

## 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 file 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 Stanton 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 uteruses  
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 States 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-abortion 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 women 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 to 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 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 Hellencia. 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 and non-discrimination.  
6 I currently live in the city on Oxford Street.

7 As young women who seek the same services  
8 that women's healthcare facilities offer, I can tell  
9 you for certain that Planned Parenthood does not  
10 provide 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 Dorothy 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, Dorothy. Next is  
4 Gabby Lara, then Deanna Joy and then Amy Yoshia. 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 and 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 their 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 prevent 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 baited  
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 duress. 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-altering 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 URMC 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 matter 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 came 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 somehow  
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 forge 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.

### 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.

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 plants 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.

13. All outstanding Site Plan comments and concerns  
2 of the Town Engineer and Fire Marshal shall be  
3 addressed.
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.
15. All County Development Review Comments shall be  
9 addressed prior to final approval.
16. All other reviewing agencies must issue their  
11 approval prior to the Department of Public Works  
12 issuing its final approval.
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.
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

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