reviewing agencies must issue their
9 approval prior to the Department of Public Works
10 issuing its final approval.

11 14. All easements must be shown on the site plan.

12 15. The applicant's architect shall evaluate the
13 project relative to the Town of Brighton sprinkler
14 ordinance to determine if the building needs to be
15 sprinklered. This evaluation shall be submitted for
16 review.

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

19 17. A letter or memo in response to all Planning
20 Board and Town Engineer comments and conditions shall
21 be submitted.

22 18. All new accessible parking space signage to be
23 installed or replaced shall have the logo depicting a
24 dynamic character leaning forward with a sense of
25 movement as required by Secretary of State pursuant to

1 section one hundred one of the Executive Law.

2 19. The project engineer shall confirm if additional
3 accessible parking spaces are required to be installed
4 as part of this project. All new accessible parking
5 space signage to be installed or replaced shall have
6 the logo depicting a dynamic character leaning forward
7 with a sense of movement as required by Secretary of
8 State pursuant to section one hundred one of the
9 Executive Law.

10 20. All comments, concerns and requirements of the
11 Town Engineer as contained in the attached memo dated
12 October 20, 2020 From Everett Garcia, Town Engineer,
13 to Ramsey Boehner, shall be addressed.

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

16 A. Consider planting a couple of deciduous shade trees
17 in the front yard area, preferably closer to the
18 R.O.W, but not too close that they interfere with the
19 overhead power lines.

20 (Second by Mr. Price.)

21 (Ms. Altman, aye; Mr. Price, aye; Mr.
22 Babcock-Stiener, aye, Mr. Osowski, aye.)

23 (Upon roll motion carries.)
24
25

1 CHAIRMAN PRICE: All right.

2 MR. BOEHNER: Okay. Now, 5G. What's
3 happening is that the Telecommunication Act a number
4 of years ago --

5 MR. GORDON: Ramsey, you got to talk into
6 your mic. I can barely hear you. And does -- do you
7 need the stenographer taking this down?

8 MR. BOEHNER: What's that?

9 MR. GORDON: Do you need her to be taking
10 this down?

11 MR. BOEHNER: Yes. I would have her --

12 MR. GORDON: You want her taking this down?
13 Okay.

14 MR. BOEHNER: I mean, it's up to you if you
15 don't want her to.

16 MR. GORDON: Just talk into the mic then.

17 MR. BOEHNER: Okay. The Telecommunication
18 Act was amended again largely for 5G. Our regulations
19 were outdated. They did not address 5G. What's
20 happening with 5G is that the federal government
21 really gave us very little say in what we can do with
22 the 5G installations. I'll be real honest with you,
23 they are going to be putting poles in the
24 neighborhoods so there's going to be that balance of
25 people wanting 5G, but not wanting having the poles in

1 their neighborhoods.

2 With that concern and that we were not in
3 compliance with the federal laws, we did hire a
4 consultant to re-look at our telecommunication laws
5 and to look at it and redraft it to address what's
6 called small cells, which is 5G, in our code. We also
7 prepared design regulations. They're not the
8 strongest regulations because the federal government
9 has really given us very little power of what we can
10 do.

11 We did design -- do design regulations that
12 will impact this board. There is going to be a
13 process where you're going to get involved. When they
14 come in, you're not going to have the powers that you
15 normally would have. I'm being real honest with you.
16 Got an attorney, I think was out of Pittsburgh, that's
17 done this before. They're experts in the field.
18 They've helped us prepare these regulations.

19 So we do have two things. There's the code
20 amendments of the regulations addressing the
21 telecommunication act and we also have the design
22 manuals to give us guidance about what we can or
23 cannot do. What we were concerned of is that we give
24 people false exceptions of what we could do. We're
25 very careful not to do that. I'll be honest with you,

1 when we first start doing it, it's not going to be a
2 lot of fun. But we're going to have to educate people
3 about the laws and what our limits are.

4 MR. BABCOCK-STIENER: Very similar to the
5 previous -- I mean, we didn't have much control over
6 cells --

7 MR. BOEHNER: You're going to have less now.

8 MR. BABCOCK-STIENER: Even less now.

9 MR. BOEHNER: Yes. Yeah. It's -- it's
10 less. And we -- the other thing is they're very
11 restrictive about the fees we can get and what we can
12 charge. The other thing is that when they wrote it,
13 they wrote it so that they would have rights and towns
14 could not stop them from going in the right-of-ways.
15 Reason doing that is that they don't want to have
16 them -- to have to go negotiate easements. They're
17 telling them, you have the right to be in the
18 right-of-way. So they're putting -- taking the town's
19 public lands and making it available to further 5G.
20 And that's what's really going on. They are pushing
21 it into the right-of-ways and they're telling us you
22 have to allow them like any other utility and really
23 making it less for us to be able to control.

24 Such things as heights, we have those things
25 in those regulations that talk about how much the

1 height can be, but they're going to be taller than
2 what you see in the neighborhoods. The problem that
3 you get with it and the technology is that we have a
4 lot of trees. The more tree canopy you have the more
5 poles we're going to find in some of these
6 neighborhoods.

7 I will tell you I have a phone with 5G. 5G
8 is around. I get 5G in Roseland. I don't know if you
9 get in Homemakers. I've been walking, driving around
10 town saying hey, where do we have 5G? Because that
11 starts giving me an indication, hey, are they coming
12 into these neighborhoods or do they have coverage?

13 CHAIRMAN PRICE: Can I ask you a question?
14 So the Telecommunications Act talks about the right to
15 put 5G devices and structures within the right-of-way
16 and our code --

17 MR. BOEHNER: And on utility poles.

18 CHAIRMAN PRICE: And on utility poles.
19 Okay. And our code doesn't address these
20 regulations --

21 MR. BOEHNER: That's right.

22 CHAIRMAN PRICE: -- currently. And the --
23 you're looking to update the code to come into
24 compliance with federal Telecommunications Act's 5G.
25 What is -- so all right. So that gives us kind of the

1 baseline. Now, who comes in -- now, are all the
2 different carriers able to come in and apply for a
3 hundred poles or devices on --

4 MR. GORDON: So -- so -- Ramsey gave you the
5 bad news. I am going to be the good news guy.

6 MR. BOEHNER: There is no good news, but go.

7 MR. GORDON: There is good news. We are
8 able to do certain things with the local code. For
9 example, we can, I'll say, encourage and maybe even
10 mandate co-location of devices as long as it is
11 workable for the 5G provider. We can keep the
12 facilities and devices off of our historic landmarks
13 including our Harp lamp poles. Really important;
14 right? And we've put that in. We can regulate to a
15 certain extent the height of some poles and we can
16 also have them require -- we can require them to sign
17 a right-of-way license agreement which will provide
18 for some -- a little beyond with our consultant in
19 Pittsburgh on a couple issues to put as much control
20 as we can.

21 Another reason we have to amend the local
22 code, our town code, is because really there's just a
23 lot of new terminology, small cell facility and, you
24 know -- and stuff that just doesn't exist under our
25 existing telecommunication regulation. So we really

1 need to provide this regulation because we don't want
2 Verizon, et cetera -- and Verizon's going to be our
3 first one. We don't want Verizon, et cetera, to be
4 coming in and just putting these facilities in without
5 any kind of real cogent regulation on our part.

6 I will also say that part of our process was
7 getting comments from Verizon and listening to their
8 comments and understanding what they were. And I
9 can't say that we've made any adjustments at this
10 point in time. There were worse --

11 MR. BOEHNER: A few things, but, yeah.

12 MR. GORDON: We're schedule at the town
13 board for a public hearing on this for --

14 MR. BOEHNER: The 28th.

15 CHAIRMAN PRICE: July 28th. One more thing
16 on the July 28th calendar. And so really -- I mean,
17 the Town Board's is looking to the Planning Board to
18 provide any comments on this, concerns, et cetera,
19 that it could take into consideration going into that
20 public hearing on July 28th. That's sort of where we
21 are at.

22 MR. BOEHNER: What I would do is, if I
23 could, is draft up a quick letter. I don't think -- I
24 don't know if you have something. Let me know. There
25 is guidelines in our code for you to follow. It talks

1 about a compliance with the comprehensive plan. Any
2 issues that you may see that you may want to call out.
3 I do think it's good that we are becoming in
4 compliance with the federal Communication Act. I
5 think it's good to have 5G from an economic
6 standpoint, you know. So it's -- it's a balance.

7 CHAIRMAN PRICE: Yeah.

8 MR. BOEHNER: We've -- we're developing a
9 working relationship with Verizon. They know that
10 we're very protective of our neighborhoods. They
11 understand that all of our utilities are in the
12 backyard. I did really try to get them -- could you
13 work with the utility poles in the backyard and
14 they're like, nope. Don't have to. Not going to.

15 CHAIRMAN PRICE: They said what? I'm sorry
16 I didn't hear.

17 MR. BOEHNER: He said no, we don't have to.
18 We have the right to be in the right-of-way. And we
19 only have to pay you X amount. It's a lot cheaper for
20 us.

21 CHAIRMAN PRICE: All right. So --

22 MR. BOEHNER: So that's kind of -- but
23 they -- they do understand the sensitivities. So
24 we'll see how that goes. They've been fairly patient
25 with us while we have reviewed and prepared these

1 draft ordinances.

2 CHAIRMAN PRICE: So is there a chance I
3 could have a new pole with a microcell on top of it in
4 a tree lawn between the curb and sidewalk of my house?

5 MR. BOEHNER: Yeah. Right where you put
6 that patio in.

7 MS. ALTMAN: Isn't there --

8 CHAIRMAN PRICE: You've got to be kidding
9 me.

10 MS. ALTMAN: Something about backyards and
11 not front yards or something in what is drafted?

12 MR. BOEHNER: No, we couldn't -- we couldn't
13 go there. We don't have a right to do that. They
14 have a right to -- they have a right to be in our
15 right-of-way.

16 CHAIRMAN PRICE: And we do -- and the Town
17 is able to collect a revenue source?

18 MR. BOEHNER: It's -- no. I mean, yes.
19 Yes, there is. But it's federally mandated.

20 CHAIRMAN PRICE: Okay.

21 MR. BOEHNER: And it's not a lot of money.

22 CHAIRMAN PRICE: All right. So --

23 MS. ALTMAN: What's it based on? What's the
24 feedback --

25 MR. GORDON: What is it based on? It's

1 based on the federal regulations that tell us exactly
2 how much the maximum is we can charge.

3 MS. ALTMAN: It's not based on certain costs
4 that town has to incur?

5 MR. GORDON: It's like -- it's like -- it's
6 in the code. It's like 50 bucks an application.

7 MS. ALTMAN: That's it?

8 MR. GORDON: It's something like that isn't
9 it?

10 MR. BOEHNER: Yeah. It's -- it's -- you
11 lose -- we're not going to make money on it. It's not
12 a moneymaker by any means. It's -- it's really --
13 it's -- it's a tough one.

14 CHAIRMAN PRICE: Right. But I think from an
15 economic development standpoint we want to -- we want
16 to encourage it; right?

17 MR. BOEHNER: No, we do. Yeah. You do need
18 to get it right now. We're going to be with them with
19 the major arterials and try to get them to do it like
20 before you get into the neighborhood. But when you
21 have these trees, which is our fame in our
22 neighborhoods, we're going to be going into the
23 neighborhoods and we talked with them about trying to
24 put them like on corners. And we -- in the guidelines
25 have like certain -- like certain distances from one

1 another. And if you go through the design manuals, we
2 do try to minimize where they could put it. But you
3 can't affect their service either.

4 CHAIRMAN PRICE: Okay. I -- I just think
5 that, you know, there will be design issues. There
6 will be, you know concerns, of how it affects the, you
7 know, character of the neighborhood. But I think
8 that -- that is matched equally by the benefit of the
9 technology being in Brighton and that -- that somehow
10 not having the service becomes a differentiator in
11 economic development, you know. You know, once
12 someone goes into Victor or Henrietta because they've
13 got 5G in place they're -- they're more friendly
14 toward it and --

15 MR. BOEHNER: Yeah. No.

16 CHAIRMAN PRICE: You know, it's an equity
17 issue as well that, you know, we have it in all parts
18 of the town near our -- our multi-family housing as
19 well as our single-family detached neighborhoods.

20 MR. BOEHNER: Yup. Yup. So that -- that's
21 what we have. I'll -- I'll draft something. I just
22 wanted to talk with you. I'll do a quick letter after
23 you guys take a quick look, off to the Town Board.
24 But that sounds good.

25 CHAIRMAN PRICE: Yeah.

1 MS. ALTMAN: Yeah. I read all the stuff.

2 It's good.

3 MR. BOEHNER: Signs?

4 MR. OSOWSKI: When do you want a comment by?

5 The end of this week? Next week?

6 MR. BOEHNER: No. I'm going to write a
7 draft and send it out.

8 MR. OSOWSKI: Thank you.

9 MR. BOEHNER: Believe me, it's not going to
10 be much. It's like one of my boiler plate letters.

11 MR. OSOWSKI: Did we table 7p-03-21, the
12 EPOD.

13 MR. BOEHNER: We tabled that one.

14 CHAIRMAN PRICE: Jason got all upset about it.

15 **Signs:**

16 1616 Kumon, for a building face sign at 2815
17 Monroe Avenue - approved as presented

18 1617 Nail Candy Salon and Beauty Bar for Building
19 Face Sign at 2815 Monroe Avenue - approved
20 as presented

21 1618 Casana for a building face sign at 150 Metro
22 Park - approved as presented

23 1619 Color Me Mine for a building face sign at
24 1790 Monroe Avenue - approved with
25 conditions

- 1 1. Sign with white text on a black
- 2 background was approved.
- 3 2. Sign will be centered on the store front.
- 4 1620 Adrian Jules Custom Clothing for building
- 5 face sign at 2937 Monroe Avenue - approved
- 6 as presented
- 7 1613 1833/1835 Monroe Avenue for Plaza sign plan
- 8 for Brighton Commons Plaza - approved with
- 9 conditions
- 10 1. Font to be used is Helvetica.
- 11 2. All required variances shall be obtained.
- 12 3. All illegal signs shall be removed.
- 13 MR. BOEHNER: Gather round. Motion for sign
- 14 1616 to approve the sign as presented.
- 15 CHAIRMAN PRICE: All in favor?
- 16 ALL BOARD MEMBERS: Aye.
- 17 MR. BOEHNER: Sign 1617. Okay. Is there a
- 18 motion to approve as presented?
- 19 MR. OSOWSKI: So moved.
- 20 CHAIRMAN PRICE: All in favor?
- 21 ALL BOARD MEMBERS: Aye.
- 22 MR. BOEHNER: Application 1618. Is there a
- 23 motion to approve as presented?
- 24 MS. ALTMAN: So moved.
- 25 CHAIRMAN PRICE: All in favor?

1 ALL BOARD MEMBERS: Aye.

2 MR. BOEHNER: We got 1619. So sign 1619 is
3 approved as resubmitted. Do we have a motion?

4 MS. ALTMAN: So moved.

5 MR. BABCOCK-STIENER: I'll second.

6 CHAIRMAN PRICE: All in favor?

7 ALL BOARD MEMBERS: Aye.

8 MR. BOEHNER: Sign 1620. 1620 and that was
9 approved as presented. Do I have a motion open?

10 MS. ALTMAN: Yes, you have motion.

11 CHAIRMAN PRICE: Second.

12 MR. BOEHNER: Second was Price.

13 CHAIRMAN PRICE: All in favor.

14 ALL BOARD MEMBERS: Aye.

15 MR. BOEHNER: Accepted as presented. Okay.
16 This -- this is 1613. That was approved with
17 conditions. The font used will be Helvetica and all
18 required variances shall be obtained and all illegal
19 signs will be removed.

20 CHAIRMAN PRICE: So moved.

21 MR. BABCOCK-STIENER: Second.

22 CHAIRMAN PRICE: All in favor?

23 ALL BOARD MEMBERS: Aye.

24 (Meeting concluded at 11:48 p.m.)

25

1 REPORTER CERTIFICATE

2
3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

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

11 Dated this 10th day of September, 2021
12 at Rochester, New York.

13
14
15 *Holly E. Castleman*
16 -----

17 Holly E. Castleman,
18 Notary Public
19
20
21
22
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24
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