

1
2 **BRIGHTON**3 **PLANNING**4 **BOARD**5
6
7 February 16, 2022
8 At approximately 7 p.m.
9 Brighton Town Hall Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 1461810
11 PRESENT:

12 RAMSEY A. BOEHNER, TOWN PLANNER

13 WILLIAM PRICE, CHAIRPERSON

14 JOHN OSOWSKI)
15 JASON BABCOCK-STINER)
16 JULIE FORD) BOARD MEMBERS
DAVID FADER)
KAREN ALTMAN)17 KENNETH GORDON, ESQ.
Town Attorney

18 JEFF FRISCH

19 BRENDAN RYAN

20
21 Absent: PAM DELANEY22
23 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
24 FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRPERSON PRICE: All right. Good evening
2 everybody and welcome to the February 16th meeting of
3 the Town of Brighton Planning Board. Due to the COVID
4 regulations, we're having yet another meeting via
5 Zoom. We'll see if that changes anytime in our near
6 future.

7 Tonight we will have public hearings. At
8 the conclusion of the applicants' presentation, the
9 Board members will be able to ask questions along with
10 the Town Attorney and our executive secretary for the
11 Board and other Town staff. Once we've had our chance
12 to ask questions of the applicant, we will open up the
13 conversation to the public for the public hearing
14 portion only. And that does not apply to the
15 application that is before us for concept review
16 tonight. But you're welcome to listen to our
17 deliberations.

18 Mr. Secretary, will you please call the roll
19 for tonight.

20 (Whereupon the roll was called.)

21 MR. BOEHNER: Absent is Delaney.

22 CHAIRPERSON PRICE: Okay. Thank you. We
23 will take a moment to do our agenda review. This is
24 between the Board members and Town staff, just gives
25 us an opportunity to view the agenda for tonight.

1 MR. BOEHNER: Yes. The first item,
2 12P-2-21, 3300 Brighton Henrietta Town Line Road. All
3 the necessary variances have been obtained from the
4 Zoning Board of Appeals. The project has been
5 approved by the Architectural Review Board.

6 There is a demolition involved in this
7 application. And we will need to -- if the Board is
8 going to consider approval of this project, need to
9 include the demolition findings and its conclusions.

10 And the last thing, I do have a
11 recommendation of a condition, that all review
12 comments need to be addressed and that plans need to
13 be signed by the Commissioner of Public Works within
14 90 days of approval just so they finish this matter
15 up.

16 CHAIRPERSON PRICE: All right.

17 MR. BOEHNER: I don't know if anyone has any
18 questions or comments on that one for me before I move
19 on.

20 CHAIRPERSON PRICE: I'm good if we move on.

21 MR. BOEHNER: The next application is the
22 Cortese property at 2771 West Henrietta Road,
23 application 2P-01-22. In that application I did
24 receive a text at the end of the day, an email from
25 Bob Harding, who is a neighbor of the property that

1 lives there, worried about the motor vehicle shares
2 and another motorcycle repair shop and sale shop so
3 close to one another, that they are driving up and
4 down the streets unregistered, and they rev their
5 engines. And he is concerned about that.

6 They said that they work outside during the
7 summer evenings. Also they have no green space
8 setbacks the Town Board required. So he is a little
9 frustrated with how they -- his existing shop, it's
10 going to be a second shop, is operating.

11 So when would go to the hearing, we may want
12 to talk with him about that. That was submitted to
13 us -- I think that's all I have on that one.

14 MR. OSOWSKI: I have a question about that
15 one. So they have an existing Cortese cycle shop and
16 there's another one right next door to it?

17 MR. BOEHNER: Yup.

18 MR. OSOWSKI: Okay. All right.

19 MR. BOEHNER: Kind of like dealerships. Can
20 ask him about that.

21 The next application, which is 12P --
22 2P-02-22, 2900 Monroe Avenue. Really the big thing
23 there is as this project goes along, just like when
24 they came in with the dumpster, they will with each
25 future new tenant, a parking analysis will be required

1 to show compliance with the Town requirements. We can
2 ask the usual questions about their procedures,
3 operations, trash those type of things.

4 CHAIRPERSON PRICE: Okay. I have no other
5 questions.

6 MR. BOEHNER: Next application 2P-03-22 has
7 been withdrawn. That's the application of Danieles
8 for a conditional use permit at 2740 Monroe Avenue.

9 Application 2P-04-22, application of James
10 Tabbi for -- application for 830 Highland Avenue.
11 That looks like it's pretty well set. They are not --
12 only thing they're looking for right now is site plan
13 approval, preliminary and final, to construct the
14 house.

15 They need an EPOD permit. They have
16 submitted the necessary geotechnical report. There is
17 no longer a lateral going up the side of the hill, but
18 there is easement and a tap for future lateral up the
19 hill, which would be a future action.

20 They got their ARB approval. They modified
21 the driveway to become in compliance with the Code,
22 skipping the need to go for a variance.

23 CHAIRPERSON PRICE: Okay.

24 MR. BOEHNER: And that is for preliminary
25 and final, combining the two applications.

1 The next application 10P-NB-21 is
2 application of 1950 and 1966 Monroe Avenue, LLC,
3 Quickee's. That has been adjourned.

4 The last -- the next application is the
5 application of the University of Rochester for
6 preliminary site plan approval.

7 We have received a conversation easement.
8 We have met with them about the water supply system.

9 CHAIRPERSON PRICE: Okay.

10 MR. BOEHNER: Further analysis on the
11 hydraulic modeling is needed.

12 MR. OSOWSKI: I have a question about that.

13 MR. BOEHNER: Sure.

14 MR. OSOWSKI: So why does the Town of
15 Brighton do the quality control checking on the
16 hydraulic modeling? I mean U of R's engineers, you
17 know, use their high-powered computer program to do
18 that to make sure they're meeting their clients'
19 needs. Why are we going back -- it's confusing to me
20 why we're spending Town time doing quality control
21 review of the engineers' design of the water system
22 for the University of Rochester.

23 MR. BOEHNER: We have to verify that we
24 don't need the extended layout from Crittenden Road
25 all the way down to the facility, that we only need

1 the connection from West Henrietta Road. So for me to
2 offer, to say, hey, this is in compliance, they do
3 really need to fix their modeling, John, before we can
4 say we have adequate sprinkler pressure. The fire
5 marshal needs to look at that information and verify
6 it to us that he has adequate pressure and that we
7 think we will have it.

8 MR. OSOWSKI: Okay. All right. I still
9 don't understand, but there you go. Okay.

10 MR. BOEHNER: John if you do not want to
11 have us -- if you do not want to hold up the
12 application over that, that is the choice of the
13 Planning Board.

14 MR. OSOWSKI: All right. Well, that --
15 because that seems to be the last sticking point is,
16 you know, crossing the T's and dotting the I's on a
17 computer model that's analyzing the hydraulic water
18 system.

19 MR. GORDON: Well, John -- this is Ken
20 Gordon, John. There are some issues with the proposed
21 conservation easement as well. I'm going to be asking
22 some questions of the University of Rochester staff
23 this evening during the public hearing. And I expect
24 that there's going to need to be some additional work
25 and revisions for the proposed easement.

1 MR. OSOWSKI: Okay. All right.

2 MR. BOEHNER: John, you understand that the
3 finding statement said that both of those improvements
4 need to be made with future development and they're
5 only making one of them? So when we go back and
6 review this, we do need to summarize our review of the
7 matter justifying why they're only putting in the West
8 Henrietta Road section of it.

9 MR. OSOWSKI: Okay. All right.

10 MR. BOEHNER: Because water pressure and
11 supply is an issue over there.

12 MR. OSOWSKI: Got you. Okay.

13 MR. BOEHNER: I think that's everything for
14 the U of R. Any other comments on that?

15 CHAIRPERSON PRICE: Real quick. Can we tie
16 the two James Tabbi applications into one hearing?

17 MR. BOEHNER: Yes. You should.

18 CHAIRPERSON PRICE: Okay.

19 MR. BOEHNER: They're asking preliminary and
20 final.

21 CHAIRPERSON PRICE: Okay.

22 MR. BOEHNER: The next one is 2P-NB1-22,
23 which is a concept review which has been postponed to
24 the March 16th meeting.

25 CHAIRPERSON PRICE: Okay.

1 MR. BOEHNER: Next application is the
2 Talmudical Institute, application 2P-NB1-22. As you
3 know this is just a concept review for discussion for
4 the applicant to present the project for the first
5 time to you. It's not a public hearing. There will
6 be a number of people that are attending to want to
7 listen to this as we've received a number of letters.
8 Most of them we were able to get on the agenda before
9 we had published it. We will be sending out all of
10 those communications to the Board, the rest of those
11 communications as we receive them. There's a number
12 of them.

13 Various concerns dealing with drainage,
14 traffic, change of character of the neighborhood, et
15 cetera. You can read them as you go through them.

21 And that's about all I have on that. Does
22 anyone have any questions on that one? John?

23 CHAIRPERSON PRICE: I just want to let the
24 rest of the Board know for that application, John will
25 serve as chair listening to that Talmudical Institute

1 application. I will have to recuse myself from that.

2 MR. GORDON: And what recusal looks like on
3 Zoom, Bill, because we don't have you physically go
4 out of the room or anything obviously, but if you
5 would just put yourself on mute and turn off your
6 video.

7 CHAIRPERSON PRICE: Will do. All right.

8 Any Board members have other questions regarding the
9 agenda? All right. Let's move on.

10 I think we -- I just noticed that our
11 meeting minutes for December and January came in this
12 afternoon. And the agenda does say that we will
13 review and approve December, January and hopefully
14 February at the March 16th meeting.

15 Mr. Secretary, the public hearings that
16 we're going to have tonight, have those been properly
17 advertised?

18 MR. BOEHNER: Yes. They were properly
19 advertised in the Daily Record of February 10th, 2022.

20 CHAIRPERSON PRICE: Thank you. We're going
21 to hold those public hearings now.

22 **Application 12P-02-21**

23 Application of FSI Construction - Frank
24 Imburgia, owner, and 3300 BHTL Partners, Additional
25 Info LLC, for Preliminary/Final Site Plan Approval,

1 EPOD (watercourse) Permit Approval and Demolition
2 Review and Approval to raze a single-family home and
3 Construct a 10,000 square foot medical office building
4 on property located at 3300 Brighton Henrietta Town
5 Line Road. All as described on application and plans
6 on file.

7 CHAIRPERSON PRICE: Good evening. Who's
8 here representing FSI?

9 MR. COX: Good evening. David Cox, Passero
10 Associates. Just real briefly, the project did
11 receive site plan approval and variances back in 2019.
12 Then with COVID and everything that kind of got put on
13 hold and those approvals expired. So we are back
14 before to get re-approval. We did receive the
15 variances, the re-approval of the variances we needed.
16 And we have addressed all Town staff comments. And
17 that's where we're at, here for re-approval of the
18 site plan.

19 CHAIRPERSON PRICE: Okay. David, so
20 variances were re-secured again and --

21 MR. COX: Yes.

22 CHAIRPERSON PRICE: -- did you go back to
23 the Conservation Board this time as well?

24 MR. COX: Yes, we did.

25 CHAIRPERSON PRICE: Okay. And I take it all

1 of the results -- and ARB, all of the results are the
2 same, everybody else has approved? Some are advisory,
3 but --

4 MR. COX: Yeah.

5 CHAIRPERSON PRICE: -- ZBA and ARB did
6 approve?

7 MR. COX: Yes.

8 CHAIRPERSON PRICE: Okay. Thank you. This
9 one does seem fairly straightforward to me. I don't
10 personally have any further questions.

11 Board members have any questions? I'm
12 looking at -- I'm not seeing any. Okay.

13 MR. OSOWSKI: I know the --

14 CHAIRPERSON PRICE: John. Sorry.

15 MR. OSOWSKI: I think it was the
16 Conservation Board was concerned about snow storage
17 being -- trying to confine it to the south edge of the
18 parking lot versus the north edge to keep runoff and
19 melt out of Allens Creek. Does that seem feasible to
20 the developer to do that when you're doing snow
21 removal?

22 MR. COX: Yes.

23 MR. OSOWSKI: Okay. Good. Thank you.

24 CHAIRPERSON PRICE: Julie or David? Anyone
25 else? No? Karen?

1 MS. ALTMAN: I'm set.

2 CHAIRPERSON PRICE: Ramsey, did you have any
3 questions?

4 MR. BOEHNER: Yeah, I do, Bill. Will there
5 be a basement?

6 MR. COX: No basement.

7 MR. BOEHNER: No basement. Do you guys have
8 the easements for -- to have access on the Canal View
9 straightened out yet?

10 MR. COX: We have it all drafted, but it is
11 not filed yet.

12 MR. BOEHNER: Okay. So you have that all
13 set?

14 MR. COX: Yeah.

15 MR. BOEHNER: The other thing is can you
16 look at the biofiltration along the road that's
17 actually in the proposed sidewalk easements -- I mean
18 the sanitary easement to see if you can slide that
19 further north?

20 MR. COX: Okay. Yeah.

21 MR. BOEHNER: You have a little room there.
22 And the issue there folks is that where they're
23 putting the biofiltration they're also providing a
24 future sanitary sewer easement or an easement for
25 future extension of the sanitary sewer.

1 And we're asking that the biofiltration be
2 moved further to the north to give a little bit more
3 room and minimize the future disturbance of what --
4 their improvements.

5 CHAIRPERSON PRICE: David, you feel that's
6 achievable?

7 MR. COX: Yes. Yup.

8 CHAIRPERSON PRICE: Thank you. All right.

9 MR. BOEHNER: That's all I have. Jeff, did
10 you have anything?

11 MR. FRISCH: Nothing at this moment.

12 CHAIRPERSON PRICE: Ken Gordon, anything
13 from you?

14 MR. GORDON: I'm all set. Thank you.

15 CHAIRPERSON PRICE: Thank you. All right.
16 David, thank you. This is an -- this is a public
17 hearing. And therefore, we would invite the public to
18 make any comments with regard to this application. Is
19 there anyone interested in asking questions or making
20 a statement?

21 Please use the raise hand feature. If all
22 else fails, just wave your arms frantically and
23 Brendan, Jeff or Ramsey will try to find you.

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

25 CHAIRPERSON PRICE: All right. Okay. Thank

1 you.

2 Our second application tonight is 2P-01-22.

3 **Application 2P-01-22**

4 Application of Cortese Properties, owner,
5 and Cortese Cycle Sales, agent, for Conditional Use
6 Permit Approval allowing for a motorcycle sales and
7 service facility on property located at 2771 West
8 Henrietta Road (Tax ID #148.50-2-20.1). All as
9 described on application and plans on file.

10 CHAIRPERSON PRICE: Is there anybody
11 representing the applicant here tonight?

12 MR. FRISCH: I don't see him on here. He
13 said he might not be able to make the meeting.

14 CHAIRPERSON PRICE: Okay. We -- Ramsey, you
15 made a comment or relayed a comment from an adjacent
16 property owner. Shall we hold this and ask one more
17 time later in the agenda?

18 MR. BOEHNER: Yeah. At the end of the
19 public hearings let's recall it to see if anyone's
20 joined us.

21 CHAIRPERSON PRICE: All right.

22 MR. BOEHNER: And at that time we can
23 determine what we want to do with it. We did get call
24 as Jeff said, they might not be able to make it.

25 MR. GORDON: And Ramsey, I don't know if --

1 or Bill, I should say actually. I don't know if
2 there's anyone else on the Zoom conference from the
3 public that wish to comment. But if they are on the
4 Zoom conference they should be given the opportunity
5 even though the applicant is not here.

6 CHAIRPERSON PRICE: Very good.

7 MR. BOEHNER: That is good.

8 CHAIRPERSON PRICE: For the application of
9 the Cortese and motorcycle sales shop on West
10 Henrietta Road, is there anyone who cares to address
11 this application?

12 MR. FRISCH: Jason has his hand raised.

13 MR. BABCOCK-STIENER: I didn't touch
14 anything.

15 CHAIRPERSON PRICE: Okay.

16 MR. BABCOCK-STIENER: I don't know what
17 happened.

18 CHAIRPERSON PRICE: Stay away from the
19 monitor. Okay.

20 MR. FRISCH: Other than that I don't see
21 anybody.

22 CHAIRPERSON PRICE: No one? All right.
23 Okay. Thank you, everyone. Let's move on to
24 application 2P-02-22.

25 **Application 2P-02-22**

1 Application of 2900 Monroe Avenue, LLC,
2 owner, and Unlimited Nutrition, LLC, lessee, for
3 Conditional Use Permit Approval allowing for a retail
4 facility which prepares and sells nutritional shakes
5 and teas on property located at 2900 Monroe Avenue.
6 All as described on application and plans on file.

7 CHAIRPERSON PRICE: Is there anyone here to
8 address this application?

9 MS. GUERRIERI: Kim Guerrieri.

10 MS. GUSTAMANTE: And Jennifer Gustamante.

11 CHAIRPERSON PRICE: Good evening. How are
12 you?

13 MS. GUERRIERI: Good. How are you?

14 CHAIRPERSON PRICE: Great. Thank you.
15 Please what we usually ask you to do is talk a little
16 bit about your operation. We know the plaza. If you
17 could, for the public's sake joining the meeting
18 tonight, tell us the space you're in, a little bit
19 about the business and things like your hours of
20 operation and how you manage, you know, traffic coming
21 in, refuse going out, your hours of operation, that
22 kind of stuff.

23 MS. GUSTAMANTE: Sure. Yeah. I'll go
24 through kind of the questions that we didn't answer.
25 So we do have a current location located in Fairport.

1 So that's kind of how we have gotten most of these
2 answers just through that already being in place.

3 We make protein shakes and teas using
4 powders. We don't use any actual like green leaves or
5 fruits and vegetables. It's our powder mixes. It's
6 all mixed with ice and water. There's no dairy at
7 all.

8 We have about five employees max at one time
9 on the premises.

10 MS. GUERRIERI: That's our busy times on
11 Saturdays and Sundays.

12 MS. GUSTAMANTE: And then for hours of
13 operation we are going to operate Monday through
14 Friday 7 a.m. to 5 p.m. And then on the weekends we
15 are there from 9 a.m. 'til 3 p.m. on Saturday and
16 Sunday.

17 We would be located right next to TC Nail
18 Bar and Basha right next door as well.

19 We get deliveries once or twice a week via
20 FedEx and it would during business hours only through
21 the front door.

22 Our trash, we have a 33 gallon trash bag
23 that we have just for straw paper --

24 MS. GUERRIERI: Paper towels.

25 MS. GUSTAMANTE: Paper towels.

1 MS. GUERRIERI: The canisters our protein
2 comes in.

3 MS. GUSTAMANTE: So it's usually one bag and
4 maybe once or twice a week depending on the deliveries
5 we would have a couple of cardboard boxes as well.

6 And as I mentioned we only use ice and water
7 for all of our products.

8 MS. GUERRIERI: We usually have about five
9 to ten people in the store at the time and that's
10 busy.

11 MS. GUSTAMANTE: It usually kind of a
12 grab-and-go sort of --

13 MS. GUERRIERI: People don't hang out.

14 MS. GUSTAMANTE: Yeah. They grab a tea or a
15 shake and then head out.

16 CHAIRPERSON PRICE: So they're not staying?
17 How much --

18 MS. GUSTAMANTE: We will have seating for
19 them. And we do have seating at our current facility.
20 But for the most part people grab and go.

21 MS. GUERRIERI: Yeah.

22 CHAIRPERSON PRICE: Okay. You do have
23 access to the refuse dumpsters that the plaza has in
24 the back?

25 MS. GUERRIERI: Yes.

1 CHAIRPERSON PRICE: You don't have to secure
2 your own --

3 MS. GUSTAMANTE: No.

4 CHAIRPERSON PRICE: -- service at all?

5 MS. GUSTAMANTE: Not at all.

6 CHAIRPERSON PRICE: And like you said the --
7 what you serve in is people will pretty much take it
8 with them and --

9 MS. GUSTAMANTE: Yes. They're all to-go
10 containers. Nothing is like in a glass or something
11 that you would sip --

12 MS. GUERRIERI: Like cups.

13 MS. GUSTAMANTE: Yeah.

14 CHAIRPERSON PRICE: Do you have access to
15 that patio that's outside?

16 MS. GUERRIERI: I don't think so. I think
17 that's Basha's.

18 MS. GUSTAMANTE: Yeah. We're unaware of
19 that being for us.

20 CHAIRPERSON PRICE: I see. Okay. And none
21 of your proposal is -- includes doing anything to the
22 exterior of the building or --

23 MS. GUSTAMANTE: For just a sign that we
24 need approval for. But that would be it.

25 CHAIRPERSON PRICE: All right. All right.

1 Thank you. I'm going to ask the other Board members
2 if there's other questions from the Board?

3 MR. OSOWSKI: This is John. I have a
4 question. So I assume these are always plastic cups
5 that probably 80 percent of them get thrown in the
6 trash and straws likewise.

7 MS. GUSTAMANTE: Yeah.

8 MR. OSOWSKI: Are your straws transitioning
9 to a material other than plastic do you know?

10 MS. GUSTAMANTE: We are looking into
11 alternatives, yes. We haven't found necessarily a
12 great solution for it, but it's definitely something
13 that we were looking into. Our -- a lot of our cups
14 that we do purchase are from recycled plastic as well.
15 We try to be conscious of that just due to the fact
16 that most all of them are served in plastic. But
17 currently right now we use traditional straws. But
18 that is something we want to transition over to for
19 sure.

20 MR. OSOWSKI: Sure. All right. Thank you.

21 MS. GUSTAMANTE: Sure.

22 CHAIRPERSON PRICE: Jason, you have any
23 questions?

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

25 CHAIRPERSON PRICE: Okay. Julie? Karen?

1 MS. FORD: No.

2 MS. ALTMAN: I'm all set.

3 CHAIRPERSON PRICE: All right. David Fader?
4 I can't see him. So I don't if he's saying -- I'm
5 assuming David's good.

6 MR. FADER: Yes. I'm good.

7 CHAIRPERSON PRICE: Thank you. I got a big
8 screen and I got this drawing in front of me, David.

9 MR. FADER: And I can't find the little mute
10 button.

11 CHAIRPERSON PRICE: Jeff, can find that for
12 you. All right. Thank you. Appreciate you --

13 MS. GUSTAMANTE: Thank you so much.

14 MS. GUERRIERI: Thank you.

15 CHAIRPERSON PRICE: This is a public
16 hearing. Is there anyone in the audience that cares
17 to address this application for Unlimited Nutrition?

18 MR. FRISCH: I don't see anyone.

19 CHAIRPERSON PRICE: Okay. Thank you.

20 MR. GORDON: Ramsey or -- this is Ken.
21 Ramsey or Jeff, I don't know if either of you had any
22 questions you wanted to ask.

23 MR. BOEHNER: I did not.

24 MR. FRISCH: No. Me neither.

25 MR. GORDON: I just have one. In the

1 documents I thought I saw reference to delivery
2 service being the predominant means, not grab-and-go.
3 So I might be confused on that, but could you just
4 explain how much of your business is delivery and how
5 your delivery function works. Is that through
6 employees or is that some third-party vendor that
7 provides your delivery.

8 MS. GUSTAMANTE: We currently do not offer
9 delivery service.

10 MS. GUERRIERI: You can call ahead and just
11 pick it up. But that's pretty much all that we do
12 right now.

13 MR. GORDON: Thank you.

14 MS. GUSTAMANTE: Thank you.

15 MS. GUERRIERI: Thank you.

16 CHAIRPERSON PRICE: All right. I will just
17 ask one more time if there's anyone in the audience
18 listening that would like to comment on this
19 application or ask a question?

20 MR. FRISCH: No.

21 CHAIRPERSON PRICE: All set Jeff?

22 MR. FRISCH: Yup.

23 CHAIRPERSON PRICE: Again, thank you.

24 MS. GUSTAMANTE: Thank you so much.

25 CHAIRPERSON PRICE: All right. The next

1 application is 2P-03-22. This application of Daniele
2 LLC for 2740 Monroe Avenue has been withdrawn by the
3 applicant.

4 The next application is 2P-04-22, the
5 application of James Tabbi. I would like to have
6 everyone note that we're going to combine this hearing
7 with application 10P-NB2-21, which is the same
8 project, but for preliminary site plan approval. So
9 we are talking about both preliminary and final site
10 plan approvals, EPOD permit as well for this project.

11 **Application 2P-04-22**

12 Application of James Tabbi, owner, for Final
13 Site Plan Approval and Final EPOD (steep slope and
14 woodlot) Permit Approval to construct a 2,022 +/-
15 square foot single family home with a first floor
16 garage (858 square feet) and storage area on property
17 located at 830 Highland Avenue (Tax ID
18 #136.07-1-28.2). All as described on application and
19 plans on file.

20 **Application 10P-NB2-21**

21 Application of James Tabbi, owner, for
22 Preliminary Site Plan Approval and Preliminary EPOD
23 (steep slope and woodlot) Permit Approval to construct
24 a 2,022 +/- square foot single family home with a
25 first floor garage and storage area on property

1 located at 830 Highland Avenue (Tax ID
2 #136.07-1-28.2). All as described on application and
3 plans on file.

4 CHAIRPERSON PRICE: Is there anyone here
5 representing the owner?

6 MR. GEFELL: Yes. Thank you. Evan Gefell
7 with Costich Engineering. I also have -- James Tabbi
8 is on as well. So we were last in front of the Board,
9 your Board, in December. There were a number of
10 comments that we received from the staff, a lot of
11 technical comments we received from the engineering
12 department. Within that time frame we did meet with
13 the Town staff, went over the details and came up with
14 the solutions and added the necessary improvements per
15 Town Code and requirements.

16 We were able to shift the driveway to the
17 west to eliminate the need for the variance. We do
18 have that stub up to the property above. Again, that
19 will be under a separate application for that.

20 And, again, a lot of the focus was focusing
21 on -- because of the steep slope, you know, doing
22 redundancy and green infrastructure practices, that
23 will make erosion control, doubling up on methods,
24 just to control the site.

25 We have gone to ARB. And as Ramsey stated

1 we do have that geotechnical report. So I guess
2 that's an overview since the last time we were in
3 front of the Board.

4 CHAIRPERSON PRICE: Okay. Jeff, do you have
5 the grading plan for this? Is that in sequence here
6 with what you've got?

7 MR. FRISCH: It is, yes. Brendan has it.
8 He'll pull it up.

9 CHAIRPERSON PRICE: Okay. So the last time
10 we saw this I think there was the question about
11 extending the sanitary along the -- it was the
12 sanitary, correct, along the east property line?

13 MR. BOEHNER: That's correct.

14 CHAIRPERSON PRICE: From the lower level up
15 to the higher elevation of the site. And that has
16 been modified so that that is not part of this
17 application at this time or --

18 MR. FRISCH: That's correct. They updated
19 it to just have a single sub coming up from that area.

20 CHAIRPERSON PRICE: Okay. All right. And
21 other than that, Ramsey and Jeff, this is essentially
22 the same application that we saw in December?

23 MR. FRISCH: They moved the driveway a
24 little bit to the left. This one shows the driveway
25 in the previous location. But they did update that a

1 little bit.

2 CHAIRPERSON PRICE: And are we looking at
3 that updated plan right here.

4 MR. RYAN: I'm just about to pull it up.

5 CHAIRPERSON PRICE: Thank you.

6 MR. RYAN: I guess I opened the wrong file.

7 MR. BOEHNER: I think it was -- I was
8 thinking that myself. The driveway should be 4 feet
9 off that property line there. There we go.

10 CHAIRPERSON PRICE: All right. Okay.

11 MR. BOEHNER: Some of the things that we
12 worked on too is how the storm and sanitary systems
13 were going to work.

14 CHAIRPERSON PRICE: Okay.

15 MR. BOEHNER: There is an easement that they
16 were provided and the subs. Maybe -- one question I
17 do have, Evan, could you tell us what the
18 recommendations of the geotechnical report?

19 MR. GEFELL: Sure. So the overview of it I
20 would say is the subsurface condition of the property
21 is pulled -- a good structural quality. So they have
22 given a recommendation of the foundations, which
23 haven't changed since the original structural design.

24 And then beyond that, you know, it's just
25 removing the topsoil under any concrete, making sure

1 the grade is graded away from the foundation. Those
2 are the main things and just to compact and make sure
3 that the process and compaction is right when the
4 foundation is being installed.

5 All that detailed information along with the
6 rebar recommendations will be on the building permit
7 plans that's submitted to the Town.

8 MR. BOEHNER: Okay. Thank you.

9 MR. GEFELL: Yup.

10 CHAIRPERSON PRICE: I don't have any other
11 questions. Board members, have any further questions
12 for the applicant?

13 MS. FORD: No.

14 CHAIRPERSON PRICE: Thanks, Julie. Jason I
15 see your --

16 MR. BABCOCK-STINER: I'm all good.

17 CHAIRPERSON PRICE: All right. John or
18 Karen?

19 MR. OSOWSKI: Yes. This is -- I'm good.

20 CHAIRPERSON PRICE: You're good. Karen,
21 you're all set?

22 MS. ALTMAN: Yes.

23 CHAIRPERSON PRICE: And David Fader, shake
24 your head.

25 MR. FADER: I'm good. I can speak again.

1 CHAIRPERSON PRICE: All right. Ken Gordon?
2 You all set?

3 MR. GORDON: Yup. All set.

4 CHAIRPERSON PRICE: All right. Thank you.
5 All right.

6 MR. BOEHNER: Just -- Bill, I just got
7 another question or concern that we have.

8 CHAIRPERSON PRICE: Okay.

9 MR. BOEHNER: How will the access be
10 maintained for your neighbor's driveway?

11 MR. GEFELL: So it's going to be open cut.
12 As of right now, we're thinking open cut is the best
13 option, unless we can directional drill. But with
14 that we will -- you know, the contractor will provide
15 a plate. It should be a fairly quick connection, you
16 know, and it will be back-filled and stoned and taken
17 care of so the access is coordinated with that
18 neighbor.

19 MR. BOEHNER: And last thing is with the
20 driveway, how's the water that's going down the
21 driveway going to be captured to minimize the water
22 from flowing into or onto Highland Avenue?

23 MR. GEFELL: So, you know, the driveway
24 snakes. The way the grading's working it will kind of
25 sheet-flow and then dissipate out -- just bringing up

1 this slide -- to more of the east. You know, we can
2 work with the engineering -- your engineering
3 department to come up with something to dissipate that
4 at a greater volume.

5 MR. BOEHNER: Yeah. There's also maybe a
6 catch basin or something in the area.

7 MR. GEFELL: I think there's one nearby we
8 can look at.

9 MR. BOEHNER: I think that's what the
10 engineering department was thinking too.

11 MR. GEFELL: Yup. Yup. There's number of
12 them.

13 MR. BOEHNER: Okay.

14 MR. GEFELL: Okay.

15 MR. FRISCH: You guys did not get ARB
16 approval, correct, since the last meeting?

17 MR. GEFELL: I was not at the ARB.

18 MR. FRISCH: Okay. Yeah. I think it was
19 tabled. It'll be on the next meeting.

20 MR. GEFELL: Next week?

21 MR. FRISCH: Next --

22 CHAIRPERSON PRICE: All right.

23 MR. FRISCH: I have one more comment. The
24 last thing, there's a lot of heavy grading going on on
25 the site. Have you looked at how the grading might

1 affect the trees because although they're existing,
2 grading -- putting a lot of grading up next to the
3 trunks might be harmful to the trees along there.

4 MR. GEFELL: Yeah. You know, we really took
5 a look based on the last round of comments. And there
6 was just -- there were some trees that were in
7 question of could we save them. Unfortunately, you
8 know, with the grading that was involved, those ones
9 we really didn't think we were able to.

10 So we try to really minimize and pull back
11 the grading of what we're doing to -- essentially the
12 drip lines, some may have a little more, but I think,
13 you know, the most important thing would be to try to
14 protect that area with the orange construction fencing
15 just to keep the contractors off of them or from
16 wondering beyond the scope of work.

17 MR. FRISCH: Okay. Thank you.

18 CHAIRPERSON PRICE: All right. Town staff
19 and Board members, we're all set with questions and
20 comments?

21 MR. BOEHNER: I am. Thank you.

22 CHAIRPERSON PRICE: All right. Thank you.
23 This is a public hearing. Is there anyone in the
24 audience that cares to address this application?

25 MR. BOEHNER: There is a Scott Gudell.

1 CHAIRPERSON PRICE: Okay. Welcome.

2 MR. BOEHNER: Brendan, do you want to unmute
3 him?

4 CHAIRPERSON PRICE: Scott, I think you can
5 go now.

6 MR. GUDELL: Good evening, everybody. Thank
7 you for letting me ask a couple questions. I'm
8 assuming you can hear me?

9 CHAIRPERSON PRICE: We can.

10 MR. BOEHNER: Yes, we can?

11 MR. GUDELL: Great. Terrific. So as some
12 of you know I live on Summit Drive right near Clinton
13 and Highland. And Summit Drive has now sewers at this
14 point. So there's been a little bit of discussion
15 about whether this lateral would be able to help some
16 houses on Summit tie into sewers in the future.

17 So one of my neighbors suggested I reach out
18 to Costich and to Turner. Turner has been great.
19 They got back to me. They gave me some great
20 information. So kudos to Turner. I really appreciate
21 them getting back to me.

22 Costich is obviously involved in the
23 lateral. Originally there was two, maybe there was
24 three. I have no idea. You know, I'm not a real
25 estate attorney.

1 So here's my question. I reached out to
2 Costich several times, actually three times, and did
3 not get a response. And then on the 4th I talked to
4 one of the owners for a few minutes. And she assured
5 me that somebody would get back to me. Unfortunately
6 I haven't talked to anybody at Costich. So here's my
7 question. I don't really understand the laterals. I
8 guess it's been reduced down to one. Does that give
9 people on Summit an option in the future to get a
10 second or third lateral if they want to tie into the
11 sewers? So I guess that's really my only question at
12 this point is if you guys approve one, does that
13 eliminate us from doing something in the future or do
14 we still have the opportunity to potentially, if we
15 want, to tie into the sewers in the future?

16 CHAIRPERSON PRICE: I'm going to ask that
17 question of Ramsey and our attorney. Is this -- is
18 this a matter that Scott's asking about, is this a
19 matter that's just a private matter between two
20 property owners?

21 MR. BOEHNER: It is. It's not -- it is a
22 matter between two property owners in the sense that,
23 one, I did want to say there is no lateral that's
24 being proposed as part of this application.
25 It's just -- they're just giving them an easement.

1 They will have to come back for the lateral approval
2 at a later date.

3 We have no -- no ability, no right, no
4 authority to force a property owner to give easements
5 at this moment. This is not a subdivision. This is a
6 site plan approval. So you would have to work with
7 the property owners to get the necessary easements.
8 And then you really have to figure out will it work.

9 And, two, you'd probably be looking at
10 trying to do a main and that gets very expensive. I
11 don't think you'll have enough houses in that service
12 area to cover that cost. But that's what you want to
13 consult with an engineer about.

14 MR. GUDELL: Right. Yeah. And that's one
15 of the reasons I reached out to Costich, but
16 unfortunately I wasn't able to reach them.

17 So I guess the -- I do understand what
18 Ramsey said that it's a conversation between two
19 private property owners. I just wanted to make sure
20 that it doesn't totally 100 percent eliminate the
21 possibility of doing something in future. And based
22 on what you said, that possibility does still exist,
23 which is good.

24 MR. BOEHNER: Yeah. I don't know what
25 possibilities do exist, but --

1 MR. GUDELL: Right.

2 MR. BOEHNER: -- it's not anything at this
3 point that we can, you know, say you can do or not do.

4 MR. GUDELL: Correct. I understand that.

5 So -- all right. Well, that answers my question for
6 this point. I understand the --

7 MR. BOEHNER: Okay.

8 MR. GUDELL: -- the parameters that you have
9 to work in -- within. So I appreciate your time and I
10 appreciate you letting me ask that question. Thank
11 you.

12 MR. GEFELL: Scott, I want to apologize. I
13 never got any contact or any messages that you had
14 been trying to contact me personally.

15 MR. GUDELL: Yeah. I was told to reach out
16 to Mark Ritchie. So I called him three times. And
17 then I called Sarah once.

18 MR. GEFELL: All right. I'll follow up with
19 that.

20 MR. GUDELL: No, no. That's fine. I mean,
21 I -- it looks like a nice design for the house. And
22 this is once probably in a lifetime opportunity to
23 maybe get some sewers onto Summit. So I just want to
24 make sure the ship doesn't pass us by. So that's why
25 I'm asking these questions at this point. But if you

1 reach out to me or somebody else, that would be great.

2 MR. GEFELL: I just made note of that. Hey,
3 Jeff, I think -- oh. James is unmuted. Thank you.

4 MR. TABBI: I just wanted to say I'm more
5 than willing to have that conversation about what
6 might need to be done regarding helping my
7 neighborhoods on Summit.

8 MR. GUDELL: Yeah. That'd be great. We'll
9 talk offline. So thank you very much for letting me
10 ask my questions.

11 MR. GEFELL: Scott, I will reach out to you
12 and set something up.

13 MR. GUDELL: Thank you. Thanks, Ramsey. I
14 appreciate it.

15 MR. BOEHNER: Sure. We'll see you Scott.

16 MR. GUDELL: Okay. No more video for me.

17 CHAIRPERSON PRICE: All right. Thank you.
18 Is there anyone else that cares to address this
19 application? Seeing anybody Jeff, Ramsey?

20 MR. BOEHNER: I'm still looking.

21 CHAIRPERSON PRICE: All right. And I know
22 Jason's got his hand up, but he probably doesn't
23 want --

24 MR. BABCOCK-STINER: Yeah. I don't know.
25 I'm literally just sitting here. I haven't touched

1 the iPad. I don't know.

2 CHAIRPERSON PRICE: All right.

3 MR. BOEHNER: Computers taking you over.

4 MR. BABCOCK-STINER: It is. Technology is.

5 CHAIRPERSON PRICE: All right. Thank you,
6 Evan and James. Appreciate it.

7 MR. GEFELL: Thank you.

8 CHAIRPERSON PRICE: We are going to -- so
9 that was actually two applications. We're going to
10 move onto new business here which is application
11 10P-NB1-21. This is the 1950 and 1966 Monroe Avenue
12 has been postponed by the applicant until our March
13 meeting.

14 And next application is 12P-NB1-21.

15 **Application 12P-NB1-21**

16 Application of University of Rochester,
17 owner, for Preliminary Site Plan Approval, Preliminary
18 EPOD (woodlot) Permit Approval and Preliminary
19 Conditional Use Permit Approval to construct a 61,000
20 square foot, 3 story building addition to the
21 Laboratory for Laser Energetics and construct an
22 additional 100 parking spaces on property located at
23 250 East River Road. All as described on application
24 and plans on file.

25 CHAIRPERSON PRICE: Representatives for the

1 University? Is that you, David?

2 MR. COX: Yes. David Cox with Passero
3 Associates, civil engineer for the project. And I
4 also have a bunch of people from U of R, as well as
5 Jared Lusk, who worked on drafting the conservation
6 easements. So he's on call to answer any specific
7 questions about that.

8 Could you go to the number 3, the LLE
9 development plan?

10 MR. RYAN: Do you know what page that's on?

11 MR. COX: This looks like a different
12 document from --

13 MR. FRISCH: Yeah. Check the February
14 folder.

15 MR. COX: Yeah. This looks like from an
16 older application.

17 MR. RYAN: I believe that's the most current
18 one I have. But let me check.

19 MR. BOEHNER: No. That is not.

20 MR. LUSK: Feel like I need some Jeopardy
21 music or something.

22 CHAIRPERSON PRICE: Can you sing for us,
23 Jared?

24 MR. COX: I guess I can talk. So the West
25 Henrietta water main connection, we did meet with Mike

1 Guyon and Evert. We are addressing -- working on
2 addressing those comments.

3 There is four trees that would be disturbed
4 as part of that water main connection. So we are
5 proposing additional trees to mitigate those losses.
6 So there's been an increase in the number of tree
7 mitigation.

8 CHAIRPERSON PRICE: And where is that,
9 David? Is that over by West Henrietta?

10 MR. COX: Yes.

11 CHAIRPERSON PRICE: Okay. That's right at
12 the connection?

13 MR. COX: Yes. And we also have proposed
14 some landscaping around the hotbox to help shield
15 that.

16 CHAIRPERSON PRICE: Okay.

17 MR. COX: Yeah. This is all the older
18 application as well. But I mean, I can speak to that
19 one and say what's different if this is what --

20 MR. BOEHNER: No. Let's -- Jeff do you have
21 any chances of being able to get the latest up?

22 MR. LUSK: Hey, baby. Jackpot.

23 MR. BOEHNER: There you go.

24 MR. COX: So number 3 LLE development plan.
25 Yeah. There we go. Perfect. Thank you. So at the

1 last Planning Board meeting we just had that blue
2 hatch down at the south along the neighboring
3 residential property and the 25 foot swatch of the
4 green hatch. So we had those conservation easements
5 and after this Planning Board meeting that we had last
6 month, there was the request about a, you know, can we
7 put a conservation easement in the north/south
8 direction over the vernal pool, over the proposed
9 wetland area to really tie that whole conservation
10 easement area together to provide that habitat
11 corridor to that south area.

12 So we have revised that. We've added over 2
13 acres of additional conservation easement area. And
14 there's kind of two different types of conservation
15 easement areas. The blue is, I guess, you would call
16 like a no-fly, no disturbance conservation easement
17 area. There's no proposed work that can be done in
18 those areas. You know, only if there was a dead tree
19 that needed to come down or, you know, any forest
20 management-type things. But, you know, no
21 disturbance, no structures, no utilities, no nothing
22 in that area.

23 And then the green area is a what we're
24 calling a non-impervious conservation easement. So
25 that would be no pavement, no buildings, no structures

1 would be allowed in that area, but stormwater
2 management, utility piping, utility pipes -- below
3 ground utilities so that the above surface will be
4 vegetation, whether it be grass, meadow, trees, what
5 have you. But it would be protected from -- from any
6 hard surfaces being in that area.

7 There is one exception area. If you can
8 zoom on the -- kind of the plan on the left. We have
9 a proposed stormwater management area on the -- kind
10 of the left side of that blue hatch. And then there's
11 the existing stormwater pond on the other side of the
12 blue hatch. So there is a little bit of an exception
13 area. There's a little node, point to it. That we
14 would need to put a storm pipe through there to be
15 able tie the existing -- or the existing stormwater
16 management area to the proposed stormwater management
17 area so that we're not cut off from being able to do
18 drainage. But that would be the only thing -- we
19 would just need to put one pipe, storm pipe through
20 that area. So I think that is --

21 CHAIRPERSON PRICE: I guess, can we agree
22 we're kind of down to the language of the easements?
23 And I'd like to hear from Ramsey and Ken as well as
24 the hydraulic analysis on the water main. Is that --

25 MR. GORDON: Bill, I'd like to know a little

1 bit more -- maybe it's from David, maybe it's from
2 Jared or maybe it's from somebody else -- what is the
3 intention of the University with respect to the
4 impervious areas? Why are we not making those
5 outright conservation areas? Excepting out maybe the
6 installation of the utilities, what else is that
7 you're planning that you're not telling us?

8 MR. LUSK: We're not planning anything, Ken.
9 What the issue is is that we want to be able to -- we
10 have no idea what's going to happen there towards the
11 south. We want to be able to grade. We want to be
12 able to do things necessary to facilitate the
13 potential future parking lots and things like that.
14 So utilities, drainage, soils, things like that. We
15 don't want to build anything, but we don't want it to
16 be the no-fly zone, which is the blue area.

17 The blue area, all we can do is trim trees,
18 things like that, leave it as it is. And the green
19 area we want to keep the grade, et cetera, that's
20 necessary for the projecting. So we are
21 distinguishing between those two areas.

22 MR. COX: And the green area to the east is
23 over the existing stormwater management area, which,
24 you know, would need to be maintained. There's
25 sanitary and sewer pipes. There's storm sewer pipes

1 running through that area that would need to be
2 maintained or replaced and things of that nature as
3 well.

4 MR. LUSK: And there's other easements that
5 might require other installations that are -- you can
6 use the other easements areas. So we're not
7 attempting to do anything, but we were very
8 restrictive in -- and again, to keep using the same
9 term, the no-fly zone -- again, only leave it in its
10 natural state except for et cetera. So that can't
11 touch the rest of it. We're able to manage and grade
12 and things for the future project. And we just can't
13 put impervious surface, buildings or blacktop.

14 MR. GORDON: So I guess my -- before we get
15 to what it is that you are allowing yourself to do and
16 what you're calling the no-fly zone, what I would call
17 the kind of conservation area because you're allowing
18 yourself to do quite a bit in that area. But in this
19 green area I'm just struggling with how broad the
20 language allows you to do anything, anything you could
21 bulldoze the whole thing. You could remove 100
22 percent of the vegetation in that green area. You can
23 fill everything in. You can do whatever you want as
24 long as -- you could put down pavement as long as it's
25 pervious pavement. I mean, I don't know that that's

1 going to be acceptable to the Town.

2 MR. LUSK: Again, anything we do has to
3 be -- has to be approved by the Planning Board. What
4 this Board indicated is that they didn't want future
5 buildings. They wanted to know that what this project
6 was, it was done. So we have done that.

7 The only buildable area that you see in
8 front of you is in the orange area in terms of
9 buildings, et cetera. We don't know what's going to
10 happen 30 years from now. So the conservation
11 easement we, again, we're trying -- we keep calling it
12 the no-fly zone. That was important for people. The
13 rest of it, as we stated the first time, we can't give
14 up all property rights to non-disturbance area because
15 we're going to have to grade around that future
16 parking lot.

17 And so it was not to be cute. It was to
18 say, look, we're not building anything, but we don't
19 want to -- we don't know what we're going to need in
20 the future. And so, again, we can't do anything in
21 the blue areas except maintenance. And, again, the
22 language was intended to be as broad as possible. And
23 the green was the reverse. We're leaving ourselves
24 open to do the things necessary to construct it, that
25 would be permitted by the Planning Board as part of

1 the site plan approval process.

2 But, again, as far as giving away our
3 property rights, we would only be giving up our rights
4 to building impervious surfaces, et cetera.

5 MR. GORDON: Yeah. I am just wondering if
6 there's some better way to craft the language for the
7 impervious conservation area that gives the University
8 the flexibility that it sounds like it wants to do
9 what it may need to do in that area.

10 And then the other piece of this that I'll
11 introduce to you, but, you know, your whole team is
12 here, is perhaps putting something in this
13 conservation easement itself that allows for the
14 amendment or modification in the future of the terms
15 of the conservation easement, which would be under the
16 control of the Planning Board and/or the Town Board to
17 modify it in such a way that could meet future
18 unanticipated needs.

19 I understand we don't have a crystal ball
20 that goes very far into the future. I get that. But
21 I do want to make sure that we, you know, protect this
22 area as intended and yet still have that flexibility.
23 So sort of keep that in mind too that while I -- at
24 least from my perspective, I think we ought to craft a
25 little bit more specific language about the impervious

1 or non-impervious area, I guess, or the impervious
2 area, the flexibility of having some future
3 modifications is also something that I think we write
4 into this.

5 But let me just switch gears for a second
6 and ask about the actual conservation area. Some of
7 the terminology you're using and what your intention
8 is, what it means. So you say it's a no-fly zone, but
9 you're also allowing yourself as a grantor to do
10 selective pruning. What does that mean? Who defines
11 what selective pruning is?

12 MR. LUSK: Well, I guess, the -- the -- I
13 think it's all select -- it's all referencing the --
14 it says engage in selective pruning, remove unsafe or
15 exotic non-native vegetation in accordance with
16 current scientific management practices, conduct
17 customary maintenance and management of forests,
18 wetlands, upland, and vernal pools, et cetera.

19 So we're intending to, again, do the
20 selective pruning that you would need to take care of
21 a forest. So if you have some other language that
22 you -- I mean some other language that you want --
23 it's, again, good forest management is what we're
24 looking --

25 MR. GORDON: Yeah. I don't -- I'm not a

1 forestry guy. But I do know that, for example, you
2 ran through a couple things. So selective pruning is
3 one. You also are preserving the right to remove
4 unsafe trees. I know we at the Town have a pretty
5 comprehensive tree law and have a pretty comprehensive
6 process for deciding based on arborists'
7 recommendations and the Tree Council's review of what
8 is an unsafe tree that we can remove.

9 I don't know if you -- the University has
10 any process like that or any process like that in
11 mind. You talk about in here allowing the University
12 to conduct such standard and customary management of
13 wetlands, management of vernal pools, management of
14 upland areas. I don't know what any of that is. I
15 don't know what that means. And I don't think the
16 Board is going to know. Maybe the Board does. Maybe
17 I'm the only dummy here.

18 CHAIRPERSON PRICE: Can I just offer
19 something real quick. All good points. I would point
20 out that there are standards for all of these. The
21 arborists do have classifications of pruning. And you
22 have things like emergency -- you have basic --
23 there's class A, B and C pruning, everything from just
24 the -- like the branch that falls and breaks off and
25 is hanging up in the tree after an ice storm all the

1 way to the finest level of pruning, you know, for the
2 long-term health of the tree.

3 So these -- these are well classified. And
4 I can help you identify those. The same with the
5 management of wetlands. The DEC does have monitoring
6 standards for the establishment of wetlands. Both the
7 DEC and the Army Corp of Engineers for that five-year
8 monitoring period that if this was a regulated wetland
9 that they would have to comply with and prepare
10 monitoring reports on an annual basis. There could
11 very well be referenced professional documents or
12 standards that could read back to the language.

13 MR. GORDON: Yup. And I believe that. I
14 just don't see it referred to in this conservation
15 easement. So if there are industry standards, perhaps
16 we ought to refer to those industry standards in the
17 document so it's not, you know, some dummy like me
18 deciding what's an unsafe tree or what's the proper
19 pruning. You know, it should be according to industry
20 standards.

21 So we can work through this. And I'm just
22 trying to get a sense of what your intention is. And
23 you're giving me that, Jared. I appreciate it that --
24 I think we just need to tighten up the language a
25 little bit.

1 I am concerned about the provision at the
2 end of this whole thing that says that the University
3 reserves the right to install whatever infrastructure
4 may be necessary for the future development of the
5 property. That sounds incredible to me.

6 MR. LUSK: You're talking about the
7 exception area, future utility piping.

8 MR. GORDON: Right at the end it talks about
9 further provided the grantor shall have the right to
10 install, construct, maintain, repair, improve, replace
11 in that certain portion of the property designated as
12 the exception area, stormwater, stormwater drainage
13 systems, facilities -- I'm not sure what facilities
14 are -- and infrastructure as may be necessary for the
15 future development on the property. So a road, is
16 that infrastructure that may be necessary? A new
17 parking lot? I don't know.

18 MR. LUSK: Ken, I think you're -- I think
19 that -- I'm not sure you listened to what David said.
20 He pointed to that little area right here in that
21 little area, that's exhibit A, which is the exception
22 area, future utility piping, right here, that we may
23 need to -- we explained it to the Board that at some
24 point we may want to build that stormwater area. And
25 we may want to connect that -- the piping or other

1 infrastructure for the drainage right there to that --
2 to the other stormwater piping.

3 That is the only area that's referenced.
4 It's referenced right there in the pipe. So if
5 anybody -- I mean, that's the intent is that we just
6 need to be able to withdraw those pipes and
7 appropriate stormwater drainage facilities, et cetera,
8 as may be necessary to construct this other area. So
9 we're essentially just carving up that area for
10 infrastructure.

11 MR. GORDON: So I get it. I can both listen
12 and read despite what you might think otherwise. And
13 what I read is not consistent with what I heard. And
14 my experience with the University is even when we put
15 something in writing, sometimes the University doesn't
16 remember it.

17 So I want to see that if it's just drainage
18 that is intended here and it's only drainage
19 facilities and drainage infrastructure for this one
20 area, let's be specific about that. Let's put in
21 language that actually says what we mean and not just
22 trust upon, you know, that we have to go back to some
23 sort of public hearing record and, you know, pull up
24 David Cox's testimony and try to prove it that way.

25 MR. LUSK: That's fine. So do you have some

1 language you like, Ken? If there's something that you
2 want, we'd sure love to see it.

3 MR. GORDON: I have -- honestly, I have
4 highlights and notes about the need for definition and
5 specificity on each and every page. I'd be happy to
6 share that with you.

7 And also as I said, some suggestions about
8 allowing for some flexibility in the future relative
9 to both the extinguishment of the easement, right, and
10 the modification of the easement. I think we can come
11 up with a process that the University is able to come
12 back to the Planning Board or the Town Board as the
13 case may be and make application or, you know, make a
14 persuasive pitch why it is that the easement ought to
15 be modified or maybe even extinguished sometime in the
16 future if circumstances change. And I think that's
17 good for the University. I think that's good for the
18 Town.

19 MR. LUSK: I think it is. And I think we
20 tried to address that in paragraph 6. And it says if
21 circumstances arise in the future that render the
22 purpose of this conservation easement substantial and
23 impossible to accomplish, this conservation easement
24 can be terminated or extinguished whether in whole or
25 in part by proceeding in accordance with the

1 jurisdiction as well as the provisions of ACL -- this
2 conservation easement is taken in all or part by the
3 power of domain grantee shall not -- et cetera.

4 So we can add language in that authorizes --
5 we can have a release of easement in the future if
6 need be. The Town Board's going to sign this, execute
7 the half of it. Obviously we'd have -- I'd assume
8 we'd have to go back to the Town Board for their --
9 for their release of that. So we can deal with that
10 at that point.

11 MR. GORDON: Yeah. It's just good to know
12 that you have that flexibility too. Thank you.

13 CHAIRPERSON PRICE: Thank you. May I ask a
14 question of David? David, the way that this graphic
15 reads I just want -- I guess I'd like to point out
16 that there's probably some gray areas that are being
17 shown that probably could have been shown in green,
18 but I understand that you're trying to use the green
19 to highlight a specific conservation area, two
20 different conservation areas. But the -- the gray
21 pavement that you're showing will require stormwater
22 management.

23 And therefore, the area immediately to the
24 south and running parallel to the edge of pavement is
25 most likely really just -- it's going to be green

1 infrastructure before that -- from a water quality
2 standpoint, before it goes into the larger stormwater
3 pond proposed at the east end of that parking lot, so
4 between the parking lot and the blue, you know, no-fly
5 zone conservation easements. So that technically
6 could be green. There's nothing -- that is stormwater
7 area. There's no paving going on there.

8 And then the area that is orange where
9 you're showing grade slope, after visiting out there I
10 guess I recognize that that slope from the stormwater
11 management area is going to be pretty steep. That
12 is -- that is going to be quite an embankment; isn't
13 it?

14 MR. COX: Yes.

15 CHAIRPERSON PRICE: So the area really from
16 the edge of the pavement to the blue buffer area, the
17 conservation area, is really all going to be natural,
18 but it will be a graded slope. You're not going to
19 get -- you can't get parking on anything that is south
20 of that existing parking lot. It's just -- it's just
21 too steep.

22 MR. COX: Yes. That's the current thought,
23 yes. I -- obviously everything has been fully
24 designed yet, but that is the intent as of right now.

25 CHAIRPERSON PRICE: Understood. But you

1 generally sized the -- both the green infrastructure,
2 whether that's a rain garden or infiltration trench in
3 the stormwater area to the east of the parking, those
4 are reasonably sized for the runoff expected from
5 either the just the parking or possibly the parking
6 and a portion of the roof of the building.

7 MR. COX: That's correct.

8 CHAIRPERSON PRICE: I guess I would be -- I
9 truly understand Ken's concern. I guess I would be --
10 could be concerned the opposite way as well that, you
11 know, the stormwater management areas may need to grow
12 in size, if anything, in the future or it's possible
13 that they -- when you get into the fine engineering on
14 it.

15 MR. COX: Right. Or if regulations change.
16 I mean regulations -- stormwater regulations typically
17 change every five years.

18 CHAIRPERSON PRICE: Yeah.

19 MR. COX: So they could be more restrictive.

20 CHAIRPERSON PRICE: Yeah. Okay. All right.
21 I guess I understand it better. And if this was a --
22 rather than a descriptive diagram, engineering
23 diagram, you know, trying to show us conservation
24 easements, if it was a pretty picture rendering, you'd
25 have a lot more green on here than you would gray or,

1 you know, this pavement.

2 MR. COX: Correct.

3 CHAIRPERSON PRICE: Okay.

4 MR. GORDON: Bill, I did want to make just
5 one other observation.

6 CHAIRPERSON PRICE: Please.

7 MR. GORDON: One, is that I do know that our
8 engineering department is looking at the descriptions
9 that were provided to make sure everything closes and
10 matches up. So that work is not -- I'm just letting
11 you know, David and Jared, that that work has not yet
12 been completed, but they're working on that. So
13 hopefully everything matches.

14 And then the other thing is there's a
15 project condition paragraph at the end of this
16 proposed conservation easement that effectively says,
17 you know, we're giving you this conservation easement
18 and the Planning Board or whoever's signing this
19 document, which is going to be the Town Supervisor
20 actually, is making a representation that the Town of
21 Brighton is satisfied with everything that the
22 developer has provided for natural resource
23 protections connected with this project.

24 I don't think we're going to be able to give
25 you that. You know, if you have some other

1 language -- I mean, I can tell you we're not looking
2 for more than what we're asking for here, if that's
3 what the concern is. But something as broadly stated
4 as that is really not workable. And I will say the
5 Supervisor really can't bind the Planning Board or
6 vice versa.

7 MR. LUSK: Maybe when we get the
8 condition -- the final conditions of approval from the
9 Planning Board regarding the granting of this
10 conservation easement, we can probably reference that
11 particular section number, you know what I mean, in
12 terms of the approval resolution. This satisfies
13 that -- I think that's what we're looking or we want
14 to --

15 MR. GORDON: Something like that will work,
16 yeah. Something like that will work.

17 CHAIRPERSON PRICE: Okay. Thank you, Ken,
18 Jared. Other Planning Board members have questions or
19 comments? Feel free. David Fader, I see you. Are
20 you all set?

21 MR. FADER: Am I talking now?

22 CHAIRPERSON PRICE: Yup. We can hear you.

23 MR. FADER: Okay. Good. I like it. I
24 guess I think it -- it's come a long ways and I have
25 no problems with it. Even the non-pervious areas, I

1 mean, they're improving the existing vegetation with a
2 more natural, you know, no-mow vegetation. So I --
3 maybe I'm not good at legal stuff and I'm missing
4 something that Ken was worried about, but I wasn't
5 troubled by that. I mean, maybe it's as simple as
6 saying that if you do something in there, you
7 revegetate it. So, no, I have no problems with this.

8 CHAIRPERSON PRICE: Thank you. Jason?

9 MR. BABCOCK-STINER: I generally agree.
10 I'm -- I'm not an attorney. I'll let them work out
11 the language there because I know that is important.
12 But I do appreciate when they've done. I'm good.

13 CHAIRPERSON PRICE: Thank you.

14 MR. FADER: I have one other minor comment.
15 Bill, maybe you can answer. You seem to know more
16 about it. But I'm assuming that since it's a
17 conservation easement that they're not going to go in
18 and just cut down a dead tree because it's dead. It
19 would have to be dangerous or something.

20 CHAIRPERSON PRICE: Yeah. I think it would
21 have to present a danger, you know, to the public.
22 Certainly dead trees have their value within the
23 ecosystem. But I guess, you know, the position of the
24 tree relative to the building itself, of course, it's
25 not -- it would be a future building. But I'm going

1 to be providing the wording from the Arborist
2 Association. There's both New York State chapter and
3 federal chapters that I'll be providing that to -- to
4 probably to Ramsey and Jeff and share with Ken as
5 well.

6 I don't know that that specifically answers
7 your question.

8 MR. FADER: I just more -- it's just more of
9 a comment. I mean, obviously if it's a building or
10 something, that's fine. But if it's right in the
11 middle of it, you know -- and I guess I have a tainted
12 view because when they did the Meridian Park, the Town
13 actually went in and cut down all the dead trees in
14 the conservation area. And I was like horrified. So
15 I just thought I would mention it.

16 CHAIRPERSON PRICE: Ken, you --

17 MR. LUSK: I'm sorry. Ken, does the town
18 have a conservation standard form that they -- that
19 was used in the past that has all the language that
20 you're looking for? We're happy to look at it.

21 MR. GORDON: Ramsey, that's more your --
22 you're the historian here.

23 MR. BOEHNER: No. We do not have set
24 language.

25 MR. GORDON: Yeah. That's what I was going

1 to say, but I didn't know. So I think we're good
2 working with your form, Jared. And I can provide you
3 some suggestions and we'll go from there. We'll get
4 this done.

5 CHAIRPERSON PRICE: All right. Back to
6 Karen.

7 MS. ALTMAN: No further questions.

8 CHAIRPERSON PRICE: All right. John
9 Osowski?

10 MR. OSOWSKI: No. I have no additional
11 questions or comments. Thank you.

12 CHAIRPERSON PRICE: Thank you. Julie?

13 MS. FORD: No further questions.

14 CHAIRPERSON PRICE: All right. Town staff,
15 Ramsey or Jeff?

16 MR. FRISCH: Have you met with the fire
17 marshal, the town fire marshal about fire access on
18 the side of the building despite the -- more of the
19 potential of the future additions?

20 MR. COX: So we -- one of the deputy fire
21 marshals met out on site to walk the property. And
22 after that -- and he said that he was going back and
23 speak with Chris Roth to go over that. And I've also
24 sent some emails and phone calls to Chris Roth asking
25 him for -- if he has any feedback. I have not heard

1 back yet.

2 MR. FRISCH: Okay.

3 MR. BOEHNER: So you do need to follow up
4 with the fire marshal just to make sure that the
5 plan's going to meet the needs for fire access in the
6 future, David. You've looked at that. I just want to
7 make sure we're all on the same page.

8 MR. COX: Okay. Sure. Yeah.

9 MR. BOEHNER: Especially if we're going to
10 do conservation easements.

11 MR. COX: Yup.

12 MR. BOEHNER: So if you're having problems
13 getting a hold of him, let me know. And I can maybe
14 help you so we can get that straightened out to make
15 sure we're all square.

16 I have a question for you. The distribution
17 plans for the water system, you believe that you can
18 address the comments of the DPW?

19 MR. COX: Yes. Yup.

20 MR. BOEHNER: Okay. That's all I have.

21 CHAIRPERSON PRICE: Thank you. All right.
22 So I'm going to ask one more time for Planning Board
23 and Town representatives, any other questions or
24 comments? All right. Thank you.

25 This is a public hearing. Is there anyone

1 in the audience that cares to address this
2 application?

3 MR. FRISCH: I don't see anybody, Bill.

4 CHAIRPERSON PRICE: All right. Okay. Thank
5 you. Let's see. At this point I just want to circle
6 back to the Cortese application, Cortese properties
7 for West Henrietta Road. Has anybody representing the
8 applicant joined us since earlier in the meeting?

9 MR. RYAN: I don't believe so, no.

10 CHAIRPERSON PRICE: Okay. And is there
11 anyone in the audience that has a question or comment
12 about this application which is 2P-01-22? So nothing?

13 MR. FRISCH: Nobody.

14 CHAIRPERSON PRICE: All right. Thank you.
15 We are -- our applications -- or -- our public
16 hearings are over for this night, for tonight. We now
17 have two applications on for concept review. The
18 first is 2P-NB1-22, Bristol Valley Homes LLC and PEMM
19 LLC. This is the for property at 3108 East Avenue.
20 That has been postponed at the applicant's request to
21 our March 16th meeting.

22 For the next application I am going to ask
23 Member John Osowski to chair this particular
24 application.

25 MR. OSOWSKI: Okay. Thank you, Bill. All

1 right. Thank you for giving me this opportunity.

2 The next up under new business is
3 application 2P-NB2-22.

4 **Application 2P-NB2-22**

5 Application of Brighton Central School
6 District, owner, and Talmudical Institute of Upstate
7 New York, contract vendee, for Concept Review to
8 repurpose an existing school building (Brookside
9 School) and construct a 23,000 square foot building
10 addition for classrooms and dorm rooms allowing for
11 educational and public uses on property located at
12 1666 South Winton Road. All as described on
13 application and plans on file.

14 MR. OSOWSKI: I'll ask if there's anybody
15 present to address this concept review and give us
16 additional information and answer questions that may
17 come from the Board or from the Town. Thank you.

18 MR. BOEHNER: John, before the applicant
19 starts I would like to say that this is just a
20 concept. This is not a public hearing. There will be
21 public hearings if this application moves forward in
22 the future. There will be applications in -- public
23 hearings in the future where they'll have an
24 opportunity to address this Board.

25 I also want everyone to know that's

1 listening because I know there's quite a few of you
2 out there, we've received a number of communications,
3 many of them made it on the agenda, some of them did
4 not get on this agenda but will be placed on the next
5 agenda. And all communications will be given to the
6 Board for their consideration and review as part of
7 this project. And so you're welcome to stay and
8 listen, but, again, this is not a public hearing at
9 this time. There will be further opportunity in the
10 future. Thank you.

11 MR. OSOWSKI: Thanks, Ramsey.

12 MR. GOLDMAN: Good evening Mr. Chair --
13 acting Chairman and members of the Board. My name is
14 Jerry Goldman. I'm the attorney and agent for the
15 Talmudical Institute of Upstate New York who is -- who
16 is the applicant for this project.

17 As the acting Chairman pointed out, this
18 application deals with the former Brookwood --
19 Brookside Elementary School property located on 28
20 acres on the east side of South Winton Road, west of
21 Idlewood Road. The property itself is zoned RLB. The
22 existing 55,000 square foot building has historically
23 been used first as an elementary by the Brighton
24 Central School District. And then when it was
25 decommissioned as a school, it's been used for a

1 number of uses including most famously and primarily
2 the Brighton Parks and Recreation Department, the
3 Brighton food cupboard, the Montessori School, as well
4 as offices for Brighton Volunteer Ambulance and the
5 Monroe County School Board Association.

6 The proposal which is being made by the
7 Talmudical Institute is to relocate their school to
8 this property as a campus. They will occupy
9 approximately 23,500 square feet on the western side
10 of the -- of the existing building. As the acting
11 Chairman pointed at 23,000 square feet for dorms and
12 classroom area. In addition, a proposed expansion
13 area of 9,000 square feet is proposed for this area.

14 The entire Talmudical Institute development
15 will be oriented towards South Winton Road in an
16 effort to not impact the existing residential
17 neighborhood in Evans Farms. Primary tenants for the
18 remainder of the building at this point would appear
19 to be Brighton Parks and Recreation and the Montessori
20 School. Brighton Parks and Rec is a permitted use in
21 the RLB zoning district. Private nonprofit secondary
22 schools and colleges are conditional permitted uses
23 and therefore will require a conditional use permit
24 from the Planning Board.

25 This is a residential high school.

1 Similarly in the RLB district Monroe Community College
2 has dormitories on their campus, we are proposing a
3 residential component here.

4 The educational product of this is a high
5 intensity educational experience for the students.
6 Student classroom days run from 7:45 in the morning
7 until roughly 8:30 at night with breaks as
8 appropriate. And to that extent there is -- there is
9 not a whole lot of free time which is for the
10 students.

11 With that basic introduction what I'll do is
12 turn this over to Matt Tomlinson, who is the project
13 engineer who will give us the concept level review of
14 the engineering issues involved. Also with us this
15 evening is Rabbi Shlomo Noble of the Talmudical
16 Institute of Upstate New York who will be available
17 for any questions that either Matt or I can't handle.
18 So with that, Matt.

19 MR. TOMLINSON: Great, Jerry. Thank you.
20 Matt Tomlinson, Marathon Engineering. As Jerry
21 mentioned, we're the civil engineers on the project.

22 Jeff, I think we also submitted a map with
23 some color on it. I didn't know if it was possible
24 for you to display that as I talk through it just so I
25 can refer to some colors that might help with your

1 pointer as I highlight some things for the Board.

2 Thank you.

3 So as Jerry mentioned, this is a 21.8 acre
4 parcel with existing infrastructure on it. Currently
5 there is existing access from both east and west being
6 a driveway -- single drive off of Winton Road south
7 that provides access to the front parking on the
8 Winton Road side and then a -- what was previously
9 constructed as a bus loop and additional parking on
10 the east side off of that entrance off of Idlewood
11 Road.

12 The blue on the map that the Board is seeing
13 right now represents the existing school building that
14 is present on the site. The brown and lighter brown
15 is the proposed first phase and then future phase of
16 the buildings that Jerry mentioned, which creates a
17 courtyard that will be private and primarily for the
18 use of the Talmudical Institute. And we can dive into
19 that a little bit later.

20 In the red that is -- or the light red color
21 that is indicated on the plan, that is the proposed
22 additional pavements. And I think the Board will note
23 that we have attempted to somewhat limit the amount of
24 additional pavement that will be added to this site
25 because there is quite a bit of existing

1 infrastructure there that is proposed to be utilized.
2 We'll be upgrading ADA and traffic circulation, a
3 drop-off loop at the front of the school for visitors
4 and for events.

5 And then because it is a residential school,
6 there will be a kitchen component within there where
7 meals will be prepared, served to the students living
8 on-site and some rear of house function being
9 downstairs, staff park.

10 And last but not least from a circulation
11 and a pavement standpoint are the requirements of the
12 New York State Fire Code as well Brighton's local
13 ordinance. The building will be fully sprinklered and
14 the driveway that connects to the existing hardscape
15 play area from the previous school use and where the
16 basketball court is now will be utilized for fire
17 apparatus access and turn around movements. And the
18 intention is to limit or not to provide circular
19 connections for vehicular activities between the two
20 access points being Idlewood and Winton.

21 I wanted to talk a little bit about the site
22 itself and then we can get into any questions that the
23 Board may have. So the construction access is
24 entirely intended to be off of Winton Road. And we've
25 really focused the proposed development towards Winton

1 Road. And that is with the neighborhood and
2 anticipated comments and questions in mind as far as
3 access.

4 This property when it became available was
5 brought to us and we really looked at several
6 different locations for this proposed building
7 addition including on the Idlewood side because
8 there -- the infrastructure that services this
9 property, including sanitary, water, gas and electric,
10 are primarily centered from that side. It's outside
11 of any floodplain constraints or limitations, which
12 I'll touch on in a minute, and would really lend
13 itself to a simpler and more cost effective building
14 construction.

15 However, given the anticipated impacts to
16 neighbors, SEQRA considerations and some other things,
17 you know, we looked at a couple different alternatives
18 and landed with, I think, what really is an
19 opportunity for the purchaser, Talmudical Institute,
20 to be provided the functionality, the space and the
21 infrastructure that they need while lessening or
22 minimizing as much as possible any impacts to the
23 neighbors by it.

24 And so with that in mind, I'll just step
25 through a couple of the potential items that we are

1 going to have to work through with this Board and with
2 staff as we go through the approval process. One
3 being this is within a floodplain EPOD area. There's
4 a light gray area or line represented on the plan that
5 indicates the 100-year floodplain associated with
6 Allens Creek. There's also a federal wetland that we
7 had delineated by environmental resources within the
8 woodlot area further to the west on the property. We
9 are staying entirely out of that delineated area. And
10 there's also quite a bit of woods that buffer this
11 property and along the creek for a buffer that we are
12 proposing to maintain in its entirety.

13 So while the site is 21.8 acres, some of
14 those constraints, neighbor considerations and those
15 environmental items do somewhat limit the developable
16 area. And so that's really what has driven the
17 selection and progression of the design on this
18 property while, again, meeting the needs for the
19 ultimate end user.

20 Existing utilities are intended to remain
21 the same. There's an existing storm sewer outfall
22 towards Allens Creek. And the proposed stormwater
23 management facility located up at the top of the page
24 is intended to tie into and discharge to that existing
25 storm sewer outfall so that we are not creating any

1 new outfalls to Allens Creek. That stormwater
2 management facility is sized conceptually to treat the
3 requirements for discharge and that DCE requires that
4 no greater than the existing rate can be discharged
5 from the site.

6 We'll also have some additional green
7 infrastructure practices that will be provided as we
8 advance design throughout this site. This site does
9 qualify as a redevelopment project. So there is some
10 flexibility allowed within the design requirements for
11 that.

12 Sanitary and water fed, as I mentioned, from
13 Idlewood as well as gas and electric. Those will be
14 further examined, but our initial exploration
15 indicates that they're adequately sized for the
16 proposed resident load and uses that will be within
17 the building.

18 I just wanted to talk a little bit about
19 separations and distances to give the Board a
20 framework for what we're talking about. So the
21 existing east most portion of the building is
22 approximately 160 feet from the rear property line of
23 the Idlewood Road neighbors. Our nearest building for
24 the proposed addition, the future addition, and that
25 is approximately 360 feet -- excuse me -- 330 feet

1 from that same property. So almost double the
2 distance of the existing building.

3 So, again, I know we're going to talk a
4 little bit about neighbors and/or the siting of the
5 building, but I wanted to give the Board a framework
6 to indicate how far away we are compared to the
7 existing building.

8 And then just wanted to talk through a
9 couple of other things. The floodplain, we are having
10 a slight encroachment into the 100 year floodplain.
11 We've had initial conversations with the Commissioner
12 of Public Works and the Town Engineer, being Evert
13 Garcia. And the Town operates as the floodplain
14 administrator. So we'll be fully in compliance with
15 demonstrating that we will not have any impact on
16 flooding to Allens Creek through means of compensatory
17 storage and additional floodplain study as necessary.

18 And as part of our future Planning Board
19 approval efforts, we will, of course, have to obtain
20 an EPOD permit in addition to the preliminary and
21 final site plan approvals that will be necessary. We
22 have gone through a zoning analysis on this and
23 reviewed that with staff in some pre-application
24 meetings. We have not identified any variances that
25 will be necessary as part of this proposed approval.

1 We're well below the thresholds for building coverage,
2 for required green space, for setbacks and for
3 parking.

4 And I did want to talk about parking a
5 little bit. We are proposing 170 spaces in total on
6 the site. The required calculated by the existing
7 uses within the building as they currently stand are
8 128 spaces. And I wanted to -- we got some questions
9 early on from Town staff asking for some justification
10 on the number of spaces that were provided. And the
11 number of spaces calculated as required by code for
12 Talmudical Institute, which is based on the number of
13 students and gathering space is 57 spaces. The
14 existing parking spaces on the west side of the
15 building is right at 58 spaces.

16 And to provide some flexibility both for
17 tenants that would be in the existing north portion of
18 the blue building, while limiting any traffic, and our
19 intention is to keep all traffic for the new use as
20 well as what currently utilizes the Winton Road south,
21 so that existing traffic levels stay the same or less
22 around the Idlewood side, are to add a few spaces and
23 also to upgrade for ADA requirements we improve the
24 site for the new building. And so this proposed --
25 the pieces in red are those ADA upgrades as I

1 mentioned along the south side of the existing lot. A
2 row of nine parking spaces up along the northern
3 portion of the building. And then creation of
4 approximately ten spaces at the rear near the kitchen
5 and staff parking area where a dumpster enclosure will
6 also be provided.

7 So what we are currently showing is 72
8 spaces on the western portion of Winton. Again, in
9 order to provide slightly in excess of what's required
10 by code for the Talmudical Institute to also provide
11 some overlapping or shared parking with prospective
12 tenants on that northern portion. And then the
13 parking in circulation on the Idlewood side would stay
14 exactly as it exists today.

15 And my final thing before I turn it back
16 over to Jerry is we did appear to the Conservation
17 Board last week and I presented this plan to them,
18 same one as we're showing to you today. They had a
19 few questions and comments afterwards. And those
20 included some questions relative to the floodplain and
21 drainage, which I've explained to you today just like
22 I did to them relative to our full intention and
23 requirements to comply with stormwater mitigation for
24 quantity, quality in our floodplain mitigation and
25 compensatory storage requirements.

1 They also asked us to ensure that we were
2 providing dark sky lighting, which I neglected to
3 mention and I will now. We'll providing dark sky
4 compliant lighting on the west portion of Winton Road.
5 There are several existing lights along the pavement
6 and entry areas on the eastern side of the property or
7 towards Idlewood. Those lights are intended to remain
8 exactly as they are today. They're a post-style light
9 and there are no proposed improvements to that side.
10 That lighting will be appropriate in height, probably
11 18 to 20 feet, dark sky compliant fixtures, and again
12 over 300 feet away from neighboring property lines.
13 So there's no anticipated impact from a lighting
14 standpoint.

15 And the Conservation Board's final comment
16 was requesting us as the design and ownership team to
17 consider amending or supplementing the existing tree
18 line or landscaping at the rear of some of the
19 Idlewood and the other street escapes my name --
20 excuse me -- further to the south along the property.
21 And we will definitely consider that as we continue in
22 our design. But, again, we think that the greatest
23 mitigation that we can offer and have offered really
24 is the placement of the building and proposed
25 infrastructure far away from those neighbors.

1 So with that, Jerry, if I missed anything,
2 of course, chime in. But I want to turn that back
3 over to you to continue our discussion with the Board.

4 MR. GOLDMAN: Thank you, Matt. Let me make
5 a couple points. One, as we all know, it's pretty
6 challenging to review a 21.8 acre site on a Zoom
7 screen. But the one thing that you will notice is
8 that we are not proposing any changes to the area on
9 the east side of the building. Any improvements are
10 all on the west of the building, including the
11 building addition, enhancements to the access and
12 parking area and the light.

13 We certainly have received comments and
14 reviewed the comments, if you will, which were filed
15 with the Board. We are going to go through those this
16 evening because we are going to have a Zoom
17 neighborhood meeting and presentation, which is
18 scheduled for March 3rd. So before we are back before
19 this Board for anything, we will have had a Zoom
20 neighborhood meeting to discuss the issues. But I
21 will highlight the fact -- highlight a few facts
22 anyway that we expect to be dealing one.

23 One is that based on the information we
24 have, and Matt you can verify or comment, referring to
25 all construction traffic will be coming off of South

1 Winton Road and not through the Evans Farm
2 neighborhood.

3 MR. TOMLINSON: That's correct, Jerry.

4 MR. GOLDMAN: I think the neighbors can feel
5 in good hands with the engineering not only of the
6 project applicant, but also the Town does their review
7 of the stormwater and drainage issues which are focal
8 issues for the neighborhood. It comes up in almost
9 every single letter, every single comment that we have
10 received, impacts on the floodplain, impacts on flow
11 into the creek, et cetera.

12 There is some discussion also about shared
13 use of facilities. We have explored that a little
14 further internally and with the neighborhood. But at
15 the same time we anticipate that any traffic, and
16 since this is residential campus we don't expect a lot
17 of traffic going out to South Winton, but we certainly
18 are expecting much of a delta, if any, of traffic
19 going out to Idlewile at all -- Idlewood. Excuse me.
20 I'm back at the JFK airport. The Idlewood access
21 which is there.

22 So with that and having talked about the
23 lighting, I saw there was a comment in the chat about
24 the number of lights. We'll be getting to that. We
25 will also as we go further in design talk about dark

1 sky compliance, which is a lighting technique to
2 contain light spill on the property. That will all be
3 flushed out as we move forward in the -- in the design
4 process.

5 So with that -- with that we will take any
6 questions and comments that the Board has. We're here
7 at concept to try to get comments from the Board so
8 that we can better position our applications for site
9 plan approval and conditional use permit.

10 So we appreciate your attention and ask for
11 any comments that you may have or questions.

12 MR. OSOWSKI: All right. Thank you, Jerry.
13 And thank you Matt for the information and the
14 explanations. I would like to start with a basic
15 question regarding the need for the building
16 additions. I mean, my question is if some of those
17 tenants were not in the building, the Montessori
18 School, you know, the Recreation Department, the food
19 cupboard, if some of those tenants moved out, there
20 would be other space in the building available for use
21 by the Talmudical Institute. So why -- why isn't
22 that -- or was that given enough consideration? Not
23 given enough consideration? Was that rejected because
24 they wanted the tenants to remain, the tenants have
25 long-term leases? I mean, I have no idea.

1 It makes no sense to me to build new when
2 you have what appears to be a big enough footprint
3 that you don't need to build, other than dormitories,
4 of course, the living spaces. But can somebody kind
5 of explain that to me what the thought process is
6 going on here?

7 MR. GOLDMAN: Sure. Let me try and then
8 Matt can chime in. But the primary -- the primary
9 driver of the additional space is the dormitory space,
10 not as much the classroom space, but primarily the
11 dormitory space solely because it's nearly impossible
12 or pretty much impossible to retrofit the existing
13 school building for internal residential purposes. It
14 logically makes no sense to do that. We certainly
15 want to have as modern a facility as possible for our
16 students in that particular area.

17 We're right now talking about a 23,000
18 square foot addition with perhaps a 9,000 square foot
19 if enrollment booms in this particular facility. So,
20 again, it's tucked in within the building. If you
21 take a look at the way the structure -- it's visual
22 impact is nominal. Our building coverage on this
23 overall site is, even at full build out, less than 10
24 percent. And that, again, you can't really get full
25 justice of that if you have -- on a plan of this size

1 and looking at our Zoom screens.

2 But even with everything, the overall
3 impervious surface is well within the Town's normal
4 standards. So we're not talking about simply
5 overbuilding the site. We're talking about right
6 sizing it to what -- to what we need to do.

7 MR. TOMLINSON: Yeah. Jerry -- or John, if
8 I could chime in on that. So there's a couple of
9 other considerations in our talks with the architect
10 and the owner. I don't understand all the ins and
11 outs, but I'll share that with the Board.

12 My understanding is there are some materials
13 within the existing building that would require some
14 quite expensive abatement and other things like
15 asbestos or other chemicals in there that would need
16 to be abated if the existing building was modified in
17 such a way to allow some of the residential and other
18 uses specific to the new school or intend use.

19 Whereas, if the existing tenants stay in it
20 without modifying it such as moving walls, doorways,
21 changing windows, that kind of thing, they can have
22 then the rental income for the space as well not
23 having the expense to deal with those items. So
24 there's definitely a significant cost consideration to
25 what you're suggesting as well if it was entirely

1 tried to be housed in that existing building.

2 MR. GORDON: If I could just add to what
3 Matt and Jerry were saying, just to supplement this
4 question. How much of the existing Brookside School
5 without the addition is the Talmudical Institute going
6 to use for classrooms and other space including the
7 gymnasium?

8 MR. GOLDMAN: Probably going to be occupying
9 about 23,500 square feet of this building under our
10 current architectural view of this. And that in part
11 is designed to accommodate what we view as the more
12 public and educational uses in the balance,
13 Montessori, potentially Brighton -- as well as
14 Brighton Parks and Recreation in currently. And there
15 are other users as well.

16 And everyone should understand in the RLB
17 zoning district we are -- we are constrained in terms
18 of the uses that are allowed either by permitted use
19 or conditional use permit. And by permitted use I did
20 point out that Brighton Parks and Rec as a Brighton
21 Town use is a permitted use in the RLB district. If
22 there are other uses which are related to the Town of
23 Brighton, those uses would -- would also be permitted.
24 Schools are permitted as well as a conditional use.

25 So to that extent there should be some

1 comfort in knowing that the types of uses that would
2 be going in here would be either public or school or
3 perhaps religious uses also or within the category of
4 conditional use in the Town of Brighton. So we thank
5 you for that clarification, Ken.

6 MR. OSOWSKI: So can you tell me how many
7 classrooms does the Montessori School have?

8 MR. GOLDMAN: Do we have that number, Matt?
9 I don't know if we have it specifically.

10 MR. OSOWSKI: I'd really like to see a
11 tabulation of how many square feet all the different
12 tenants have, you know, how many square feet
13 Montessori has, how many classrooms they're using
14 because I can appreciate that you don't want to do
15 major modifications to a classroom. I know those
16 classrooms have asbestos floor tile. As long as you
17 leave those floor tiles in good condition you can just
18 leave them on the floor. You don't have to remove
19 them.

20 So, I mean, if a classroom with asbestos
21 floor tile is good enough for Montessori, it should be
22 good enough for the Talmudical Institute. But anyway
23 I'd really like to see a tabulation of all the uses of
24 the existing building so that we can make a better
25 determination, evaluation of the needs for this -- for

1 the building addition that's being proposed here.

2 MS. FORD: I would just like to jump in. I
3 was waiting for a space here. But I would really like
4 to know what size of residential student population
5 are we looking at, in addition to non-student faculty,
6 staff, what have, to give me a sense of scale for the
7 scope of this enterprise.

8 MR. GOLDMAN: Okay. I can provide a little
9 bit of that now in sense of population. We're
10 currently anticipating 60 resident students. There
11 are five students that are -- roughly five, between
12 five and ten who are relatives of faculty members who
13 may drive in with faculty.

14 I'm not sure of the exact number of faculty
15 that we have currently. But certainly it's enough to
16 provide the educational product and content on the
17 site. And --

18 MS. FORD: But residential, you know, not
19 just the faculty, teaching faculty, but who would
20 actually be living on site? What are we looking at,
21 the numbers?

22 MR. GOLDMAN: Okay. We're talking about a
23 limited number of additional people. There are adult
24 dorm counselors who are there to monitor what's going
25 on on a full-time basis. So I think the number of

1 total people probably is the 60 to 70 range.

2 MS. FORD: So 60 students and 10
3 non-students? You said 60 residents and then you said
4 60, 70 total, but there will be just ten non-students.

5 MR. GOLDMAN: That would be probably the
6 maximum -- that would be the maximum numbers.

7 MS. FORD: Okay.

8 MR. GOLDMAN: Yup.

9 MR. FADER: Will your stormwater pond be
10 under water in the 100-year flood?

11 MR. TOMLINSON: So good question, David. So
12 that's one of the things we will be working with Evert
13 and Mike on. The stormwater management facility will
14 be required to provide the storage for the volume
15 created by the site over and above what's required by
16 that hundred-year storm.

17 So we've also shown some potential
18 compensatory storage areas along the west edge of the
19 site, which are shown just west of the multipurpose
20 kind of grass field that's there, as well as the
21 roadway so that we can provide both the stormwater and
22 the compensatory storage that's going to be required.

23 So that can be accomplished in a couple of
24 different ways. That can be accomplished with a
25 backwater check valve to ensure that the hundred year

1 flood water can't back into that stormwater facility.
2 It can be oversized to provide storage above that
3 hundred year floodplain elevation within that same
4 volume. So those are items that we'll work through as
5 part of the preliminary design.

6 MR. FADER: Okay. I'll have a better idea
7 when I see the topo for this site.

8 MR. TOMLINSON: Yup.

9 MR. OSOWSKI: The parking lot in the upper
10 right-hand corner of the site plan, is that mainly for
11 use now say by the Montessori teachers and the
12 Brighton Recreation people or who uses that parking
13 lot?

14 MR. GOLDMAN: The times that I have been
15 here, that parking area has been very lightly used. I
16 assume it is primarily related to the Montessori
17 School use. And some of the other -- maybe some of
18 the other offices that are there. Like I said,
19 they're small offices for the School Board Association
20 as well as Brighton Volunteer Ambulance, Brighton Food
21 Cupboard. I think Brighton Food Cupboard is up in
22 that area too.

23 MS. ALTMAN: Yes, it is.

24 MR. OSOWSKI: Thank you. I don't have any
25 other questions at this point in time. Ramsey, Ken

1 Gordon, do you have any questions?

2 MR. GORDON: So Matt, you talked about
3 construction traffic coming in from the Winton --
4 South Winton Road entrance. Do you know what the
5 weight-bearing load of the Allens Creek bridge is?
6 Have you gotten that data yet?

7 MR. TOMLINSON: No, I haven't. It's -- if
8 there's additional information required, we can
9 definitely provide it. It was sufficient for school
10 bus loading as well as emergency vehicle loading,
11 which is quite heavy as you know, previously. But we
12 have not done any additional structural investigation
13 at this point.

14 MR. GORDON: You're going to be bringing
15 loaded cement trucks across that bridge?

16 MR. TOMLINSON: Yes, we will. To build it,
17 yes.

18 MR. GORDON: Jerry, just a question for you.
19 I can't remember if we discussed this or not, but in
20 your zoning analysis, if you have not already covered
21 this, please also cover whether you're going to need
22 to apply for a conditional use permit for the
23 Montessori School.

24 MR. GOLDMAN: I think we're -- at this point
25 we're anticipating that application will have to be

1 made. And that's something that we should talk about.
2 Certainly the Montessori School currently exists. I
3 think the position was because it was in-school
4 property, it didn't require a conditional use permit.
5 And now that it's going to be an ownership other than
6 the school district that -- I don't think that we have
7 finished that discussion, but we can -- we certainly
8 can continue that.

9 MR. GORDON: Can you just provide us some,
10 you know, analysis just to get us to -- to make sure
11 we don't miss that issue. I do think we need to
12 resolve that.

13 MR. GOLDMAN: Yeah.

14 MR. FRISCH: Just to clarify, you don't
15 expect any additional traffic coming from the east
16 side of the building off the Ottawa Road?

17 MR. TOMLINSON: That is correct. We don't
18 anticipate any -- the intention and what we are
19 proposing is that all traffic, construction,
20 operation, everything else for the Talmudical
21 Institute specifically will only access the site off
22 of Winton Road. And that's what we're proposing at
23 this point.

24 MR. FRISCH: Thanks.

25 MR. GORDON: Have you looked at any

1 possibility of a public access easement across the
2 property from the Evans Farm neighborhood?

3 MR. GOLDMAN: We can take a look at it and
4 explore it. Part of the problem that we have or the
5 environmental constraints that we had talked about
6 previously, but even more to my mind is what happens
7 when you get out to South Winton?

8 First of all, we only have the one bridge,
9 if you will, that goes across that will be used for
10 vehicles. But second, you come out and there's no
11 sidewalk over on Winton Road. So I'm not sure of the
12 utility of it to the extent that there's an ability to
13 get out from Evans Lane onto Westfall across the
14 street to get to a sidewalk either going north to the
15 school or going west to Buckland.

16 MR. GORDON: Ramsey, you got anything
17 further?

18 MR. BOEHNER: No, I do not.

19 MR. OSOWSKI: All right. Well, good. Thank
20 you very much.

21 MR. GOLDMAN: Any other Board members,
22 Mr. Acting Chairman or is that -- I don't know if
23 anyone else had any comments that they wanted to
24 share.

25 MR. OSOWSKI: Any other Board members have

1 any questions, comments at this time?

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

3 MR. OSOWSKI: You're good.

4 MS. ALTMAN: I have a clarifying question
5 for Jerry. When we talked about the uses that are
6 going to be on the site and that it's a mix of the
7 Talmudical Institute and public easements and you
8 mentioned the Brighton offices and the Montessori
9 School and it includes the Parks and Rec, does that
10 mean that there will be uses that would be outside of
11 the existing building in a recreational sense on the
12 site, use of outdoor area as well or is that -- the
13 public uses are all inside the existing building?

14 MR. GOLDMAN: Right. I don't think we
15 anticipate any exterior recreational uses other than
16 the facilities that are right now that would be used
17 in conjunction with the school.

18 MS. ALTMAN: Okay. Thank you.

19 MR. OSOWSKI: All right. Great. Thank you
20 very much, everybody. Appreciate it.

21 MR. GOLDMAN: Thank you.

22 MR. OSOWSKI: Looking forward to additional
23 information and seeing this project progress.

24 MR. GOLDMAN: Is this -- you're not bringing
25 this back after for further discussion after the --

1 after the deliberation on the other applications? Is
2 that it tonight?

3 MR. OSOWSKI: Yeah. We won't do that.
4 That's correct. We will not further discuss this.

5 MR. GOLDMAN: For the benefit of the
6 neighbors everyone can go home. Well, everyone is
7 home, but --

8 MR. OSOWSKI: Sure.

9 MR. GOLDMAN: Great. Thank you.

10 MR. TOMLINSON: Thank you.

11 MR. BOEHNER: Thank you.

12 MR. OSOWSKI: All right. Bill can Zoom back
13 in again?

14 CHAIRPERSON PRICE: I'm here. Thank you.

15 MR. OSOWSKI: All right.

16 (Public hearings concluded.)

17 CHAIRPERSON PRICE: All right. So let's --
18 I got to find my way back to the agenda. Let's see.
19 Okay. So that concluded our -- one of our concept
20 reviews will be coming next month, with regard to 3108
21 East Avenue. I think at this point we can circle back
22 and talk about the applications through our
23 deliberations at this point.

24 The first application is 12P-02-21.

25 **Application 12P-02-21**

1 Application of FSI Construction - Frank
2 Imburgia, owner, and 3300 BHTL Partners, Additional
3 Info LLC, for Preliminary/Final Site Plan Approval,
4 EPOD (watercourse) Permit Approval and Demolition
5 Review and Approval to raze a single family home and
6 Construct a 10,000 square foot medical office building
7 on property located at 3300 Brighton Henrietta Town
8 Line Road. All as described on application and plans
9 on file.

10 CHAIRPERSON PRICE: Do we have a motion to
11 close the public hearing?

12 MR. BABCOCK-STINER: I move we close the
13 public hearing.

14 MS. ALTMAN: I'll second.

15 MR. BOEHNER: That's Altman.

16 CHAIRPERSON PRICE: Altman seconded.

17 Babcock-Stiner made the motion.

18 MR. BOEHNER: Made the motion.

19 CHAIRPERSON PRICE: All right. Moved and
20 seconded. Are there any -- is there any discussion on
21 closing the hearing?

22 MS. ALTMAN: No.

23 CHAIRPERSON PRICE: Okay. Ramsey, please
24 call the roll.

25 | (Ms. Ford, aye; Mr. Osowski, aye;

3 (Upon roll motion passes.)

4 CHAIRPERSON PRICE: Thank you. Is there a
5 motion to approve preliminary and final -- sorry --
6 EPOD and the demolition review? I think the first --
7 Ramsey, is their demolition review a separate approval
8 or can they all be at once?

9 MR. BOEHNER: You have to make the separate
10 findings for the demolition. The demolition
11 conditions are all part of the recommended conditions
12 for approval.

13 CHAIRPERSON PRICE: I see. Okay. Does
14 anyone care to make a motion on this application?

15 MR. BABCOCK-STINER: I move that -- go
16 ahead, David.

17 MR. FADER: You can do it.

25 **Findings:**

- 1 1. The existing building, if currently designated as
2 a landmark, has received required approvals from the
3 Historic Preservation Commission, and if not currently
4 designated, has been found by the Commission not to be
5 a candidate for designation by the Historic
6 Preservation Commission as a landmark.
- 7 2. The Architectural Review Board and Conservation
8 Board have reviewed the project per the requirements
9 of this article and their determinations and
10 recommendations have been considered.
- 11 3. The project is consistent with the Brighton
12 Comprehensive Plan.
- 13 4. The project meets all Town zoning requirements, or
14 a variance has been granted by the Brighton Zoning
15 Board of Appeals.
- 16 5. The Brighton Department of Public Works has
17 approved the proposed grading plan for the project.
- 18 6. The project complies with the requirements of the
19 Town's regulations regarding trees.
- 20 7. A restoration/landscaping plan has been approved
21 by the Planning Board.
- 22 8. The project will comply with the requirements of
23 NYSDOL Code Rule 56 regarding asbestos control and
24 Chapter 91 of the Code of the Town of Brighton,
25 Lead-Based Paint Removal. In addition to any other

1 requirements of Code Rule 56, the project will comply
2 with Section 56-3.4(a)(2) regarding on-site
3 maintenance of a project record, Section 56-3.6(a)
4 regarding 10 Day Notice requirements for residential
5 and business occupants, the licensing requirements of
6 Section 56-3, and the asbestos survey and removal
7 requirements of Section 56-5.

8 9. The project will not, under the circumstances of
9 the particular case, be detrimental to the health,
10 safety or general welfare of persons residing or
11 working in the neighborhood and will not be
12 detrimental to the public welfare or injurious to
13 property or improvements in the neighborhood.

14 10. The project does not have a significant negative
15 impact on affordable housing within the Town.

16 MS. FORD: Second.

17 CHAIRPERSON PRICE: Okay. Moved and
18 seconded. Any further discussion? Ramsey, you want
19 to call the roll on this?

20 (Mr. Fader, aye; Mr. Price, aye, Ms. Altman,
21 aye; Mr. Babcock-Stiner, aye; Mr. Osowski,
22 aye; Ms. Ford, aye.)

23 (Upon roll findings are adopted.

24 CHAIRPERSON PRICE: Thank you. All right.
25 Preliminary and final -- site plan, final EPOD. Any

1 takers to make a motion? Jason?

2 MR. BABCOCK-STINER: I'm looking at the EPOD
3 one trying to find out what I do for that one.

4 CHAIRPERSON PRICE: All right.

5 MR. BOEHNER: One thing we need to do is
6 just make sure we handle SEQRA.

7 CHAIRPERSON PRICE: Okay.

8 MR. BOEHNER: We made the findings on the
9 demolition.

10 CHAIRPERSON PRICE: Yup.

11 MR. BABCOCK-STINER: I don't -- where's the
12 EPOD? I don't see what I need to do for the EPOD.

13 MR. BOEHNER: There is nothing for the EPOD,
14 Jason. There's the SEQRA findings.

15 MR. BABCOCK-STINER: Oh, okay. All right.

16 MR. BOEHNER: And then go into your
17 approval.

18 MR. BABCOCK-STINER: Oh, okay.

19 MR. BOEHNER: Do the SEQRA though.

20 MR. BABCOCK-STINER: I move that the
21 Planning Board finds that the proposed action will not
22 have a significant impact on the environment. The
23 Planning Board adopts the negative declaration
24 prepared by Town staff.

25 I also move that the Planning Board approves

1 application 12P-02-21 based on testimony given, plans
2 submitted and the 40 conditions outlined in the
3 Planning Board report.

4 **Conditions:**

- 5 1. An Operational Permit shall be obtained from the
6 Town of Brighton Fire Marshal (Chris Roth,
7 585-784-5220).
- 8 2. The entire building shall comply with the most
9 current Building & Fire Codes of New York State.
- 10 3. Prior to issuance of any building permits, all
11 plans for utility and storm water control systems must
12 be reviewed and have been given approval by
13 appropriate authorities. Prior to any occupancy, work
14 proposed on the approved plans shall have been
15 completed to a degree satisfactory to the appropriate
16 authorities.
- 17 4. All conditions of the Zoning Board of Appeals
18 shall be met.
- 19 5. The proposed sidewalk must meet all town
20 requirements.
- 21 6. Meet all requirements of the Town of Brighton's
22 Department of Public Works.
- 23 7. All Town codes shall be met that relate directly
24 or indirectly to the applicant's request.
- 25 8. The project and its construction entrance shall

1 meet the New York State Standards and Specifications
2 for Erosion and Sediment Control.

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

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

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

20 12. Erosion control measures shall be in place prior
21 to site disturbance.

22 13. Maintenance of landscape plantings shall be
23 guaranteed for three (3) years.

24 14. Deciduous shade trees shall be planted at 3 - 3 $\frac{1}{2}$
25 inches in diameter. Pine trees shall be planted at 7

1 - 8 ft. in height.

2 15. A detailed lighting plan which shows the type,
3 location and lighting contours shall be submitted.
4 Specifications for the proposed light shall be
5 submitted and light shall not exceed 3000k.

6 16. The dumpster shall be enclosed with building
7 materials that are compatible with the existing
8 building. The enclosure shall equal the height of the
9 dumpster. The plans shall be revised to include
10 details of the proposed dumpster.

11 17. The parking lot shall be striped as per the
12 requirements of the Brighton Comprehensive Development
13 Regulations.

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

17 19. Fire hydrants shall be fully operational prior to
18 and during construction of the building.

19 20. All County Development Review Comments shall be
20 addressed.

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

24 22. The location of any proposed generator is
25 approved. Documentation shall be submitted that shows

1 that all other requirements for generators in the
2 Comprehensive Development Regulations will be met or
3 Planning Board approval for the generator will be
4 obtained. The generator shall not exceed 72 decibels.

5 23. A letter of credit shall be provided to cover
6 certain aspects of the project, including, but not
7 limited to demolition, landscaping, stormwater
8 mitigation, infrastructure and erosion control. The
9 applicant's engineer shall prepare an itemized
10 estimate of the scope of the project as a basis for
11 the letter of credit.

12 24. The proposed building shall be sprinklered in
13 accordance with Town requirements.

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

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

1 approval.

2 27. The location of the HVAC shall be shown on the
3 site plan.

4 28. Prior to the issuance of any permits the
5 applicant shall obtain and submit a 239-F Permit from
6 Monroe County DOT.

7 29. A letter or memo in response to all Planning
8 Board and Town Engineer comments shall be submitted
9 prior to the issuance of a building permit.

10 30. All new accessible parking space signage to be
11 installed or replaced shall have the logo depicting a
12 dynamic character leaning forward with a sense of
13 movement as required by Secretary of State pursuant to
14 section one hundred one of the Executive Law.

15 31. Construction activities shall be limited to 7 AM
16 to 6 PM Monday to Friday, and 9 AM to 6 PM on
17 Saturday.

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

23 33. The project will comply with the requirements of
24 NYSDOL Code Rule 56 regarding asbestos control and
25 Chapter 91 of the Code of the Town of Brighton,

1 Lead-Based Paint Removal. In addition to any other
2 requirements of Code Rule 56, the applicant shall
3 verify that the project will comply with Section
4 56-3.4(a)(2) regarding on-site maintenance of a
5 project record, and Section 56-3.6(a) regarding 10 Day
6 Notice requirements for residential and business
7 occupants. The property owner shall ensure that the
8 licensing requirements of Section 56-3 and asbestos
9 survey and removal requirements of Section 56-5 are
10 met.

11 34. Prior to above ground construction, an instrument
12 survey showing setback and first floor elevation shall
13 be submitted to and reviewed by the Building and
14 Planning Department.

15 35. Prior to the final plans being signed by the
16 Commissioner of Public Works, the easement to allow
17 access to Canal View Blvd shall be filed with the
18 Monroe County Clerk's Office. A copy of the filed
19 easement shall be submitted to the Town of Brighton
20 for its records.

21 36. The Town of Brighton's Floodplain Development
22 Permit Application shall be completed by the
23 applicant's engineer and submitted to the Town of
24 Brighton for review and approval.

25 37. All comments and concerns contained in the

1 attached memo dated January 14, 2022 from Brendan Ryan
2 to Ramsey Boehner, shall be addressed.

3 38. Bioretention area shall be moved as far north as
4 reasonably possible to limit disturbance in the right
5 of way.

6 39. All review comments shall be addressed and plans
7 signed by the Commissioner of Public works within 90
8 days of approval or as otherwise required by the
9 Commissioner.

10 40. A letter or memo in response to all Planning
11 Board comments and conditions shall be submitted prior
12 to final approval.

13 MR. FADER: I'll second that.

14 CHAIRPERSON PRICE: Moved and seconded. Is
15 there any discussion? Hearing none, please call the
16 roll.

17 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
18 aye; Mr. Babcock-Stiner, aye; Mr. Osowski,
19 aye; Ms. Ford, aye.)

20 (Upon roll application is approved with
21 conditions.)

22 CHAIRPERSON PRICE: Thank you. I guess we
23 have to do -- we have to take action on 12P-01-22
24 [sic], Cortese Properties.

25 **Application 2P-01-22**

1 Application of Cortese Properties, owner,
2 and Cortese Cycle Sales, agent, for Conditional Use
3 Permit Approval allowing for a motorcycle sales and
4 service facility on property located at 2771 West
5 Henrietta Road (Tax ID #148.50-2-20.1). All as
6 described on application and plans on file.

11 CHAIRPERSON PRICE: Does a Board member need
12 to say that or can we say so moved?

15 MR. GORDON: Technically it's a motion to
16 table.

17 MR. FADER: I'll move to Table 12P-01-21 --

18 MR. OSOWSKI: It's 2P-01.

19 MR. FADER: Okay. 2P-21 until the applicant
20 can attend.

21 MR. GORDON: And it's 2P-01-22.

22 MR. BOEHNER: That's right. I have the
23 motion by Fader.

24 CHAIRPERSON PRICE: I'll second.

25 MR. BOEHNER: Price.

1 CHAIRPERSON PRICE: Is there any other
2 discussion?

3 MS. FORD: No.

4 CHAIRPERSON PRICE: Thank you. Please call
5 the roll.

6 (Ms. Ford, aye; Mr. Osowski,
7 Mr. Babcock-Stiner, aye, Mr. Fader, aye,
8 Mr. Price, aye; Ms. Altman, aye.)

9 (AUpon roll motion to table passes.)

10 CHAIRPERSON PRICE: All right. Application
11 2P-02-22.

12 **Application 2P-02-22**

13 Application of 2900 Monroe Avenue, LLC,
14 owner, and Unlimited Nutrition, LLC, lessee, for
15 Conditional Use Permit Approval allowing for a retail
16 facility which prepares and sells nutritional shakes
17 and teas on property located at 2900 Monroe Avenue.
18 All as described on application and plans on file.

19 CHAIRPERSON PRICE: Is there a motion to
20 close the public hearing?

21 MS. FORD: So moved.

22 CHAIRPERSON PRICE: Thank you. Is there a
23 second?

24 MS. ALTMAN: Second.

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

1 MR. BOEHNER: Altman on the second.

2 CHAIRPERSON PRICE: Altman beat him out.

3 Moved and seconded. Please call the roll.

4 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,

5 aye; Mr. Babcock-Stiner, aye; Mr. Osowski,

6 aye; Ms. Ford, aye.)

7 (Upon roll motion passes.)

8 CHAIRPERSON PRICE: Is there a motion to

9 approve a conditional use permit?

10 MR. BABCOCK-STINER: I'll move that the
11 Planning Board approves application 2P-02-22 based on
12 testimony given, plans submitted and the 12 conditions
13 outlined in the Planning Board report.

14 Conditions:

15 1. Prior to commencement of operations, an
16 Operational Permit shall be obtained from the Town of
17 Brighton Fire Marshal (Chris Roth, 585-784-5220).

18 2. Hours of operation shall be limited to 6:00 a.m.
19 to midnight, unless further approval for extended
20 hours has been granted by the Planning Board.

21 3. All requirements of the Building & Fire Codes of
22 New York State shall be met and all required building
23 permits shall be obtained.

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

- 1 5. All Town codes shall be met that relate directly
- 2 or indirectly to the applicant's request.
- 3 6. All requirements of Sections 203-74.B.3
- 4 (restaurant regulations), 203-74.B.4 (outdoor dining
- 5 regulations), 207-14.1 (waste container and grease/oil
- 6 container standards), and 207-14.2 (supplemental
- 7 restaurant regulations), as well as any other
- 8 pertinent sections of the code, shall be met.
- 9 7. All other reviewing agencies must issue their
- 10 approval prior to the Department of Public Works
- 11 issuing its final approval.
- 12 8. Signs shall require separate review and approval.
- 13 9. Plans shall be submitted to Monroe County for
- 14 review. All Monroe County comments shall be
- 15 addressed.
- 16 10. Permits may be required from the Town's Sewer
- 17 Department and from other jurisdictional agencies.
- 18 The applicant shall contact the Brighton Sewer
- 19 Department to discuss the requirements for a grease
- 20 trap.
- 21 11. A letter or memo in response to all Planning
- 22 Board comments and conditions shall be submitted prior
- 23 to final approval.
- 24 12. With each future new tenant, a parking analysis
- 25 shall be submitted showing compliance with Town Code

1 requirements.

2 MS. FORD: Second.

3 CHAIRPERSON PRICE: Thank you. Ford second.

4 Any further discussion?

5 MR. GORDON: I'm sorry. I stopped listening
6 for a second to be quite honest. Did we do SEQRA on
7 this?

8 MR. BABCOCK-STINER: No. I did not have
9 SEQRA as part of that original motion.

10 CHAIRPERSON PRICE: All right.

11 MR. GORDON: There should be a neg dec --

12 MR. BABCOCK-STINER: Want me to amend the
13 motion?

14 MR. GORDON: If you would accept as a
15 friendly amendment, the finding that the proposed
16 project is not likely to have significant impact on
17 the environment and that the Board would like to adopt
18 the proposed negative declaration drafted by staff.

19 MR. BABCOCK-STINER: So accepted. It was so
20 friendly.

21 CHAIRPERSON PRICE: Julie, do you agree?

22 MS. FORD: I agree.

23 CHAIRPERSON PRICE: You seconded so -- okay.
24 Moved, seconds as amended. Any further discussion?
25 All right. Please call the roll, Ramsey.

1 (Ms. Ford, aye; Mr. Osowski, aye;
2 Mr. Babcock-Stiner, aye; Mr. Fader, aye;
3 Mr. Price, aye; Ms. Altman, aye.)
4 (Upon roll motion with condition carries.)

5 CHAIRPERSON PRICE: Okay. That brings us to
6 the application -- these are two applications. Ramsey
7 do we want -- this is James Tabbi. Do we want to
8 approve them individually or approve them combined?

9 MR. BOEHNER: They're combined.

10 CHAIRPERSON PRICE: Combined.

11 Application 2P-04-22

12 Application of James Tabbi, owner, for Final
13 Site Plan Approval and Final EPOD (steep slope and
14 woodlot) Permit Approval to construct a 2,022 +/-
15 square foot single family home with a first floor
16 garage (858 square feet) and storage area on property
17 located at 830 Highland Avenue (Tax ID
18 #136.07-1-28.2). All as described on application and
19 plans on file.

20 Application 10P-NB2-21

21 Application of James Tabbi, owner, for
22 Preliminary Site Plan Approval and Preliminary EPOD
23 (steep slope and woodlot) Permit Approval to construct
24 a 2,022 +/- square foot single family home with a
25 first floor garage and storage area on property

1 located at 830 Highland Avenue (Tax ID
2 #136.07-1-28.2). All as described on application and
3 plans on file.

4 MR. FADER: I move -- I move we close the
5 public hearing for 10P-NB2-21 and 2P-04-22.

6 MS. FORD: Second.

7 CHAIRPERSON PRICE: Okay. All right. Moved
8 and second is there any discussion? All right.

9 MR. FRISCH: I would like to add a condition
10 that ARB approval is required.

11 MR. BOEHNER: This is for closing the
12 hearing.

13 MR. FRISCH: Okay. Never mind then.

14 CHAIRPERSON PRICE: Please call the roll.

15 (Mr. Price, aye; Mr. Babcock-Stiner, aye;
16 Mr. Osowski, aye; Ms. Ford, aye;
17 Mr. Fader, aye; Ms. Altman, aye.)

18 (Upon roll motion passes.)

19 CHAIRPERSON PRICE: All right. We have I
20 motion. This would now be preliminary and final EPOD
21 permit.

22 MR. FADER: I move the Board adopts the
23 negative declaration prepared by Town staff and the
24 Board grants preliminary site plan approval and
25 preliminary EPOD permits approval for 10P-NB2-21 and

1 the Board grants final site plan approval and final
2 EPOD permits approval for 2P-04-22 based on the
3 testimony given, plans submitted and the 32
4 conditions.

5 **Conditions:**

- 6 1. A parkland fee in lieu of recreation land shall be
7 paid prior to the issuance of a building permit for
8 construction of all dwelling units.
- 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 storm water 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. All conditions of the Zoning Board of Appeals
19 shall be met.
- 20 5. Prior to the issuance of any permits the
21 architectural design and building materials of the
22 proposed building(s) shall be reviewed and approved by
23 the Town of Brighton Architectural Review Board.
- 24 6. Meet all requirements of the Town of Brighton's
25 Department of Public Works.

- 1 7. All Town codes shall be met that relate directly
- 2 or indirectly to the applicant's request.
- 3 8. The project and its construction entrance shall
- 4 meet the New York State Standards and Specifications
- 5 for Erosion and Sediment Control.
- 6 9. The contractor shall designate a member of his or
- 7 her firm to be responsible to monitor erosion control,
- 8 erosion control structures, tree protection and
- 9 preservation throughout construction.
- 10 10. All trees to be saved shall be protected with
- 11 orange construction fencing placed at the drip line or
- 12 a distance greater than the drip line. Trees shall be
- 13 pruned, watered, and fertilized prior to, during and
- 14 after construction. Materials and equipment storage
- 15 shall not be allowed in fenced areas.
- 16 11. The plans shall be reviewed by an arborist to
- 17 determine if the proposed site improvements will
- 18 affect the health of the trees that are to remain.
- 19 12. A landscape plan and a pre, during and post
- 20 protection plan for trees to be saved and moved shall
- 21 be reviewed by the Conservation Board with final
- 22 approval by the Planning Board.
- 23 13. All proposed landscaping shall be installed prior
- 24 to the issuance of any certification of occupancy.
- 25 14. All disturbed areas shall be protected from

1 erosion either by mulch or temporary seeding within
2 two weeks of disturbance.

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

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

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

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

19 19. All easements must be shown on the site plan with
20 ownership, purpose, and liber/page of filing with the
21 Monroe County Clerk's Office. A copy of the filed
22 easement shall be submitted to the Building and
23 Planning Department for its records.

24 20. Prior to the issuance of any building permits, a
25 letter of credit shall be provided to the Town to

1 cover the cost of materials and installation for all
2 landscaping to ensure that all landscaping conforms to
3 the approved plans and that the landscape survives in
4 a healthy condition.

5 21. Prior to any framing above the deck, an
6 instrument survey showing setback and first floor
7 elevation shall be submitted to and reviewed by the
8 Building and Planning Department.

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

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

20 24. Prior to the issuance of any permits, the
21 Single-Family Zoning Information form shall be
22 submitted to and approved by the Building and Planning
23 Department. The form shall be completed by the
24 applicant's architect. All information shall be shown
25 on both the site plan and architectural drawings.

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

6 26. All comments, concerns and requirements of the
7 Assistant Engineer as contained in the attached memo
8 dated February 14, 2022 from Brendan Ryan to Ramsey
9 Boehner, shall be addressed.

10 27. The site is within two Environmental Protection
11 Overlay Districts, the Steep Slope Protection District
12 and the Woodlot Protection District, making it a Type
13 1 Action in the Town. All Town standards and
14 requirements for these districts shall be adhered to
15 and along form EAF shall be submitted prior to Final
16 Site Plan Approval.

17 28. Provided calculations in the geotechnical report
18 using the stable angle of repose as required by the
19 Town's EPOD requirements.

20 29. The proposed sanitary sewer main shall be
21 designed and installed in accordance with the Town of
22 Brighton minimum specifications and requirements for
23 dedication. The sewer dedication process shall be
24 completed subsequent to the installation of the sewer
25 and final inspection by the Town of Brighton Sewer

1 District.

2 30. Revise documentation to reconcile the difference
3 in sewer lateral number and arraignment between plans
4 and submitted engineering and geotechnical reports.

5 The reports show two laterals going to the northern
6 property and the plans show none.

7 31. The project design professionals shall review and
8 incorporate the recommendations set forth in the
9 Geotechnical Report completed by Glynn Group dated
10 January 13, 2022.

11 32. A letter or memo in response to all Planning
12 Board comments and conditions shall be submitted to
13 the Town before final approval.

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

15 MR. OSOWSKI: Do we need to add that 33rd
16 for ARB? Is that the place to do it now?

17 MR. FADER: Yup.

18 MR. OSOWSKI: Okay.

19 MR. GORDON: If we could just put that
20 condition on the record so it's clear please.

21 MR. BOEHNER: Jeff, could you do that?

22 MR. FRISCH: Yeah. The condition will be
23 ARB approval is required prior to final approval.

24 **Additional condition:**

25 33. ARB approval is required prior to final approval.

1 MR. FADER: I have no problem with that.

2 MR. BABCOCK-STINER: Me either.

3 CHAIRPERSON PRICE: We've made a motion for
4 final approval.

5 MR. BOEHNER: Do you mean final approval
6 before the Commissioner of Public Works signs the
7 plans?

8 MR. FRISCH: Yes.

9 MR. BOEHNER: Can you say that they need to
10 get Architectural Review Board prior to the issuance
11 of the zoning permit. How about that?

12 CHAIRPERSON PRICE: How about that. Who
13 made the motion? David?

14 MR. FADER: Yes.

15 CHAIRPERSON PRICE: You're good with the
16 modified language?

17 MR. FADER: Yes. I have no problem with
18 that.

19 CHAIRPERSON PRICE: And who seconded?

20 MR. BABCOCK-STINER: I did and I'm good with
21 it as well.

22 CHAIRPERSON PRICE: Okay. Thank you. So
23 move and second as amended. Is there any further
24 discussion? All right. Ramsey, please call the roll.

25 MR. BOEHNER: Who seconded? I'm sorry. I

1 didn't get that.

2 CHAIRPERSON PRICE: Jason.

3 MR. BOEHNER: I thought -- oh, it was Jason.

4 Okay. Fader made the motion.

5 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,

6 aye; Mr. Babcock-Stiner, aye; Mr. Osowski,

7 aye; Ms. Ford.)

8 (Upon roll motion approved with
9 conditions.)

10 CHAIRPERSON PRICE: That brings us to our
11 application 12P-NB1-21.

12 **Application 12P-NB1-21**

13 Application of University of Rochester,
14 owner, for Preliminary Site Plan Approval, Preliminary
15 EPOD (woodlot) Permit Approval and Preliminary
16 Conditional Use Permit Approval to construct a 61,000
17 square foot, 3 story building addition to the
18 Laboratory for Laser Energetics and construct an
19 additional 100 parking spaces on property located at
20 250 East River Road. All as described on application
21 and plans on file.

22 MR. BOEHNER: I would suggest that the Board
23 consider closing the public hearing.

24 MR. FADER: Isn't the motion to table?

25 MR. BOEHNER: It's to table, but I think

1 we're done with the hearing. The reason for tabling
2 is to work out the -- it's to work out specific
3 things. I don't think we need to continue the public
4 hearing *per se*, unless you guys want to. It's just a
5 thought.

6 MR. FADER: No. I just wanted to
7 understand.

8 MR. GORDON: I agree with you, Ramsey.

9 CHAIRPERSON PRICE: I'll move to close the
10 public hearing.

11 MS. ALTMAN: I'll second.

12 MR. BOEHNER: We got Price.

13 CHAIRPERSON PRICE: Price and Altman.

14 MR. BOEHNER: We've got Altman. Close the
15 hearing.

16 CHAIRPERSON PRICE: Moved and seconded. Any
17 other discussion on the public hearing? Please call
18 the roll.

19 (Ms. Ford, aye; Mr. Osowski, aye;
20 Mr. Babcock-Stiner, aye; Mr. Fader, aye;
21 Mr. Price, aye; Ms. Altman, aye.)

22 (Upon roll motion passes.)

23 CHAIRPERSON PRICE: Ramsey, at this point
24 are you -- I know the concerns that Ken has on the
25 easement language. I'm feeling more comfortable that

1 those are resolvable on the engineering issue of
2 hydraulics and the water system. Are you comfortable
3 that we're down to details of engineering
4 calculations, that we're talking about that level of
5 detail and not some of the broader land use and site
6 plan issues?

7 MR. BOEHNER: I would agree to that.
8 Those -- why I want to get resolution on those issues
9 is so I can prepare a determination of significance.
10 I would be recommending that a negative declaration be
11 prepared for the action.

12 CHAIRPERSON PRICE: Okay.

13 MR. BOEHNER: Based on the information that
14 they've submitted. Ken can work on conservation
15 easement with Jared. And David Cox can finish up the
16 hydraulic analysis with the Department of Public
17 Works.

18 There are a number of outstanding items that
19 they need to address as part of the site plan. What
20 they could do is address them in their final
21 application and combine preliminary and final
22 together.

23 CHAIRPERSON PRICE: Okay. So --

24 MR. BOEHNER: I think we got the hard stuff
25 and I do have confidence that the rest of it can be

1 worked out between Ken and Jared. We just need to
2 understand what they want to do.

3 CHAIRPERSON PRICE: Yeah.

4 MR. GORDON: If it was just the conservation
5 easement that we needed to work out, there's -- there
6 would be no reason to hold off approval.

7 CHAIRPERSON PRICE: Ken, you froze up.

8 MR. GORDON: -- anything subjected to final
9 approval of the --

10 MR. BOEHNER: We lost you, Ken.

11 CHAIRPERSON PRICE: We lost. You said
12 something brilliant that we need to hear.

13 MR. GORDON: Well, I rather doubt that. Did
14 you hear that?

15 CHAIRPERSON PRICE: Well Ramsey would we be
16 in a position to make a preliminary determination
17 without SEQRA?

18 MR. BOEHNER: No.

19 CHAIRPERSON PRICE: We can't do that. So we
20 need to table.

21 MR. BOEHNER: No. We do need to table to do
22 the determinant of significance and then we're free to
23 start grading approvals. It's really up to the
24 applicant when they want to do -- the next cut off
25 that they could make is for the April Planning Board

1 meeting for the final approval. I'd be glad to talk
2 with David about the process. But I do not have a
3 problem with combining the two together.

4 CHAIRPERSON PRICE: All right.

5 MR. BOEHNER: I think that's the easiest
6 way, but I'll leave that up to David and what he wants
7 to do as the engineer.

8 CHAIRPERSON PRICE: All right. The question
9 of lead agency, is that clarified at this point?

10 MR. BOEHNER: Yes.

11 CHAIRPERSON PRICE: Ramsey, is lead agency
12 established?

13 MR. BOEHNER: I'm sorry. Yes, Bill, it has
14 been. Lead was -- the Planning Board can at the next
15 meeting declare itself lead agency.

16 CHAIRPERSON PRICE: All right. Okay. And
17 knowing that the -- you know, we're really down to
18 getting the -- you know, some of the details on the
19 conservation and the engineering, I feel -- and then
20 we can combine preliminary and final. So we can table
21 this knowing that it will get worked out by the next
22 meeting.

23 MR. BOEHNER: Yeah. I'm feeling pretty
24 comfortable about it.

25 CHAIRPERSON PRICE: Okay.

1 MR. BOEHNER: There's still work to be done,
2 but I think the hardest part -- I needed to make sure
3 you guys were okay. If we're okay, that looks like an
4 acceptable mitigation, then we can move forward with
5 the negative declaration is my recommendation.

6 CHAIRPERSON PRICE: All right.

7 MR. BOEHNER: And I will prepare the --

8 CHAIRPERSON PRICE: Could you -- yeah.
9 Thank you. All right. Then I would make a motion to
10 table Application 12P-NB1-21. And I'm not looking at
11 the conditions Ramsey, but can you tell me how many
12 conditions for this?

13 MR. BOEHNER: Yes, Bill, there is seven
14 items that we'd like to have addressed.

15 CHAIRPERSON PRICE: Okay. Yeah. Table
16 based --

17 MR. BOEHNER: Based on the seven items.

18 CHAIRPERSON PRICE: Tabled for application
19 information for the seven items mentioned by the Town
20 staff.

21 **Items to address:**

22 1. The submitted plans are incomplete and do not
23 contain sufficient information for the Town to perform
24 a thorough review of the proposed development.

25 Additional comments will be developed as the plans

1 progress and more detailed information on the proposed
2 development is provided.

3 2. The proposed conservation easement maps and
4 descriptions. Staff will review the provided maps and
5 description for adequacy and closure. Additionally,
6 the Town Attorney must review the proposed easement
7 language.

8 3. The proposed building and site plan must comply
9 with the New York State Fire Code and the Town of
10 Brighton on Fire Prevention and Building Construction
11 code. The Town of Brighton Fire Marshal must review
12 the fire apparatus access and fire hydrant locations.
13 The applicant must contact the Fire Marshal for any
14 outstanding comments.

15 4. An updated hydraulic model based on the Town
16 Engineer comments must be submitted for review. The
17 review of the proposed water distribution system
18 cannot be completed until this information is
19 provided.

20 5. The Executive Secretary shall prepare a
21 Determination of Significance pursuant to SEQRA for
22 consideration by the Planning Board at its March
23 meeting.

24 6. The requested information is required to be
25 submitted no later than two weeks prior to the next

1 Planning Board meeting.

2 7. The applicant should review the "Laser Lab
3 Development Plan (2021)" with the Town of Brighton
4 Fire Marshal to confirm the requirements of the fire
5 apparatus access roads for future phases.

6 CHAIRPERSON PRICE: Do we have a second?

7 MR. FADER: I'll second.

8 CHAIRPERSON PRICE: That's Fader. Okay. We
9 were moved and seconded. Any further discussion on
10 tabling the University's application? Okay. Please
11 call the roll.

12 MR. BOEHNER: Last thing, David, if you need
13 help with the Fire Marshal, contacting him, let me
14 know because we do need to make sure you have the fire
15 access. That's the last thing. Okay. You ready?

16 CHAIRPERSON PRICE: Ready.

17 (Ms. Ford, aye; Mr. Osowski, aye;

18 Mr. Babcock-Stiner, aye; Mr. Fader, aye;

19 Mr. Price, aye; Ms. Altman, aye.)

20 (Upon roll motion passes.

21 CHAIRPERSON PRICE: All right. Thank you.
22 Does that wrap everything up except for signs, Ramsey?

23 MR. BOEHNER: I would say so.

24 CHAIRPERSON PRICE: All right. Let's --
25 Jeff you're on.

1 MR. BOEHNER: Brendan, if you can get up the
2 signs.

3 Signs:

4 1636 ATAX, 1707 Crittenden Road, for a building
5 face sign

6 1635 Whole Food Market, 1740 Monroe Avenue, for a
7 free standing sign

13 CHAIRPERSON PRICE: And that -- this
14 additional information, ARB did recommend approval?

15 MR. FRISCH: They did.

16 CHAIRPERSON PRICE: Okay. All in -- I'm
17 sorry. I make a motion to approve as recommended by
18 ARB.

19 MR. FADER: I'll second that.

20 CHAIRPERSON PRICE: All right. Fader
21 seconded.

22 MR. FRISCH: Yup. Noted.

23 CHAIRPERSON PRICE: Call the roll, Jeff.

24 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
25 aye; Mr. Babcock-Stiner, aye; Mr. Osowski,

1 aye; Ms. Ford, aye.)

2 (Upon roll motion to approve passes.)

3 MR. FRISCH: The next sign is sign 1636,
4 that's at 1707 Crittenden Road. It's for ATAX. It's
5 a final sign to replace the existing box. It was
6 approved -- it was approved as is by the Architectural
7 Review Board.

8 CHAIRPERSON PRICE: Okay. That's -- Jeff,
9 that's in the box that's already there?

10 MR. FRISCH: Yup. Just a new final design
11 that's going in the box.

12 CHAIRPERSON PRICE: All right. I make a
13 motion to approve as approved by ARB.

14 MR. FADER: I'll second that.

15 MR. FRISCH: Fader second.

16 CHAIRPERSON PRICE: Okay. Please call the
17 roll, Jeff.

18 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
19 aye; Mr. Babcock-Stiner, aye; Mr. Osowski,
20 aye; Ms. Ford, aye.)

21 (Upon roll motion to approve passes.)

22 CHAIRPERSON PRICE: All right. I believe
23 that concludes our agenda for the evening. We will --

24 MR. BOEHNER: Everyone, thank you.

25 (Proceedings concluded at 9:33 p.m.)

1

* * *

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

12 Dated this 16th day of February, 2022
13 at Rochester, New York.

14

15

16

17

18

19

20

21

22

23

24

25



Holly E. Castleman,
Notary Public.