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**BRIGHTON**

**PLANNING**

**BOARD**

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July 20, 2022  
At approximately 7 p.m.  
Brighton Town Hall Zoom Meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

JEFF FRISCH, TOWN PLANNER

WILLIAM PRICE, CHAIRPERSON

JOHN OSOWSKI	)	BOARD MEMBERS
JULIE FORD	)	
KAREN ALTMAN	)	
JASON BABCOCK-STINER	)	

KENNETH GORDON, ESQ.  
Town Attorney

BRENDAN RYAN

Absent: DAVID FADER

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

1 CHAIRPERSON PRICE: Good evening, everyone.  
2 Welcome to the July 20th, 2022, meeting of the Town of  
3 Brighton Planning Board. My apologies for the delay  
4 in starting this evening's meeting. We just had some  
5 conversations about the agenda, which we will bring up  
6 shortly.

7 Just want you to know that tonight's meeting  
8 is, of course, once again, virtual. That is a result  
9 of the Governor's Executive Order. And until that has  
10 been changed or modified in some way, we will continue  
11 to meet virtually and hope that by August or September  
12 we can meet back in person again.

13 At this time I'd like the secretary, Jeff,  
14 if you could call the roll tonight please.

15 (Whereupon the roll was called.)

16 MR. FRISCH: Ford is not --

17 MR. GORDON: We are expecting Member Ford.  
18 And she may be joining the meeting in progress. But  
19 we can get going.

20 Just before we do get going though, Bill,  
21 perhaps you were going to make this announcement, I'm  
22 just going to make a request that anyone who's on the  
23 call, please turn off your video until it is time for  
24 you to speak. It just helps us keep the Zoom meeting  
25 better organized if your videos are off because that

1 way you're not jumping to the top of the screen.

2 So if you would, so we don't have to force  
3 off your video, if you would turn it off yourself  
4 because we don't want to have to. Thank you so much.

5 CHAIRPERSON PRICE: Okay. Thanks. All  
6 right. At this point we have called the roll and we  
7 would like to do our agenda review with staff and  
8 members of the -- members of the Board.

9 John, do you want to start with a motion on  
10 an agenda modification?

11 MR. OSOWSKI: Yes. Thanks for asking. I  
12 would like to make a motion to amend the agenda to  
13 move item 5P-02-22 the Talmudical Institute and the  
14 Montessori School to the end of the public hearing and  
15 also to move 5P-NB1-22, the Talmudical Institute item  
16 to the end of the public hearing also.

17 CHAIRPERSON PRICE: Okay. John, you wanted  
18 to -- I will recuse myself from those applications  
19 when they are heard. But I believe you wanted to hear  
20 those at the same time; is that correct?

21 MR. OSOWSKI: Yes. That's right. And at  
22 that time we would combine those two items for the  
23 public hearing and public comments. Thanks, Bill.

24 CHAIRPERSON PRICE: Okay. All right. There  
25 is a motion. Do we have a second --

1 MS. ALTMAN: I'll second.

2 CHAIRPERSON PRICE: -- to amend the -- thank  
3 you, Karen.

4 This is to amend the agenda for tonight's  
5 meeting. Any further discussion? Okay. I think with  
6 this we can do fairly informal. All in favor?

7 ALL BOARD MEMBERS: Aye.

8 CHAIRPERSON PRICE: Any opposed? Okay.

9 All right. Jeff, do you want to walk us  
10 through kind of the agenda tonight? I don't know that  
11 you need to do it in order as it is on the agenda  
12 rather than by the modification we just made.

13 MR. FRISCH: Okay. I'll do it in order with  
14 the modifications. So we can keep that in order.

15 CHAIRPERSON PRICE: Okay.

16 MR. FRISCH: 6P-03-22, the application of  
17 Birnbaum Companies at 150 Metro Park for the addition  
18 on their building.

19 They did adjourn to the August meeting. So  
20 they adjourned. They will not be here this month.

21 7P-01-22, application of Norland Associates,  
22 and Evolve Additive Solutions, Inc, for a conditional  
23 use permit for a research and development facility and  
24 warehousing for plastic components manufacturing at 3  
25 Townline Circle. In regards to their application,

1 everything looks like it's in order. I have a few  
2 questions in regards to the conditional use permit  
3 that we'd like to get some answers to.

4 Does anyone have any questions with that  
5 one?

6 CHAIRPERSON PRICE: I don't.

7 MR. FRISCH: 7P-02-22, Application of Winton  
8 Associates, LLC, and Jason Rheinwald for Fox's Deli  
9 for a conditional use permit allowing outdoor dining  
10 in association with the existing restaurant at 3450  
11 Winton Place. That one is fairly simple. There's  
12 only three tables and two chairs on the sidewalk. And  
13 the seating area will be away from the main  
14 thoroughfare.

15 Any questions on that one?

16 CHAIRPERSON PRICE: Not a question, but a --  
17 I guess a comment for Jeff and Ken. Our firm is  
18 involved with Winton Acquisitions, LLC. We received  
19 site plan approval, but -- and that particular  
20 involvement is over. But there is a application in  
21 for a sign on the project that we helped prepare.

22 MR. GORDON: Who is the applicant for the  
23 outdoor seating?

24 CHAIRPERSON PRICE: It is -- it does say  
25 application of Winton Acquisitions LLC and Jason

1 Rheinwald, Fox's Deli.

2 MR. FRISCH: On the application, the  
3 application is Rheinwald.

4 CHAIRPERSON PRICE: Okay. So --

5 MR. GORDON: So as long as the LLC is not on  
6 the application, I'm fine with you sitting in on that,  
7 Bill. Otherwise it falls under the same category as  
8 the Talmudical Institute.

9 CHAIRPERSON PRICE: Understood.

10 MR. GORDON: Yup.

11 MR. FRISCH: The SEQRA on the application  
12 were filled out by Jason Rheinwald.

13 MR. GORDON: Gotcha. So I think we're okay.

14 CHAIRPERSON PRICE: Thank you.

15 MR. FRISCH: The next application is  
16 7P-03-22, application of Chris Sardone, owner, and  
17 Generator Supercenter of Upstate New York for site  
18 plan modification to install a 27 kilowatt standby  
19 generator in the side yard at the property at 115  
20 Metro Park.

21 There's a lot of room between this not --  
22 they're not able to put it in their rear yard because  
23 of some other site circumstances, which they'll be  
24 able to attest to. There isn't -- there's a lot of  
25 room between them and the neighboring building.

1           The only thing that really came up was that  
2 the Conservation Board recommended some sort of  
3 screening and landscape for the generator that's on  
4 the site.

5           There are a lot of other utility components  
6 in that area. So I think some of the questions we can  
7 ask will -- if it will interfere with any of the  
8 existing utilities.

9           CHAIRPERSON PRICE: Okay. Any questions?  
10 No. Thank you.

11           MR. FRISCH: Next is 7P-04-22, application  
12 of Mt. Read Emerson Street Properties, LLC and Herc  
13 Rentals for a conditional use permit approval to allow  
14 for a construction equipment rental facility on 1220  
15 Brighton Henrietta Town Line Road.

16           A few things on this application. We -- a  
17 lot the -- some of the drawings are hard to read and  
18 almost illegible. And there's a few things on the  
19 site. The -- where they're proposing storage of some  
20 of the equipment, it looks like it's only taking up a  
21 small portion of the site, which I think is not as  
22 intended.

23           And they're looking to install a fence. And  
24 I looked at other current properties. And they  
25 proposed an unscreened fence with barbed wire on top,

1       which is something that is not allowed by Brighton  
2       code. For our conditional use of outside storage,  
3       it's required to be a solid fence. So that's some of  
4       the information I'd like to get cleared up from them.

5               MR. OSOWSKI: Also, thanks, I noticed in  
6       that Power Point that they attached, they mentioned  
7       24-hour a day, 7-day a week operation.

8               MS. ALTMAN: Right.

9               MR. OSOWSKI: Yeah. I really doubt that  
10       that's what they intend to do. I don't know. Maybe  
11       they do that in other locations. But kind of seems  
12       like overkill to me for renting construction  
13       equipment. You know, unless there's some emergency  
14       that comes up and they, you know, open up on an  
15       emergency basis for a client that calls somebody.

16               But anyway we can straighten that out when  
17       they talk to us.

18               MR. FRISCH: Yeah. There's another -- in a  
19       different place on the application it --

20               MS. ALTMAN: Different hours.

21               MR. FRISCH: Yeah. It said 8 to 5. We can  
22       ask them and make -- get a good answer from them. Any  
23       other questions on that one?

24               CHAIRPERSON PRICE: No.

25               MR. FRISCH: The next one on the agenda



1 would be 10P-NB1-21, which is for the Quicklee's --  
2 for the Quicklee's, owner, for preliminary subdivision  
3 approval, site plan approval and demolition review for  
4 the -- to raze two buildings and construct a gas  
5 station and island at 1950-1965 Monroe Ave.

6 That one was adjourned by the applicant to  
7 the August meeting.

8 The other one on the agenda is 5P-NB2-22,  
9 the application of Bristol Valley Homes, LLC, and  
10 PEMM, LLC, for a Quicklee's at the 3108 East Ave  
11 location. That's for a preliminary site plan approval  
12 for -- to build a gas canopy and renovate the existing  
13 building on-site.

14 And that was also adjourned by the applicant  
15 to the August meeting.

16 And the next one that will be heard is  
17 5P-NB2-22, the application of Talmudical Institute of  
18 Upstate New York and Brighton Central School District  
19 for a conditional use permit approval to allow  
20 Montessori School of Rochester to be located at 220  
21 Idlewood Road.

22 That application, I think that there's -- as  
23 far as a conditional use, it's in good shape. There  
24 are questions regarding the traffic and impact on the  
25 traffic in the neighborhood. There's been a number of

1 items submitted by the applicant to try to clear up  
2 that and show there's no impact, but as we know,  
3 there's a lot of comments from residents regarding  
4 that. That's kind of the main issue for that.

5 And related to that application, there's  
6 5P-NB1-22 for the Talmudical Institute and Brighton  
7 Central School District for preliminary site plan  
8 approval, preliminary EPOD permit approval and  
9 preliminary conditional use permit approval for the  
10 construction of a 20,000 square foot building addition  
11 to repurpose the former Brookside School.

12 That one, there's a few outstanding items  
13 when speaking with staff that we would like to have  
14 before we make a SEQRA determination. So -- but a lot  
15 of the other parts of the application are in pretty  
16 good order.

17 So we won't be able to get a preliminary  
18 site plan approval at this point, but I know the  
19 questions of staff. The application looks good enough  
20 to possibly do a preliminary/final in the future, if  
21 the Board would be okay with that.

22 There are concerns on this application  
23 similarly to the Montessori School regarding the  
24 closure of the entrance and the traffic, along with  
25 public access to the property. Again, they've -- the

1 applicant has submitted some information regarding  
2 both of those -- both of those facts.

3 And in this instance the -- all of the  
4 traffic generated for the conditional use permit for  
5 the Montessori School is what -- all the traffic  
6 that's on the Idlewood Road is from the Montessori  
7 School so the impact of the traffic is related to the  
8 conditional permit at the Montessori School and less  
9 so with the -- with the application of the Talmudical  
10 Institute.

11 They're related. It's hard to pick them  
12 apart. But I think the traffic issue is related more  
13 to the Montessori School.

14 Anybody have questions about those  
15 applications? Okay.

16 And then there is at -- that's the last of  
17 the public hearings. Then we have a concept review  
18 for 7P-NB1-22, application of Kim Bailey, Stahl  
19 Properties, for a concept review to raze an existing  
20 single-family dwelling and construct 4,435 plus or  
21 minus square foot dwelling and attached garage located  
22 on Elmwood Hill Lane.

23 Just a concept review, but we did find -- in  
24 additional meetings we did find some issues regarding  
25 the sanitary sewer. It seems to be a private sewer

1 that's connected to several houses, which is not  
2 permitted in the Town. So we are working with them to  
3 figure out a solution to that and get that worked out.

4 CHAIRPERSON PRICE: Okay. All right. So  
5 we'll have a concept presentation for that. All  
6 right. And what is -- this is -- this is coming to us  
7 for concept because this requires site plan approval?

8 MR. FRISCH: Yeah. They're demoing an  
9 existing home and building a new home. And they  
10 wanted to come in for a concept review with the  
11 Planning Board.

12 CHAIRPERSON PRICE: I see. All right. And  
13 what do we got in the way of signs tonight?

14 MR. FRISCH: There are six signs.

15 CHAIRPERSON PRICE: Okay. All right. Board  
16 members have questions, comments, need for additional  
17 information? All right.

18 So based on our modified agenda -- actually  
19 I do have to step back and let's go back to our agenda  
20 quickly. I don't -- I'd like to look for approval of  
21 the June 15th meeting minutes. I don't recall  
22 receiving the May 18th meeting minutes. So I'd like  
23 to see if there's a motion to approve the June 18th --  
24 I'm sorry. The June 15th meeting minutes.

25 MR. FRISCH: Karen wasn't there. So I don't

1 know if we have a quorum to do that.

2 CHAIRPERSON PRICE: That is true. She was  
3 not there.

4 MR. BABCOCK-STIENER: Yeah. I wasn't here.

5 CHAIRPERSON PRICE: You weren't in June  
6 either.

7 MR. BABCOCK-STIENER: Nope.

8 CHAIRPERSON PRICE: Okay. We will leave  
9 meeting minutes to another meeting.

10 Jeff, we'll proceed now with the public  
11 hearings. Could you confirm that the public hearings  
12 have been properly advertised for tonight's meeting?

13 MR. FRISCH: The public hearing was  
14 advertised for the Planning Board in the Daily Record  
15 of July 14th, 2022.

16 CHAIRPERSON PRICE: Okay. So based on our  
17 modified agenda, I would like to -- ask -- call for  
18 application 7P-01-22.

19 **Application 7P-01-22**

20 Application of Norland Associates, LLC,  
21 owner, and Evolve Additive Solutions, Inc. Lessee, for  
22 Conditional Use Permit Approval to allow for a  
23 Research and Development facility with warehousing for  
24 the plastic components manufacturing industry on  
25 property located at 3 Townline Circle. All as

1 described on application and plans on file.

2 CHAIRPERSON PRICE: Is there someone here  
3 tonight representing the applicant.

4 MR. STUCKEY: Yes, sir. I'm Aaron Stuckey,  
5 representing Evolve Additive Solutions tonight.

6 CHAIRPERSON PRICE: All right. How're you?

7 MR. STUCKEY: Doing well.

8 CHAIRPERSON PRICE: Great. Aaron, we just  
9 kind of ask you to -- with a conditional use permit we  
10 typically ask you to walk through your operations.  
11 Talk about operations, talk about materials, talk  
12 about how materials are delivered to the site, how  
13 they're stored on site, any waste that's removed.

14 We're generally looking for an understanding  
15 of the operation and how it might affect neighbors or,  
16 you know, folks who are working there. And appreciate  
17 a little background on that.

18 MR. STUCKEY: Certainly. I do have a short  
19 presentation showing kind of some of the -- you know,  
20 things like the parking and things of that nature if  
21 you'd like me to share that. Otherwise I can just  
22 speak to the -- I guess this is the site plan high  
23 level here in front of us. But I'll leave that choice  
24 up to you.

25 CHAIRPERSON PRICE: We will -- let us see if

1 we have that capability. Brendan or Jeff, can we  
2 allow an applicant to share screen?

3 MR. FRISCH: We usually don't. We like to  
4 go with the submitted materials.

5 MR. STUCKEY: Okay. That's fine. I can  
6 explain relative to the submitted materials.

7 CHAIRPERSON PRICE: Thank you.

8 MR. STUCKEY: Of course. So let me start  
9 out giving a brief piece of information about Evolve  
10 Additive Solutions.

11 We are a company that develops equipment for  
12 the plastic components and manufacturing industry. So  
13 in simpler terms, we're a company that makes a 3D  
14 printer.

15 And here in Rochester we have a research and  
16 development facility. That facility is currently  
17 housed. We lease space 285 Metro Park, probably -- I  
18 think it's about a quarter mile east of this 3  
19 Townline Circle.

20 And this site that we're talking about is  
21 going to serve as an expansion of our R and D  
22 facility, concentrating in materials physics and  
23 chemistry. And our planned use for this space, the  
24 6,000 square feet, as you can see on the screen there,  
25 is to be primarily warehousing and some dry lab space.

1           So at this point in time we expect to have  
2           about a maximum -- a maximum of ten employees there in  
3           the space between the hours of 7 a.m. and 5 p.m., with  
4           the opportunity that we may have infrequent visitors  
5           coming through to see the laboratory space. You know,  
6           if the CEO wants to bring in some company to show, you  
7           know, how we do things and things of that nature. Our  
8           operations would in general be Monday through Friday,  
9           again, at that 7 a.m. to 5 p.m. kind of time frame.

10           So looking at that 6,000 square feet, our  
11           expectation is to utilize 2,000 square feet of it for  
12           warehousing, kind of towards the back of the space as  
13           shown here. So that would be the upper section of  
14           that drawing that's currently on the screen.

15           We would also use approximately 2,000 square  
16           feet for laboratory space. And this would be the dry  
17           laboratory space. So running -- we call them life  
18           test fixtures. So running to see how the equipment  
19           performs over time.

20           And the remaining space, kind of closer to  
21           the bottom of the drawing as shown on the screen in  
22           front of the building, would be utilized for office  
23           and conference rooms for the people who would be  
24           operating the laboratory equipment and then also  
25           working back in the laboratory space.



1           So our expectation would be for a 2,000  
2 square foot laboratory that you would need about --  
3 oh, yes. There's the rough layout for how we'd be  
4 laying out the space itself inside of that  
5 6,000-square foot footprint.

6           So in terms of the parking with the  
7 warehousing, we would need -- based on the size of the  
8 warehouse and, you know, one person really working  
9 back in there right now, it's kind of off and on.  
10 That would be one, maybe two parking spaces. And the  
11 office space, I believe 2,000 -- approximately  
12 2,000-square feet works out to about eight parking  
13 spaces for that section. And the remaining 2,000  
14 space of laboratory space would be -- I think it's  
15 seven parking spaces based on the Brighton Town Code  
16 2005-12, which is -- sorry. 350 square feet per --  
17 sorry. One parking space for 350 square feet. Got  
18 that backwards in my head. Sorry.

19           So looking at the site plan itself, if you'd  
20 be willing to roll back up, we can look at the total  
21 parking spaces around there. In the site between the  
22 two buildings there at the Townline Circle -- the two  
23 buildings, it's a total of -- looking at my other  
24 screen to double check my numbers -- 222 parking  
25 spaces around the two buildings, approximately 77 of

1 which are actually around building number 3, which our  
2 space would be part of.

3 In terms of how we would be looking at  
4 deliveries and freight operations, right -- the  
5 existing trucking route for freight, if we're  
6 receiving toner materials in a tractor trailer  
7 freight-type truck, the existing truck route for these  
8 buildings actually goes around the north side --  
9 trying to look at that. The north side of building  
10 two and circles around behind the existing building,  
11 building three, and comes back around towards Townline  
12 Circle.

13 So we would be expecting that all of the  
14 freight would be following that path as well simply  
15 because between the two buildings, it's very difficult  
16 for semis to make a turn. So we're -- we've talked  
17 with the landlords and he's pointed out that's the  
18 existing truck route. And we would be expecting our  
19 freight to follow that same route.

20 At this point in time we would also --  
21 there's a potential that we would have UPS or FedEx  
22 and postal deliveries from time to time. And those  
23 would either be coming back to the front door  
24 depending on how FedEx comes in or possibly to the  
25 back to the -- there's kind of a loading dock area at

1 the backside of the building. That would be the  
2 western side of the building.

3 And if you want to scroll back up the site  
4 plan, I think it might be helpful for people to see  
5 kind of the general description there. So, yes. In  
6 the terms of the truck route it would be going around  
7 off of the Townline Circle Road and up the backside of  
8 building two, which is the right-hand side of that  
9 site plan, kind of up to the top of the site plan,  
10 around the top. And then you'd be able to back a semi  
11 into the loading dock that is kind of at the western  
12 edge of our site, the top as shown here in the site  
13 plan drawing.

14 In terms of, you know, one of the other  
15 questions I think you had also was looking at trash  
16 generation. At this point in time what we would be  
17 expecting to be producing as trash generation would be  
18 standard office trash and then potentially dry  
19 toner-type materials.

20 Those actually we dispose of using  
21 Safety-Kleen. That's our vendor for the removal of  
22 wet and dry materials at 285 Metro park. And we  
23 expect to use them for removing materials from the  
24 back of the building and the loading dock there as  
25 well for the dry materials that we would be generating

1 in this proposed use.

2 No unusual solid or liquid materials would  
3 be introduced into the sanitary sewers. And we have  
4 no plans for any special events to be held at the  
5 site. It's primarily warehousing and a laboratory  
6 space.

7 So I think that covers things. But if you  
8 have questions, please, I would be quite happy to  
9 answer them for you.

10 CHAIRPERSON PRICE: Aaron, is that loading  
11 dock there you mentioned, is that existing?

12 MR. STUCKEY: Yes. It is an existing  
13 loading dock. I think there may be some need to work  
14 on the height of it. But it is an existing loading  
15 dock that's already there from the previous occupant.

16 CHAIRPERSON PRICE: Okay. And, Jeff, you  
17 didn't see any part of this application that required  
18 anything more than a building permit with regard to  
19 site plan or site plan approval?

20 MR. FRISCH: No. They might -- I mean, if  
21 they have a sign, they're going to need a sign  
22 approval.

23 CHAIRPERSON PRICE: Sure.

24 MR. FRISCH: But besides that, I don't see  
25 anything.

1 CHAIRPERSON PRICE: Okay. All right. I --  
2 so as far as operations, hours of operations, parking,  
3 truck access, I guess you've covered it.

4 Maybe the only other thing is there any  
5 exhaust? I saw on that second slide that there was  
6 hood -- I believe hoods. Does anything exhaust  
7 outside or is that just -- I saw something --

8 MR. STUCKEY: Yes. So the hoods would  
9 actually be for the -- the best way to describe it is  
10 kind of a toner, similar to what you would have in a  
11 printer.

12 So that would actually be filtered. So it's  
13 not actually leaving the building. It's more just to  
14 have a space for our people to work so that they're  
15 not making a large mess of all the laboratory space  
16 when they still -- or if they would happen to drop a  
17 toner cartridge on the floor, much like what happened  
18 the last time I tried to load a cartridge in my  
19 printer here at home.

20 CHAIRPERSON PRICE: Understood. Okay.  
21 Thank you.

22 MR. GORDON: Bill, if I could just briefly  
23 interrupt and note for the record the Member Ford has  
24 now joined the meeting and is present and  
25 participating.

1 CHAIRPERSON PRICE: Thank you.

2 Does the Board have any other questions for  
3 Aaron?

4 MR. OSOWSKI: Hi, this is John. I have a  
5 question. Are there any concerns with the  
6 compatibility with any of the other tenants? Are they  
7 okay with you all being there and are you all okay  
8 with the other tenants being where they're located in  
9 that same building?

10 MR. STUCKEY: We have no concerns with the  
11 other tenants in the building, either building three  
12 or building two at this time. Right now actually  
13 building three has a large number of vacancies with  
14 Landsman being their -- their offices kind of at the  
15 other end of the building from us. And there's not a  
16 lot of other tenants in the space right now. So no  
17 real concerns for us that I'm aware of with the other  
18 tenants.

19 MR. OSOWSKI: Very good. Thank you.

20 MR. STUCKEY: You're welcome.

21 CHAIRPERSON PRICE: Any other questions?

22 MS. ALTMAN: I was interested in knowing a  
23 little more about the type of employees that work  
24 there. Obviously there's some office staff. Are the  
25 rest of the employees of the ten people there, are

1     they all scientific lab workers or what are the jobs  
2     being done there and what kind of workers do you  
3     employ?

4             MR. STUCKEY:  Yes.  The majority of the  
5     workers would be kind of a -- more of a research  
6     scientist type of position and also some technicians  
7     who would be there operating the fixtures within our  
8     laboratory space.

9             Let me -- kind of running through the  
10    numbers in my head, I think it's approximately three  
11    or four technicians and then also three or four  
12    laboratory scientists and then one person who works as  
13    technician and, you know, also would be covering the  
14    warehousing area.

15            So kind of bachelors seeking scientist  
16    people and one or two people who would need more  
17    advanced degrees and that type of nature.

18            MS. ALTMAN:  Okay.  Thank you.

19            MR. STUCKEY:  You're welcome.

20            CHAIRPERSON PRICE:  Jason, you have any  
21    questions?

22            MR. BABCOCK-STIENER:  Yeah.  I missed --  
23    (microphone difficulty.)

24            MR. STUCKEY:  I believe so.  I believe the  
25    question was if there's any unusual solid or other

1 waste being disposed of down the drain? And in this  
2 case -- sorry -- for this space we have no plans to do  
3 that. We utilize Safety-Kleen to remove any materials  
4 that we'd be generating other than general office  
5 trash, which would be able to go out in the standard  
6 trash.

7 Did that answer your question?

8 MR. BABCOCK-STIENER: It did. Thank you.

9 MR. STUCKEY: You're welcome.

10 CHAIRPERSON PRICE: Okay. Julie, how about  
11 yourself? Were you able to join in time to hear  
12 Aaron's presentation?

13 MS. FORD: I did. And my apologies for this  
14 snafu once again.

15 CHAIRPERSON PRICE: All right. You're good?  
16 Okay. Great.

17 Ken, do you have any comments or questions?

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

19 MR. FRISCH: I just have a couple questions.

20 CHAIRPERSON PRICE: All right.

21 MR. FRISCH: Have you had any contact with  
22 the Fire Marshal about what approvals or what you  
23 would need for the building?

24 MR. STUCKEY: I believe there has been some  
25 contact. And I believe the -- really tracking to be



1 the same is what we would be needed or what we have  
2 needed at 285 Metro Parkway. But we'll also continue  
3 that, Jeff, as we -- you know, as we look at what's  
4 going into the building moving forward with that.

5 MR. FRISCH: You won't have any problems  
6 meeting the standards?

7 MR. STUCKEY: I do not expect to have any  
8 problems meeting those standards.

9 MR. FRISCH: Okay. And will anything be  
10 stored outside of the building?

11 MR. STUCKEY: No. Not -- we have no plans  
12 to store any materials or anything outside the  
13 building at this time.

14 MR. FRISCH: Okay. Those are my questions.

15 CHAIRPERSON PRICE: Okay. Thanks, Jeff.  
16 All right. This is the public hearing. Is there  
17 anyone in the audience that cares to address this  
18 application?

19 Jeff or Brendan, let us know if there's  
20 anybody out there. If you are interested, there's a  
21 raise hand feature.

22 MR. RYAN: I'm not seeing anyone.

23 CHAIRPERSON PRICE: Okay. If you don't have  
24 that feature depending on the device you're watching  
25 on, just wave your arms around frantically and we'll

1 find you.

2 MR. FRISCH: I don't see anyone either,  
3 Bill.

4 CHAIRPERSON PRICE: All right. Okay. Thank  
5 you, Aaron. Appreciate it.

6 At this point we're going to move on in the  
7 agenda. Our next application is 7P-02-22.

8 **Application 7P-02-22**

9 Application of Winton Acquisitions, LLC,  
10 owner, and Jason Rheinwald, Fox's Deli, lessee, for  
11 Conditional Use Permit Approval to allow for outdoor  
12 dining in association with an existing restaurant on  
13 property located at 3450 Winton Place. All as  
14 described in application and plans in file.

15 CHAIRPERSON PRICE: Jason? Is Jason here or  
16 somebody representing Fox's Deli?

17 MR. RHEINWALD: Yup. I'm here.

18 CHAIRPERSON PRICE: Good evening.

19 MR. RHEINWALD: Hi. How are you?

20 CHAIRPERSON PRICE: Well. Thank you.

21 Again, yours is a conditional use application. We  
22 would like to know a little bit about the operation  
23 and what you're proposing, similar to our last  
24 application.

25 MR. RHEINWALD: Yeah. Sure. So this is

1 Fox's Deli over in Winton Plaza. We are looking to  
2 put three small tables outside of the restaurant.  
3 Each morning we'll put them out front; each day when  
4 we close, we'll put them back inside. It's just to  
5 allow some of our guests to take their meals and eat  
6 them outside.

7 Fox's Deli has been around in that building  
8 since 1975. So nothing else is really changing. Just  
9 trying to add a couple tables outside.

10 CHAIRPERSON PRICE: Jason, when would that  
11 be? That would be for -- are you open for dinner? Is  
12 this for --

13 MR. RHEINWALD: No, sir. We're open just  
14 for lunch right now. So 11 a.m. to 3 p.m., Monday  
15 through Saturday.

16 CHAIRPERSON PRICE: Okay. And that would be  
17 the same time as -- that you would ask for the outdoor  
18 seating?

19 MR. RHEINWALD: Yes, sir. They'd  
20 probably -- they'd probably be out there 15 minutes  
21 before we open, so like between 10:30, 10:45 in the  
22 morning just to get set up. And then it would be  
23 broken down no later than 3:15, 3:30 as we close the  
24 restaurant down.

25 CHAIRPERSON PRICE: This doesn't seem like a

1 substantial increase in your -- in your seating  
2 capacity. You're not anticipating an influx or need  
3 for additional employees or you're able to do this  
4 with existing staff?

5 MR. RHEINWALD: Yes, sir. Yup.

6 CHAIRPERSON PRICE: Okay. And could you  
7 just tell us a little bit about the way that the food  
8 is served? Does someone bring it out to them?

9 And I think what we're trying to also know  
10 is -- you know, is it served on paper products or on  
11 kind of a china product that -- we just want to kind  
12 of assess how much potential debris is outside.

13 MR. RHEINWALD: Yup. I understand. So the  
14 plan for right now is to serve it all on paper  
15 products. So this would be more of a place for a  
16 guest taking food to go, to sit outside and enjoy it.

17 We don't plan to serve any food on china out  
18 there right now just given the basic layout of the  
19 restaurant. It doesn't make -- it wouldn't be easy  
20 for us to do that. We decided to take the easy route  
21 and just -- really just provide an amenity for our  
22 guests to sit outside in the beautiful weather and  
23 just enjoy a Reuben or Matzah ball soup while they're  
24 outside.

25 CHAIRPERSON PRICE: Okay. And Brendan, do

1     you mind scrolling to that sketch that -- of the  
2     front?

3                 So is one of those referencing a -- say a  
4     trash can?

5                 MR. RHEINWALD: Yes.

6                 CHAIRPERSON PRICE: It does say that. Okay.  
7     Yes.

8                 MR. RHEINWALD: Yeah.

9                 CHAIRPERSON PRICE: All right. Okay. So --

10                MR. RHEINWALD: That will be the one that we  
11     provide for outside. There is an additional trash can  
12     that the plaza provides that would be to the right.

13                So there's plenty of trash receptacles out  
14     there that there wouldn't be a mess. We do plan on  
15     having somebody circle out there every 10, 15 minutes,  
16     depending on how busy it is, to make sure the trash is  
17     picked up and we stay presentable to the public.

18                CHAIRPERSON PRICE: Okay. No other lighting  
19     or signage is necessary? This is just supplementing  
20     what you already got?

21                MR. RHEINWALD: Yup. Exactly. Just trying  
22     to take advantage of this beautiful weather in the  
23     summer.

24                CHAIRPERSON PRICE: All right. Those are my  
25     questions. Board members have questions for Jason?

1 MS. FORD: No.

2 CHAIRPERSON PRICE: That's Julie. John?

3 MR. OSOWSKI: Yeah. Just one question,  
4 Jeff, do you anticipate maybe putting -- having  
5 bollards with the strap running along the top to kind  
6 of demarcate your tables from the rest of the sidewalk  
7 or don't you feel maybe that's not necessary?

8 MR. RHEINWALD: I'm sorry. I don't think I  
9 follow.

10 MR. OSOWSKI: Sometimes, like on outdoor  
11 tables on Park Avenue, the restaurants will put up  
12 bollards with those stretchy straps to go between them  
13 to kind of segregate their tables from the rest of the  
14 sidewalk.

15 MR. RHEINWALD: I got you.

16 MR. OSOWSKI: Do you anticipate doing that  
17 or don't you think --

18 MR. RHEINWALD: No. I don't think -- I  
19 don't think we'll need that.

20 The tables are fairly small. They're barely  
21 24 inches wide. So we're going to hug them right on  
22 the wall underneath the front windows there. So it  
23 should -- we should not have an issue with people  
24 knowing that's where the restaurant is.

25 MR. OSOWSKI: All right. Thank you.

1 MR. RHEINWALD: Thank you.

2 CHAIRPERSON PRICE: Jason or Karen?

3 MS. ALTMAN: I'm all set.

4 MR. BABCOCK-STIENER: I'm all set.

5 CHAIRPERSON PRICE: Thank you. Jason?

6 MR. BABCOCK-STIENER: I'm all set.

7 CHAIRPERSON PRICE: All right. Thank you.

8 Jason, a little heads up, your microphone is a little  
9 scratchy for us.

10 MR. BABCOCK-STIENER: I get a new laptop  
11 Friday I think.

12 MS. FORD: Know the feeling.

13 CHAIRPERSON PRICE: All right. Jeff, you  
14 have questions?

15 MR. FRISCH: Just is there going to be any  
16 table service outside or is it just going to be  
17 grab-and-go outside?

18 MR. RHEINWALD: For right now the plan is  
19 grab-and-go outside.

20 If we do decide to switch to table service,  
21 is that something I should reach out to you guys for.

22 MR. FRISCH: No. I don't think it's an  
23 issue at this point.

24 MR. RHEINWALD: Okay. Thank you.

25 CHAIRPERSON PRICE: Jeff, you all set?

1 MR. FRISCH: All set.

2 CHAIRPERSON PRICE: Ken Gordon, do you have  
3 any questions? Go ahead.

4 MR. GORDON: No. I'm all set. Thank you.

5 CHAIRPERSON PRICE: All right. Thank you  
6 Jason. I will just ask or state that this is a public  
7 hearing. And if there's anyone in the audience that  
8 cares to address this application, please raise your  
9 hand and we'll call on you.

10 Brendan and Jeff can see the -- see if you  
11 raise your hand and turn your screen on. Not seeing  
12 anyone.

13 MR. FRISCH: Not seeing anyone.

14 CHAIRPERSON PRICE: All right. Okay.  
15 Jason, thank you.

16 MR. RHEINWALD: Thanks.

17 CHAIRPERSON PRICE: All right. That brings  
18 to application 7P-03-22. This is the application of  
19 Chris Sardone.

20 **Application 7P-03-22**

21 Application of Chris Sardone, owner, and  
22 Generator Supercenter of Upstate NY, agent, for Site  
23 Plan Modification to install a 27kw standby emergency  
24 generator in a side yard on property located at 115  
25 Metro Park. All as described on application and plans



1 on file.

2 CHAIRPERSON PRICE: Is Chris here tonight?

3 MR. SARDONE: Yes.

4 CHAIRPERSON PRICE: Chris, welcome.

5 MR. SARDONE: Yes. I'm here. Can you hear  
6 me?

7 CHAIRPERSON PRICE: Yes, we can. Yup.

8 MR. SARDONE: Okay.

9 CHAIRPERSON PRICE: You're all set.

10 MR. SARDONE: The representative, Jesse for  
11 the company putting -- putting the generator here to  
12 represent me.

13 CHAIRPERSON PRICE: I see.

14 MR. SARDONE: Should be here.

15 MR. ROWLEY: Yes, I am here.

16 CHAIRPERSON PRICE: Good evening.

17 MR. ROWLEY: Hello.

18 CHAIRPERSON PRICE: Jess, would you just  
19 give us your name and address for the record? And  
20 then just please explain the proposal and why it's  
21 going to go where it is.

22 MR. ROWLEY: Sure. My name's Jess Rowley  
23 representing Generator Supercenter. Our office is at  
24 1100 Jefferson Road.

25 The reason for the generator going on the

1 side is there's just not enough room at the back of  
2 the building. Where the building is on the back the  
3 asphalt parking lot is directly behind it. And per  
4 code, the generator has to sit 2 feet off from the  
5 building. And then we need 5 feet from any openable  
6 window, doors or vents. So there is no option to  
7 install it in the back of the building.

8 The utilities room for the building is right  
9 adjacent to where we're going to put the generator.  
10 Basically where the B is in block is the utility room  
11 where the electric and gas meter is located and also  
12 the breaker box.

13 So plan is to come right off of that. The  
14 generator will sit 2 feet off the building. And I  
15 have the generator specs as well if that's necessary  
16 for you.

17 CHAIRPERSON PRICE: There are -- we do have  
18 some professional engineers on the Board. Would you  
19 just generally walk through the specs. I think we do  
20 get -- well, we would just like to know the source of  
21 the fuel and just kind of the size, height above  
22 grade, and what the decibel levels are, how often it  
23 self-tests itself.

24 MR. ROWLEY: Sure. So this is a liquid  
25 cool. It's a 27kw liquid cooled generator, which the

1 liquid cools run on a lower RPM than an air cool does.

2 The decibel is 70 decibel.

3 And it'll test once a week for roughly ten  
4 minutes. And we can program what time and day we want  
5 it to test at.

6 And then when it's actually under load, then  
7 the max is 70 decibels when it's under load. When  
8 it's testing, it will be at a lower decibel rating.

9 The size of the generator is 62 inches long,  
10 which will be parallel to the building. The width is  
11 30 inches wide. And then the height is 39 inches  
12 tall. And the --

13 CHAIRPERSON PRICE: 39 inches.

14 MR. ROWLEY: 39 inches tall.

15 CHAIRPERSON PRICE: Okay.

16 MR. ROWLEY: So it's three and a quarter  
17 feet tall.

18 And then it will sit on a 4 inch tall  
19 GenPad, which is a concrete fiber fixture that is made  
20 for the generator to sit on. And it will be bolted  
21 down to that.

22 CHAIRPERSON PRICE: Okay. All right. Have  
23 you -- are you proposing any type of -- well, tell us  
24 a little bit about the surroundings and adjacent  
25 neighbors and how close they are.

1           MR. ROWLEY: The building that's next to it,  
2 looks like it's a large industrial building. They  
3 have two very big AC conductors outside, 12 foot by 7  
4 feet and 5 feet tall. They are roughly -- I didn't  
5 measure exactly how far away. Chris may know the  
6 width of the property away, but they've got to be  
7 about 200 feet roughly if not more.

8           CHAIRPERSON PRICE: Okay. From an aerial  
9 photo -- I just checked out an aerial photo and it  
10 looks like it might be closer. But it looks like it  
11 is industrial with large condenser units outside on  
12 that -- on their west side.

13          MR. ROWLEY: Yup. Yup. It will be exactly  
14 adjacent essentially to where the generator is. So  
15 they're much larger in size.

16          There's also two electrical boxes that are  
17 actually larger than the generator that will sit in  
18 that vicinity as well too.

19          CHAIRPERSON PRICE: All right. Let's open  
20 up this to other Board members for questions or  
21 comments. John, do you have any?

22          MR. OSOWSKI: Yeah. No. I don't have any  
23 additional questions. Thanks for asking. Yeah.

24          CHAIRPERSON PRICE: All right. Karen  
25 Altman?

1 MS. ALTMAN: So you are not proposing any  
2 screening around the generator itself; is that  
3 correct? Any kind of landscaping or screening to go  
4 around the area that's taken up by the mechanicals?  
5 Is there room to do that?

6 MR. ROWLEY: We --

7 MR. SARDONE: We were -- go ahead.

8 MR. ROWLEY: Per code we could put --  
9 Mr. Sardone and I spoke. We could put bushes in  
10 between the generator and the street if necessary.

11 Per code it would have to be more than 5  
12 feet away because you got the intake on one side and  
13 the exhaust on the other side.

14 So if needed, we could put bushes 5 feet  
15 away from -- between the generator and the street. 5  
16 feet is the minimum.

17 MS. ALTMAN: Okay. Thank you.

18 MR. ROWLEY: No problem.

19 CHAIRPERSON PRICE: Okay. Julie, do you  
20 have any questions or comments?

21 MS. FORD: I do not.

22 CHAIRPERSON PRICE: All right. Thank you.  
23 And Jason?

24 MR. BABCOCK-STIENER: I'm all set.

25 CHAIRPERSON PRICE: All right. Thank you.

1 Jeff, how about you?

2 MR. FRISCH: Is there any conflict with  
3 using the utilities that are kind of already in that  
4 area?

5 MR. ROWLEY: No.

6 MR. FRISCH: Okay. And is there any site  
7 work besides the concrete pad?

8 MR. ROWLEY: Nope. Nope.

9 MR. FRISCH: I'm all set.

10 CHAIRPERSON PRICE: All right. Ken Gordon,  
11 how about you?

12 MR. GORDON: Nothing for me. Thank you,  
13 Bill.

14 CHAIRPERSON PRICE: All right. All right.  
15 I think we will move on and ask if there's anyone in  
16 this -- anyone in attendance tonight that cares to  
17 address this application, please raise your hand.

18 MR. FRISCH: Not seeing anybody, Bill.

19 CHAIRPERSON PRICE: All right. All right.  
20 Thanks for the presentation. We will be moving on at  
21 this point.

22 MR. ROWLEY: Thank you.

23 CHAIRPERSON PRICE: Have a good evening.

24 All right. Our next application is 7P-04-22. This is  
25 the application of Mt. Read Emerson Street Properties.

1     Application 7P-04-22

2                   Application of Mt. Read Emerson Street  
3     Properties, LLC, owner, and Herc Rentals, lessee, for  
4     Conditional Use Permit Approval to allow for a  
5     construction equipment rental facility on property  
6     located at 1220 Brighton Henrietta Town Line Road.  
7     All as described on application and plans on file.

8                   CHAIRPERSON PRICE: All right. Anybody from  
9     Mt. Read Emerson Street Properties?

10                  MR. KASHIAN: Good evening. This is Alan  
11     Kashian from Herc Rentals.

12                  CHAIRPERSON PRICE: Hello, Alan. How are  
13     you?

14                  MR. KASHIAN: Doing well. Thank you.

15                  CHAIRPERSON PRICE: Alan, if you would --  
16     this is one of several conditional use permits that  
17     we've been hearing about tonight.

18                  So our focus is on your -- on the operation,  
19     hours, what it is that's going to be stored outdoors  
20     and really just how everything is going to function.  
21     And if you could walk us through that, we'd appreciate  
22     that.

23                  MR. KASHIAN: Sure. Just to give you a  
24     little background about Herc rentals, we're an  
25     equipment rental company with 340 branches or

1 locations throughout the US and Canada. We're  
2 publicly traded on the New York Stock Exchange. And  
3 we're headquartered out of Bonita Springs Florida,  
4 which is the west coast of Florida.

5 What we're looking to do here is open up a  
6 rental facility. And I heard your concerns earlier  
7 about storage, fencing, potentially landscaping, et  
8 cetera. And we are here to comply with any and all  
9 requirements that the city requires.

10 Our intent is to operate our business Monday  
11 through Friday, 8 to 5. However we are a first  
12 responder for emergencies, natural disasters and any  
13 of our customers who are requiring emergency service  
14 24 hours a day, seven days a week. It's very odd.  
15 However, we do offer that service up to help the local  
16 community and the surrounding areas.

17 We plan to utilize the existing wood slotted  
18 fence and repair it as needed. Typically we put  
19 barbed wire on top of our fences. However, if the  
20 city is not requiring it, we will absolutely not put  
21 it up there.

22 We plan to utilize the space to store and  
23 rent equipment. Our goal is to rent equipment, not  
24 store equipment. So essentially we love to see empty  
25 yards at our facilities.



1           We rent aerial equipment, forklifts,  
2 generators, small excavators, cooling equipment, et  
3 cetera.

4           Just trying to think of a few other things  
5 that we typically do at our branches. We have a small  
6 shop area it's about -- I think it's about 6,500  
7 square feet in this facility on a 2.5-acre site.

8           We will have approximately five employees.  
9 And we will be filing the pertinent permits for  
10 electrical and plumbing, electrical for some kind of  
11 disconnect for our air compressors, et cetera;  
12 plumbing for oil tanks and reels, essentially motor  
13 oil, hydraulic oil and waste oil.

14           They're typically 500 gallon tanks, double  
15 walled tanks that we keep inside our shop. And we  
16 dispose of our waste oil through Safety-Kleen. I  
17 heard one of the other applicants use the same vendor  
18 that we use.

19           And we will be installing signage. So we  
20 will file the permit pertinent for signage. And we  
21 will be doing some minor office upgrades, basically  
22 just cleaning and painting.

23           And I think I covered it all. We'll have,  
24 of course, of our parking area off of Brighton  
25 Henrietta Townline Road. And we will have our yard

1 entrance off of -- I don't know what the adjacent  
2 street is, but our yard exit and entrance will be away  
3 from where our customers enter and exit the facility.

4 I think I covered everything, but I'm  
5 willing to try and answer any questions you may have  
6 for me.

7 CHAIRPERSON PRICE: Alan, let me just ask  
8 you, who is your primary customer? Is it contractors  
9 that get accounts with you or is it, you know, Bill  
10 Price's of the world that can, you know, come in and  
11 rent something as a resident like from a retail  
12 standpoint?

13 MR. KASHIAN: It's typically contractors,  
14 but we have -- certainly have a small walk-up  
15 business. You can walk in and rent a chainsaw or a  
16 small concrete mixer if you need one. So we have a  
17 small showroom. We will have a branch manager and a  
18 coordinator who sit in the front office.

19 Like I said, it'll be approximately 5  
20 employees. It'll be aesthetically pleasing for  
21 customers to walk up on. And it will be like the  
22 typical -- like a small tools showroom where you can  
23 walk in and rent small equipment. Or you could come  
24 in and rent large equipment for that matter.

25 CHAIRPERSON PRICE: And do you -- do you

1 find that you typically deliver the equipment or does  
2 the customer pick it up and return it to you?

3 MR. KASHIAN: These days 95 percent of our  
4 orders are either online or via text. And we deliver  
5 and pick up most of the equipment that we rent out.

6 CHAIRPERSON PRICE: Okay. Okay.

7 MR. KASHIAN: Very small walk-up crowd these  
8 days.

9 CHAIRPERSON PRICE: Sure. Okay. So the  
10 building itself, you're -- you know, it sounds like  
11 the tanks that you need for hydraulics and oils and  
12 things all remain inside. So that's not going to  
13 cause any kind of a combustible problem inside? I'm  
14 sure Jeff will talk to you a little bit about, you  
15 know, any fire regulations or codes that need to be  
16 complied with, but do you have any comments? Or is  
17 this typical for a rental operation of your kind?

18 MR. KASHIAN: Yes. 90 percent of our  
19 facilities, the oil tanks are inside the facility.  
20 They're double walled. And they're permitted through  
21 the local Fire Marshal.

22 CHAIRPERSON PRICE: I see. Okay. All  
23 right.

24 MR. FRISCH: Have you been in contact with  
25 the Fire Marshal yet?

1 MS. KASHIAN: We have not. We have filed  
2 for our permits. But our general contractor will  
3 notify the Fire Marshal to do a full inspection of  
4 everything we plan on installing.

5 MR. FRISCH: Okay. Thank you.

6 CHAIRPERSON PRICE: All right. Alan, to  
7 your knowledge are you anticipating any exterior  
8 lighting to be added to the site?

9 MR. KASHIAN: Believe it or not, we actually  
10 rent light towers. But we don't plan to install any  
11 additional lighting on site.

12 If we have to work emergencies at night or  
13 after hours, we can certainly crank up one of our  
14 light towers and temporarily use that in the yard for  
15 safety purposes. We do not plan to install any  
16 additional lighting.

17 CHAIRPERSON PRICE: All right. Okay. Thank  
18 you that's all the questions I had. Other Board  
19 members have questions for Alan? John Osowski, do you  
20 have anything?

21 MR. OSOWSKI: Yeah. Thanks, Bill, for  
22 asking.

23 How do you handle fueling the equipment?  
24 You know, gasoline or diesel fuel? Do you do that,  
25 you know, with a regular commercial fueling station

1 off site or do you have some tanks on site for that  
2 purpose.

3 MR. KASHIAN: For this site there will be no  
4 fueling on-site. We'll go to a commercial gas  
5 station. But at other sites we certainly do have  
6 fueling on-site. And we don't plan to fuel from this  
7 facility.

8 MR. OSOWSKI: Okay. Thank you.

9 MR. KASHIAN: You're welcome.

10 CHAIRPERSON PRICE: Karen Altman, do you  
11 have any questions for Alan?

12 MS. ALTMAN: Alan, where will the equipment  
13 be maintained? Is that inside or outside or a  
14 combination?

15 MR. KASHIAN: It's a combination, but it's  
16 typically inside the shop. We have an air compressor  
17 with air reels and we have hose reels to change all  
18 the oil on the equipment. But that's typically the  
19 extent of what our mechanics work on. Anything  
20 significant we typically send it out to be worked on.

21 CHAIRPERSON PRICE: Jason, do you have  
22 questions?

23 MR. BABCOCK-STIENER: I'm all set.

24 CHAIRPERSON PRICE: Julie Ford, do you have  
25 questions?

1 MS. FORD: I'm good. Thank you.

2 CHAIRPERSON PRICE: All right. Jeff, are  
3 you all set?

4 MR. FRISCH: I have some questions. Are  
5 you -- are you going to be putting in a generator or  
6 an HVAC for the use of the building?

7 MS. KASHIAN: We are not. We are utilizing  
8 the building as is.

9 MR. FRISCH: Do you have any plans to stripe  
10 the parking lot?

11 MS. KASHIAN: We do not. We plan on using  
12 it as is. However, if it is required, we certainly  
13 can do that or will do it based on what you require.

14 MR. FRISCH: Okay. Besides -- I just want  
15 to clarify, you are going to be using the fence as it  
16 exists and repairing the fence.

17 MR. KASHIAN: Correct. We may need to  
18 extend it in a few areas. And we may need to add some  
19 large either slide or swing gates on the back side and  
20 the front side. And if those gates need to be  
21 screened, we will certainly screen them in the  
22 appropriate manner.

23 MR. FRISCH: They will need to per our  
24 regulations.

25 MR. KASHIAN: Understood.

1           MR. FRISCH: Yeah. This map that's  
2 currently shown on the screen, it is -- it is a small  
3 portion of the greater site. But -- so some of the  
4 things that I think we'll need is a site plan that  
5 kind of represents the entire site, where the fence is  
6 going to be and if you're going to be doing any  
7 extensions on the fence. Because there's -- a large  
8 number of variances on this site that have been --  
9 that have gone over time and I just want to make sure  
10 that any work that is being done on the property,  
11 you'll be able to comply with these variances that are  
12 existing already.

13           MR. KASHIAN: Jeff, I'll have to request  
14 from the broker and the owners because I only utilized  
15 what I could find from them. So I didn't have  
16 anything else. And I didn't hire an engineer or  
17 architect to draw up the site plan for us. So I will  
18 see what I can gather from the owner and the broker.

19           MR. FRISCH: Okay.

20           MR. KASHIAN: If that's okay.

21           MR. FRISCH: Yup. That's fine. And I can  
22 send you the letter that we send. I can give you the  
23 information on the variances that we have for this  
24 property to make sure that you comply with those.

25           MR. KASHIAN: Excellent. Okay.

1 CHAIRPERSON PRICE: All set, Jeff?

2 MR. FRISCH: Yup. I'm all set.

3 CHAIRPERSON PRICE: Ken Gordon?

4 MR. GORDON: I apologize. I might have  
5 missed this. I'm sure you covered it, but if you  
6 wouldn't mind letting me know again. On the map that  
7 we're looking at, there's a red rectangle, which  
8 appears to be behind the building labeled "HVAC  
9 generator" it looks like. What does that designate,  
10 sir?

11 MR. KASHIAN: Those are portable generators  
12 and cooling equipment that we typically put on rent.  
13 That's not to service the building. It's just a  
14 storage area when they're not rented. That's where  
15 we're going to be storing them.

16 MR. GORDON: That was all I wondered. Thank  
17 you.

18 CHAIRPERSON PRICE: Okay. All right. This  
19 is a public hearing. Is there anyone in the audience  
20 that cares to address this application?

21 MR. FRISCH: I'm not seeing anyone, Bill.

22 CHAIRPERSON PRICE: Okay. All right. Let  
23 me say at this point application under -- if you do  
24 have an agenda in front of you, application  
25 10P-NB1-21, application of 1950-1966 Monroe Avenue,



1 LLC has adjourned. The Quicklee's application has  
2 adjourned until our August meeting at the applicant's  
3 request. As has application 5P-NB2-22. That's  
4 Bristol Valley Homes, LLC, owner, and PEMM, LLC,  
5 contract vendee. This is on East Avenue. And that  
6 has been requested to adjourn to our August meeting as  
7 well.

8 So at this point, Jeff, correct me if I'm  
9 wrong, I believe we have the Talmudical Institute of  
10 Upstate applications, which does include the  
11 application of the Montessori School as the  
12 applications next to be heard.

13 MR. FRISCH: Okay.

14 CHAIRPERSON PRICE: Okay. This is where I  
15 will recuse myself. And I will turn off my camera and  
16 microphone and ask Joan Osowski to assume chair of the  
17 meeting at this point.

18 MR. OSOWSKI: Right. Thank you, Bill.  
19 Thank you. As Bill mentioned we're combining the  
20 public hearing for 5P-02-22, Talmudical Institute and  
21 Montessori School, and 5P-NB1-22 Talmudical Institute  
22 applications.

23 **Application 5P-02-22**

24 Application of the Talmudical Institute of  
25 Upstate New York, contract vendee, and the Brighton

1 Central School District, owner, for Conditional Use  
2 Permit Approval to allow for The Montessori School of  
3 Rochester to be located at 220 Idlewood Road. All as  
4 described on application and plans submitted. **TABLED**  
5 **AT THE MAY 18, 2022 MEETING - PUBLIC HEARING REMAINS**  
6 **OPEN**

7 **Application 5P-NB1-22**

8 Application of the Talmudical Institute of  
9 Upstate New York, contract vendee, and the Brighton  
10 Central School District, owner, for Preliminary Site  
11 Plan Approval, Preliminary EPOD (watercourse) Permit  
12 Approval and Preliminary Conditional Use Permit  
13 Approval to construct a 23,000 +/- square foot  
14 building addition (with an additional 8,700 square  
15 foot future phase), to re-purpose the former Brookside  
16 School for the use by the Talmudical Institute of  
17 Upstate New York Residential High School and make  
18 other site improvements on property located at 1666  
19 South Winton Road. All as described on application  
20 and plans on file. **TABLED AT THE MAY 18, 2022 MEETING**  
21 **- PUBLIC HEARING REMAINS OPEN**

22 MR. OSOWSKI: Jeff and/or Ken, do you want  
23 to remind when the -- when the public wishes to speak,  
24 remind them about three-minute limitation or do you  
25 want to do that later after the --

1           MR. GORDON: We can talk about that a little  
2 bit now. But I think we do want to give the applicant  
3 an opportunity to present. There are some additional  
4 materials.

5           We will -- because it looks we have a good  
6 number of folks who want to have their say in the  
7 interest of giving an opportunity to speak their peace  
8 and share with the Board their thoughts and to give  
9 the Board an opportunity to hear each one of you,  
10 we'll be asking the public when you do make your  
11 presentations to try to keep your remarks to three  
12 minutes or less.

13           To assist you in doing that we will have one  
14 of our staff members post the three-minute timer on  
15 the Board -- on the Zoom meeting. I'm sorry.

16           I know that for some of you it was difficult  
17 to see that last time. I think we've figured out why  
18 that was. And I think we've made some adjustments or  
19 at least we've planned some adjustments that will  
20 allow you all to see that timer. If you're not seeing  
21 that timer, I would ask that you just send a group  
22 chat to let us know that you're unable to see it and  
23 we'll try to adjust matters for you with that.

24           But with that, I think -- yes, I think we  
25 just, John, turn it over to the applicant.

1           MR. OSOWSKI: All right. Thank you, Ken.  
2 Is there anyone here from the applicant that wishes to  
3 address the Planning Board.

4           MS. BRUGG: Sure. I think you can hear me  
5 now. I think I've been unmuted. Hi. This Betsy  
6 Brugg. I was here at the last meeting back in May.  
7 And we're pleased to be here again tonight. I'm  
8 looking at a screen with a site plan. And I see the  
9 acting Chairman in the corner. So hopefully you can  
10 see me and hear me okay.

11          MR. OSOWSKI: Yes.

12          MS. BRUGG: On the Zoom tonight, Rabbi Noble  
13 from the Talmudical Institute of Upstate New York is  
14 on the meeting; Matt Tomlinson, our civil engineer  
15 from marathon Engineering; David Kruse our  
16 transportation engineer from SRF; David Hanlon from  
17 Hanlon Architects, and Dr. Cynthia Gowan, the head of  
18 school for the Montessori School is also available  
19 with respect to the questions regarding Montessori  
20 School.

21                So to start off, we gave a pretty thorough  
22 presentation and input at the last meeting. It's  
23 taken a little time for us to come back because the  
24 Board did request a fair amount of information and  
25 data. So went to work and secured some, you know,

1 professional reports and information and responded to  
2 comments. So a pretty substantial submission was made  
3 in connection with both applications.

4 They are two separate applications, though  
5 you are hearing them together. So we did give you a  
6 response to all of the staff comments, technical  
7 comments. I think there's county comments in there.

8 We were asked to provide some additional  
9 analysis and data. So in the material that's  
10 submitted, you would have seen a supplemental traffic  
11 submission from SRF addressing -- kind of  
12 supplementing the initial trip generation that was  
13 provided with some information about accidents and  
14 accident history, more analysis for traffic signals,  
15 that kind of thing that we'll get into.

16 We have updated our EAF that we were  
17 requested to do. We were asked to take a look at  
18 alternatives to Idlewood. See there's a loop study  
19 that was -- we looked at two different avenues for  
20 looping around the building that was submitted. We  
21 also submitted a letter from Mark Henderson as a  
22 security consultant, former police chief with the Town  
23 of Brighton addressing the questions with respect to  
24 whether or not a public access easement could be  
25 provided and kind of defining the security issues are

1 with allowing that.

2 And we also asked about the structural  
3 integrity of the entrance off of Winton Road off of  
4 the bridge. So we do have a structural engineering  
5 report documenting that that bridge is sound for our  
6 use and for -- not just for regular traffic, but also  
7 for construction vehicles.

8 So we submitted a fair amount of  
9 information. I think what I'm going to do is turn it  
10 over to Matt Tomlinson to go through some of the key  
11 items, I think, you know, the traffic being, you know,  
12 a significant issue and the question about the looping  
13 around and potential abandonment of Idlewood. So I  
14 think Matt hopefully is on.

15 MR. TOMLINSON: Yes. Good evening,  
16 everyone. Matt Tomlinson, Marathon Engineering. As  
17 Betsy mentions, we have submitted quite a bit of  
18 additional information that we believe addresses the  
19 comments and questions raised at the last time around.

20 I'm primarily going to focus here just on  
21 that piece and analysis that we did relative to  
22 exploring alternate means of access to route all  
23 traffic for the property out to Winton Road. And then  
24 I'll turn it over to David Kruse who, as Betsy  
25 mentioned, is our traffic consultant.

1           We did analyze the bridge as Betsy  
2 mentioned. And I submitted a letter stating that the  
3 bridge is suitable for H-20 and HS-20 loading. So  
4 that is suitable for all construction vehicles as well  
5 as emergency access ingress and egress, meeting fire  
6 code for weight. And there's no requirement for  
7 restricting the amount of weight or traffic on that  
8 bridge based on the structural engineer's analysis.  
9 So that answers that question.

10           The analysis that we performed was  
11 attempting to list out and explore the potential  
12 impacts for routing the driveway either around the  
13 north side of the existing school to connect the  
14 parking on the east side with the west side of the  
15 property as well as giving access out of Winton Road  
16 from the front existing bus loop, previous bus loop,  
17 and parking area that's utilized for the Montessori  
18 School and some of the other uses within the building  
19 today.

20           And so I know that the Board had asked  
21 several questions regarding those. And I am happy to  
22 at the end of this go through any specific questions  
23 that the Board may have. But the ultimate result of  
24 both of those routings is that it is -- while possibly  
25 feasible, has several large impacts, negative impacts,

1 to both TIUNY as well as Montessori and the property  
2 as a whole.

3 On the north side we are constrained by the  
4 floodplain and watercourse EPOD. And it would add a  
5 significant or not insignificant amount of impervious  
6 area, disturbance and fill within those  
7 environmentally sensitive areas where we are looking  
8 to avoid any more than is necessary to minimally  
9 install as part of the project. As well as additional  
10 cost in routing of the vehicles through that portion  
11 of the north side close to what is proposed to be the  
12 new entrance for space and what we're calling the  
13 north wing.

14 Along the south side there is several  
15 concerns that we have, not least of which would be the  
16 routing of all traffic adjacent and in between the  
17 Montessori School, the green space utilized by that  
18 school, tenants and adding additional lighting,  
19 drainage, driveway improvements and traffic along the  
20 rear of the property line. So there's also a cost  
21 consideration.

22 And I know that cost to the applicant is not  
23 a primary factor in deciding or analyzing portions of  
24 improvements that may or may not be necessary. I know  
25 that there was some cost analysis suggested or



1 provided by some neighbor comments that we received  
2 and reviewed and -- but, you know, those contemplated  
3 really just kind of the surface improvements, not the  
4 lighting, the drainage and some of the unit pricing  
5 was significantly lower than what we're seeing on the  
6 construction side.

7           So for all of those reasons we believe that  
8 we have done our due diligence as far as utilizing the  
9 viability or suitability of either of those routes.  
10 And given the results of the traffic analysis and the  
11 fact that even routing all traffic through to Winton  
12 Road would not meet the warrants for any kind of a  
13 traffic signal or other calming devices to be placed  
14 in Winton Road, especially during the peak hours,  
15 there's a potential concern there for traffic.

16           So again, we can absolutely explore any  
17 other specific questions that the Board might have,  
18 but that's a quick overview relative to that.

19           In the additional submitted materials that  
20 we provided to the Planning Board at the request for  
21 the last tabling meeting, we did reply with responses  
22 in writing to all of the comments received to date.  
23 And many of those were clarification items specific to  
24 generating a EAF, which is the SEQRA form specific to  
25 the Montessori operation and approval, a site plan and

1 parking numbers specific to that for the Planning  
2 Board's consideration as well.

3 And with that I wanted to turn it over to  
4 Dave Kruse just to talk a little bit about the work  
5 that he's done in analyzing the traffic, which also  
6 included some of the requested analysis relative to  
7 accidents on both the Idlewood and the Winton Road  
8 side and traffic circulation.

9 So David, if you're there, go ahead and talk  
10 to them through that please.

11 MR. KRUSE: I am. Can everyone hear me?  
12 Okay. Thank you.

13 So, yes. We submitted as part of an updated  
14 traffic submission additional information that was in  
15 response to the Town, as Matt said. And I'll just  
16 give you a brief summary of what we did, some very  
17 high-level findings. And if there are any specific  
18 detailed questions, we can certainly address them  
19 later tonight.

20 Right off the bat we looked at our signal  
21 warrant analysis at the Winton Road and the Columbus  
22 Way intersection. That detailed collecting traffic  
23 data over a 12-hour period. Excuse me, I have a --  
24 over a 12-hour period to use as part of our signal  
25 warrant investigation.

1           Another thing as part of that is looking at  
2 crash data. And we looked at crash data, not only at  
3 that intersection, but also in the neighborhood from  
4 220 Idlewood up to Westfall. And found no -- no  
5 crashes along the Idlewood roadway.

6           We looked at a speed study. We took a  
7 sample of speeds, vehicle speeds along Winton Road at  
8 the Columbus Way intersection and found that speeds  
9 were generally operating at the posted speed limit.

10          We looked at capacity analysis for  
11 intersection operations at both the Winton Road and  
12 Columbus Way intersection, as well as the Idlewood  
13 Road side under existing and alternative conditions  
14 and found that levels of service or how well the  
15 intersections were operating, are operating at  
16 acceptable levels of service during the peak hours.

17          And lastly, we looked at a quantitative  
18 review of Idlewood Road in terms of traffic and daily  
19 vehicles and spelled that out in our -- in our  
20 analysis. And, again, if there are any specific  
21 questions, we can certainly address them as they come  
22 up.

23          MR. TOMLINSON: So Betsy, I don't know if  
24 there was anything else you would like to add.  
25 Otherwise we can move on to questions.

1 MS. BRUGG: So Cindy Gowan is on and I think  
2 there were a couple questions about Montessori. I  
3 think we've actually answered some of the questions in  
4 the past, but I did see that there might be some  
5 questions about the traffic specific to the Montessori  
6 School, reducing overall traffic coming out of the  
7 project, coming out of the property with the  
8 Montessori being the only user proposed for Idlewood.

9 But I think Cindy can give you little  
10 firsthand background. And she can also confirm, you  
11 know, that they have no plans for expansion.

12 MS. GOWAN: Thank you again for having us  
13 this evening. As I mentioned when I spoke in May,  
14 I've been a longstanding member of Brighton, the  
15 Brighton community and represent our school that has  
16 safely been a part of the Evans Farm neighborhood for  
17 even longer.

18 Many of our families are Brighton residents  
19 as well. So I'm sensitive to the traffic concerns of  
20 our neighbors. We think of it as our neighborhood  
21 too.

22 What I wanted to say, as Betsy mentioned, we  
23 really want to stay in our current location. We like  
24 being a part of the neighborhood. Our parents seek us  
25 out because of that aspect of our school. And we

1 don't have any plans for expansion. We don't have  
2 space for expansion. And we're not seeking that out.

3 We want to continue to provide a high  
4 quality education for young children. And we're  
5 prepared to deepen our quality and not our quantity.

6 Our primary concern, mine and our boards and  
7 our families, is really that when you look at the site  
8 that where the proposed driveway would go around the  
9 school would take away a great deal of the green space  
10 that we currently use as play space. And then also  
11 create some pretty hazardous conditions as it crosses  
12 over and through spaces where our children play in and  
13 also use to transfer through the property.

14 We don't have inner hallways on our side of  
15 the building. So our side of the building -- I think  
16 it's older on the other side of the building. And we  
17 don't have -- we don't have inner hallways. So our  
18 children have to exit the building to kind of go  
19 around to get those places and garden spaces.

20 And I think that it would be a significant  
21 concern to not just lose those play spaces but then  
22 also have incredibly young children, infants through 6  
23 year old having -- having a road go where they are  
24 usually walking.

25 That said I think the only other question

1 that I saw in some of the commentary was around the  
2 daily average of the vehicles for our school. And it  
3 is 96 cars. We follow a school year calendar. So  
4 typical to Brighton Central School District calendar,  
5 ours is very similar. On days that there is school,  
6 there are about 96 cars. In the summer like right  
7 now, we run a summer camp and we have about half  
8 capacity of cars because we limit how many children we  
9 have and how many staff we have.

10 But we're an every day program. So it  
11 doesn't vacillate based on the day.

12 But I'm happy to answer any other questions  
13 regarding that particular piece.

14 MR. OSOWSKI: All right. Thank you. I want  
15 to thank the development team there for showing us the  
16 thought you put into considering the options to  
17 providing access driveways both around the north side  
18 and around the south side and for your other  
19 conversations providing the traffic study.

20 At this point in time I'd like to open it up  
21 to other members of the Planning Board for any  
22 questions that they might have. Jason, do you have  
23 any questions?

24 MR. BABCOCK-STIENER: So I think this is  
25 probably for David. Can you talk a little bit about

1     how you came up with the Montessori School traffic --  
2     (Microphone cuts out.)

3             MR. KRUSE:   Sure.   So Cindy provided us a  
4     great table of vehicle trips for both parents and the  
5     staff.   And as she just mentioned, approximately 96  
6     vehicles or so come to the site.   So if you count  
7     traffic going both ways over the course of a day, it  
8     resulted in approximately 190 vehicles or so entering  
9     and exiting the Montessori School.

10            And so out of the total traffic that is --  
11     total average daily traffic that's on Idlewood, it  
12     ends up working out to be about 17 percent of total  
13     traffic is attributed to the Montessori School.

14            MR. OSOWSKI:   All right.   Thank you.   Karen,  
15     do you have any questions or comments?

16            MS. ALTMAN:   No.   That was my question that  
17     Jason just asked.   So I'm good at the moment.   Thank  
18     you.

19            CHAIRPERSON PRICE:   All right.   Thanks.  
20     Julie Ford, do you have anything?

21            MS. FORD:   I also am -- was interested in  
22     what was the relative increase in access.   And so that  
23     was helpful.   But other than that, I'm good.

24            MR. OSOWSKI:   Okay.   You know, I have a  
25     concern that -- that the value of goodwill to the

1 neighbors is being dismissed here by writing off the  
2 north access drive or the south access driveway. And  
3 we're missing an opportunity here to eliminate this  
4 extra traffic going through the neighborhood.

5 I mean, there's really an opportunity here  
6 that it can be eliminated at what looks to me to be a  
7 relatively modest cost. I mean, 200 -- if it is  
8 \$200,000, in the grand scheme of a -- what looks to be  
9 could be \$10 million enterprise, \$4 million to acquire  
10 the property and \$6 million for construction estimate,  
11 just throwing numbers out there. So that's 2 percent  
12 and we gain -- gain a lot by doing that.

13 Is there any opportunity here to give  
14 further consideration of putting in a driveway?

15 MR. TOMLINSON: I'll seek first before --  
16 this is Matt Tomlinson again -- before Betsy chimes  
17 in. But I think that there is a -- what we've  
18 attempted to demonstrate not only through that  
19 analysis but other submitted documentation is that  
20 it's not just a consideration of the dollars here.

21 There's definitely a concern from a form and  
22 function internal to the site as well as potential for  
23 future safety concerns, especially in the peak hour  
24 for all traffic going through Winton Road. The  
25 functionality and usage of that driveway has been



1     there for a long period of time on this state and will  
2     be -- there will be a benefit to the neighborhood in  
3     the reduction by us requiring other tenants specific  
4     to the north wing to utilize the Winton Road side.

5             But from a functionality standpoint for the  
6     Montessori School access, a whole lot of other reasons  
7     that we had provided in our submission documents, it  
8     really is important I believe from a function  
9     standpoint and also just from a consequence standpoint  
10    to keep those two driveways.

11            Betsy and David, I don't know if you want to  
12    speak any further on that or David anything specific  
13    to the road.

14            MS. BRUGG: Well, I think you covered fairly  
15    well the fact that, you know, road capacity is there.  
16    There's actually no -- there's no problem that would  
17    be remedied. It happens to be a kind of a subjective  
18    call that people want to cut this off.

19            But the building is in the neighborhood. It  
20    has always been in the neighborhood. We're reducing  
21    the amount of traffic coming out there. We're  
22    limiting it only to the Montessori School.

23            So, no, there is no interest in closing off.  
24    The driveway is certainly -- has been a very  
25    deliberate thoughtful effort to minimize the amount of

1 traffic coming out of there. You know, the Town, you  
2 know, the Rec Department uses, those could have stayed  
3 over there. But the decision was made to push much of  
4 that traffic. It makes sense to keep the Montessori  
5 there. We do want to keep that driveway there.

6 You know, with my lawyer hat on, there's  
7 really no basis for -- you know, any requirement to  
8 close it off. And the intent is to keep it open.

9 And I'm going to point out that if there's  
10 ever any kind of change of use or some new use or --  
11 comes along, they're going to have to apply for  
12 another special use permit. So there's always going  
13 to be an opportunity for the Planning Board to revisit  
14 and review this.

15 But what we can do as applicants is to look  
16 at this in a diligent, thoughtful way and, you know,  
17 in accordance with professional standards, do the  
18 right studies and analysis before we make any  
19 decision. And that is what we've done here.

20 And really the -- you know, the impacts of  
21 putting a road through there on either side are pretty  
22 significant. And, you know, I would hope that the  
23 Board wouldn't dismiss those. It's a lot of pavement  
24 that needs to be added. It's definitely a safety and  
25 security issue kind of above and beyond actually what

1 we've even covered in the reports that are submitted.

2 MS. GOWAN: Can I --

3 MS. BRUGG: And for the Montessori School --

4 MS. GOWAN: I just wanted to add something  
5 too, John, that I think is really important -- because  
6 I'm at the school every day. I see the neighborhood  
7 use of our property. They come in and use the green  
8 space for running their dogs. You know, like they  
9 can -- it's big enough to take your dogs off leash and  
10 they play with them. They come to the playground  
11 spaces. They do use the green space that is there.

12 And if you look at the site plan, where the  
13 road would go on the south side, aside from this, you  
14 know, what I think are really serious safety concerns,  
15 it also wipes out all of the space and all of the  
16 green space that the neighborhood says that they use  
17 and that they enjoy. And so we use and enjoy that  
18 green space as well. We share that space with them.  
19 And we're happy to continue doing that.

20 But with that road, if you look at where it  
21 would go it would -- because it would have to stay  
22 away from the building just a little bit, it would end  
23 up cutting things off in places that would then  
24 require us to put up fencing, which would then limit  
25 access in places where they currently have access. So

1 on the back of the building you see there's like -- it  
2 looks like our awnings that are above the pavement.  
3 That's not a fenced in area. It's just -- there are  
4 blueberry bushes around it. So the children know not  
5 to go through. But if you put the street there, we'd  
6 have a fence that -- which would mean no access to  
7 that space.

8 So from a neighborhood perspective I  
9 understand that suggestion, but I also think that --  
10 you know, I'm also weighing that -- not just the  
11 safety of our children, but also the quality of the  
12 space that's left.

13 MR. OSOWSKI: Can we pull up the site plan  
14 that shows the blue and magenta driveways that we're  
15 talking about so that people can see it?

16 MR. FRISCH: Brendan, can you pull up that  
17 drawing? That one.

18 MR. OSOWSKI: You just passed it. Thank  
19 you. Okay.

20 MS. GOWAN: Just to give you some feedback  
21 on where that is in our school footprint, it cuts  
22 between -- it goes through the blacktop area where the  
23 children currently play. It's a pavement area. For  
24 those of you with young kids, they really like  
25 pavement, which is really funny but they do.

1           But it also puts a road in between the  
2 school and the current playground and goes right next  
3 to a place that we use as a hallway space. So walking  
4 around there's a path that goes between those two --  
5 kind of the L-shape of the school. Our gardens. And  
6 it's -- it is a lot of extra additional pavement that  
7 would require fencing -- fencing would need to be  
8 added as well for the safety of the children.

9           MR. OSOWSKI: Yeah. I didn't think the blue  
10 option was a very good one.

11           I think the magenta one could actually be  
12 tightened up a little bit to avoid running through the  
13 floodplain by creating its access point at the  
14 northeast corner of the parking lot, where the  
15 dumpsters show now. That will probably cut off about  
16 40 percent of the length.

17           Traffic-wise it may not be ideal, but you  
18 know, this should be a 10, 15 mile per hour kind of  
19 driveway anyway, not a 25 mile per hour road that  
20 could get through a neighborhood.

21           MR. GORDON: John, if you don't mind -- this  
22 is Ken Gordon. If you don't mind, could I ask some  
23 questions about that magenta drive that might shed  
24 some light on this subject?

25           MR. OSOWSKI: Yes. Please, Ken.

1           MR. GORDON: Thank you, John. And I'm not  
2           sure, Matt, if you're the best one to answer these  
3           questions. Tell me if you're not and maybe somebody  
4           else on the team could.

5           So I'm looking at the building plan. And do  
6           you know what the current plan is for the northernmost  
7           wing of the Brookside facility? What's going into  
8           that space?

9           MR. TOMLINSON: That question may be better  
10          for David or Betsy. But my understanding is the  
11          community services that are currently in the building  
12          will be in that northern wing, which are the food  
13          cupboard, potentially Parks and Rec, and some of the  
14          other tenants that are in the building too.

15          MR. GORDON: And I know Rabbi Noble is on  
16          this call. I don't know, Betsy, if you would have an  
17          objection to having Rabbi Noble participate in this  
18          discussion?

19          MS. BRUGG: Not at all. Not at all.

20          MR. GORDON: Rabbi, if you're there?

21          RABBI NOBLE: Yes. Yes. I'm here.

22          MR. GORDON: Thank you, Rabbi. Rabbi, what  
23          is the plan for the use of that northernmost wing of  
24          Brookside School?

25          RABBI NOBLE: One second. If we're talking

1 about the same thing there, like -- I'm just trying to  
2 make sure I have this right. That's the -- that's  
3 going to be the new Parks and Rec space.

4 MR. GORDON: The new space leased to  
5 Brighton Recreation?

6 RABBI NOBLE: And parks. Yup.

7 MR. GORDON: And including the Brighton  
8 Recreation senior program is your understanding;  
9 right?

10 RABBI NOBLE: I believe so. I believe  
11 everything that's there from the Town is staying.

12 MR. GORDON: Where is the main entrance plan  
13 to be, if you know, for that Brighton Recreation  
14 program.

15 RABBI NOBLE: Well, we would -- we are  
16 planning to do it right in the middle of your magenta  
17 road because the current main entrance is on the  
18 Idlewood side. So they would be moving their offices  
19 and everything around.

20 I can't really show you with this. I don't  
21 have any control of that. But it's actually smack in  
22 the middle of where the magenta road is. We're  
23 planning a new entrance there. Move it a little  
24 closer --

25 MR. GORDON: Brendan, if you could move --

1 MS. BRUGG: To the left.

2 RABBI NOBLE: To the right.

3 MS. BRUGG: To the right.

4 (Simultaneous conversation.)

5 RABBI NOBLE: That's it.

6 MS. BRUGG: That's access from Winton.

7 MR. TOMLINSON: Ken, just so you're aware  
8 and other folks listening, that aligns with the  
9 corridors into that space for that main entry on the  
10 base of the building.

11 RABBI NOBLE: Thank you for that, Matt. It  
12 would be impossible to put the entrance anywhere else.

13 MR. GORDON: Right. And so that entrance  
14 wouldn't be there. So we would expect to have  
15 Brighton Recreation visitors, seniors, participants in  
16 Brighton Recreation summer day camps parking in the  
17 field, which is accessed from the Winton Road  
18 entrance. And then walking along the sidewalk towards  
19 that entrance, that would be the new main entrance to  
20 Brighton Recreation. Is that what you would expect?

21 RABBI NOBLE: Correct.

22 MR. TOMLINSON: That is correct. And we  
23 have oriented new sidewalk, ADA spaces and accessible  
24 routes from that point.

25 MR. GORDON: Right. And during our summer



1 day camp programs, which we run at Brookside School,  
2 if we were wanting to have our campers be able to go  
3 outside and play, how would they be able to do that?  
4 Could they -- could they come through the Montessori  
5 space?

6 RABBI NOBLE: No.

7 MR. GORDON: No. That's locked off, isn't  
8 it?

9 RABBI NOBLE: Yes, it is. For their  
10 security reasons.

11 MR. GORDON: Right. And could it come  
12 through -- could our kids run through the hallways of  
13 the Talmudical Institute to get outside?

14 RABBI NOBLE: No. We're expecting to put  
15 emergency access only to separate the Talmudical  
16 Institute for their security.

17 MR. GORDON: So our children in our day  
18 program for Brighton Recreation for summer camp would  
19 then be exiting those doors and going out onto the  
20 green space where the purple asphalt roadway is  
21 planned?

22 RABBI NOBLE: Well, I think they actually  
23 use that green pace as part of their programming. But  
24 I guess if you put a big old road there, then the kids  
25 would have to walk alongside. And assuming they don't

1 get in any trouble with the cars, they would walk  
2 around that way.

3 So that would be correct. But I think that  
4 might not -- you know, that might be a problem because  
5 they're currently using that -- I believe they're  
6 using that green space right there where that big  
7 magenta road is.

8 MR. GORDON: I think they're actually using  
9 the green space on the other side -- on the south side  
10 of the building because we're more located towards the  
11 south side.

12 But given the fact that we're going to be  
13 cut off from that physically, I do think it's  
14 important to note, as Ms. Gowan did for the Montessori  
15 children being impacted by the blue road, the Brighton  
16 Recreation campers are going to be impacted by the  
17 magenta road in the same manner.

18 And, of course, we're talking about summer  
19 programming. I don't know if anyone's looked at what  
20 happens with snow removal and snow storage and site  
21 lines for either of these roadways when you start  
22 plowing snowbanks up and having pedestrians in close  
23 proximity.

24 Dave or Matt, anyone given any thought to  
25 that?

1           MR. TOMLINSON: From a site plan standpoint,  
2 John is correct. Meaning internal roadways -- it's  
3 not as significant. It's not an immaterial issue, but  
4 it's not as significant of an issue given the traffic  
5 calming and expected low speeds through there.

6           However snow removal as well as -- again, I  
7 want to bring up the potential impacts to the  
8 floodplain and the EPOD. Obviously EPOD permits are  
9 granted through this Board. But we really are, from  
10 an environmental standpoint, trying to limit the  
11 impacts to those features on the site by locating the  
12 development out of those areas wherever possible. And  
13 this would definitely impact those.

14           Routing all traffic for the site through a  
15 parking lot that is going to be utilized by all the  
16 tenants of the building, that's the Winton Road side  
17 if that was the only access point, also would not be  
18 ideal. And that's the reason for the geometry that we  
19 showed for that magenta line. Because you would not  
20 want to have, for example, seniors attending that area  
21 of the building backing out as all traffic is routed  
22 through or vice versa. That would not be an ideal  
23 traffic routing, as well internally to the site.

24           MR. GORDON: And just as to some comments  
25 that Betsy had made earlier about the record and as it

1 stands now relative to the traffic impacts of the  
2 continuation of the use by the Montessori School, I  
3 forget, how long has the Montessori School operated at  
4 this location?

5 MS. BRUGG: Over 20 years.

6 MR. GORDON: And if you could just remind me  
7 again, if the Board were to approve the conditional  
8 use permit thus allowing the Montessori to continue  
9 the operation at the school where it's been at this  
10 location for the last 20-plus years, what would be the  
11 additional traffic above and beyond what we have as  
12 current conditions there?

13 MS. BRUGG: There's zero additional traffic.  
14 If anything, there's a reduction in traffic by  
15 rerouting the Town programs and the food cupboard.

16 MR. TOMLINSON: And again, I may be asking  
17 Cindy just to confirm from a space and student density  
18 standpoint, whether or not there would be opportunity  
19 for additional students that might drive traffic for  
20 them in the future. So Cindy, can you speak to that?

21 MS. GOWAN: We're at capacity. We're full.  
22 We can't accept any more students.

23 There's a small space adjacent to our space  
24 that we're looking at using. And it's not to add  
25 children. It's to space them out more.

1           So when we're looking at our space, we  
2           want -- we do not want any more students.

3           MR. TOMLINSON: And so following that, Ken,  
4           of course there would not be additional traffic  
5           generation to any additional parents and students.

6           MS. BRUGG: And the traffic was evaluated.  
7           The road capacity is adequate. And we're operating at  
8           the state level of service.

9           MR. GORDON: If I could just change topics  
10          briefly. Again, I don't know who on the team is best  
11          to answer this. The neighbors have asked for a formal  
12          easement across the property. I saw in the materials  
13          that it was advised by former Police Chief Mark  
14          Henderson that that formal easement not be granted.

15          But could you speak a little bit about the  
16          Talmudical Institute and for that matter the  
17          Montessori's tolerance of the use or potential  
18          continued use of the property by the neighbors on a  
19          informal basis to walk their dogs, play at the  
20          playground, et cetera?

21          MS. BRUGG: Yeah. As we said from day one,  
22          the Talmudical Institute and Montessori are totally  
23          comfortable with the informal use of the property.  
24          That's the case with, you know, many public schools as  
25          well.

1           But, you know, they do have some legitimate  
2 safety concerns where they cannot grant a formal  
3 easement because we do have to address, you know,  
4 safety needs as when they come up.

5           I think everybody on this Zoom is aware of  
6 the, you know -- environment that we live in these  
7 days and the concerns that schools and religious  
8 institutions have with the kinds of things we hear  
9 about in the news. So, you know, we have to be able  
10 to have the flexibility to maintain the safety and  
11 security of, you know, two schools operating here.

12           MR. GORDON: But I'm interested in hearing a  
13 little bit, maybe from Ms. Gowan as well, as to  
14 Montessori's willingness to share the playground so to  
15 speak.

16           MS. GOWAN: So we currently do that, Ken.  
17 We built a toddler garden on the back of the building  
18 that has the shade veils that many of you see.  
19 They're brightly colored. So you see them when you're  
20 driving down Winton.

21           And that space we regularly share. There  
22 are trucks that are out and toys. The hose is  
23 regularly out. And I know that people come and use it  
24 in the evenings and on the weekend because when I come  
25 on Monday mornings or Tuesday mornings sometimes, I

1 have to put all of those things away for them.

2 In the back of the building there are -- is  
3 the garden space. Right now we don't have a garden --  
4 we don't have a gardener. COVID kind of put a kibosh  
5 on our gardener. But when that garden is available,  
6 you know, I've spotted children that I know that are  
7 friends of my children tasting strawberries from the  
8 garden, you know. And those are things that we  
9 welcome and we're fine with.

10 We ask that people don't share those spaces  
11 with us during times when our children are on them.  
12 So if we're on the playground for instance, we try and  
13 keep it just with our children. But we are out there  
14 for very short periods of the day.

15 So, for instance, we were talking about  
16 Parks and Recreation and their programs. We regularly  
17 share that space with their summer program and the  
18 neighborhood successfully during those times.

19 But, you know, there's shovels and rakes and  
20 all sorts of toys and things that are out and about.  
21 And we see neighbors using them regularly.

22 MR. GORDON: Okay. If I'm a resident at the  
23 Evans Farm neighborhood, is it fair to say that I  
24 should anticipate no change in those policies that  
25 might happen as a result of this project?

1 MS. GOWAN: Unless we have to build a fence  
2 because of safety concerns. Right? So unless I  
3 needed to close off areas because I was worried about  
4 traffic, I wouldn't -- I wouldn't make any changes to  
5 our current policy. There would be no reason for me  
6 to.

7 MR. GORDON: Betsy, you were going to say  
8 something to that?

9 MS. BRUGG: Yeah. The idea is really to  
10 keep it, you know, friendly and open to the  
11 neighborhood. The Rabbi's on this call. They -- you  
12 know, they're thrilled to be part of this  
13 neighborhood.

14 MR. GORDON: Thank you for indulging me. I  
15 appreciate it. Thank you, John, for letting me ask my  
16 questions.

17 MR. OSOWSKI: Sure. Jeff Frisch, you have  
18 any questions at this time? Jeff?

19 MR. FRISCH: Yeah. Just let me look over --  
20 you can check to see if there's other people. I just  
21 want to -- I guess -- I mean, there's a few questions  
22 that in talking with Evert that we want cleared up  
23 prior drafting a negative declaration for SEQRA. A  
24 lot of those are outlined in the report.

25 Some of them involve the stormwater



1 floodplain mitigation and where the mitigation is  
2 going to be located. And some questions about the  
3 inlet to the pond and how that will be managed during  
4 storms.

5 MR. TOMLINSON: Yeah. Jeff, I think the  
6 outstanding engineering questions of comments that we,  
7 of course will work through with staff are really tied  
8 to the site plan specific to the Talmudical, not  
9 necessarily the Montessori. So --

10 MR. FRISCH: Right.

11 MR. TOMLINSON: -- understanding that we  
12 also need to go to Architectural Review Board  
13 probably -- probably to final approval anyway, we did  
14 anticipate another round of comments and working with  
15 staff to resolve any of those outstanding questions.

16 MR. FRISCH: Yeah. And I think, talking  
17 with him -- like otherwise he seems to think that  
18 we're in decent shape as far as that stuff goes.

19 And I don't think we'll be -- because of the  
20 outstanding comments for SEQRA, we're kind of looking  
21 for not doing an approval for the site plan this  
22 evening. But I, in talking with some other staff,  
23 there's some potential to combine final and  
24 preliminary in the future.

25 MR. TOMLINSON: Understood. Thanks.

1           MR. OSOWSKI: All right. Thank you, Jeff.  
2           That is a public hearing. So if there are any members  
3           of the public that wish to address these applications,  
4           please, now is your opportunity.

5           MR. GORDON: And how should they indicate  
6           that they're interested in speaking, John?

7           MR. OSOWSKI: I can't recall how they've  
8           done it in the past. They raise their hand and get  
9           recognized?

10          MR. GORDON: Sure. There is a raise hand  
11          feature. If you look in your box, there's three  
12          little dots at the top right hand corner of the box  
13          with your name in it. And you can raise your hand.

14          And as we -- as we recognize you, we will  
15          unmute your microphone and ask you to turn on your  
16          camera. State your name and your address please for  
17          the record.

18          (Simultaneous conversation.)

19          MR. GORDON: I'm not sure who we have  
20          talking over here.

21          So we will put up a timer. And we do ask if  
22          you could try to keep your remarks to three minutes or  
23          less just to give everybody an opportunity.

24          And John, I would have you I guess recognize  
25          each speaker. And then I believe it will be either

1     Brendan or Jeff who will be unmuting each participant  
2     as their turn comes up.

3             MR. OSOWSKI:   Excellent thank you.

4             MR. FRISCH:   John, if you want me to call  
5     their names too, I can do that.

6             MR. OSOWSKI:   Sure.   Yeah.   I don't see  
7     anybody yet.

8             MR. FRISCH:   First, we'll have Judy Massare.

9             MR. OSOWSKI:   Judy, please restate your name  
10    and your address for the record.

11            MS. MASSARE:   Yeah.   My name is Judy  
12    Massare.   I live at 126 Idlewood Road.

13            And I would like to start out by correcting  
14    some of the numbers that were bounced around today.  
15    The number that was quoted was 96 cars on school days  
16    going to Montessori.   And that's lower than what Cindy  
17    Gowan's letter of May 26th or so said.   But I can go  
18    with those numbers anyway.

19            So 96 cars are going.   On school days  
20    approximately 20 of those cars are staff.   And they go  
21    to the school and from the school once a day.   So  
22    that's 40 cars right there.

23            The remaining 76 cars are parents.   And they  
24    go down our road four times a day.   They drop the kids  
25    off and leave the neighborhood.   Then they pick up the

1 kids and leave the neighborhood. So that's over 300  
2 cars on our streets just from Montessori parents. And  
3 then add another 40. So you're well over 300 cars,  
4 350 cars, using Idlewood Road.

5 Now that is well over 17 percent of the  
6 traffic on our road in the course of the day. But  
7 more importantly, those cars are not spread evenly  
8 throughout the day. They are concentrated at pickup  
9 time and drop-off time, at which point a lot of those  
10 cars are coming in at the same time.

11 If you look at the engineering report or the  
12 traffic study that was submitted with materials this  
13 time, you'll see that one of the conclusions is that  
14 Idlewood Road has been operating at traffic levels  
15 much higher than the road was designed.

16 From the engineer -- from traffic -- latest  
17 traffic study, all we're saying is we don't want that  
18 to continue. We want to go back to what it was  
19 designed for and that is a lower traffic count. The  
20 only way to do that is to close the Idlewood entrance.  
21 Because it may be that everyone recommends that  
22 Brighton Rec uses Winton Road and everyone recommends  
23 that the food pantry uses Winton Road, but unless you  
24 got a traffic cop there asking people as they pull  
25 into Brookside where they're going, you're not going

1 to be able to enforce that.

2 Brighton Rec already directs traffic to  
3 Winton Road. And I know for a fact that a lot of  
4 traffic for Brighton Rec comes through Idlewood  
5 because a lot of them are my friends.

6 So as long as Idlewood Road is open --  
7 Idlewood entrance is open, everybody who has business  
8 at the south -- at the east end of the building, for  
9 the north wing and the south wing, are both going --  
10 are all going to be going through the Idlewood  
11 entrance.

12 And I don't see the timer anywhere, but I  
13 assume that I've used up my three minutes. So I'll  
14 let one of my neighbors speak.

15 MR. OSOWSKI: Very good. Thank you very  
16 much, Judy.

17 MR. BRENDAN: I'm just asking the Board  
18 members, do you see the timer?

19 MR. GORDON: The timer is located on the  
20 left center of the map that is up showing the magenta  
21 road, right at the end of the magenta road, furthest  
22 to the west of that.

23 MR. OSOWSKI: Got it. Thank you.

24 MR. GORDON: And as Reina just commented  
25 "Nope. No timer." So I'm not sure how your screen is

1 set up Ms. Reina, but it is visible to at least the  
2 Board Members. Oh --

3 MR. FRISCH: She said --

4 MS. ALTMAN: They're saying they can see it  
5 now.

6 MR. GORDON: Okay. Very good. Thank you  
7 though for letting us know.

8 MR. FRISCH: Next will be Aaron Reina.

9 MR. REINA: Can you guys hear me?

10 MS. OSOWSKI: Aaron Reina, thank you. If  
11 you could state your address for us.

12 MR. REINA: Aaron Reina, 62 Poplar Way. I  
13 want to congratulate you guys. I mean, what an  
14 amazing well orchestrated sales performance from the  
15 legal team. Really well put together.

16 I want to remind the Planning Board, and  
17 that this is really my intent tonight, you get what  
18 you inspect, not what you expect. I'm going to say  
19 that again. You get what you inspect, not what you  
20 expect.

21 We can use the green space, but we can't  
22 have an easement. So there's enforcement there.  
23 There's no guarantee there. As much as we want to  
24 re-enforce that with our questions, there is no  
25 guarantee of that continuing.

1           With the security concerns raised by our  
2 former police chief -- police chief, can we really  
3 rely on that? We can't.

4           Can we rely on traffic being reduced? No.  
5 Because there's no enforcement there. If the tenants  
6 change, they can base that change on prior precedents  
7 set with this plan. The same thing happens with the  
8 traffic numbers. The same thing happens with  
9 everything else.

10          I would also call your attention to where  
11 we're going to enter and leave. Prior proposal -- on  
12 this proposal that's still open with the public  
13 record, people were coming in Idlewood. Then they're  
14 coming in Winton. Which is it?

15          And it's not just Montessori. They've  
16 unfortunately been thrown under the bus at this point,  
17 accused of being all of the traffic. They're a lot of  
18 it, most of it, probably the vast majority of it.  
19 It's not just Montessori.

20          We like Montessori. In fact, I'm glad that  
21 you're our neighbor in Brighton. But when it comes  
22 down to it, I personally, on behalf of the  
23 neighborhood, have been in communication with the  
24 current police chief and the past police chief. And  
25 they've done road monitoring for the last, I'm going

1 to call it, five years and at least since I've been  
2 talking to them about speeds and concerns in traffic  
3 on Idlewood. This isn't unique to this application.  
4 And we need to stop pretending it is.

5 Again, I just want to look at this and  
6 figure out how we're going to do it. We look at  
7 safety on the property. We've heard people talk all  
8 night that it's not safe for the kids to have to cross  
9 a 15 mile an hour access road through a parking lot.  
10 But somehow it's safe for my neighbors, myself, my  
11 dogs, my kids, to ride their bikes during traffic  
12 patterns that are admittedly very high in a  
13 neighborhood where the road were not designed for  
14 that?

15 Whatever decision you make as a Planning  
16 Board needs to take into consideration future planning  
17 for this property and the precedent that is going to  
18 be set. We're just asking for that consideration to  
19 be made and for that entrance to be closed. The rest  
20 of it, hey, you know, it's in your hands. But you're  
21 setting a precedent. And we are asking for your  
22 attention as the homeowners, not a private entity with  
23 temporary tenants. Thank you.

24 MR. OSOWSKI: Thank you, Aaron. Much  
25 appreciated. Okay. Do we have another speaker?



1                   MR. FRISCH: I think we have Howard.  
2                   Howard, are you there?

3                   MS. ABRAHAM: Yes, I'm here. My name is  
4                   Debbie Abrahams and I live at 150 Southwood Lane.  
5                   I've been very concerned about this because what I see  
6                   is that the neighborhood is going to be losing a lot  
7                   and gaining nothing in return with this plan.

8                   I'm accustomed to taking my bicycle  
9                   through -- from Idlewood to Winton. And it's the  
10                  safest way I know to get to Winton because otherwise I  
11                  would have to exit Evans Farm and go along Westfall  
12                  Road to make a left turn out to Winton from Westfall  
13                  Road, which is a fairly busy intersection.

14                 So I would like more assurances that there  
15                 will be some kind of permanent easement that allows  
16                 neighbors to move from Idlewood over to Winton Road  
17                 through the property. That's my main concern.

18                 And the only other concern I have was  
19                 something that was mentioned previously about  
20                 lighting. Having to add more lighting, parking lot  
21                 lighting or whatever, would contribute greatly to the  
22                 light pollution that is an annoyance to the neighbors  
23                 and adding a ecological danger to nocturnal creatures,  
24                 such as fireflies. That is another concern of mine.

25                 So that's pretty much everything I have to

1 say. But I am concerned that we not lose the right to  
2 cross this property that we've enjoyed for so many  
3 years. I've been living here for over 30 years. And  
4 I would hate to see that ability to cross the property  
5 taken away.

6 So that's it. That's all I have to say.

7 MR. OSOWSKI: Thank you very much, Debbie.  
8 Appreciate it. Okay. Next speaker.

9 MR. FRISCH: Next will be Peg Warrick.

10 MS. ALTMAN: Unmute, Peg.

11 MS. WARRICK: Sorry. I had muted myself.  
12 It wasn't you. Sorry about that.

13 This is Peg Warrick. I live on Idlewood  
14 right across from the school. I have a couple of key  
15 points.

16 Betsy Brugg, among other people, have  
17 mentioned the traffic has always been there. That's  
18 because we've had no ability to have any impact  
19 because it was public land and we could not get that  
20 changed. They had the right to do that.

21 Since this land is now changing hands and  
22 going to be in private hands, I think it's time to  
23 bring Idlewood back to a safe pedestrian walkable and  
24 bicycleable street. Well, I don't know if that's a  
25 word.

1           Anyway. Cindy talked about the south side  
2 of the road wiping out the green space. My  
3 understanding of the current proposal is that the --  
4 half of that from the Winton side is going to be in  
5 there as a service road anyway, to the paved area.  
6 And it will already go around the gardens with the  
7 playground that's got the blueberry bushes. I think  
8 that's what those are.

9           So that amount of green space will already  
10 be changed. So we're only asking for the second half  
11 of that road to go across.

12           Since most of that traffic is pickup and  
13 drop-off traffic, when I -- I walk my dog over there a  
14 lot. When I've been over there, I have not seen  
15 children trying to go to playgrounds during those  
16 hours. I assume that they're all going into  
17 classrooms and getting checked in. So I can  
18 understand some concern for children, but I have a  
19 hard time thinking it's significant.

20           Regarding Ken Gordon's questions about the  
21 kids coming out of Brighton Rec on the north side of  
22 the building, they rarely play in that south side,  
23 especially in the future since that's where the  
24 floodplain retention pond is proposed. The fields are  
25 much more established with nets and what have you on

1 the south -- I'm sorry. I'm getting north and south  
2 confused.

3 They're on -- when they come out of the  
4 north side, they don't usually play on the north side.  
5 They're always playing in the much bigger, dryer field  
6 on the south side. So I actually -- I'm concerned --  
7 as Ken started this discussion about the kids coming  
8 out of that north door, but working their way to the  
9 south side away from the pond into the bigger fields.

10 I had one more. Shoot. Oh. It was  
11 something thing about the 17 percent. I don't  
12 understand how the overall Idlewood traffic could be  
13 so high that the 200-plus count that Judy mentioned  
14 could possibly be 17 percent.

15 I think that's it. Oh. And reducing  
16 traffic. Definitely appreciate them moving around the  
17 others. People that are used to going in the side may  
18 continue. And per Judy's traffic count in the busy  
19 part of the morning, that was a couple percent of the  
20 cars. So that doesn't address our issue.

21 Thank you very much. That's all I have.

22 MR. OSOWSKI: All right. Thank you, Peg.  
23 Appreciate your comments.

24 MR. FRISCH: Next up is Vicki Reina.

25 MR. REINA: Hi. I'm Vicki Reina. I live at

1       62 Poplar Way.

2               I first want to say that I agree with many  
3 of the previous points brought up with many of my  
4 neighbors. But what particular strikes me is this  
5 comment that it does not matter, that it's always been  
6 this way. We've been doing this way for 20 years or  
7 more when this school was designed.

8               I think that's a really I guess bad -- I  
9 don't know -- would use bad approach to thinking about  
10 the evolution of changes to our environment and our  
11 community at large. If we have had concerns, like  
12 Aaron said, about the entrance and traffic, it's not  
13 new. This is a prime opportunity, much like Peg said,  
14 to address the issue.

15              If we really thought about 20 years ago,  
16 it's when we thought Pluto was a planet. We didn't  
17 use the internet the way that we use it now. Things  
18 change. We evolve and we learn. And now we have an  
19 opportunity to make it different.

20              I also am suspect about the data that has  
21 been interpreted. However, I want to note that even  
22 if it's 17 percent of an increase on a daily basis to  
23 our neighborhood, that is significant for pedestrian  
24 streets.

25              And further, I did have a question is --

1 about future tenants and having to get a conditional  
2 permit and wondering if that is relevant to if it's  
3 another property or organization owned by TIUNY. So  
4 if something that they own were to move in, they're  
5 already property owners. Would they need a  
6 conditional use permit?

7 And I think that I want to reiterate that it  
8 felt on this end from listening to the speakers  
9 tonight that there's some great consideration about  
10 the student of MSR and those that might use Brighton  
11 Rec, but again, not really getting the feeling or the  
12 intent is to protect the children and the people of  
13 the neighborhood that you propose to continue to drive  
14 through every day.

15 Montessori and Brighton Rec are transient  
16 users. They're not going to use this neighborhood in  
17 a way like they are taxpaying residents of the  
18 location.

19 I feel like I could go on and on, but I'm  
20 going to leave it there. I hope that the Planning  
21 Board truly gives some consideration to the many  
22 concerns expressed by the residents of this  
23 neighborhood. Thank you.

24 MR. OSOWSKI: All right. Thank you, Vicki.  
25 Do we have another speaker?

1 MR. FRISCH: Yup. Next will Sharon.

2 MS. DICKMAN: Hi. My name is Sharon  
3 Dickman. I live at 2 Birmingham Drive.

4 I just wanted to make a brief comment about  
5 Mr. Gordon's talk on the whole issue of the space very  
6 close to the children's school. And also Cynthia  
7 Gowan talked about seeing neighbors walking through  
8 and what a good feeling she gets and the neighbors get  
9 of using that space and having access to that space.  
10 And she kind of I think gave the impression that  
11 that's just going to go on indefinitely.

12 Well we know through Mr. Gordon and other  
13 people that there's no way that we can guarantee that.  
14 And, you know, it just has to be. It can't be a  
15 promise situation. And the changes could happen at  
16 any time. And it's very informal because it can't be  
17 formal.

18 So I just think that sets a lot of, you  
19 know, problems for the community and things we have to  
20 give up. And Cynthia's right. It is a great thing  
21 that's been going on. I was one of the people who  
22 collected signatures about a year ago when the school  
23 district decided to sell this piece of property. And  
24 the superintendent gave us less than a month to go  
25 around and hurry up and get 1600 signatures and then

1 maybe he'd have a meeting to tell us what was really  
2 going on. And it turned out we never could raise the  
3 1600 because we didn't have enough time to do it.

4 So just so you have an understanding that  
5 the people that you're hearing from tonight and  
6 earlier, you know, have really not had a chance to --  
7 to what? To express what's really going on. And  
8 nobody seems to really be listening. And it is very  
9 frustrating they've been left out a lot as I've been  
10 left out a lot.

11 So please keep that in mind. I hope the  
12 Planning Board, obviously, especially, will keep those  
13 things in mind and try to help us get some kind of a  
14 fair arrangement so the people especially -- and not  
15 just especially -- those who live closest to  
16 Brookside, but also the rest of us. You know, there  
17 are more than 200 homes around here, beautiful homes.  
18 One was just purchased for \$500,000. And it's not a  
19 mansion.

20 So you can imagine that this is a nice  
21 neighborhood and we really want to keep it that way.  
22 Thank you.

23 MR. OSOWSKI: Right. Thank you very much,  
24 Sharon. Appreciate it. Do we have another speaker?

25 MS. SACCO: I'm Casey Sacco. I live at 20



1 Dartford Road.

2 Just want to follow up with all of my  
3 neighbors. I think you've heard from all of us. You  
4 know our concerns. And I think, you know, one of the  
5 things that become very apparent is, you know, you're  
6 hearing from, I don't know, 50 -- at least 50  
7 households of all our concerns. And then all we hear  
8 from are lawyers.

9 And I find it very ironic that the Town  
10 representatives for Town Rec, for the lawyers, for  
11 TIUNY, they have concerns -- I think the magenta road  
12 is a great solution. And the concern is that some  
13 kids during the summer months with camp counselors  
14 might have to cross a road, a road that you are saying  
15 is only going to be at certain times of the day.

16 So you've got a very large concern about  
17 this one little access road where you're asking us as  
18 a neighborhood to deal with this traffic all the time  
19 in our own homes. We have kids. We have dogs. We  
20 have neighbors that we are walking with. And you've  
21 got two residences right next to this same access road  
22 from our neighborhood who have kids and have dogs that  
23 are right adjacent to it.

24 So your concern about some summer camp  
25 having to cross this road once -- you know, one day

1 for the summer months, I think that's ridiculous that  
2 you're not now concerned about what we're concerned  
3 with.

4 I have the same question that Vicki asked  
5 about future use. I do have -- you know, I have  
6 concerns that eventually Montessori might not be a  
7 tenant. And then when that day arrives, what happens  
8 when TIUNY decides to expand their own school in that  
9 space?

10 Are they going to be required to come back  
11 for approval? Because we know they have a elementary  
12 school. Buses would be required. And now you're  
13 opening up our neighborhood to potentially another  
14 type of school having buses coming through our  
15 neighborhood and increasing traffic, which would be  
16 even worse.

17 And then my last thing is just I want you to  
18 remember we're residents. We leave here. This is our  
19 home. We pay the taxes. TIUNY is tax exempt. This  
20 Town is not getting any benefits out of them  
21 purchasing this property.

22 And then they're making money. They're  
23 profiting off their tenants. So why are we as  
24 taxpayers fighting so hard to protect our property and  
25 our beautiful neighborhood when this entity is not

1 contributing to the Town and they're making money off  
2 of those tenants?

3 So all of these -- use of this property  
4 should all come from Winton Road. It is now a  
5 for-profit entity. They're making money. And they  
6 are not going to be putting any money back into our  
7 tax roll.

8 So please as the Board and as a Town, your  
9 job is to listen to us, respect us and protect us  
10 because we are the ones who are paying for this.  
11 Thank you.

12 MR. OSOWSKI: All right. Thank you very  
13 much, Casey. Do we have another speaker?

14 Seth Holmes just came up. Seth, can you  
15 tell us where you live?

16 MR. HOLMES: Yeah. I'm Seth Holmes at 182  
17 Idlewood Road. I want to second most of what my  
18 neighbors just said, particularly what Casey was just  
19 saying right ahead of me.

20 And, you know, just to kind of piggyback off  
21 of that there's been a lot of -- I'm hearing a lot  
22 tonight about the safety of children walking around  
23 the building in relation to the cars moving around the  
24 same building.

25 I want to point out to Ken Gordon's comments

1 earlier. There are -- there is an eastern doorway out  
2 of that north wing where the Brighton Parks and Rec  
3 will go. Students or children during the summer could  
4 walk out of that eastern wing, walk on that sidewalk  
5 that already exists around the loop down to the  
6 playground, never crossing the driveway. So that's  
7 entirely possible.

8 We don't have that. It hasn't really been  
9 mentioned, just referred to, that we do not have  
10 sidewalks on Idlewood Road or in our entire  
11 neighborhood. So we all walk on the road as we've all  
12 said before many times.

13 So if we're concerned about the safety of  
14 kids walking around roads, we do it all day long in  
15 the morning when kids are walking to the bus in our  
16 neighborhood.

17 I want the Board to push a little harder on  
18 the traffic study. There was some comments that we  
19 made about the actual width of Idlewood Road. The  
20 comments in the traffic study says it's 24 feet wide.  
21 It's been measured by many of us at 19 feet of asphalt  
22 with two 30 foot -- or -- 30 inch concrete gutters on  
23 either side of that. Driving down the middle of that  
24 road, it does not look like a 24 foot wide road. It  
25 looks like 19 foot wide road at best with some

1 shoulder on the side of it. It's hard for me to  
2 imagine someone calling that a 24 foot wide road.

3 Yes, there is 24 foot of material there, but  
4 the contrast of different types of material, concrete  
5 to asphalt, the fact that they settle different, it's  
6 not a 24 foot wide road. I am hard pressed to see  
7 that is -- can be considered a minor collector as has  
8 been mentioned by the traffic.

9 I -- you know, we're talking about  
10 pedestrian access on this road without sidewalks.  
11 There was no mention of that in the traffic study.  
12 Are we doing a comprehensive traffic study or are we  
13 just analyzing cars? How about the actual use of the  
14 road, the fact that people walk in it, people bike in  
15 it? That wasn't ever mentioned. The Board has to  
16 take this into consideration.

17 You know, I would hope that the Board -- I  
18 mean the Town has its own engineer. Did they study  
19 the road and come to some sort of conclusion as to  
20 whether it's a minor collector or not? If we're  
21 pushing this much traffic out, which the traffic study  
22 says is a minor collector amount of traffic, you know,  
23 I question whether if the Town was going to build a  
24 new minor collector roadway, would they build it the  
25 way Idlewood is currently designed without sidewalks,

1 with 19 feet of asphalt and 30 inch gutters on the  
2 either side?

3 I really hope the Board pushes a little  
4 harder on all of these aspects that come out of this  
5 study and presentation. Thanks.

6 MR. OSOWSKI: All right. Thank you very  
7 much, Seth. I appreciate your comments. Do we have a  
8 next speaker?

9 MS. SCHROEDER: I'm Audrey Schroeder. I  
10 live at 190 Idlewood Road. And I'm not going to speak  
11 as eloquently as Seth and Casey and my other  
12 neighbors. But I wholeheartedly agree with all of the  
13 points that they've made. We've had a lot of  
14 discussions together and my neighbors have sent in  
15 multiple letters to the Board providing a lot of  
16 details.

17 I feel that there are a lot of challenges  
18 that's been presented, but I don't feel any of them  
19 are insurmountable. And I feel that that magenta road  
20 that's on the diagram is more than reasonable.

21 I feel like a lot of accommodations have  
22 been made for the tenants and a lot of other parties,  
23 but not for the direct neighbors that live here  
24 permanently. And I'm extremely concerned about the  
25 traffic.

1           In one of the letters that me and some of  
2     the other neighbors submitted last month to the  
3     Planning Board, there was some additional traffic  
4     study data, one of which I took. I live at 190  
5     Idlewood Road. I'm two doors down from the Idlewood  
6     entrance to the property. And my children, again,  
7     walk to and from the bus stop during the peak traffic  
8     hours of parents going into and out of that property.

9           And on the morning of May 25th, a Wednesday,  
10    a typical day, from 7:45 a.m. to 9 o'clock a.m., of  
11    all the cars that passed back and forth in front of my  
12    house, 65 percent of the cars passing back and forth  
13    were related to the property. And I just -- I just  
14    feel that's ridiculous.

15           Again, I -- again, I'm still not clear as to  
16    how the 17 percent of overall traffic was calculated.  
17    Even if that was accurate, I agree that that is quite  
18    significant. But that also is not reflecting these  
19    peak traffic hours. And I'm just talking the morning  
20    traffic hours. There's waves of peak traffic hours in  
21    the afternoon and early evenings as well.

22           So I just -- I -- I'm feeling really  
23    frustrated that we've again and again been sharing I  
24    think some very reasonable concerns. We're neighbors  
25    here. We plan to stay here permanently. And I truly

1 hope that the Idlewood entrance to the property can be  
2 closed off. Thank you.

3 MR. OSOWSKI: All right. Thank you very  
4 much, Audrey. Appreciate your comments.

5 Okay. Next speaker.

6 MS. BEACH: Can you hear me okay?

7 MR. OSOWSKI: Yes.

8 MS. BEACH: Okay. My name is Heather Beach  
9 and I live at 200 Idlewood, which is the property that  
10 is directly adjacent to the road, the access road.

11 I don't necessarily have anything, you know,  
12 specific with traffic studies or anything else to add.  
13 It's more of I would just like to appeal to the  
14 Board's just sense of -- I don't know. For lack of a  
15 term, just please -- like just doing the right thing  
16 for the neighbors and the taxpayers of this town.

17 We -- we -- everything that my other  
18 neighbors have said, I completely agree with. And I  
19 just -- it's very difficult for me to listen to all  
20 the talk of campers' safety and Montessori students'  
21 safety, which obviously is very important. As a  
22 parent I understand that completely. But our  
23 children's safety and quality of life is what my --  
24 you know, is just as much of a concern, if not more,  
25 in my opinion. And I just feel like that's not being



1 heard or taken into consideration.

2 We as a neighborhood have -- are already  
3 losing a lot with the sale of this space. We're  
4 losing green space, which is incredibly important to,  
5 not only my family, but our neighborhood.

6 I see that the timer's not going. So I  
7 don't know what happened there.

8 But we're losing a lot of green space. And,  
9 again, they say that we can use it, but I -- without  
10 any formal agreements, we don't believe that that's  
11 really going to be true.

12 So it's just -- the traffic, the safety of  
13 our children, it's just as important as the safety of  
14 the people that are using the space temporarily. We  
15 live here. We're here all the time permanently. And  
16 it's -- it's just very important to us that you please  
17 take what we're saying to heart.

18 That's all I have to say about that. Thank  
19 you.

20 MR. OSOWSKI: Thank you very much, Heather.  
21 Appreciate your comments. Okay.

22 Do we have another speaker?

23 MR. FRISCH: If you're raising your hand,  
24 you can go ahead and speak. Gabby and Sam is the name  
25 on the computer.

1 MR. RAND: Hi.

2 MR. FRISCH: Go ahead.

3 MR. RAND: I'm Sam Rand. I live on Evandale  
4 Road. I'm a walker. One of my places that I like to  
5 walk through is I go through Brookside to the back of  
6 the Recreation Center, across the bridge and wind up  
7 on Winton, Winton south.

8 It depends on the day. Sometimes I'll take  
9 a left along south of Winton against the traffic. And  
10 I'll stop at the traffic light where all the  
11 professional buildings and colleges are across the  
12 street and start walking against the traffic the other  
13 way all the way past -- up to Westfall past the  
14 ambulance place.

15 And with the light I cross the other way.  
16 And I go to the side where you supposedly have a  
17 sidewalk, but it's more like a half sidewalk. And  
18 it's pretty damn close to the street. So it's kind of  
19 dangerous.

20 That sidewalk goes all the way to Roosevelt  
21 towards Allens Creek, which is a challenge by itself.  
22 But then the biggest challenge is trying to cross the  
23 street to be on the side where there's no sidewalk.

24 Drivers most of the time will not stop.  
25 Once in a while you find an angel and they stop.

1           Now, the reason I'm saying this is because I  
2 was basically shocked to read the recommendation of  
3 ex-chief Henderson who said it's safer for us to walk  
4 on the sidewalks on Westfall Road. Where are the  
5 sidewalks? I'm very surprised about that.

6           It's much safer walking inside the Evans  
7 Farm. And like people said, we have a lot of kids  
8 walking there. And everybody that is watching me  
9 knows very well that kids are not as careful as  
10 adults. None of us were.

11           So that's basically what I wanted to say.  
12 We talk about safety, our safety in Evans Farm track,  
13 is inside the track. And if Idlewood gets busy, it  
14 affects everybody, not just the people on Idlewood.

15           And sometimes I've watched and talked to a  
16 couple of my neighbors, as a matter of fact, across  
17 the street, Mr. Rayburg, always talk about people not  
18 stopping at the stop sign, people going right through  
19 it.

20           So let's consider all that. Safety is the  
21 most important thing. And for us safety is inside the  
22 track, not outside. Thank you very much.

23           MR. OSOWSKI: Thank you very much, Sam.

24           MR. FRISCH: Next will be Alan.

25           MR. LESSER: Hello.

1           MR. FRISCH: Hello.

2           MR. LESSER: Can you hear me?

3           MR. FRISCH: Yes, we can hear you.

4           MR. LESSER: I'm not sure if I actually got  
5 my camera on or not. My name is Allan Lesser and I  
6 reside at 144 Glenhill Drive in the Evans Farm  
7 neighborhood.

8           I don't want to spend a lot of time  
9 rehashing all of the things I agree with, what many of  
10 my neighbors have said. I just want to point out a  
11 few things that I've noticed as I've looked through  
12 the documents and listened to the conversation.

13           One of them is the letter from Mark  
14 Henderson, from the Jewish Federation of Greater  
15 Rochester, in his capacity as director of community  
16 security. He did talk about a safety concern or  
17 security concern relative to the residential school  
18 property. And as a Jewish person, I do share his  
19 concern about the potential for targeted anti-Semitic  
20 actions that could potentially happen.

21           And I think that by closing off the entrance  
22 at the east side of the property at the Idlewood  
23 entrance would allow them to manage security on the  
24 property better.

25           I also want to point out the discussion

1 about the traffic and the amount of the traffic going  
2 through -- between Evans Lane and the Idlewood  
3 entrance. The neighborhood itself, besides those peak  
4 times, is an extremely walkable neighborhood. And it  
5 is very much a pleasure to live here because of that.  
6 And I think we want to be able to continue that part  
7 of the process.

8 I'm looking at the time making sure I am  
9 cognizant of that.

10 Also when I was looking through the reply  
11 from Marathon Engineering to the questions, I did  
12 not -- it's such a very thick and very detailed  
13 document. I did not see anything in there that talked  
14 about restricting, actually explicitly restricting any  
15 kind of construction, traffic, away from the Idlewood  
16 entrance. And there's nothing I can see that actually  
17 specifies that specifically. So I think that's very  
18 much something I think that needs to be clearly laid  
19 out if the project that gets approved.

20 I also am aware that the Town of Brighton  
21 tomorrow is having some kind of a meeting relative to  
22 a new potential Recreation Center or something. And  
23 how will that affect Parks and Rec in terms of the  
24 Brighton Recreation department, in terms of where  
25 they're located and how long will they actually be a

1     tenant of the facility?

2             I just want to bring up those few points.  
3     Like I said, I agree with what Aaron was saying and  
4     many of my other neighbors were saying, Peg Warrick,  
5     et cetera. And I also want to thank the Planning  
6     Board for the work that they do because it is a very  
7     difficult job you guys have. It's kind of thankless.  
8     And I do appreciate your attention and effort. And  
9     it's very obvious from the questions that you're  
10    raising about the project that you take your job  
11    seriously. So thank you very much for your service.

12            MR. OSOWSKI: Thank you very much, Allan.  
13    Appreciate your comments.

14            MR. FRISCH: Next we have Elise.

15            MS. CONDOR: Hi. Can you hear me?

16            MR. FRISCH: Yup.

17            MS. CONDOR: My name is Elise Condor. I'm  
18    at 50 Poplar Way. I'm sorry. I'm feeding my baby. I  
19    just wanted to voice my support of my neighbors. All  
20    of their comments about safety and security inside the  
21    neighborhood are very, you know, positive.

22            I also completely agree with the concern  
23    that our children, the children growing up inside the  
24    neighborhood, need to be considered when we're talking  
25    about safety and security. This is bi-directional for

1 sure. And the neighborhood and permanent residents  
2 should not bear the burden of convenience or -- as my  
3 other neighbors have said.

4 I also support the magenta driveway  
5 consideration. I also agree with -- growing up in any  
6 different Upstate New York location, I had to cross a  
7 15 mile an hour road at my elementary school to get to  
8 my green space. And that was never a safety concern  
9 for us because we were accessing the green space when  
10 we -- when the road wasn't in use essentially. And  
11 there are ways to block off the road to make sure it's  
12 not in use when children are outside.

13 And I also support the statement about  
14 needing formal securing of a pedestrian easement  
15 because with the changing of who is in this building  
16 space, everything just can't be -- continue to be  
17 informal.

18 So that's about it. And I thank you for  
19 your time.

20 MR. OSOWSKI: Okay. Thank you very much,  
21 Elise. Appreciate your comments.

22 MR. FRISCH: Next we have Vince Hope.

23 MR. HOPE: Yes. Hi. Vince Hope. I'm at 30  
24 Popular Way. I just want to, again, thank the Board  
25 for everything that you're putting into this effort.

1 And John, your idea of shortening the magenta roadway  
2 certainly would be a feasible way to modify the plan.

3 As a matter of fact, you could put in  
4 continuance of that roadway along the north side of  
5 the parking lot and change the configuration inside  
6 the parking to make that a continuous road all the way  
7 out to Winton.

8 I'm very curious, not being an engineer, it  
9 didn't come across to me as unfeasible to put in the  
10 magenta roadway from a conservation or environmental  
11 concern. There's cost involved, but it didn't seem  
12 like an impossibility. And I want to support the idea  
13 that this is potentially a very modest investment by  
14 the new owner towards this -- as you put it in the  
15 very beginning here, the good will with the  
16 neighborhood.

17 I wish the whole project had not started in  
18 secret. That didn't help our reaction in the  
19 neighborhood. And it would be great if the tenant  
20 found a way to mitigate the issues by coming back with  
21 reasonable plan alterations rather than constantly  
22 saying they can't do things.

23 I appreciate the time. I appreciate the  
24 Board's work. Thank you.

25 MR. OSOWSKI: All right. Thank you very



1 much, Vince. Appreciate your comments.

2 MR. FRISCH: At this point I don't see  
3 anybody else with their hands up. Is there anybody  
4 else that wants to speak, raise your hand or you can  
5 turn your camera on and wave. It looks like that's  
6 it.

7 MR. OSOWSKI: Okay. Great. Thank you.  
8 That -- that ends the public hearing session of our  
9 Planning Board meeting.

10 MR. FRISCH: Is there any questions that the  
11 Board members would have for the applicants to clarify  
12 anything that they heard?

13 MR. OSOWSKI: Yeah. I don't have any  
14 additional questions.

15 MS. BRUGG: Can you hear me? Just give me  
16 one second here. My battery is -- okay. This one.

17 MR. FRISCH: Hold on. John, there's one  
18 more person raising his hand.

19 MR. OSOWSKI: All right. The public hearing  
20 is not closed. Thanks, Jeff.

21 MR. FRISCH: Yup. I just ask you to unmute,  
22 M. Gage.

23 MR. GAGE: Okay. Can you hear me now?

24 MR. FRISCH: Yup. We can hear you.

25 MR. GAGE: I couldn't unmute myself. Yeah.

1 I'd like to add my support to --

2 MR. OSOWSKI: Okay. What's your name and --

3 MR. GAGE: My name is Michael Gage. And I  
4 live at 29 Idlewood Road. And I've been there for  
5 28 years about.

6 I'd like to add my support to what people  
7 have already said. In particular I am very suspicious  
8 of the 17 percent traffic increase. It sounds like  
9 they divided it by the total amount of traffic during  
10 the day. It's not even close. Someone said it was  
11 very much concentrated in the morning then in the  
12 afternoon. And those are also the times when buses  
13 are out and people are picking up -- hello?

14 MR. FRISCH: Go ahead.

15 MR. GAGE: And the buses are picking up  
16 students from those streets. So the fact that the  
17 traffic is high at those times and also the people  
18 going to work, it's not the average amount of traffic.  
19 If you include the nighttime, it's going to be very  
20 low. But if you look at those hours it's going to be  
21 quite high.

22 I also agree with some of the other points  
23 that they made about crossing the green pace and so  
24 on. But I find that the traffic problem is the most  
25 important one for you guys to address. Thank you.

1 MR. OSOWSKI: All right. Thank you very  
2 much, Michael. Appreciate your comments.

3 MR. FRISCH: Let me look. I'm not seeing  
4 anyone else at this moment, John.

5 MR. OSOWSKI: Okay. Is there anybody else  
6 who wishes to speak from the Board or from the  
7 developer's team?

8 MS. BRUGG: Yeah. I think I'd like to take  
9 a couple minutes just to respond. There we go.

10 Yeah. I'd like to just take a couple  
11 minutes to respond and add a couple things.

12 I totally understand where people are at  
13 when they're talking about, you know, they want a  
14 guarantee of a public easement. But if you just step  
15 back and think about it, think about any other school.  
16 I know that this is an issue that the school district  
17 has had I believe with Council Rock not too long ago.  
18 And maybe Ken might know more about it than I do.

19 I grew up on Rhinecliff Drive. I'd ride my  
20 bike at Our Lady of Lourdes. But, you know, there is  
21 relationship between these institutions, between the  
22 schools and churches in our community. They're there  
23 to be friendly with the community. But there are  
24 other factors and considerations that have to be  
25 balanced. And I don't think you'll find that anyone

1 provides a public easement.

2           Again, perhaps Ken is aware of something  
3 that I might not be aware of. But to my knowledge,  
4 you know, what we're proposing here is very much  
5 consistent with what you'd get at any public school.

6           And then something the Board may just need  
7 to be reminded of or may be beneficial to know is, you  
8 know, we're here for a conditional use permit. It is  
9 a use that is specially permitted and, you know,  
10 deemed legislatively -- legally to be consistent with  
11 the neighborhood. The reason it needs a conditional  
12 use permit is to look at whether we are generating any  
13 additional adverse impacts, which we are not.

14           And I totally appreciate that everybody is  
15 concerned with every single car that comes through the  
16 neighborhood, but by definition schools and churches  
17 carry an even higher, more favorable legal presumption  
18 as being consistent with the neighborhood than, you  
19 know, any other typical, you know, special permit,  
20 conditional permit use. They are deemed to be  
21 beneficial neighborhoods.

22           So I know that every car is an issue. You  
23 know, I wish there were -- I know there's people in  
24 the neighborhood that I personally know who are just  
25 too intimidated by the fact that people are speaking

1 out against this to voice their own concerns, but I do  
2 hear about people talking about -- and we talked at  
3 the least meeting about the fact that the neighborhood  
4 doesn't have sidewalks. But there's a split. Some  
5 people want sidewalks. Some people don't. There was  
6 a conversation about not having a garbage district and  
7 how many garbage trucks come through the district.

8 So I do think there's a lot of other issues  
9 at the site. It's just easy to come after the one  
10 issue that's on the table. So I know that a lot of  
11 people spoke throughout the neighborhood. But I would  
12 direct you to the traffic report. And again David  
13 Kruse can state to this.

14 The traffic that comes out of the Montessori  
15 School isn't traveling the entire neighborhood. It is  
16 going out. I believe it's passing, and David you can  
17 correct me, literally 22 houses. Am I right?

18 And again, I'm totally sensitive to the fact  
19 that every single car is an issue. But I think  
20 everybody kind of hones in on that that it's about the  
21 cars and the traffic in the neighborhood. And it is  
22 not. And the project is actually reducing the amount  
23 of traffic.

24 But it is not an inappropriate amount of  
25 traffic that is coming out of the school, from

1 Montessori. It's -- you know, it's been looked at  
2 professionally. And I understand people get very  
3 emotional about the neighborhood. But the  
4 neighborhood -- you know, it is a safe amount of  
5 traffic. The road can support the traffic. This has  
6 been looked at especially -- I think I'm going to, you  
7 know, let Dave speak to that a little bit.

8 MR. GORDON: Betsy, this is --

9 MR. FRISCH: Ken, you're muted.

10 MR. GORDON: I'm sorry for interrupting, but  
11 I did want to just point out the fact that we  
12 typically don't have applicants respond because then  
13 we get this back and forth. We did afford you some  
14 latitude here to respond. I think it would be fair if  
15 you tried to wrap up your comments. I think you've  
16 gone over the three minutes that we have been allowing  
17 during this portion of the public hearing.

18 I have seen comments already from some of  
19 the residents, John, asking if they would also be  
20 given some additional time now as well. So I want to  
21 avoid this back and forth --

22 MS. BRUGG: Okay. I appreciate that.

23 MR. GORDON: -- to the extent you have new  
24 information that has not yet been put in the record, I  
25 think if the Board's happy to hear it. But other than

1       that, I think it's time to --

2               MS. BRUGG: I think what I'll -- I'll just  
3       close and say that there were some questions about the  
4       numbers and information. We'd be more than happy to  
5       drill down on that and provide any clarification or  
6       additional information that might be helpful to the  
7       Board. If there's any question or anything you want  
8       us to submit, we'd be happy to do that.

9               MR. OSOWSKI: All right. Thank you, Betsy.  
10       And I would like to ask is there anybody out there  
11       that has any specific detailed questions regarding  
12       anything in the traffic studies that you haven't  
13       addressed already? If you do -- if you do a further  
14       analysis of it, please submit those in writing to Jeff  
15       Frisch so we make sure they're considered in the  
16       record and looked at.

17              MR. GORDON: Well, the time for those  
18       comments -- I'm sorry, John, but the time for those  
19       comments is now during the public hearing. This Board  
20       has on its agenda today the conditional use permit for  
21       the Montessori School, which is the project which is  
22       mostly generating the traffic on the Idlewood side.

23              And so I would ask you, John, as chair or  
24       acting chair if you would award the opportunity to  
25       residents if they feel that they have new material

1 that has not already been mentioned that they would  
2 like the Board to hear, to bring it up at this time  
3 and give those folks, even if they've spoken already,  
4 an opportunity to raise their hands and have another  
5 three minutes.

6 But please, folks, please don't abuse this  
7 opportunity by simply repeating what you've already  
8 said. I see now four hands going up. I'm really  
9 hoping, folks, you're not going to repeat what you've  
10 already said because I will ask the chair to cut you  
11 off if that's the case.

12 MR. OSOWSKI: Okay. Thanks, Ken. So I'll  
13 open the floor up to anybody that has any -- that's  
14 already spoken that may have additional comments, new  
15 information that they wish to provide. Thank you.

16 MR. FRISCH: I'm just going to go in order  
17 that I see them. Vince Hope.

18 Please unmute yourself. We can't hear you.  
19 Vince? Vince, you're muted. Can you unmute?

20 MR. HOPE: Thank you. Vince Hope, 30 Poplar  
21 Way again. I just want to point out that it's not the  
22 houses along Idlewood. All members of Evans Farm walk  
23 on Idlewood at all times of the day. As a matter of  
24 fact, for decades our neighborhood has attracted  
25 walkers from across Edgewood and other neighborhoods,



1 across Westfall from Linwood.

2 We see walkers with their dogs all the time  
3 coming in because we have a big circle. And it's a --  
4 it invites people to be here walking for their health  
5 and every other reason. We can't just count houses  
6 along this one strip of roadway from Idlewood to Evans  
7 Lane. Thank you.

8 MR. OSOWSKI: All right. Thanks, Vince.  
9 Appreciate your comments.

10 MR. FRISCH: Next is Peg Warrick.

11 MS. WARRICK: I would like to request that  
12 the Board --

13 MR. FRISCH: Peg, sorry. I muted you.

14 MS. WARRICK: Sorry. Though I did. I would  
15 like to request that if the Board chooses to approve  
16 Montessori's conditional use, make it only until the  
17 time that construction is complete so that we can --  
18 that doesn't set a precedent for the TIUNY application  
19 and then we can continue to discuss the long-term  
20 situation. Because I understand that Montessori can't  
21 practically switch to the north side and during the  
22 construction or to that Winton Road side. Thank you.

23 MR. HOPE: Good point.

24 MR. OSOWSKI: Thank you, Peg. Appreciate  
25 your comments.

1 MS. WARRICK: I just did a hand up thing  
2 with my --

3 MR. FRISCH: Next is Seth Holmes.

4 MR. HOLMES: Hi. Thanks for the second  
5 chance. I just want to make a quick point about the  
6 week of June 20th through 24th, I believe the  
7 Montessori School was closed. And the Brighton school  
8 was still in session. And it was quite nice waiting  
9 with kids at bus stops because there was very little  
10 traffic in our neighborhood that week. That might be  
11 another thing worth collecting actual data on. But I  
12 know and probably other parents would all agree that  
13 that was quite a pleasant week waiting at bus stops.  
14 Thanks.

15 MR. OSOWSKI: Appreciate your comments.

16 MR. FRISCH: Next is Aaron.

17 MR. REINA: I'm just going to say what I  
18 said in the chat for the benefit of the Planning Board  
19 members or who may not be watching it. But  
20 unsubstantiated claims in this should have no place.  
21 Whether or not we want a garbage district is totally  
22 irrelevant tonight. And I'm really sad that that even  
23 came up.

24 I know the Planning Board is more  
25 intelligent than that, but for the rest of our

1 neighbors who are listening, it has no place tonight.

2 Thank you.

3 MR. OSOWSKI: All right. Thank you Aaron.

4 MR. FRISCH: Next is Alan.

5 MR. LESSER: Yes. I just have one question  
6 relative to property and addresses. I know the  
7 official address is 1666 South Winton Road. That's  
8 the property that the TIUNY is purchasing.

9 What are the addresses for the tenants and  
10 should they be changed to reflect 1666 South Winton  
11 Road as opposed to an Idlewood address? And it's  
12 strictly a question I'm asking and I just want to put  
13 that out for a thought discussion for the Board at a  
14 different time. It doesn't have to be talked about  
15 further here. So thank you. That's it. I just  
16 wanted to bring that part up. That was it.

17 MR. OSOWSKI: Thank you, Alan.

18 MR. LESSER: You're welcome.

19 MR. FRISCH: Next will be Judy.

20 MS. MASSARE: I have just a quick comment.  
21 My name is Judy Massare, 126 Idlewood Road. And that  
22 is there was an implication in what the lawyer was  
23 saying that there are residents of Evans Farm who  
24 disagree with what we're saying tonight. And that  
25 well may be the case, but over 270 of them signed a

1 petition back in May asking that Idlewood Road be  
2 closed. So it's not a hundred percent of the  
3 neighborhood, but it is quite a few -- quite a large  
4 number of neighbors who want it close and it's not  
5 just people living in the 22 houses along Idlewood  
6 Road. Thank you.

7 MR. OSOWSKI: Thank you, Judy.

8 MR. FRISCH: Next, we'll go to M. Gage.

9 MR. GAGE: I put this in the chat, but I'll  
10 just -- but I'd also like to -- the idea that we can  
11 contest this if the tenants change, we'd be able  
12 contest the conditional use property. In some sense  
13 the conditional tenant did change maybe 20 years ago  
14 when Brighton stopped using the facility and the  
15 traffic pattern changed from a few dozen school buses,  
16 which was pretty handleable, you could handle that  
17 pretty easy on that road, to 49 parents dropping off  
18 students. So it's not like this traffic problem is  
19 brand new.

20 And the implication was that the Montessori  
21 School had been there for a long time and there had  
22 been no problems. When, in fact, the complaints that  
23 are voiced have been there for at least those  
24 20 years. They just haven't had a chance to voice  
25 them. And this is the first chance to bring it to the

1 attention of the Board.

2 MR. OSOWSKI: Okay. Thank you, Michael.

3 MR. FRISCH: Next is Elise.

4 MS. CONDOR: Hi. Can you hear me?

5 MR. FRISCH: Yup.

6 MS. CONDOR: I'm Elise Condor, 50 Poplar  
7 way. I -- my comment is also more of a question. I  
8 feel confused since the Montessori and TIUNY permits  
9 were kind of presented and talked about together.  
10 We've talked a lot about the traffic for Montessori  
11 School.

12 I'm actually a bit concerned about the other  
13 school's traffic. I know that there's going to be  
14 some dorm residents. But there are also commuters.  
15 And just -- I didn't see where there was any evidence.  
16 And maybe somebody can point me to where the -- kind  
17 of the counts or how that school traffic might be.  
18 Because I'm just thinking adults living there, they're  
19 going to be utilizing the roads, the neighborhood  
20 possibly before and after school hours and then in the  
21 after hours to do living errands and all of that. And  
22 if the school were to grow, et cetera. Et cetera.

23 So I just don't -- I'm not hearing where  
24 that is. And again, please point me to the materials  
25 that I could read to answer that general question.

1 Thank you.

2 MR. OSOWSKI: All right. Thank you, Elise.  
3 Appreciate your comments. There's been submitted  
4 material that shows proposed site plans that covers --  
5 covers the Talmudical Institute's proposed access and  
6 building layouts.

7 MR. FRISCH: I'm not seeing anyone else,  
8 John.

9 MR. OSOWSKI: Okay. All right. We'll take  
10 this opportunity to close the public hearing for  
11 tonight and move along to our next item on the agenda.  
12 Thank you, Jeff.

13 CHAIRPERSON PRICE: It's 10:02. Let's  
14 reconvene at 10:07.

15 (Public hearings concluded.)

16 (There was a pause in the proceedings.)

17 CHAIRPERSON PRICE: Our public hearings for  
18 the evening are over. We do have one application for  
19 concept review. We will hear that now.

20 And thank the applicant for their patience.  
21 That would be application 7P-NB1-22.

22 **Application 7P-NB1-22**

23 Application of Kim Bailey, Stahl Properties,  
24 owner, for Concept Review to raze an existing  
25 single-family dwelling and construct a new 4,435 +/-

1 square foot single family dwelling with a 900 square  
2 foot attached garage on property located at 12 Elmwood  
3 Hill Lane. All as described on application and plans  
4 on file.

5 CHAIRPERSON PRICE: Is somebody here  
6 representing Kim or Kim herself? And I don't mean to  
7 assume Kim is a her.

8 MR. FRISCH: Kim was on. And --

9 MS. BAILEY: I think -- let's see. Did I do  
10 this right?

11 CHAIRPERSON PRICE: We see you. Yup.

12 MS. BAILEY: Hello.

13 CHAIRPERSON PRICE: Good evening.

14 MS. BAILEY: Hi there. So I guess we are  
15 the last ones here tonight. My name's Kim Bailey and  
16 I'm the owner of our company Stahl Properties of 12  
17 Elmwood Hills. And we've owned it now for about six  
18 months. Sort of contemplating what we wanted to do  
19 with the property.

20 Ultimately after working a bit with Chuck  
21 Smith, who's also here tonight from Design Works as  
22 our architect, and Larry Heininger, who has been  
23 working with us on projects before as a site engineer.

24 So I will just give you the quick down and  
25 dirty of what we're looking to do. And they can

1 probably fill you in, especially Larry, on a little  
2 bit more information pertaining to the -- more  
3 important to the Planning Board.

4           So after reviewing the property for quite  
5 some time and I had an email with Mary Jo at the  
6 Town -- I can't remember her name -- to sort of  
7 familiarize myself with the area a little bit and sort  
8 of the historical significance of that road as well as  
9 the house. So we learned it was built in 1948. And  
10 doesn't seem -- we can talk about it, but it doesn't  
11 seem to have a lot of historical significance.

12           We initially thought about doing some  
13 renovations. And the further that we got along, the  
14 vision that we have, it was very difficult to meet  
15 with the existing structure.

16           We've been builders in this area, my family,  
17 for -- for many years. And the vision we see at the  
18 top of that hill, we had a difficult time meeting with  
19 this house.

20           So the basic structure built in 1948 was  
21 sort of just a squared off hip roof, brick house.  
22 There were numerous additions put on over the years,  
23 one major one in the '80s that sort of added an  
24 entirely different flavor, I guess you would call it,  
25 more popular, somewhat contemporary '80s style to the



1 house. And then a few more additions.

2 And a lot of it became really hard to work  
3 with. And the vision that we have is more of a  
4 traditional colonial brick-style house that somewhat  
5 compliments the neighbor at the -- looking out on the  
6 back on the golf course to the left.

7 And when we began discussing this with  
8 Larry, as well as Chuck, we thought -- we initially  
9 thought about taking it just down to the foundation.  
10 Once we got to that point there wasn't much left. We  
11 started looking at some of the setbacks. It's an odd  
12 shaped lot, which was, you know, bring zoning into  
13 effect. And I think Chuck can probably elaborate on  
14 that a bit.

15 I think by taking down the whole structure,  
16 we optimized some of -- we actually went to a  
17 Conservation meeting last week and some of the options  
18 that we had for energy efficiency as well positioning  
19 and setbacks to cut down on the number of variances,  
20 we decided to go this route.

21 So I know this is just the conceptual  
22 meeting. And we're prepared for the more formal  
23 meeting with some more renderings. But given that we  
24 are in the Planning Board stages, I'd like to turn it  
25 over I believe to Chuck. Chuck has -- would like to

1 introduce himself first. And then we can see what  
2 Larry has to say about some of the site work there.

3 MR. SMITH: Great, Kim. Thank you. This is  
4 Chuck Smith from Design Works architecture. And I've  
5 had many experiences with older homes. This is a  
6 74-year-old home. And in trying to renovate them to  
7 the point that we wanted to renovate this, often times  
8 that we found it's less expensive to take the house  
9 down and rebuild than selectively demo a house and try  
10 to save certain things, save certain parts of  
11 foundations that it becomes -- it actually becomes  
12 more expensive to selectively renovate than to take it  
13 down and start over again.

14 Starting over again allows us, as far as the  
15 architecture is concerned, to create an open floor  
16 plan house, which is -- which is the way people live  
17 today versus 74 years ago. A lot more glass featured  
18 to the south, which -- which is good for people's good  
19 health and also the use of the golf course. And it  
20 also allows us to place -- create a building that has  
21 much better insulation qualities and can create a  
22 healthier lifestyle inside the home by creating a dry  
23 and sealed basement.

24 So for a lot of reasons taking down an older  
25 house makes some sense. I am -- I am a member of

1 Historic Preservation Commission in Fairport. So I'm  
2 also sensitive to historic architecture. And this  
3 house is not an example of any fine style  
4 architecture, nor is it designed by a well known  
5 architect, nor was it built for a well known person.

6 And then in actually tearing it down, as Kim  
7 had mentioned, we're able to take the house and move  
8 it away from the property lines and get a little bit  
9 more setback. And I'll turn it over to Larry for that  
10 aspect of it, both for zoning and also fitting the  
11 house into the property.

12 It is a south facing hillside. Beautiful  
13 exposure to the southern sun as I mentioned. And I'll  
14 let Larry take over from here. Thank you.

15 MR. HEININGER: Thank you, Kim and Chuck.  
16 Well, we had a meeting at Design Works probably a  
17 month ago as Chuck said. And Kim looked at what we  
18 could do with the existing house. It's a 74-year-old,  
19 CMU, cement basement unit basement, not insulated,  
20 74 years old.

21 And the front setback right now is 12 feet,  
22 7 inches. It's shown on the plan that's up there.  
23 And I said, you know, I always approach a project  
24 where I come up with the best design possible and then  
25 go in and ask for the variances to make that design a

1 reality.

2 So we said why don't we move it back so that  
3 we're 50-foot setback off of the golf course as  
4 opposed to the required 60. It's a golf course.

5 And then we get a 30 foot setback in the  
6 front, way more than 12. We have 20 on the sides,  
7 which is more than the -- and you probably have a copy  
8 of my letter, but if this was a standard RL lot, the  
9 minimum side setback would be 18.75. So we are  
10 greater than that with both these setbacks.

11 If the Board thinks that this is a viable  
12 plan, and I know that all you do is smile at this  
13 juncture, we would submit next month for the Planning  
14 Board. Then we would look for preliminary approval.  
15 At that time Chuck would have a sketch and elevations.

16 It's too premature to do that now because we  
17 don't really have a positive thumbs up or thumbs down.  
18 From the Planning Board we would then go to the Zoning  
19 Board and get the variances required to make it  
20 reality. And then we would circle back to the  
21 Planning Board for final site plan approval. And that  
22 final site plan approval, as you know, would have the  
23 zoning variances that would be granted and the date  
24 they were granted on the site plan that would  
25 ultimately be signed off.

1           Now, the boring engineering. We are on a  
2   Town of Brighton Road. So we have road access. The  
3   driveway is going to be pretty close to where the  
4   existing driveway is.

5           The water is Monroe County Water Authority.  
6   And our static pressure is 64 pounds. That's at the  
7   road. So we have plenty of pressure.

8           The sanitary is a little bit of a bugaboo  
9   because we were notified that of 14 lots on Elmwood  
10   Hill Lane, five of them including this one were never  
11   legally connected to the sewer 74 years ago. So, you  
12   know, my -- actually I'm doing this similar to  
13   Pittsford right now where I just reviewed the manhole  
14   submittals. But when you do something like that, you  
15   have to get approval from Pure Waters from Monroe  
16   County Health Department. And I see Mike Guyon's on  
17   this call.

18           So I'm sure the developer that developed  
19   this site 74 years ago is no longer with us. Don't  
20   know who was assigned this. We don't know who the  
21   Town engineer was in 19 -- after World War II. Don't  
22   know who the commissioner was. And I don't know who  
23   the County engineer at the Health Department was.

24           But I will contact Mike to see what the  
25   Town's doing to get this sewer dedicated to the Town

1 per State Health Law because there are five people  
2 living there that have been provided sewer service and  
3 have been paying taxes for sewer service that,  
4 according to Hoyle, this is not a good situation.

5 Other than that, I'll be doing drainage  
6 calculations. And unlike the last agenda item, we  
7 will not be generating a lot of traffic. That's all I  
8 got.

9 CHAIRPERSON PRICE: All right. Thank you,  
10 everyone. I will say, Larry, we're not just going to  
11 smile at you. We'll -- what we do during concept  
12 review is we do go around and ask each individual  
13 Planning Board member to either ask questions or  
14 really just give you our basic thoughts on what has  
15 been presented.

16 You may not hear a unanimous I guess opinion  
17 toward the concept. You may hear, you know,  
18 difference of opinions on certain aspects of it. And  
19 to some extent that is really on you and Chuck and Kim  
20 to kind of balance out what we're all -- we're all  
21 saying.

22 Now, that said you may hear exactly the same  
23 thing from all of us and have -- and walk away with  
24 fairly good direction on what to do.

25 So in that vein, I will -- I will start.

1 And what --

2 MR. HEININGER: I just wanted to say that  
3 the Conservation Board did request that we reach out  
4 to people like Habitat For Humanity and Historic House  
5 Parts and try to recycle as much building material as  
6 possible. So we will do that.

7 Of course, building code -- not sure whether  
8 you can reuse dimensional lumber like 2 by 12s. But  
9 as requested by the Conservation Board, we'll see if  
10 there are people that would like the material.

11 CHAIRPERSON PRICE: Okay. Yeah. You know,  
12 in this plan, but for the fact that we've driven by it  
13 and seen the lot, doesn't represent -- doesn't  
14 illustrate in any way the vegetation that's on-site  
15 and the vegetation that may be removed as a result of  
16 this. And some of the topo that does drop off toward  
17 the south, that also may be affected by this layout.

18 So this is one layout. And I'm sure that  
19 Chuck has the capabilities, as do all of you involved,  
20 to develop multiple options. This was drawn in CAD or  
21 some version of it. And it's not a hand drawn sketch.  
22 And it does imply that, although I'm sure I may be  
23 wrong, that this is a decided footprint.

24 So I would just say, you know, to me the  
25 configuration does work okay with the alignment of the

1 street, the adjacency of homes. But I can't really  
2 speak to how effective it is with regard to topography  
3 or existing vegetation that may be available. And I  
4 do believe technically -- I don't -- I don't know if  
5 this has been to our Preservation Commission just for  
6 consideration. I know Chuck's probably done some  
7 research on the criteria and mentioned some of it in  
8 his presentation.

9 But I think we actually look for a letter  
10 from the Commission on this as to whether or not it  
11 is, in fact, a historic structure. Things like  
12 swimming pools, you know, that's a -- those shapes and  
13 final designs can all be amended if setbacks become an  
14 issue. I think there's some room in this for  
15 flexibility to make sure that you minimize the number  
16 of variances that you need. But I personally don't  
17 see any real issues associated with what you're  
18 presenting here tonight.

19 That's me. I will pass off to Karen  
20 because, Karen, I see you at the top of my screen.

21 MS. ALTMAN: Well, I would just like to ask  
22 a question about the plan for the vegetation. It's an  
23 older neighborhood. There's a lot of very mature  
24 trees on the site. And then looking down and it  
25 slopes towards the golf course. What kind of thinking



1 have you had so far about how the vegetation plan? Is  
2 it too soon to ask that?

3 MR. HEININGER: I don't know if that's a  
4 question directed to me or it's directed at Kim. But  
5 we would be developing a planting plan, you know,  
6 foundation planting around the house, and then also  
7 planting, you know, in the backyard.

8 A bunch of those trees are Norway maple,  
9 which is an invasive species and very soft and  
10 basically a nasty tree. Nothing grows under a Norway  
11 maple. So we've not really developed a planting plan  
12 at this point.

13 MS. ALTMAN: Okay.

14 MR. HEININGER: And normally, I don't know  
15 if this is going to be the case, but a very well known  
16 architect, landscape architect, not Bill Price, told  
17 me the landscaping be one-third the cost of the  
18 project. His initials are MB. And his offices are in  
19 Honeoye Falls. Bill knows who I'm talking about.

20 MS. BAILEY: Yes. I would say that there  
21 will definitely be some strategic planning that both  
22 softens the -- that maintains some use, but softens  
23 the landscape between the house and the golf course as  
24 well as some formal beds coming in. But that is, as  
25 of now, a bit premature.

1 MS. ALTMAN: Okay.

2 CHAIRPERSON PRICE: You all set, Karen?

3 MS. ALTMAN: Yeah. For the moment. I may  
4 come back.

5 CHAIRPERSON PRICE: John, you're on the  
6 screen next.

7 MR. OSOWSKI: Sure. Thanks, Bill. I credit  
8 you with the bravery to determine after an adequate  
9 amount of time that it was not worth it to try to  
10 rescue the 1948 house and you can do much better by  
11 knocking it down and starting from scratch.

12 So it's very brave of you. And I actually  
13 give you credit for that. Because in all honesty, the  
14 photographers you attached to the existing house are  
15 not very flattering.

16 And I did notice that you have not increased  
17 the square footage much. So I give you credit for  
18 that also. It looks like the existing house is just  
19 over 7,300. And you're just 4,000 for the new house.

20 MS. BAILEY: Correct.

21 MR. OSOWSKI: Yeah. So -- no. I think  
22 you're going in the right direction. And I'm sure  
23 there'll be better plans developed as time goes on  
24 here.

25 And I say just carry on. Thanks for sharing

1 it with us.

2 MS. BAILEY: Thank you, John.

3 CHAIRPERSON PRICE: All right, John, Jason,  
4 you're next.

5 MR. HEININGER: I --

6 CHAIRPERSON PRICE: Let me just get through  
7 everybody first.

8 MR. HEININGER: Sorry.

9 MR. BABCOCK-STINER: Just kind of hearing  
10 what everybody else is saying. (Microphone cuts out).  
11 At this point I don't see anything that I would  
12 comment on. I'm fine with where it's going, what's  
13 coming with some more materials. (Microphone cuts  
14 out.) But, no. That's really all I had.

15 CHAIRPERSON PRICE: Okay. Julie, how about  
16 yourself?

17 MS. FORD: Kind of on the tail or attaching  
18 to what Karen's comments and the comments about the  
19 invasives. It would be nice to see an emphasis in  
20 that space towards native -- more native plants. But  
21 that's a small thing in the large scale here. But  
22 that's my thought at this moment. There's more to  
23 come, I'm sure.

24 CHAIRPERSON PRICE: All right. Let's see.  
25 Jeff, what about yourself? Do you have any comments?

1 I think you had a conversation with the applicants.

2 MR. FRISCH: Yeah. We've spoke a little  
3 bit. There's some engineering comments and there's  
4 comments from the Conservation Board that will be  
5 forward to the applicant after this meeting.

6 One thing for Larry is that the side setback  
7 is not -- it won't -- it will not be 20 feet. It will  
8 be larger than that.

9 I think the ways it's calculated, it'll be  
10 the -- where the front setback goes on the side lot  
11 line, you draw a line from that intersection point and  
12 then it's 50 percent of that. I did a rough  
13 calculation. It'd be closer to 26 feet. So just give  
14 that a second look. And if you have any questions  
15 about anything, feel free to get a hold of me.

16 And then there's the issue with the sanitary  
17 sewer that Larry brought up before. And that's  
18 something we have to work with the Town to figure out  
19 a solution to that.

20 CHAIRPERSON PRICE: Okay.

21 MR. SMITH: Can I raise my hand? This is  
22 Chuck Smith.

23 MR. GORDON: No. I'd like to get in here.

24 MR. SMITH: Okay.

25 CHAIRPERSON PRICE: Yeah. Okay. Ken, go

1 right ahead.

2 MR. GORDON: Thanks, Bill. Let me just jump  
3 on what Jeff just said and address directly to  
4 Mr. Heininger.

5 My gut reaction when you were talking,  
6 Mr. Heininger, is if you think you're building  
7 property on this lot, tying it into an illegal private  
8 sewer, you're very much mistaken. And if you want to  
9 build this property and have sewer service, you better  
10 figure out how you inspect that sewer and make sure  
11 that it is in adequate condition to be dedicated to  
12 the Town of Brighton.

13 You can work with our Sewer Department and  
14 Commissioner Guyon on that. But please do not make  
15 the assumption that the Town is going to be taking  
16 efforts and spending our money to make that private  
17 sewer something that your property could use. So that  
18 is on you, sir, and on your client, not on the Town.

19 Secondly, Mr. Smith, you made some  
20 presumptions about the historic character of the  
21 property. That's not for you to make. That is for  
22 the Historic Preservation Commission to make those  
23 determinations. If and when this project goes forward  
24 and you apply for a demolition permit, that demolition  
25 permit, before it is issued, will be referred over to

1 the Historic Preservation Commission. The Historic  
2 Preservation Commission will undertake an analysis as  
3 to whether this property might be designated, that the  
4 Board might have interest in designating this property  
5 and therefore would block the demolition of the  
6 property altogether.

7 So that's the actual process. I just want  
8 to educate you gentlemen since you don't seem to be  
9 educated on that process at all. That's my comments.

10 CHAIRPERSON PRICE: Okay. All right. I  
11 guess I'm not entirely sure where the Planning Board  
12 jurisdiction comes in when it comes to things like the  
13 sanitary sewer connection and whether or not the  
14 applicant is responsible for themselves or for -- only  
15 for themselves for or other residents that may be in a  
16 similar situation. But I think that is for the Town  
17 Commissioner, Attorney and the applicants to kind of  
18 work through.

19 Let me ask, Chuck, you had a comment? Did  
20 you want to respond to --

21 MR. SMITH: Yes. Thanks, Bill. I was just  
22 mentioning -- I wanted to mention that even though  
23 footprint looks like it belongs to a well laid out  
24 designed house, it's not the case. It's still very  
25 loose and waiting for more feedback.

1           CHAIRPERSON PRICE: Okay. Yeah. I figured  
2 it was probably quick to draw it up and get it in.  
3 But when we do -- we do concept reviews for various  
4 size and scale projects. We kind of like to see  
5 almost the tissue sketches that evolved to the  
6 preferred alternative, you know, for the homeowner or  
7 for the project sponsor and how it -- kind of how you  
8 got there just so that we have an idea how something  
9 was arrived at.

10           That's -- maybe it's your next meeting.  
11 Larry, did you want to respond?

12           MR. HEININGER: Yeah. The reason I had my  
13 hand up was I -- when John Osowski was talking, I  
14 forgot to mention that we would be using ICF forms for  
15 the basement, which is a Styrofoam form that gives you  
16 a very, very high insulation value in the basement  
17 compared to what's there now.

18           I'll talk to Mike Guyon about the sewers.  
19 Just something to know, I was the town engineer of  
20 Amherst. I had 550 miles of sewer and 52 pumping  
21 stations. So I'm pretty familiar with the sewers.  
22 And I'll get together with Mike about how we can get  
23 these five homes legal. And I need to do a little bit  
24 of shoe leather with the County Health Department.  
25 Tim Sealer's in tomorrow. Thursday's his day in.

1 I'll talk to him about how we rectify this situation.

2 Also could you go over the second part of  
3 Ken's -- that this then goes to the Preservation Board  
4 and they kind of decide whether or not this house  
5 stays or doesn't?

6 CHAIRPERSON PRICE: Sure. Yeah. Jeff, do  
7 you want to take care of that? I can but -- go ahead.

8 MR. FRISCH: Yeah. When -- when a house  
9 is -- starts going to be considered to be demolished,  
10 before the Planning Board gives their approval on  
11 that, it has to go to the Historic Preservation  
12 Commission. And they'll make a determination on  
13 whether it may be -- may be worth designating. And if  
14 not, then it would be -- it would -- they send a  
15 letter to the Planning Board saying that it's not.

16 MR. GORDON: Or they commence the  
17 designation process and it goes forward. And they --  
18 a complete cultural survey is done. And the Board  
19 then considers designation, in which case that would  
20 block the demolition.

21 CHAIRPERSON PRICE: In the sequence of that,  
22 Jeff and Ken, is it -- is it the demolition permit  
23 that triggers the HPC review? And if the applicant  
24 were to submit a demolition request tomorrow, would  
25 that put it in front of the -- would that get it in



1 front of the Historic Preservation Commission?

2 MR. GORDON: I would think that the cut off  
3 for July has passed.

4 CHAIRPERSON PRICE: Oh, sure. Sure. I'm  
5 sorry. I just -- I was figuratively -- so if they  
6 decided as they're progressing plans on this to  
7 resolve the question of whether it is or isn't, they  
8 could -- they could proceed with that on a separate  
9 track, couldn't they?

10 MR. GORDON: Yeah. And maybe even the  
11 easier way to go with that and smoother way to go,  
12 just like there's concept review here, there's concept  
13 review at HPC as well. So you could go informally in  
14 front. We have an open forum, much like the Town  
15 Board has a open forum.

16 And you can talk to Jeff about getting on  
17 the agenda to talk to the HPC at the open forum about,  
18 hey, here's what we're planning on doing. What do you  
19 think? Is there an interest? Is there some concern  
20 about us thinking about demolishing this home and  
21 building something new? I think that's the best way,  
22 the easiest way and the quickest way to get some  
23 feedback from HPC.

24 Jeff, what do you think?

25 MR. FRISCH: Yeah. I mean, I would want to

1 give it to them in advance to be able to look at the  
2 structure a little bit.

3 MR. GORDON: Yeah. Of course.

4 CHAIRPERSON PRICE: Well, I just --

5 MR. GORDON: We've had folks come in and do  
6 exactly that, Bill, is informal, if you will, concept,  
7 if you will, on demolition issues.

8 CHAIRPERSON PRICE: Okay. All right. Okay.  
9 Thanks. So if I can summarize this for you Kim and  
10 Larry and Chuck, it seems like as you're progressing  
11 your plans and your concept sketches, you might want  
12 to do this informal or concept review at Historic  
13 Preservation. Just kind of put that concern behind  
14 you or, you know, realize that it may be something  
15 that you have to address.

16 And any of the research that you've done,  
17 you know, the Board -- our commission is probably  
18 going to want to do their own investigation and  
19 consider this.

20 But from our standpoint I don't think you've  
21 heard anything terribly shocking on this. You know,  
22 sounds like some infrastructure issues, which  
23 infrastructure in older neighborhoods is always a bit  
24 of concern. And then as you progress and you have a  
25 topographic survey and, you know, your contours and

1 your trees located and, you know -- maybe you have  
2 that information already, but we would like to  
3 probably see that.

4 And if you are hiring a certain firm out of  
5 Honeoye Falls and understanding what the existing  
6 trees are, what the existing tree conditions are,  
7 would be good to know and how you might be able to  
8 work those into the -- saving those into the  
9 orientation and configuration of the building and the  
10 rest of your site improvements.

11 But we wish you well. Hope to see you back  
12 as things progress.

13 MR. SMITH: Thank you.

14 MR. HEININGER: Thank you.

15 CHAIRPERSON PRICE: All right, guys.

16 MS. BAILEY: Thank you. Good night.

17 CHAIRPERSON PRICE: Okay. Good night.

18 Everybody ready to head back to the top of  
19 our agenda?

20 ALL BOARD MEMBERS: Yes.

21 CHAIRPERSON PRICE: Okay. So we're moving  
22 the Talmudic applications a little further down for  
23 review.

24 So we're essentially starting here with  
25 7P-01-22.

1     **Application 7P-01-22**

2             Application of Norland Associates, LLC,  
3     owner, and Evolve Additive Solutions, Inc. Lessee, for  
4     Conditional Use Permit Approval to allow for a  
5     Research and Development facility with warehousing for  
6     the plastic components manufacturing industry on  
7     property located at 3 Townline Circle. All as  
8     described on application and plans on file.

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

11            MS. ALTMAN: I'll move --

12            MR. OSOWSKI: I'll move that we close the  
13    public hearing.

14            CHAIRPERSON PRICE: Whoever started, can  
15    second.

16            MS. FORD: I'll second.

17            CHAIRPERSON PRICE: Okay. Motion and second  
18    to close the public hearing. Jeff, do you mind  
19    calling the roll?

20            MR. FRISCH: Nope.

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

24            (Upon roll motion to close the public  
25    carries.)

1 CHAIRPERSON PRICE: Thank you. All right.  
2 Is anybody prepared to make a motion on the Norland  
3 Associates and Evolve Additive Solutions application?

4 MS. ALTMAN: I'll do it. I'll do it.

5 CHAIRPERSON PRICE: All right.

6 MS. ALTMAN: Okay. Correct me if I make any  
7 mistakes.

8 I move that the Planning Board finds that  
9 the proposed action will not have a significant impact  
10 on the environment; that the Planning Board adopts the  
11 negative declaration prepared by Town staff.

12 I move that the Planning Board adopts the  
13 ten findings outlined in the Planning Board report  
14 based on the application submitted and the testimony  
15 presented.

16 And I move that the public hearing be closed  
17 and the Planning Board approves application 7P-01-22  
18 based on the testimony given, plans submitted and the  
19 18 conditions outlined in the staff Planning Board  
20 report.

21 **Conditional Use Permit Findings:**

- 22 1. The Planning Board finds that the proposed use,  
23 research and development, complies with the standards  
24 of the Light Industrial (IG) District.  
25 2. The Planning Board finds that the proposed use,

1 research and development, is in harmony with the  
2 purpose and intent of Code Sections 217-3 through  
3 217-7.2 (Conditional Uses). The location and size of  
4 the use, the intensity (hours of operation), size of  
5 the site and access have all been considered in the  
6 Board's review.

7 3. The Planning Board finds that the establishment of  
8 research and development in this location, on a  
9 property currently being used for commercial and light  
10 industrial uses, in a Light Industrial District will  
11 not be detrimental to persons, detrimental or  
12 injurious to the property and improvements in the  
13 neighborhood, or to the general welfare of the Town.

14 4. The proposed business will be in an existing  
15 building and not result in the destruction, loss or  
16 damage of any natural, scenic or significant  
17 historical resource.

18 5. The Planning Board finds that the establishment of  
19 a research and development business in an existing  
20 building on a site designed for such uses will not  
21 create excessive additional requirements for public  
22 facilities and services and will not be detrimental to  
23 the economic welfare of the community.

24 6. The Planning Board finds that the proposed  
25 research and development facility on a site designed

1 and built for such uses will be adequately served by  
2 essential public facilities.

3 7. The Planning Board finds that the proposed  
4 research and development facility at an existing  
5 building on a site designed and built for such uses  
6 will not result in the loss or damage to trees.

7 8. The proposed research and development facility  
8 conforms to the Town Master Plan: Envision Brighton  
9 2028. Specifically, the Economic Vitality Policy  
10 Statement and Objectives:

11 Objective A: Attract and promote the  
12 sustainable development of quality office, retail,  
13 commercial, medical, light industrial, and residential  
14 uses in areas with existing critical infrastructure,  
15 in an effort to expand the Town's local tax base while  
16 providing needed and desired goods and services, and  
17 without compromising other community goals.

18 Objective E: Provide support for local  
19 businesses, entrepreneurs, institutions, and  
20 enterprises to attract and retain local talent and  
21 increase access to local goods.

22 9. The location and size of the proposed research and  
23 development facility, the nature and intensity of the  
24 operations involved, its site layout and relation to  
25 existing pedestrian and vehicular circulation are such

1 that the proposed use will not be hazardous or  
2 inconvenient to or incongruous with the surrounding  
3 uses on this large commercial site, Nor the  
4 neighboring commercial uses across Townline Circle and  
5 across the Town line in the Town of Henrietta. The  
6 proposed research and development facility will not be  
7 in conflict with the normal traffic of the  
8 neighborhood.

9 10. The location, height, and orientation of the  
10 existing building in which the proposed research and  
11 development facility will operate and the nature and  
12 extent of the existing landscaping on the site are  
13 such that the proposed conditional use will not hinder  
14 or discourage the appropriate development and use of  
15 adjacent tenant spaces within the site and adjacent  
16 land and buildings.

17 **Conditions:**

18 1. An Operational Permit shall be obtained from the  
19 Town of Brighton Fire Marshal (Chris Roth,  
20 585-784-5220).

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

23 3. The entire building shall meet or exceed  
24 performance standards for the intended use.

25 4. Prior to issuance of any building permits, plans



1 for discharge into the sanitary sewers must be  
2 reviewed and have been given approval by appropriate  
3 authorities. Prior to any occupancy, work proposed on  
4 the approved plans shall have been completed to a  
5 degree satisfactory to the appropriate authorities.  
6 Only domestic waste shall be discharged into the  
7 sanitary sewer system. Plans for waste discharge  
8 shall be reviewed and approved by Monroe County Pure  
9 Waters.

10 5. Sewer discharges shall meet Town and County  
11 sanitary sewer use requirements.

12 6. No hazardous, unusual, or flammable liquid or  
13 solid waste shall be sent to the sanitary sewer system  
14 as a result of this use.

15 7. If utilized, the dumpster shall be enclosed with  
16 building materials that are compatible with the  
17 existing building and located in the rear yard. The  
18 enclosure shall equal the height of the dumpster and  
19 shall not be higher than (6) feet.

20 8. Meet all requirements of the Town of Brighton's  
21 Department of Public Works.

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

24 10. Outside storage shall be prohibited.

25 11. The proposed building shall be sprinklered in

1       accordance with Town requirements.

2       12.   There shall be no bulk storage of hazardous or  
3       flammable materials.

4       13.   The proposed use shall meet all Performance  
5       Standards of the Comprehensive Development  
6       Regulations.

7       14.   All hazardous or flammable waste shall be stored  
8       in fire proof containers and shall be collected by  
9       authorized waste haulers and sent to approved  
10      landfills or other waste collectors capable of  
11      receiving and properly processing such waste.

12      15.   All outstanding comments and concerns of the Fire  
13      Marshal shall be addressed.

14      16.   All quantities of chemicals to be used at this  
15      site shall be small and shall be stored inside the  
16      building in accordance with all federal, state and  
17      local requirements. All quantities of chemicals shall  
18      be stored as required by the fire marshal, and in  
19      particular there shall be no outside storage of fuels.

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

24      18.   A letter or memo in response to all Planning  
25      Board comments and conditions shall be submitted.

1 CHAIRPERSON PRICE: I'll second -- oh. Give  
2 it to Jason. I saw him.

3 MR. FRISCH: Okay.

4 CHAIRPERSON PRICE: Application 7P-01-22, we  
5 are moved and seconded. Is there any further  
6 discussion?

7 All right. Jeff, please call the roll.

8 (Altman, aye; Mr. Price, aye;  
9 Mr. Babcock-Stiner, aye; Mr. Osowski, aye;  
10 Ms. Ford, aye.)

11 (Upon roll motion to approve with conditions  
12 carries.)

13 CHAIRPERSON PRICE: Okay. That brings us to  
14 application 7P-02-22.

15 **Application 7P-02-22**

16 Application of Winton Acquisitions, LLC,  
17 owner, and Jason Rheinwald, Fox's Deli, lessee, for  
18 Conditional Use Permit Approval to allow for outdoor  
19 dining in association with and existing restaurant on  
20 property located at 3450 Winton Place. All as  
21 described in application and plans in file.

22 CHAIRPERSON PRICE: Do we motion to close  
23 the public hearing?

24 MR. BABCOCK-STIENER: I move that we close  
25 the public hearing.

1 MS. ALTMAN: I second.

2 CHAIRPERSON PRICE: Moved and seconded to  
3 close the hearing. Any discussion? Jeff, please call  
4 the roll.

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

8 CHAIRPERSON PRICE: Willing to try two in a  
9 row, Karen?

10 MS. ALTMAN: Sure. I move that the Planning  
11 Board find that the proposed action will not have a  
12 significant impact on the environment and that the  
13 Planning Board adopts the negative declaration  
14 prepared by Town staff.

15 I move the Planning Board adopts the 10  
16 findings outlined in the Planning Board report based  
17 on the application presented and the testimony given.

18 I move the public hearing be closed and that  
19 the Planning Board approves application 7P-02-22 based  
20 on the testimony given, the plans submitted and the 9  
21 conditions outlined in the Planning Board report.

22 **Conditional Use Findings:**

23 1. The Planning Board finds that the proposed use,  
24 outdoor dining at a restaurant, complies with the  
25 standards of the General Commercial (BF-2) District.

1     2. The Planning Board finds that the proposed use,  
2     outdoor dining at a restaurant, is in harmony with the  
3     purpose and intent of Code Sections 217-3 through  
4     217-7.2 (Conditional Uses). The location and size of  
5     the restaurant, the intensity (hours of operation),  
6     size of the site and access have all been considered  
7     in the Board's review.

8     3. The Planning Board finds that the establishment of  
9     outdoor dining at a restaurant in this location, on a  
10    property currently being used for commercial uses, in  
11    a General Commercial will not be detrimental to  
12    persons, detrimental or injurious to the property and  
13    improvements in the neighborhood, or to the general  
14    welfare of the Town.

15    4. The proposed outdoor dining will be in an existing  
16    building and not result in the destruction, loss or  
17    damage of any natural, scenic or significant  
18    historical resource.

19    5. The Planning Board finds that the establishment of  
20    outdoor dining at an existing restaurant in an  
21    existing building on a site designed for such  
22    commercial uses will not create excessive additional  
23    requirements for public facilities and services and  
24    will not be detrimental to the economic welfare of the  
25    community.

1     6. The Planning Board finds that the proposed dining  
2     at an existing building on a site designed and built  
3     for such commercial uses will be adequately served by  
4     essential public facilities.

5     7. The Planning Board finds that the proposed outdoor  
6     restaurant dining at an existing building on a site  
7     designed and built for such commercial uses will not  
8     result in the loss or damage to trees.

9     8. The proposed outdoor dining essentially conforms  
10    to the Town Master Plan: Envision Brighton 2028.  
11    Specifically, the Economic Vitality Policy Statement  
12    and Objectives:

13             Objective B: Foster a mix of residential and  
14    commercial investment that promotes the vitality,  
15    density, and walkability of local activity centers  
16    [emphasis added].

17             Note: Winton Place is a recognized activity  
18    center within the Town and this commercial investment  
19    in outdoor dining promotes the vitality of what has  
20    been, to date, largely a mid-20th century vehicle  
21    oriented development.

22             Objective G: Enhance the village feel of the  
23    Twelve Corners area and extend that concept to other  
24    commercial areas of the Town wherever practicable  
25    [emphasis added].

1           Note: Allowing and encouraging outdoor  
2 dining can enhance the village feel of any commercial  
3 or mixed use area. Sidewalk café seating is a valued  
4 element of many village main streets. Even though  
5 Winton Place was designed and built as a vehicle  
6 oriented development, simple and relatively small  
7 changes such as outdoor dining can start to change that  
8 environment to feel more village-like.

9       9. The location and size of the proposed outdoor  
10 dining conditional use, the nature and intensity of  
11 the operations involved, its site layout and relation  
12 to existing pedestrian and vehicular circulation are  
13 such that the proposed outdoor dining will not be  
14 hazardous or inconvenient to or incongruous with the  
15 surrounding uses on this large commercial site. Nor  
16 the neighboring commercial uses across South Winton  
17 Road and across the Town line in the Town of  
18 Henrietta. The proposed outdoor dining use will not  
19 be in conflict with the normal traffic of the  
20 neighborhood.

21       10. The location, height, and south-facing  
22 orientation of the existing buildings in which the  
23 proposed outdoor dining conditional use will operate  
24 and the nature and extent of the existing landscaping  
25 on the site are such that the proposed outdoor dining

conditional use will not hinder or discourage the appropriate development and use of adjacent tenant spaces within the site and adjacent land and buildings.

**Conditions:**

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

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

3. The total number of seats in the outdoor dining area shall not exceed 6 seats.

4. All requirements of Section 03-84(B)(4) outdoor dining facilities - of the Comprehensive Development Regulations shall be met.

5. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation, and no bars for service of alcohol shall be allowed in conjunction with the outdoor dining facility.

6. During each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers, to the extent that such a patrol can be done safely



1 and that permission is obtained from neighboring  
2 property owners, where necessary.

3 7. The outdoor dining area shall only be operated  
4 during the hours of operation of the associated  
5 restaurants.

6 8. There shall be no exterior lighting installed in  
7 conjunction with the outdoor dining use without  
8 further approval by the Planning Board.

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

11 CHAIRPERSON PRICE: I'll second. Okay.  
12 Application 7P-02-22 moved and seconded. Any further  
13 discussion?

14 MR. FRISCH: I was going to ask if you guys  
15 wanted it to be a condition that they -- never mind.  
16 Go ahead. I got ahead of myself.

17 CHAIRPERSON PRICE: Never happened. Okay.  
18 Please call the roll. Moved and second.

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

22 (Upon roll motion to approve with conditions  
23 carries.)

24 CHAIRPERSON PRICE: All right. Thank you.  
25 Our next application is 7P-03-22.

1     **Application 7P-03-22**

2             Application of Chris Sardone, owner, and  
3     Generator Supercenter of Upstate NY, agent, for Site  
4     Plan Modification to install a 27kw standby emergency  
5     generator in a side yard on property located at 115  
6     Metro Park. All as described on application and plans  
7     on file.

8             CHAIRPERSON PRICE: Is there a motion to  
9     close the public hearing?

10            MR. BABCOCK-STIENER: I'll move we close the  
11     public hearing.

12            CHAIRPERSON PRICE: Motion by Jason.

13            MS. FORD: Second.

14            CHAIRPERSON PRICE: Second by Ford.

15            MR. FRISCH: Okay.

16            CHAIRPERSON PRICE: Any discussion? Jeff,  
17     please call the roll.

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

21            (Upon roll motion to close the public  
22     hearing carries.)

23            CHAIRPERSON PRICE: Public hearing is  
24     closed. Three in the row too many, Karen? Can't ask  
25     you to do it. Jason, you got one in you?

1           MR. BABCOCK-STIENER: I do. I move that the  
2 Planning Board finds the proposed action will not have  
3 a negative impact on the environment and that the  
4 Planning Board adopts the negative declaration  
5 prepared by town staff and the Planning Board approve  
6 application 7P-03-22 based on the testimony given,  
7 plans submitted and the 14 conditions outlined in the  
8 Planning Board report.

9 Conditions:

- 10 1. The generator shall comply with the most current  
11 Building & Fire Codes of New York State.
- 12 2. The generator is approved to be installed in the  
13 side yard with a minimum side setback of 10 feet.
- 14 3. The placement of the generator shall not interfere  
15 with the safe passage of pedestrians or vehicles;
- 16 4. The generator shall be used only during electrical  
17 power outages and as required by the manufacturer for  
18 maintenance purposes;
- 19 5. Maintenance operation of the generator shall take  
20 place only during daylight hours;
- 21 6. The generator shall only operate on LP or natural  
22 gas.
- 23 7. Documentation of the noise level of the generator  
24 per manufacturer's specifications at seven meters (23  
25 feet) from the unit shall be presented with the

1 application for a building permit and shall not exceed  
2 the decibels documented in the submitted application.

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

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

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

13 11. All County Development Review Comments shall be  
14 addressed.

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

18 13. A letter or memo in response to all Planning  
19 Board comments and conditions shall be submitted.

20 14. Consider the use of landscaping to screen the  
21 generator.

22 CHAIRPERSON PRICE: I'll second. All right.  
23 Moved and seconded.

24 Jeff, did you have something about the  
25 conditions?

1           MR. FRISCH: I was wondering if I put the  
2           condition to consider screening the generator with the  
3           vegetation, I was wondering if that's okay or if you  
4           would want to require it?

5           CHAIRPERSON PRICE: What do you mean? The  
6           way you've got it written?

7           MR. FRISCH: Yeah. It says consider the use  
8           of landscaping for screening the generator. I didn't  
9           know if anyone feels strongly about requiring it.

10          CHAIRPERSON PRICE: No. At various  
11          locations we have required this in the past, primarily  
12          when a commercial property is adjacent to residential.

13          This is adjacent to another industrial  
14          facility with exposed air conditioning or some type of  
15          air handling units that are not screened directly next  
16          door. I am personally not -- I don't believe that  
17          it's necessary.

18          MR. FRISCH: Okay.

19          CHAIRPERSON PRICE: That's me. If others  
20          feel differently, then that -- there will be those  
21          cases where screening, fencing, plantings are going to  
22          be necessary. I just didn't think this was one of  
23          them.

24          MR. BABCOCK-STINER: I agree.

25          MS. FORD: I agree, but more green is always

1 better. But in this instance, not necessary to  
2 require it.

3 CHAIRPERSON PRICE: Thank you for pointing  
4 that out. You are correct.

5 Karen, any feelings one way or another?

6 MS. ALTMAN: Well, I originally was going  
7 down the road of wanting to require it, but I don't  
8 feel strongly about it. So I could go on just the  
9 recommendation.

10 CHAIRPERSON PRICE: Jason, you're the author  
11 of the motion.

12 MR. BABCOCK-STIENER: I generally agree with  
13 screening, but with the property next door having  
14 those two big whatever pieces of equipment that are  
15 right out there, I think the language that's in there  
16 now is fine.

17 MR. FRISCH: Yup.

18 CHAIRPERSON PRICE: John?

19 MR. OSOWSKI: Yeah. It's fine.

20 CHAIRPERSON PRICE: Okay.

21 MS. ALTMAN: Okay.

22 CHAIRPERSON PRICE: I'm going to make a  
23 general comment while we're talking to the owner and  
24 say please consider screening with landscape  
25 plantings. Thank you.

1           Okay we have a motion and a second. Would  
2 you please call the roll?

3           (Ms. Altman, aye; Mr. Price, aye;  
4 Mr. Babcock-Stiner, aye; Mr. Osowski, aye;  
5 Ms. Ford, aye.)

6           CHAIRPERSON PRICE: All right. Everybody,  
7 thank you. Brings us to the application 7P-04-22.

8           **Application 7P-04-22**

9           Application of Mt. Read Emerson Street  
10 Properties, LLC, owner, and Herc Rentals, lessee, for  
11 Conditional Use Permit Approval to allow for a  
12 construction equipment rental facility on property  
13 located at 1220 Brighton Henrietta Town Line Road.  
14 All as described on application and plans on file.

15           CHAIRPERSON PRICE: Little hesitant on this.  
16 I think -- sorry. I'm stalling. I'm stalling because  
17 I'm -- I'm just thinking that whether this requires a  
18 table or if the conditions on this can be worked out  
19 through staff and --

20           MR. GORDON: Bill, if I can speak to that,  
21 and Jeff I'm sure will echo what I said, we did a  
22 staff meeting in prep for this meeting. We discussed  
23 this project. Commissioner Guyon was there. Jeff was  
24 there. I was there. Evert was there. Town engineer.

25           Staff does not believe that it has been

1 provided legible drawings or adequate information that  
2 it could make any recommendation on this project. And  
3 we need to have proper submissions so that we can have  
4 proper review at the staff level.

5 CHAIRPERSON PRICE: Yeah.

6 MR. GORDON: So I will say it was staff's  
7 recommendation that this matter be tabled to give the  
8 applicant the opportunity to provide what would be  
9 legible drawings, adequate information, because we  
10 don't have it now.

11 CHAIRPERSON PRICE: Yeah. I appreciate  
12 that, Ken. I did have the opportunity to kind of  
13 almost get it to a point where we could just kick it  
14 back to Town staff. But it'll take just as much time  
15 doing it that way. So maybe we consider tabling the  
16 application pending further information requested by  
17 town staff.

18 And I think the applicant has the answers  
19 and the information. I do agree that the presentation  
20 and getting all that information on a set of plans  
21 that could be properly filed is what we asked for.

22 All right. I will make a motion to table  
23 application 7P-04-22 pending submission of information  
24 requested in the staff report, which includes -- I'm  
25 sorry. I got to get to the proper application number.



1 Does this actually have a number of conditions? Oh.  
2 17 conditions. Yup.

3 **Items to be addressed:**

- 4 1. An Operational Permit shall be obtained from the  
5 Town of Brighton Fire Marshal (Chris Roth,  
6 585-784-5220).
- 7 2. The entire building/store shall comply with the  
8 most current Building & Fire Codes of New York State.
- 9 3. All conditions of the previously granted variance  
10 by the Zoning Board of Appeals shall be met or new  
11 variances shall be obtained.
- 12 4. Meet all requirements of the Town of Brighton's  
13 Department of Public Works.
- 14 5. All Town codes shall be met that relate directly  
15 or indirectly to the applicant's request.
- 16 6. All parking lot lighting shall be low in height  
17 and intensity and directed toward the building.
- 18 7. The dumpster shall be enclosed with building  
19 materials that are compatible with the existing  
20 building and located in the rear yard. The enclosure  
21 shall equal the height of the dumpster and shall not  
22 be higher than six and one-half (6.5) feet.
- 23 8. All outside storage shall be enclosed by a six (6)  
24 solid foot fence. Any proposed fencing, including  
25 gates, shall not exceed 6.5' in height and shall meet

1 all town requirements.

2 9. Maintenance and repair of equipment shall only be  
3 permitted in designated indoors areas.

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

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

13 12. The location of the HVAC shall be shown on the  
14 site plan.

15 13. All new accessible parking space signage to be  
16 installed or replaced shall have the logo depicting a  
17 dynamic character leaning forward with a sense of  
18 movement as required by Secretary of State pursuant to  
19 section one hundred one of the Executive Law.

20 14. The project engineer shall confirm if additional  
21 accessible parking spaces are required to be installed  
22 as part of this project. All new accessible parking  
23 space signage to be installed or replaced shall have  
24 the logo depicting a dynamic character leaning forward  
25 with a sense of movement as required by Secretary of

1 State pursuant to section one hundred one of the  
2 Executive Law.

3 15. The requested information is required to be  
4 submitted no later than two weeks prior to the next  
5 Planning Board meeting.

6 16. Garage drains shall be connected to the sanitary  
7 through an oil separator.

8 17. Sewer discharges shall meet Town and County  
9 sanitary sewer use requirements.

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

11 MR. FRISCH: Thank you.

12 CHAIRPERSON PRICE: Okay. Moved and  
13 seconded. Any further discussion on the application?  
14 All right. Jeff, please call the roll.

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

18 CHAIRPERSON PRICE: All right. Thank you.  
19 Okay application 10P-NB1-21 has been adjourned to  
20 August, as has application 5P-NB2-22.

21 So that is going to leave the applications  
22 of Talmudic Institute. And I will turn it over to  
23 John Osowski at this point. And I will recuse myself  
24 from this application.

25 MR. OSOWSKI: Hey, Bill, before you leave --

1 CHAIRPERSON PRICE: Yeah?

2 MR. OSOWSKI: Do we need to discuss the  
3 establishment of lead agency in regards to the Jewish  
4 senior Life expansion? Do we need to discuss that and  
5 get that settled before you --

6 MR. GORDON: Well, you're not leaving the  
7 meeting.

8 CHAIRPERSON PRICE: No, I'm not leaving the  
9 meeting.

10 MR. OSOWSKI: You're coming back. But just  
11 do that later.

12 CHAIRPERSON PRICE: Yeah. We can --

13 MR. GORDON: Do that later.

14 MR. OSOWSKI: All right.

15 CHAIRPERSON PRICE: After that and we'll get  
16 signs in as well.

17 MR. OSOWSKI: Okay.

18 CHAIRPERSON PRICE: Thanks.

19 MR. OSOWSKI: All right.

20 **Application 5P-02-22**

21 Application of the Talmudical Institute of  
22 Upstate New York, contract vendee, and the Brighton  
23 Central School District, owner, for Conditional Use  
24 Permit Approval to allow for The Montessori School of  
25 Rochester to be located at 220 Idlewood Road. All as

1 described on application and plans submitted.

2 MR. BABCOCK-STIENER: I had a couple  
3 questions about potential conditions for these  
4 upcoming (microphone cut out.)

5 MR. GORDON: Hold on. I got to turn up my  
6 volume so I have a better chance of hearing you.

7 MR. OSOWSKI: Yeah.

8 MR. BABCOCK-STIENER: Next month it won't be  
9 this bad.

10 MR. GORDON: Okay. I'm at a hundred  
11 percent. Go for it.

12 MR. BABCOCK-STIENER: All right. Talking  
13 about neighborhood access, any conditions we can do  
14 that might ensure some level of access outside of an  
15 easement? And second part of that question would be  
16 the addition of fences (microphone cuts out).

17 The next question is, can we condition it so  
18 that the permit needs to be reviewed and be included  
19 in part of that review?

20 And finally, can we condition it so that any  
21 future use that they -- we need to propose access --  
22 what can we do to ensure those agreements are  
23 enforced? And then can we condition the addresses so  
24 that any new tenant gets a Winton Road address.  
25 That's it.

1 MR. OSOWSKI: Wow. Good points. Thank you.

2 MS. ALTMAN: Good questions.

3 MR. GORDON: So before I address Jason's  
4 questions, although we did joint hearings, I think it  
5 is important for the Board to consider each of those  
6 applications separately as the Board may wish to take  
7 separate or different action on each of the  
8 applications.

9 MR. OSOWSKI: I agree.

10 MR. GORDON: Which application is it that  
11 you would like to take up first?

12 MR. OSOWSKI: I think we should take up the  
13 one with Montessori School first.

14 MR. GORDON: Jeff, what application number  
15 is that?

16 MR. FRISCH: 5P-02-22.

17 MR. GORDON: Very good. So we'll discuss  
18 that application. I'm going to try to answer your  
19 questions Jason. And I may miss some because I was  
20 scribbling notes, but not sure my notes are entirely  
21 accurate. But I do want -- I'm glad you asked  
22 questions because I did want to talk a little bit  
23 about what authority the Board has and what authority  
24 the Board doesn't have.

25 So here's what I think I heard during the

1 session of the public hearing tonight. And I think I  
2 heard the developer say that it is not willing to  
3 close the Idlewood entrance. And I thought I heard  
4 the developer say that is not willing to grant a  
5 formal easement across its property. That's what I  
6 think I heard.

7 I will tell you that in reverse order, and  
8 this was one of your questions, I do not think that  
9 the Planning Board or the Town at all could insist  
10 upon a public access easement without being considered  
11 a public taking, which would involve condemnation and  
12 compensation to the owner of that property, whoever it  
13 may be.

14 I will also note that there has never been a  
15 formal easement or right of access. There was one  
16 speaker who talked about we've always had right to use  
17 this property. That, in fact, is not the case.  
18 They've always had the ability and use of the property  
19 because the school district permitted it, but had  
20 never granted any public access rights. And the  
21 school district could have said "Stay off our  
22 property. This is for school use only." But did not  
23 do that. So I think that was an important distinction  
24 to make.

25 I will say also that what I know about the

1 access from Idlewood is that actually the access from  
2 Idlewood Road itself starts at a town owned, Town of  
3 Brighton owned right-of-way, sort of substreet that  
4 comes off of Idlewood and goes to the rear of those  
5 property lines on Idlewood. And then it is connected  
6 to the Brookside School by a driveway and a loop.

7 I do not believe that the Planning Board has  
8 authority to abandon or terminate the use of that town  
9 right-of-way. Only either the superintendent of  
10 highways or the Town Board would have authority to do  
11 that.

12 So we're all of this leads me is to this  
13 conclusion, and I'll get back to some of your other  
14 questions as well, but I wanted to make sort of this  
15 larger point, which is my belief is that the Planning  
16 Board with respect to the Montessori conditional use  
17 permit application is presented with an application  
18 that it can either approve or disapprove.

19 To disapprove it based on traffic, I believe  
20 that there would have to be some empirical or  
21 objective evidence in the record to support the fact  
22 that the use proposed would have a negative impact on  
23 the existing traffic in the neighborhood. And I do  
24 not believe the record contains any such evidence at  
25 all.



1           In fact, I believe that even the testimony  
2     from the neighbors was supportive of the idea that the  
3     continued operation of Montessori School will have no  
4     change. But the neighbors are looking for change;  
5     right? They're looking to make the situation better  
6     than it is or has been for the last, at least 20-plus  
7     years, maybe as far back as Brookside School has  
8     started operating in the neighborhood. But that is  
9     not within the purview of the Planning Board to make  
10    things better.

11           The Planning Board has to approve or  
12    disapprove the application as made based on the record  
13    presented. And I do think that there is risk in the  
14    action of disapproving this is if there is not the  
15    record to support from an empirical objective basis  
16    evidence of traffic problems that are created by this  
17    use.

18           So I did want to provide that guidance and  
19    caution to the Planning Board in considering this. I  
20    do not think that the Planning Board could condition  
21    its approval on the mandate that the developer cut off  
22    access and create an alternative roadway. They said  
23    they will not do it. And they may get their  
24    application granted or lose their application one way  
25    or another because of that decision. But it is, in

1 fact, their decision. I do the believe that you can  
2 compel that either.

3 Fencing, if they wanted to put up fencing in  
4 the future, I think they would have to comply with  
5 Town Code. If it was a fence that complied with Town  
6 Code -- Jeff, I'm going to lean on you a little bit  
7 here. If they put up, you know, a fence that was  
8 within Town Code, would they need to come back for any  
9 approvals or just getting a building permit or depends  
10 on the fence?

11 MR. FRISCH: I mean, part of it depends on  
12 the fence and what material it is. But I think it  
13 would just be a permit. I don't think there's  
14 anything different as far as commercial properties go.

15 MR. GORDON: And what was your other  
16 question about? Future use perhaps?

17 MR. BABCOCK-STIENER: Yeah. Talking about  
18 the future access, making sure that in the future uses  
19 that may come in maintain the same access agreements.  
20 So the things that are going out to Winton and coming  
21 into that space, they're going to still have to go  
22 through out Winton.

23 And then how do we make sure that that's  
24 enforced. And then there was a good point about  
25 addresses that I thought. I don't know how that

1 works. But making sure that their addresses are  
2 Winton addresses and not Idlewood addresses.

3 MR. GORDON: Yeah. So address assignment I  
4 thought was a function of -- oh, boy. I think the  
5 Town plays a role. I think the postal service plays a  
6 role. And I also think the emergency services also  
7 have input on that.

8 And it is something -- it's something we  
9 could look into at the staff level and we can  
10 certainly talk to the developer about. And maybe  
11 that's something with respect to the -- not this  
12 application on the Montessori conditional use permit,  
13 but on the Talmudical overall project application that  
14 we just need some more information on.

15 I will tell you with respect to access that  
16 I also heard that the developer say that they are  
17 willing to commit to making sure that all Talmudical  
18 Institute traffic, other than the Montessori School,  
19 be directed through the Winton Road side. And if  
20 they're willing to agree to it, then I think this  
21 Board could make that a condition of approval of that  
22 aspect of that project.

23 And I think they are willing to commit. And  
24 I think they said they are willing to commit to that.

25 Was there another question, Jason? I'm

1       sorry.

2               MR. BABCOCK-STIENER: No. That was it.

3               MR. GORDON: Okay. And I will just -- and  
4 procedurally I'll just say that on this application  
5 for the conditional use permit for Montessori School,  
6 I think perhaps the next thing to do would be to have  
7 a consideration of a motion to close the public  
8 hearing on this particular matter.

9               Jeff, you looked like you wanted to jump in  
10 and say something.

11              MR. FRISCH: I was going to say the uses on  
12 this property are very limited by zoning.

13              MR. GORDON: Yeah.

14              MR. FRISCH: The only thing that does need a  
15 conditional use permit is basically residential  
16 housing. So if there's anything other than a  
17 residential house, they're going to need to be in  
18 front of the Planning Board.

19              MR. BABCOCK-STIENER: So we can then further  
20 (microphone cuts out.)

21              MR. FRISCH: Yeah. And a lot of the uses  
22 are -- I mean, it's kind of schools, things like  
23 senior residences, that kind of thing, daycare  
24 facilities, that would be conditionally approved in  
25 the district.

1           MR. GORDON: You know, one thing I thought,  
2 Jason, that I also want to take up, before I drop it,  
3 what I just suggest you take up, and this -- this goes  
4 to your issue or you question about future uses. I  
5 mean, the permitted use for this land, of course, is  
6 single-family residences; right?

7           And if it was developed as a single-family  
8 residence, you're talking about a parcel of land that  
9 could easily hold -- I have estimated 50. I have been  
10 told by the Planning Department I am way under  
11 estimating and it's closer to 200 single-family homes,  
12 all of which would likely have access through Idlewood  
13 neighbor, not out Winton.

14          MR. BABCOCK-STIENER: Trip generation would  
15 be --

16          MR. GORDON: The trip generation would be  
17 gigantic through Idlewood. So I mean, that's what the  
18 actual permitted -- without a conditional use permit  
19 somebody could come in there and build single-family  
20 homes.

21          MR. BABCOCK-STIENER: Thank you, Ken. I  
22 appreciate it.

23          MR. GORDON: Yup.

24          MR. OSOWSKI: So am I the only one that  
25 feels the developer's really missing an opportunity

1 here? Because I don't think it's that big a deal to  
2 build a driveway and close the entrance. But  
3 obviously they do. Obviously the Montessori School  
4 does. And I don't know. I just feel like rather than  
5 doing our job to make Brighton a better place and  
6 improve the situation where the neighbors say, this  
7 could be better, our roads are narrow, you know, we  
8 got almost a hundred cars coming through here several  
9 times a day, you know, there's an opportunity here  
10 that we don't want to miss.

11 Am I the only one that feels that way? If  
12 that's the case, then I'll shut up and let this  
13 proceed the way everyone wants it to proceed.

14 MR. BABCOCK-STIENER: I wouldn't say you're  
15 the only one John, but I'm not sure if I'm as full in  
16 as you are.

17 Ken mentioned it's not really something at  
18 this point they've committed to not doing. We can't  
19 condition that --

20 MR. OSOWSKI: Yeah. Well, I'll tell you,  
21 I'm -- we only have four people who are going to vote  
22 on it tonight. If we're going to vote to approve it  
23 with the conditions as they stand, I'm going to vote  
24 against it. So we might as well table it to next  
25 month to when there'll be more people who -- and then

1 my vote won't make a difference.

2 MR. GORDON: And on that, John, it has a  
3 slightly different effect tabling. So if -- it came  
4 up -- if somebody made a motion to approve the  
5 application, seconded and it only got three votes, it  
6 would not pass. But there would be no action and it  
7 would get carried to the next meeting. You are  
8 correct.

9 Tabling it would be a similar effect, but  
10 without that voting record. So -- but you're not --  
11 you're not wrong in that it cannot be passed with only  
12 three votes.

13 MR. OSOWSKI: Right.

14 MR. GORDON: We would need four votes to  
15 defeat the proposal as well. So we would have to be  
16 unanimous to defeat the application as well.

17 MR. OSOWSKI: Yeah. Because, I mean, in all  
18 honesty, I would like to put in a condition that they  
19 build one of those driveway or other.

20 MR. GORDON: And I'm telling you, as  
21 attorney for the Board, I don't not believe that is a  
22 lawful condition to put.

23 MR. OSOWSKI: Sure. I understand that. I  
24 wish they had taken to heart all the comments they  
25 received. But they didn't. And so it is what it is.

1           MR. GORDON: Well, I think they take them to  
2 heart. I think the issue really is that their use and  
3 Montessori -- we're talking about the Montessori  
4 application here. The Montessori use is not changing.  
5 Traffic conditions are not changing. They've been  
6 this way for at least 20 years and --

7           MR. OSOWSKI: Yeah. That doesn't mean we  
8 don't have an opportunity to make an improvement. But  
9 that's -- so be it. You know, that's fine.

10          MR. GORDON: I think you should make either  
11 a motion to table or a motion to close the public  
12 hearing, one or the other.

13          MR. BABCOCK-STIENER: I move that we -- that  
14 application 5P-02-22 be tabled based on the testimony  
15 given, plans submitted. Additional information to  
16 make a determination of significance (microphone cut  
17 out) and ten items outlined in the Planning Board  
18 report are required.

19       **Conditions:**

- 20       1. An Operational Permit shall be obtained from the  
21 Town of Brighton Fire Marshal (Chris Roth,  
22 585-784-5220).
- 23       2. The entire building/store shall comply with the  
24 most current Building & Fire Codes of New York State.
- 25       3. Meet all requirements of the Town of Brighton's



1 Department of Public Works.

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

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

9 6. The parking lot shall be striped as per the  
10 requirements of the Brighton Comprehensive Development  
11 Regulations.

12 7. The project engineer shall confirm if additional  
13 accessible parking spaces are required to be installed  
14 as part of this project. All new accessible parking  
15 space signage to be installed or replaced shall have  
16 the logo depicting a dynamic character leaning forward  
17 with a sense of movement as required by Secretary of  
18 State pursuant to section one hundred one of the  
19 Executive Law.

20 8. It appears that the AM Peak Hour Volume provided  
21 in Table 5 is actually the sum of both AM and PM Peak  
22 Hour Volumes. Review and clarify.

23 9. Road widths in the report included the width of  
24 the gutters in their road classifications. Verify if  
25 those should be included and clarify in the traffic

1 report.

2 10. The requested information is required to be  
3 submitted no later than two weeks prior to the next  
4 Planning Board meeting.

5 MR. OSOWSKI: I'll second that.

6 MS. FORD: I didn't hear half. So I don't  
7 know what I would be seconding or agreeing to.

8 MR. GORDON: So if I may just jump in,  
9 Julie. So it was a motion to table.

10 MS. FORD: Okay.

11 MR. GORDON: A motion to table and John  
12 seconded.

13 MS. FORD: I did not understand --

14 MR. GORDON: Personally the reasons for the  
15 tabling or the conditions are somewhat irrelevant.  
16 It's simply a motion to table.

17 MS. FORD: That's fine. I understand that  
18 part. It just did --

19 MR. GORDON: It's not a motion to be  
20 discussed or debated or --

21 MS. FORD: I understand. I just didn't hear  
22 what was being proposed.

23 MR. OSOWSKI: Okay thank you. Shall we take  
24 a vote on tabling it?

25 MR. FRISCH: Yeah.

1 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
2 Mr. Osowski, aye; Ms. Ford, aye.)

3 (Motion to table application carries.)

4 MR. OSOWSKI: Now, we have 5P-NB1-22,  
5 Talmudic Institute. And I think we're still looking  
6 for a lot of information here.

7 **Application 5P-NB1-22**

8 Application of the Talmudical Institute of  
9 Upstate New York, contract vendee, and the Brighton  
10 Central School District, owner, for Preliminary Site  
11 Plan Approval, Preliminary EPOD (watercourse) Permit  
12 Approval and Preliminary Conditional Use Permit  
13 Approval to construct a 23,000 +/- square foot  
14 building addition (with an additional 8,700 square  
15 foot future phase), to re-purpose the former Brookside  
16 School for the use by the Talmudical Institute of  
17 Upstate New York Residential High School and make  
18 other site improvements on property located at 1666  
19 South Winton Road. All as described on application  
20 and plans on file.

21 MR. FRISCH: Yeah. There's some information  
22 that we would like to have before the SEQRA  
23 determination.

24 MR. OSOWSKI: Yeah.

25 MR. GORDON: Principally on the floodplain

1 information, flood controls plan. And that's  
2 really -- I think, Jeff, that was principally the  
3 information that our Town engineer felt he needed in  
4 order to complete environmental review at the staff  
5 level; is that right?

6 MR. FRISCH: Yeah. That's correct.

7 MR. GORDON: Yeah.

8 MR. FRISCH: Ken, procedurally how -- is it  
9 the Planning Board that would decide preliminary and  
10 final would be okay next time or is it something that  
11 staff would decide?

12 MR. GORDON: Yes. So typically, you know,  
13 if the Planning Board were to table this matter for  
14 submission of additional information, and I'm getting  
15 the vibe that's where we're going, then I would  
16 imagine that the applicant and/or the applicant's  
17 professional staff would be in touch with our staff to  
18 talk about what is needed, what needs to come in and  
19 whether staff would be in a position to review -- or  
20 what the staff would need I should say, to be in a  
21 position to make a recommendation with respect to  
22 preliminary and final.

23 But ultimately whether it gets preliminary  
24 or final approval is, of course, the Board's decision.  
25 Right?

1 MR. FRISCH: Yes. Thank you.

2 MR. BABCOCK-STIENER: I move application  
3 5P-NB1-22 be tabled based on the testimony given and  
4 plans submitted. Additional information is requested  
5 in order to make a determination of significance on  
6 the application. The 22 items outlined in the  
7 Planning Board report are required to be submitted two  
8 weeks prior to the next Planning Board meeting.

9 **Additional information needed:**

- 10 1. The entire building/store shall comply with the  
11 most current Building & Fire Codes of New York State.
- 12 2. The Fire Apparatus Access and Fire Hydrant  
13 Worksheet shall be completed and submitted to the Town  
14 of Brighton for review.
- 15 3. The architectural design and building materials of  
16 the proposed building(s) shall be reviewed and  
17 approved by the Town of Brighton Architectural Review  
18 Board.
- 19 4. The project and its construction entrance shall  
20 meet the New York State Standards and Specifications  
21 for Erosion and Sediment Control.
- 22 5. The parking lot shall be striped as per the  
23 requirements of the Brighton Comprehensive Development  
24 Regulations.
- 25 6. A detailed phasing plan is required. Plans for:

1 Utility; wildlife mitigation; roadway improvements;  
2 clearing; and erosion control shall be designated for  
3 each phase of development.

4 7. Fire hydrants shall be fully operational prior to  
5 and during construction of the building.

6 8. All County Development Review Comments shall be  
7 addressed prior to final approval.

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

11 10. A letter of credit shall be provided to cover  
12 certain aspects of the project, including, but not  
13 limited to demolition, landscaping, stormwater  
14 mitigation, infrastructure and erosion control. The  
15 applicant's engineer shall prepare an itemized  
16 estimate of the scope of the project as a basis for  
17 the letter of credit.

18 11. The proposed building shall be sprinklered in  
19 accordance with Town requirements.

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

24 13. The project engineer shall confirm if additional  
25 accessible parking spaces are required to be installed

1 as part of this project. All new accessible parking  
2 space signage to be installed or replaced shall have  
3 the logo depicting a dynamic character leaning forward  
4 with a sense of movement as required by Secretary of  
5 State pursuant to section one hundred one of the  
6 Executive Law.

7 14. A letter or memo in response to all Planning  
8 Board and Town Engineer comments and conditions shall  
9 be submitted.

10 15. The requested information is required to be  
11 submitted no later than two weeks prior to the next  
12 Planning Board meeting.

13 16. All comments, concerns and requirements of the  
14 Town Engineer as contained in the attached memo dated  
15 July 17, 2022 from Evert Garcia, Town Engineer, to  
16 Jeff Frisch shall be addressed.

17 17. The bridge over Allens Creek shall be assessed to  
18 verify it is structurally sufficient to handle loads  
19 created by vehicles and machinery to be used in  
20 construction of the addition.

21 18. The project will require multiple jurisdictional  
22 approvals, including but not limited to: MCPW, BCSD,  
23 and MCWA. All approvals must be obtained prior to the  
24 Town endorsing the final plans. Provide evidence  
25 these approvals have been granted.

1 19. Only Winton Rd entrance shall be used for  
2 construction vehicle access.

3 20. Provide a final Draft of the Engineer's report  
4 prior to final approval.

5 21. Provide a SWPP that compiles revisions noted in  
6 the provided comments submitted with this application  
7 and any additional information required by the Town  
8 Engineer.

9 22. Provide a landscaping plan for the proposed  
10 bioretention facility.

11 MR. OSOWSKI: I'll second that.

12 MR. FRISCH: I'll call the roll.

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

14 Mr. Babcock-Stiner, aye; Ms. Altman, aye.)

15 (Upon roll motion to table carries.)

16 MR. FRISCH: That's the last of the public  
17 hearings.

18 MR. OSOWSKI: Want to invite Bill back?

19 CHAIRPERSON PRICE: Okay. All right. So we  
20 are down to -- we have an advisory report to send off.

21 MR. FRISCH: Yeah. We sent the advisory  
22 report off to the Town Board. And so this -- this is  
23 looking to establish -- it's looking for the Planning  
24 Board to allow the Town Board to become lead agency.

25 MR. GORDON: Just give me -- I know it's



1 late. Just give me two minutes to just summarize what  
2 this is about.

3 So this is the Junior Senior -- Jewish  
4 Senior Life proposal to amend their incentive zoning  
5 approvals, which is before the Brighton Town Board to  
6 create basically two new residential towers.

7 You've seen this very briefly. Right now,  
8 the Town Board has indicated that it is ready to  
9 proceed with the incentive zoning process. Part of  
10 that -- the incentive zoning amendment process, part  
11 of that, of course, is SEQRA review. And because  
12 ultimately the decision on whether the incentive  
13 zoning approvals should be amended is a Town Board  
14 decision, the Town Board has said it would like to  
15 lead agency for that process. And it needs to reach  
16 out to other involved agencies, the Planning Board  
17 being one of them, to say do you consent to the Town  
18 Board being lead agency.

19 What will happen if you consent is that the  
20 Town Board and staff will complete the SEQRA process.  
21 This project, if approved by the Town Board for the  
22 incentive zoning amendment, will still come back to  
23 the Planning Board for site plan review. So that is  
24 still in your future as well.

25 So that's sort of where we are procedurally.

1 And that's -- this is just a request to whether you  
2 would consent to the Town Board being lead agency for  
3 SEQRA review for the amendment of the incentive  
4 zoning.

5 CHAIRPERSON PRICE: I move the Board respond  
6 to the request from the Town Board that Planning Board  
7 concurs that the Town Board should take lead agency on  
8 the Jewish Senior Life amendment action.

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

10 CHAIRPERSON PRICE: Moved and second. Any  
11 other discussion? Now, anybody -- Karen, you  
12 understand SEQRA. Julie, I'm not sure you may have --

13 MS. FORD: I'm getting there.

14 CHAIRPERSON PRICE: May have been a lot of  
15 jargon there for you.

16 MS. FORD: I am getting there.

17 MR. GORDON: Getting there? What?

18 CHAIRPERSON PRICE: So whenever there's a --  
19 we review the environmental aspects of this, you know,  
20 we are generally the ones taking lead agency. We're  
21 taking responsibility for reviewing the environmental  
22 impacts.

23 But the other folks that are typically  
24 involved are folks that have actions or approvals or  
25 permits of their own to issue when trying to build a

1 project.

2 So someone establishes themselves a lead  
3 agency, they have to send out letters to DOT, water  
4 authority, a SHPO, the State Historic Preservation  
5 Office, or DEC, any number of potentially involved  
6 agencies and ask for this concurrence on lead agency.

7 This is just -- they have typically 30 days  
8 to respond. We're probably somewhere in that 30-day  
9 period right now for us to respond back to the Town  
10 Board. So we'll try and give little snippets of  
11 training on it as we go through.

12 MS. FORD: Always appreciated.

13 CHAIRPERSON PRICE: Yeah. Okay. Moved and  
14 second. Jeff, would you please call the roll.

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

18 MR. FRISCH: Bill, as part of that I think  
19 we need to sign papers.

20 CHAIRPERSON PRICE: Okay. All right. I  
21 will be at Town Hall tomorrow afternoon.

22 MR. FRISCH: Okay.

23 CHAIRPERSON PRICE: Okay.

24 MR. FRISCH: Good.

25 CHAIRPERSON PRICE: If you -- if it's -- if

1     you're not still there, would you give it to Mike or  
2     Ken?

3             MR. FRISCH: Yeah. I should be there.

4             CHAIRPERSON PRICE: I'll just come see you.

5             MR. FRISCH: Okay.

6             MR. GORDON: Don't give it to Ken. He won't  
7     be there tomorrow.

8             CHAIRPERSON PRICE: What? All right. Okay.  
9     We're ready for signs.

10    **Signs:**

11    1648       BU Salon & Space for a building face sign at  
12               2119 South Clinton Avenue

13    1650       Rochester Regional Health for a building  
14               Face sign at 2250 Brighton Henrietta TL Road

15    1651       ESL for a building face sign at 100 Canal  
16               View Boulevard

17    1652       Whole Foods for a building face and canopy  
18               Sign at 2740 Monroe Avenue

19    1653       Zoom Tan Zoom Fit for a building face sign  
20               At 2750 Monroe Avenue

21    1654       Faraci Lange for a building face sign at  
22               1890 Winton Road South

23             CHAIRPERSON PRICE: Is the BU -- okay. So  
24     this is 1648.

25             MR. FRISCH: Yup. They were in last month,

1 but they were tabled at the Architectural Review  
2 Board. So this is their revised design. I know it  
3 was approved by the Architectural Review Board.

4 CHAIRPERSON PRICE: Okay. All right. So we  
5 probably got to do these one at a time; right?

6 MR. FRISCH: Yeah.

7 CHAIRPERSON PRICE: I move to approve as  
8 recommended by the ARB.

9 MS. ALTMAN: Seconded.

10 CHAIRPERSON PRICE: Moved and second. All  
11 in favor?

12 ALL BOARD MEMBERS: Aye.

13 CHAIRPERSON PRICE: Okay. Next.

14 MR. FRISCH: Next is 1650 for Rochester  
15 Regional Health building face sign for 2250 Brighton  
16 Henrietta Town Line Road.

17 CHAIRPERSON PRICE: Okay. Again, I'll move  
18 as approved -- I'll move to approve as recommended by  
19 the Architectural Review Board.

20 MS. ALTMAN: I'll second.

21 CHAIRPERSON PRICE: Moved and seconded. All  
22 in favor?

23 ALL BOARD MEMBERS: Aye.

24 CHAIRPERSON PRICE: Any opposed? Okay. All  
25 right.

1 MR. FRISCH: This is the 1651, 100 Canal  
2 View Boulevard. They're just changing from the logo  
3 on the left to the one on the right. It's approved by  
4 the Architectural Review Board.

5 CHAIRPERSON PRICE: All right. I move we  
6 approve as recommended by the Architectural Review  
7 Board.

8 MS. FORD: I'll second.

9 CHAIRPERSON PRICE: Moved and second. Any  
10 discussion? All in favor?

11 ALL BOARD MEMBERS: Aye.

12 CHAIRPERSON PRICE: Okay. 1652.

13 MR. FRISCH: If you want to go down a  
14 couple, Brendan.

15 CHAIRPERSON PRICE: Are these -- is this one  
16 sign or is this multiple signs?

17 MR. FRISCH: There's three different signs.

18 CHAIRPERSON PRICE: Okay. Is there an  
19 elevation that shows us kind of where?

20 MR. FRISCH: Yup. Like a site plan?

21 CHAIRPERSON PRICE: No. Just a building  
22 face elevation or are there drawings?

23 MR. FRISCH: If you go up Brendan --

24 MR. RYAN: Just a second. Sorry. I was --  
25 there's -- there are some trolls that I'm removing.

1 CHAIRPERSON PRICE: Okay.

2 MR. RYAN: There you go.

3 MR. FRISCH: Actually they only have  
4 elevations.

5 So they still needed to come in front of the  
6 Board for approval and they were approved by  
7 Architectural Review Board.

8 CHAIRPERSON PRICE: All right. Well, to me  
9 they must be reasonable because I can barely read  
10 them. All right. I guess I'll move on application  
11 1652 to approve as recommended by the ARB.

12 MS. ALTMAN: I'll second.

13 CHAIRPERSON PRICE: Altman second. All  
14 right. Any discussion on this anybody? Anybody have  
15 any heartburn at all on this?

16 MR. BABCOCK-STIENER: Subtle.

17 CHAIRPERSON PRICE: Yeah. Quite. Okay.  
18 All in favor?

19 ALL BOARD MEMBERS: Aye.

20 CHAIRPERSON PRICE: Okay.

21 MR. FRISCH: Okay. This is also in a plaza  
22 for a Zoom Tan. They made the square foot requirement  
23 and they were -- the Architectural Review Board had a  
24 condition or recommended some spacing. There was  
25 spacing that needed to be fixed. And they did fix it

1 in the revised one.

2 CHAIRPERSON PRICE: Does this show the  
3 revision?

4 MR. FRISCH: I don't think so.

5 CHAIRPERSON PRICE: And is the revision just  
6 to get more space between them?

7 MR. FRISCH: More space -- it was to even  
8 out the spacing between Zoom and Fit and Zoom and Tan.

9 CHAIRPERSON PRICE: Oh.

10 MR. FRISCH: There was a revised one, but  
11 it's not on the -- didn't make it into this.

12 CHAIRPERSON PRICE: Okay. So they did  
13 comply with the recommendation --

14 MR. FRISCH: They did.

15 CHAIRPERSON PRICE: -- for the condition.  
16 Okay. I'll move we approve as recommended with  
17 conditions from the -- by the Architectural Review  
18 Board.

19 MS. FORD: Second.

20 MR. GORDON: Hey. This is Ken. Just  
21 jumping in real quick. Which building is this on,  
22 Jeff?

23 MR. FRISCH: Building two. It's --

24 MR. GORDON: Okay.

25 MR. FRISCH: Yeah.



1 MR. GORDON: Sadly I know the building by  
2 number.

3 MR. FRISCH: Me too.

4 CHAIRPERSON PRICE: Should we? I feel left  
5 out.

6 MR. GORDON: You don't want to know them  
7 that intimately.

8 CHAIRPERSON PRICE: Okay. All right. Thank  
9 you. That's bring us --

10 MR. FRISCH: We need a vote.

11 CHAIRPERSON PRICE: Yeah. We need a -- did  
12 we vote?

13 MR. FRISCH: Nope.

14 CHAIRPERSON PRICE: Okay. All right. Moved  
15 and seconded to approve as recommended with the  
16 condition by the ARB. All in favor?

17 ALL BOARD MEMBERS: Aye.

18 MR. FRISCH: Thank you. Last one is for  
19 1890 South Winton for Faraci Lange. It was approved  
20 by the Architectural Review Board.

21 CHAIRPERSON PRICE: Okay. Seems reasonable.  
22 I'll move we approve as recommended by the ARB.

23 MS. FORD: Second.

24 CHAIRPERSON PRICE: Moved and seconded. All  
25 in favor?

1 ALL BOARD MEMBERS: Aye.

2 CHAIRPERSON PRICE: Vote is unanimous.

3 MR. FRISCH: All right. Thanks, everybody.

4 Thank you, Holly.

5 CHAIRPERSON PRICE: Stay cool.

6 (TIME: 11:31 p.m.)

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## REPORTER CERTIFICATE

I, Holly E. Castleman, do hereby certify that I did report the foregoing proceeding, which was taken down by me in a verbatim manner by means of machine shorthand.

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

Dated this 20th day of July, 2022  
at Rochester, New York.

*Holly E. Castleman*

HOLLY E. CASTLEMAN,  
Notary Public.