

1
2 **BRIGHTON**3 **PLANNING**4 **BOARD**5
6
7 August 17, 2022
8 At approximately 7 p.m.
9 Brighton Town Hall Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 1461810
11 PRESENT:

12 JEFF FRISCH, TOWN PLANNER

13 WILLIAM PRICE, CHAIRPERSON

14 JOHN OSOWSKI) BOARD MEMBERS
15 JULIE FORD)
16 KAREN ALTMAN)
17 DAVID FADER)
18 JASON BABCOCK-STINER)19 KENNETH GORDON, ESQ.
20 Town Attorney21
22 BRENDAN RYAN23
24 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
25 FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRPERSON PRICE: Good evening. Welcome
2 to the August 17th meeting of the Brighton Planning
3 Board.

4 Tonight's meeting as you obviously can see
5 is being held virtually via Zoom. And this is in
6 accordance with the continuation of the Governor's
7 Executive Order regarding Public Meeting Laws. We do
8 check these and the Governor's directives and
9 Executive Orders. And we'll get back that live,
10 in-person meetings as those directives change.

11 As with all of our meetings, everybody is
12 welcome to submit comments on our applications, either
13 tonight, you'll be able to join us and make comments
14 on any application of interest to you, or you're
15 welcome to submit comments after hearing the
16 presentation or viewing any of the materials that you
17 see tonight. You can make those comments to Jeff
18 Frisch. Jeff is our -- the secretary of the Planning
19 Board. And his email is
20 jeff.frisch@townofbrighton.org.

21 Jeff, at this point could I ask you to call
22 the roll please?

23 (Whereupon the roll was called.)

24 CHAIRPERSON PRICE: Okay. At this point the
25 Board, we're going to hold an agenda review with our

1 staff before we get into tonight's public hearings.

2 Jeff, what do we got tonight? Looks like
3 the agenda is somewhat reduced due to some
4 applications being withdrawn or postponed.

5 MR. FRISCH: Yes. I'll go over them.

6 5P-02-22, the application of the Talmudical Institute
7 for the conditional use permit, that one has postponed
8 until September. The public hearing remains open.

9 6P-03-22, the application of Birnbaum
10 Companies for preliminary/final site plan approval,
11 conditional use permit, they have not submitted any
12 additional information for this one and did not submit
13 anything postponing the application. So we might deny
14 that one without prejudice.

15 CHAIRPERSON PRICE: Okay.

16 MR. FRISCH: 7P-04-22 for 1220 Brighton
17 Henrietta Town Line Road for Herc Rentals. That one
18 was withdrawn by the applicant.

19 8P-01-22, the application of Wendy Freida
20 and Bruce Dan for site plan modification from the
21 original approval of 2P-02-22 [sic]. It will be on
22 for tonight. That one for -- they revised the site
23 plan. They added a lot of pavement in the backyard,
24 which made them -- kind of brought them in. And
25 there's also some drainage issues on site that we need

1 them to review and go through and fix.

2 They submitted the application. As you
3 probably saw on the staff report, there's some issues
4 with it for the calculations of the paved coverage in
5 the back. The engineer has some additional comments
6 regarding the some recommendations for the water flow
7 as it comes towards -- goes towards to the road, the
8 channel maybe get it to open up for more sheet flow.

9 We feel -- the staff felt like that's
10 something we can handle afterwards if the Board
11 decides to approve the project.

12 CHAIRPERSON PRICE: Okay.

13 MR. FRISCH: And also we just need to make
14 sure that it's not going to be flowing onto the
15 neighbor's property. So we can ask them some
16 questions on that. Any questions for that?

17 CHAIRPERSON PRICE: No. I was just curious
18 what happened, why this was back.

19 MR. FRISCH: They -- they added -- there's a
20 portion of the backyard that was supposed to be lawn
21 and they replaced it with turf. And there's some
22 drainage issues on site. And with the addition of the
23 turf, they needed drainage under the turn to come out
24 and be waylaid some place on the property along with
25 some other drainage around that was looking like it

1 was flowing on to some of the neighbors' --

2 CHAIRPERSON PRICE: By turf, do you mean
3 synthetic turf?

4 MR. FRISCH: Yes.

5 CHAIRPERSON PRICE: Yeah. Okay. Thank you.

6 MR. FRISCH: No questions? 8P-02-22,
7 application of Paychex of New York, LLC, owner and
8 Golisano Business, Inc, as agent, for a conditional
9 use permit approval to allow for a college to be
10 located at 150 Sawgrass Drive.

11 This one we will be -- there's some -- we
12 did some reviewing today and found out that at the
13 time or earlier they had submitted to Monroe County --
14 to Monroe County Development review. We believe --
15 I've checked before and it looks like what we have
16 now, but we still need to see the results of that
17 before we can give them approval. So we'd be tabling
18 this application.

19 We also have some questions about the -- one
20 of the -- questions for conditional use permit. It
21 is 2 -- Code Section 2(7) to 7b, which is for the
22 conditional use permit. It's about the requirements
23 for economic welfare of the community. So we can --
24 we'll have some stuff to say about that later on
25 during the presentation.

1 But we'll need to table it for the Monroe
2 County review form. And then seek some more
3 information on the economic welfare portion of the
4 conditional use permit.

5 CHAIRPERSON PRICE: Okay.

6 MR. FRISCH: After that 10P-NB1 -- do you
7 guys have any questions about the Paychex, Golisano
8 project?

9 CHAIRPERSON PRICE: Minor questions, but
10 we'll get it in the presentation.

11 MR. FRISCH: All right. So onto new
12 business section, 10P-NB1-21, application for
13 Quickee's at 1950, 1966 Monroe Avenue. That was
14 postponed by the applicant to the September meeting.

15 5P-NB1-22 application of the Talmudic
16 Institute of Upstate New York for site plan
17 modification, EPOD, preliminary and conditional use
18 permit. That one was also tabled -- or -- postponed
19 by the applicant to the September meeting as well.

20 5P-NB2-22 for the Quickee's at 3108 East
21 Ave was also postponed by the applicant to the
22 September meeting. I know they're trying to get their
23 Zoning Board approval prior to coming back to the
24 Planning Board. And they were not able to present
25 last month to the Zoning Board.

1 CHAIRPERSON PRICE: Yeah. Jeff, can you
2 just quickly go back to Monroe Avenue Quicklee's?

3 MR. FRISCH: Yes.

4 CHAIRPERSON PRICE: Where do you -- where
5 does that stand with the -- with regard to the
6 incentive zoning application?

7 MR. FRISCH: I believe they're still working
8 with the Town Board on that.

9 CHAIRPERSON PRICE: Okay. Is the Town Board
10 waiting on anything from this Board in the way of
11 recommendations or comments from us?

12 MR. GORDON: Hey, Jeff, if I could just jump
13 in here.

14 MR. FRISCH: Sure. Go ahead.

15 MR. GORDON: So right now, the Town Board
16 did receive the Planning Board's comments with respect
17 to the incentive zoning application. So that feedback
18 has been received.

19 The Town Board is now waiting for the
20 applicant to provide revised drawings and information.
21 There is some question as to -- questions about design
22 in terms of the facade and some of the other features
23 of the property that are being worked on by the
24 applicant. That has not yet been submitted to the
25 Town.

1 Once that is submitted then there will be
2 another public hearing before the Town Board on the
3 incentive zoning application itself. If the Town
4 Board passes on the application, then that whole
5 project comes back to the Planning Board for site plan
6 review.

7 CHAIRPERSON PRICE: Very good. Okay. Just
8 curious. Thanks, Ken.

9 And you did say that the other Quickee's is
10 waiting on ZBA approval?

11 MR. FRISCH: Yes.

12 CHAIRPERSON PRICE: All right. Thank you.
13 All right.

14 That's the agenda. Any Board members have
15 questions? Comments?

16 MR. OSOWSKI: Yes. This is John. I have
17 one question or comment. There was a letter from
18 Howard Kravitz where he criticized us for being
19 unfriendly towards businesses in Brighton regarding
20 that Herc Rental project last month.

21 And, I mean, I reviewed the minutes from our
22 discussions there several times over and I didn't pick
23 up that vibe at all. I mean, maybe they expected us
24 to approve it right away that night I guess. It might
25 have been their expectations, but, you know, we and

1 town engineering felt that the site plans weren't
2 quite ready enough for that.

3 So I don't know. I was -- I was really a
4 little taken aback by that comment.

5 MR. GORDON: Yeah, John. I'll tell you I
6 also saw that letter and I went back and I actually
7 watched the video recording of the section of the
8 meeting just to see what exactly it is Mr. Kravitz
9 thought he was talking about. And there's nothing
10 there.

11 And as you may recall actually they did not
12 submit a full site plan. They submitted a corner of
13 the lot. And I think Jeff asked them, rightly so,
14 "Can you submit a site plan?"

15 And his response was "Well, I just have, you
16 know, the maps or information I got from the broker
17 and the owner."

18 So I don't know what happened there. I
19 don't know why they withdrew that application. The
20 applicant seemed very receptive to everything that we
21 were asking for and answered all the questions fine.
22 Maybe it came down to a disagreement as to who was
23 going to pay for the site plan to be prepared and they
24 walked away. I don't know. That's the only thing I
25 can imagine, John.

1 Certainly there was nothing unfriendly. It
2 was actually a very friendly meeting I thought.

3 MR. OSOWSKI: Right. Thank you, Ken. Yeah.

4 CHAIRPERSON PRICE: Agreed. Yeah. Thank
5 you for bringing it to my attention. I didn't see
6 that letter. But thank you for bringing it up.

7 I recall that being a fairly decent
8 conversation. And the applicant recognized what
9 needed to be provided for us to make a decision. So I
10 hope Mr. Kravitz has a chance to review the meeting
11 minutes.

12 Okay. Anything else? Thank you, John.

13 MR. OSOWSKI: Welcome.

14 CHAIRPERSON PRICE: All right. Let me go
15 back to the top of our agenda. At this point we do
16 have three months worth of meeting minutes to review.
17 I will say that we did get the May meetings minute
18 today. I personally had time to review those, but I
19 don't know if everybody else did and would feel
20 comfortable -- anyone would feel comfortable making a
21 motion on May 18th meeting minutes. If we're not, we
22 can postpone those to September and go on to June and
23 July.

24 Why don't we take June 15th meeting minutes.
25 Does anyone have a motion to approve the minutes?

1 MR. OSOWSKI: Yeah. This is John. I'll
2 move we approve the minutes from the June 15th
3 meeting.

4 CHAIRPERSON PRICE: I'll second. Moved and
5 seconded. Is there any discussion? Jeff, please can
6 you call the roll?

7 MR. FRISCH: Altman?

8 MS. ALTMAN: Not present.

9 CHAIRPERSON PRICE: Aye. June mooting
10 minutes.

11 MS. ALTMAN: Not present.

12 CHAIRPERSON PRICE: Not present.

13 (Mr. Price, aye; Mr. Fader, aye;
14 Mr. Babcock-Stiner, aye; Mr. Osowski, aye.)

15 (AUpon roll motion to approve minutes
16 carries.)

17 CHAIRPERSON PRICE: All right. Thank you.
18 We also have June 20th meeting minutes.

19 MR. OSOWSKI: July.

20 CHAIRPERSON PRICE: I apologize. July
21 meetings minutes. Is anyone willing to make a motion
22 to approve those minutes?

23 I will move to approve the July 20th meeting
24 minutes. Is there a second?

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

1 CHAIRPERSON PRICE: Okay. Moved and second.
2 Anybody that was not there?

3 MR. FADER: I wasn't there.

4 CHAIRPERSON PRICE: Okay. All right. Moved
5 and seconded. Noted that David Fader was not present,
6 Jeff, would you please call the roll.

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

8 Mr. Babcock-Stiner, aye; Mr. Price, aye.)

9 (AUpon roll motion to approve minutes
10 carries.)

11 CHAIRPERSON PRICE: Okay. So we will hold
12 over the May meeting minutes for review in September.
13 That will bring the portion of hearing tonight's
14 public hearings and applications.

15 Jeff, could you please confirm that
16 tonight's meeting and the applications were properly
17 advertised?

18 MR. FRISCH: Yes. The public hearing was
19 advertised for the Planning Board in the Daily Record
20 of August 11th, 2022.

21 CHAIRPERSON PRICE: Okay. Thank you.
22 Please recall if you did not hear when we had our
23 meeting -- just our staff and member meeting, several
24 applications have been withdrawn or postponed.

25 The first is the 5P-02-22. This is the

1 application of the Talmudic Institute of Upstate and
2 Montessori School. That has been postponed to our
3 September meeting.

4 The application of 6P-03-22, the application
5 of Birnbaum Companies, owner. This is an application
6 that we have not received any additional information
7 on and we have not heard from the applicant that they
8 are postponing. At this point we will probably take
9 this matter up at the end during deliberations and
10 consider denying without prejudice.

11 MR. GORDON: Bill, if I may, are you calling
12 that matter -- are you calling that matter, that
13 Birnbaum Matter? Is that --

14 CHAIRPERSON PRICE: I was going to do that
15 ultimately at the end. But I'm saying we're just not
16 going to hear the application. They don't have
17 additional --

18 MR. GORDON: I just -- I just don't know,
19 did we close the public hearing on that previously?

20 MR. FRISCH: We did not.

21 MR. GORDON: Okay. So what I don't know is
22 if anybody in our Zoom audience here wants to speak on
23 that application.

24 CHAIRPERSON PRICE: Good point. Why don't
25 we -- why don't we then open that up and make that --

1 we'll open up the application then.

2 So we'll -- let's open application 6P-03-22.

3 **Application 6P-03-22**

4 Application of Birnbaum Companies, owner,
5 for Preliminary/Final Site Plan Approval and
6 Conditional Use Permit Approval to construct a 3,050
7 +/- square foot building addition for warehouse and
8 office use on property located at 150 Metro Park. All
9 as described on application and plans on file. **TABLED**

10 **AT THE JUNE 15, 2022 MEETING - PUBLIC HEARING REMAINS**
11 **OPEN.**

12 CHAIRPERSON PRICE: Is there anybody here
13 representing the applicant?

14 MR. FRISCH: Looks like there is no one.

15 CHAIRPERSON PRICE: All right. Seeing that
16 this is a public hearing, is there anyone in the
17 audience interested in addressing this application? I
18 don't see anyone.

19 MR. GORDON: And Bill, if we could just have
20 Jeff verify, Jeff, if could you, that nothing further
21 has been submitted to the Town relative to this
22 application since it was last heard by this Board;
23 correct?

24 MR. FRISCH: Yeah. Correct. Nothing else
25 has been submitted. We received a postponement letter

1 once, but we haven't gotten any additional materials.

2 MR. GORDON: All right. Very good.

3 CHAIRPERSON PRICE: All right. Thank you.

4 All right. With nobody making comments we will move
5 on the application 7P-04-22. This is the application
6 of Mt. Read Emerson Street Properties. That
7 application has been withdrawn by the applicant.

8 MR. FRISCH: Can I --

9 CHAIRPERSON PRICE: Yeah.

10 MR. FRISCH: There's someone in the chat
11 asking if we're going to take stuff -- or -- comments
12 for any of the tabled matters? Are we only going to
13 do that through writing and not through --

14 CHAIRPERSON PRICE: Yeah. We're not opening
15 the hearing at this point since they've been tabled.

16 That will be continued to the September meeting.

17 MR. GORDON: To the September meeting.

18 CHAIRPERSON PRICE: To the September
19 meeting. If they're interested in comments, please
20 send them to you, Jeff.

21 MR. FRISCH: Okay.

22 CHAIRPERSON PRICE: I suspect -- I hope
23 whoever wanted to comment heard me. Thank you very
24 much though for participating.

25 All right. So now we move to 8P-01-22.

1 **Application 8P-01-22**

2 Application of Wendy Freida and Bruce Dan,
3 owners, for Site Plan Modification to allow for
4 changes to grading and stormwater control in
5 conjunction with the construction of a new home
6 (2P-02-21) on property located at 575 Winton Road
7 South. All as described on application and plans on
8 file.

9 CHAIRPERSON PRICE: I think I saw the
10 owners. Who would like to represent them?

11 MR. SCIARABBA: Mr. Chairman, this is John
12 Sciarabba from Landtech representing Wendy and Dan
13 this evening.

14 CHAIRPERSON PRICE: Welcome, John.

15 MR. SCIARABBA: Yup. Let me just give you a
16 quick overview of what this project consists of. This
17 Board may remember back in March of 2021 we approved a
18 site plan for resubdivision and site plan approval for
19 the construction of this new home. Where there once
20 was two houses on these lots, now there is only one.

21 And it's important to point out that the
22 proposed house as constructed recently meets all
23 zoning requirements as far as setback, elevation of
24 the house. I think the builder did an excellent job.
25 Everything worked out very, very well.

1 Upon getting near the completion of the
2 home, landscapers came in and started doing
3 landscaping with the final elements of the house
4 exterior. And at that time Wendy and Dan -- excuse
5 me -- Wendy and Bruce wanted some artificial turf in
6 the rear of their home. So basically behind their
7 bedroom on the northwest side of the house, they
8 installed approximately 1500 square foot of artificial
9 turf.

10 And also in conjunction with that, if you
11 look at the pictures, the final fence that was
12 installed along the perimeter and then there's some
13 large stone, landscaping stone, that makes kind of a
14 retaining wall that also went around the perimeter of
15 the yard. This caused about a 1 foot change in
16 elevation.

17 So essentially it stopped the original flow
18 of the drainage coming from the western properties,
19 through our side yard to Winton Road. That's the way
20 the natural drainage patterns run. And that's the way
21 we designed it previously.

22 So there was kind of a grass swale between
23 the new house and our north property. Well that
24 changed with this increase in elevation associated
25 with the AstroTurf. It's also the Town's policy that

1 AstroTurf installed in this manner be considered
2 impervious. So we had to look at that.

3 So as Jeff said, we did some additional
4 calculations. We viewed -- we did an extensive
5 topographic survey of the situation, extending it well
6 into the neighboring yards both to the west and to the
7 north. We actually did one-tenth contours so we can
8 really analyze what's going on over there.

9 So basically our proposal was to install a 8
10 inch drainage pipe just north of the AstroTurf --
11 excuse me? Not the astro. The artificial turf.
12 Which would transfer the stormwater to the northwest
13 corner underground to our east, right on the north
14 side of the house and where it was originally
15 intended.

16 Also there was a berm installed along our
17 north property line with some trees on it that would
18 prevent water from migrating to the north to the
19 northern neighbor. We intend to also increase that,
20 make the berm a little more significant, extend the
21 berm further to the east towards Winton Road. That
22 would keep all the water on our property and not
23 negatively impact the neighbor to the north.

24 The neighbor is very important to me. I met
25 with Mr. Feldman two or three times to listen to his

1 concerns regarding the drainage. And he does not want
2 to be negatively impacted. And Wendy and Bruce do not
3 want to negatively impact him.

4 I believe that these measures that we put
5 into place -- and I reviewed the plan with Mr. Feldman
6 in quite detail -- will work to the benefit of him.
7 And we'll go right back to the original drainage
8 patterns of the site plans.

9 So basically the installation of the
10 AstroTurf and the rock walls caused this issue. We do
11 not need any additional variance or anything
12 associated with that for the hardscape that was
13 installed. And I think with this just small
14 modification and installation, we should solve any
15 negative problems created by this situation.

16 So over to you and I can answer any
17 questions you have.

18 CHAIRPERSON PRICE: Thank you. I guess for
19 Jeff, you know, what were the -- what are the
20 initial -- what concerns of the Town engineer with
21 regard to this and have they reviewed the particular
22 solution?

23 MR. FRISCH: Some of the particular
24 concerns, I mean, there's some calculations that were
25 not -- they weren't right. They're not showing the

1 existing conditions. Right now they kind of said it
2 was -- they're removing 900 square feet and it would
3 be down to 500 square feet, but there's almost 1400
4 square feet existing for the turf area. Which from my
5 calculations did put them over the rear yard coverage,
6 but upon -- based on our calculations.

7 But from what I looked at on the site and
8 Evert, we think they're pretty close to what they're
9 allowed as the 35 percent rear paved coverage. They
10 just need to make some modifications.

11 And so the site plan as existing isn't
12 really -- it doesn't relate to the calculations that
13 they have. I think that's something they can fix and
14 they can submit it to us for our review.

15 Some of the concerns too from the engineer
16 were access to the neighboring because there seems to
17 be drain on the property to the west and the outflow
18 of the pipe going from the turf area and maybe
19 expanding those contours so there's more of a -- more
20 of a gentle overland flow instead of --

21 CHAIRPERSON PRICE: A tight channel.

22 MR. FRISCH: Yeah.

23 CHAIRPERSON PRICE: I'm just curious about
24 this. Is the coverage issue -- it's created by the
25 surface material, the actual AstroTurf material

1 itself. It's not the fact that the grade was raised a
2 foot from the original.

3 MR. FRISCH: Well, the raise in grade ended
4 up putting the -- made the flow, any storm flow from
5 the site goes onto the neighbor's property, like the
6 neighbors to the west and the neighbor's to the north.
7 So that was the issue that came when they installed
8 the turf. They changed the grade and it caused the
9 flow to go off the property where it hadn't before,
10 which is -- we don't allow.

11 CHAIRPERSON PRICE: Yeah. Okay.

12 MR. SCIARABBA: Mr. Chairman, may I speak to
13 those two issues?

14 CHAIRPERSON PRICE: Yes. Please.

15 MR. SCIARABBA: So the issue of lot
16 coverage, Jeff, if you could zoom down to the bottom
17 left corner of that map you currently have, there's
18 some -- the other way. The bottom notes after the
19 table there, those were notes that were left on. This
20 plan was a living document. They're working through
21 some calculations with Town staff.

22 So the sentences related to removal of the
23 turf and stuff were erroneous. So if you look at the
24 calculations, which do include the 1400 square foot
25 turf to remain, I think without any variance at all.

1 And then Jeff mentioned about a structure
2 proposed on somebody else's property. We're not
3 proposing anything on anyone else's property. It's
4 all contained on ours. And we'll make sure that is
5 the case.

6 MR. FRISCH: It showed some drain pipes on
7 the -- right over the west boundary line.

8 MR. SCIARABBA: It's not over the property
9 line at all. There's -- on the other side of the
10 fence, but that fence is kind of chamfered in that
11 corner up at the northwest corner.

12 MR. FRISCH: Okay. It looks like it's on
13 another parcel.

14 MR. SCIARABBA: There's some issues that
15 we'll work out with Evert. We did meet with Evert
16 on-site. The concerns we have and I think the Town
17 has is making sure the neighbors are not negatively
18 impacted.

19 And I believe I actually called Mr. Feldman
20 today to make sure he's on tonight if he had any
21 concerns to make sure the Board can hear it. I don't
22 know if he's on. But we're going to work to that end
23 to make sure that he's not negatively impacted.

24 MR. FRISCH: Brendan, can you zoom into the
25 upper right corner?

1 MR. SCIARABBA: Zooming in. Yeah. Right
2 there where that round says -- so right there --

3 MR. FRISCH: Are those arrows up above, are
4 they land flow and not --

5 MR. SCIARABBA: The arrows are demonstrating
6 where there's an 8 inch -- 8 by 8, four inch wide --

7 MR. FRISCH: I mean, up above on the
8 neighboring property.

9 MR. SCIARABBA: Oh. Those are existing.

10 MR. FRISCH: Okay. So that's the drainage
11 pattern. Okay. Got it.

12 MR. SCIARABBA: Yeah. And if you look, the
13 red line obviously is our property line. We're not
14 proposing anything there.

15 I mean, just while we have that image up,
16 along our west property line you'll see there's a 4
17 inch perforated under-drain. That's going to go
18 between the existing rocks and the fence that's there.
19 That we'll have to go in by hand. We're not going to
20 propose equipment. It's only going to be a 4-inch
21 pipe. That will catch any drainage from the west and
22 bring it to our pipe.

23 And then the fact that that fence had that
24 chamfered corner worked out really well.

25 It's also important to note that the

1 artificial turf that is described as impervious, you
2 can -- that goes into the originally designed
3 stormwater system that goes in front of the house. So
4 that artificial turf is not contributing at all to the
5 water. So we're basically handling the water that
6 comes to our site from adjacent properties with this
7 change.

8 CHAIRPERSON PRICE: Okay.

9 MR. FRISCH: Is there any concern about ice
10 coming from there onto the driveway or down into
11 Winton in the winter?

12 MR. SCIARABBA: I guess it could be a
13 problem. We do have the -- we want the water to drain
14 between our property line and the proposed berm and
15 the hammerhead turnaround in the driveway. So, you
16 know, I guess it's a concern, but it was probably a
17 concern during the original approval as well.

18 MR. FRISCH: Okay.

19 CHAIRPERSON PRICE: Okay. I'm -- I keep
20 moving my hand on my mouse here, but I'm not
21 controlling this. Brendan, could you scroll down now
22 to where we can see Winton and this channel?

23 MR. SCIARABBA: Mr. Chairman, this channel
24 looks scarier than it is.

25 CHAIRPERSON PRICE: Okay.

1 MR. SCIARABBA: It's going to be very not
2 perceived at all.

3 CHAIRPERSON PRICE: Okay.

4 MR. SCIARABBA: With all those additional
5 one-tenth contours it looks pretty significant. But
6 we just wanted to show as much detail as possible.
7 That's going to be a very mobile unperceived swale.

8 CHAIRPERSON PRICE: Yeah. I will tell you,
9 John, and both the owners, I'm equally scared of
10 berms. Really don't want to see berms extending into
11 the front of the yard as if they're -- they're not a
12 natural landform. I know what they're there to do.
13 But I really don't want to see them ahead of the front
14 of the house.

15 And I just -- John, do you think that
16 this -- you know, this is really going to come down to
17 Evert and you guys figuring this out. But I don't
18 want any real precedent of putting berms ahead of a
19 house.

20 MR. SCIARABBA: So we hesitated calling it a
21 berm. So if you look at --

22 CHAIRPERSON PRICE: Okay.

23 MR. SCIARABBA: -- the image you have right
24 now, there is a berm with the three pine trees on it
25 right now. And if you look at what we're proposing,

1 we're proposing a 6 to 12 inch high berm, not a 3 foot
2 berm.

3 We really wanted to protect Mr. Feldman.

4 And I -- if you look at the grades, there's a huge
5 silver maple that's right on the front of our
6 property.

7 CHAIRPERSON PRICE: Yup.

8 MR. SCIARABBA: It kind of rises up at the
9 trunk. And we just wanted to bring some grade. And,
10 again, it will be a very -- it's not going to be
11 perceived as a berm. I just don't want any water
12 going to Mr. Feldman. And I want to create a low spot
13 between that white -- that silver maple and our
14 hammerhead driveway --

15 CHAIRPERSON PRICE: Okay. Yeah, yeah.

16 Okay. Understood. All right. Thank you.

17 Other Board members have questions for John
18 or the applicant?

19 MR. OSOWSKI: Yes. This is John. I have a
20 question. Is there an irrigation system for the
21 natural turf? Because I noticed on the -- the south
22 lawn is really nice. They bought natural turf and
23 rolled it out into the yard. So it looks beautiful.

24 But the lawn restoration work around the
25 driveway still needs a lot of work. Was there --

1 (Simultaneous conversation.)

2 MR. OSOWSKI: Two questions. You know, one,
3 is there an irrigation system for the lawn over the
4 entire yard, natural lawn areas? And --

5 MR. DAN: The answer is yes. We put an
6 irrigation system in everywhere. And yes, the front
7 of the house is just grass because that's what we were
8 going to do everywhere just for, you know, cost
9 reasons.

10 And we saw how poorly it was coming in. So
11 that south side we made the decision at the last
12 second to roll out that side. And it was a good
13 decision. But we do have irrigation everywhere front
14 and back.

15 MR. OSOWSKI: Okay. So --

16 MR. SCIARABBA: On the north side, that's
17 still kind of an active construction site based on
18 this -- your Board's review.

19 MR. OSOWSKI: All right.

20 MR. DAN: But we put irrigation back there,
21 yes.

22 CHAIRPERSON PRICE: Bruce, please just
23 quickly give us your name and address for the --

24 MR. DAN: Me? My name is Bruce Dan at 575
25 Winton Road South, Rochester, New York 14618. That's

1 the house here.

2 CHAIRPERSON PRICE: Thank you very much.

3 It's a recording formality that we need. All right.

4 John Osowski, thank you. You good? Anybody
5 else? Other questions? Jason, you're good?

6 MR. BABCOCK-STIENER: I'm good.

7 CHAIRPERSON PRICE: Okay. Karen, you good?

8 MS. ALTMAN: I'm all set.

9 CHAIRPERSON PRICE: Thank you. And David?

10 MR. FADER: Yeah. I'm okay.

11 CHAIRPERSON PRICE: All right. Okay. John,
12 thank you, and Bruce. This is a public hearing. Is
13 there anybody that wishes to address this application?
14 There was one person raising their hand early. Can
15 you let them in please?

16 MR. FRISCH: Yep.

17 MS. SCHEILDMAN: Hi there. We're neighbors
18 to the west. This is admittedly our first public
19 hearing. So we would really like to understand what
20 the ramifications are for the neighbors.

21 CHAIRPERSON PRICE: Okay. Well, the
22 ramifications for you -- and you're to the west --
23 you're, from what we have reviewed of this project,
24 you're actually draining onto this applicant's
25 property.

1 So what they're in the process of doing is
2 they're trying to solve the problem of drainage that
3 comes from property to the west that passes through
4 this site and try to do it in a manner that it doesn't
5 affect the neighbor that's to the north of them.

6 So all of this is -- it's kind of a
7 combination of the new drainage that's being created
8 by the improvements that Ms. Freida and Mr. Dan have
9 proposed, plus they have to take into account drainage
10 that pre-existed this application.

11 So they're trying to make sure that the
12 combination of runoff is not affecting -- most of the
13 impact is going to be, you know, trying to be avoided
14 as to the neighbor to the north of the applicant of
15 your property is draining onto their property. So
16 that's where -- that's what we're trying to address.

17 And thank you for joining by the way.

18 MS. SCHEILDMAN: Thank you. And I
19 appreciate the response, but, you know, not once have
20 we ever heard that we are draining anything anywhere.
21 So like I completely appreciate the fact that this
22 might help with the situation, but where is this even
23 coming from?

24 CHAIRPERSON PRICE: So where you live --
25 yeah. This is probably something you would never,

1 unless you were involved in this routinely like a lot
2 of us in this business, you wouldn't even really know
3 that your yard, you know, your roof, your driveway,
4 your lawn areas all drain somewhere. And yours drains
5 onto the east onto the applicant's property.

6 And it's just been going on for a long time.
7 It's just when a new application comes in, we have to
8 make sure that -- you know, drainage is one of the big
9 issues that we have to make sure doesn't impact
10 negatively any of the surrounding properties.

11 MS. SCHEILDMAN: Well --

12 CHAIRPERSON PRICE: So Rose and Cobbs Hill
13 and everything drain to your -- toward you guys. So
14 you get it from other places. And likewise, your
15 property drains to adjacent property.

16 MS. SCHEILDMAN: It sounds like this is a
17 much bigger problem then. And, again, you know, this
18 is -- when we had this property assessed and
19 inspected, none of this came up in the inspection.

20 So the natural question is how is this going
21 to increase taxes in the future?

22 CHAIRPERSON PRICE: That has absolutely
23 nothing to do with taxes, nothing to do --

24 MS. SCHEILDMAN: Well, until it does.

25 CHAIRPERSON PRICE: Okay. Well -- okay.

1 That's an irrelevant point.

2 MS. SCHEILDMAN: Well, I think when taxes
3 increase, it is relevant.

4 CHAIRPERSON PRICE: Okay. Taxes and
5 drainage are not the same.

6 MS. SCHEILDMAN: It has to do with property.
7 So I'm not going to -- I'm not here to start an
8 argument. I really am trying to understand what this
9 is going to do as I live directly to the west of this
10 property and it impacts me.

11 MR. FRISCH: This modification is just to --
12 there's natural flow that goes over the land. And
13 this modification is being made so that the natural
14 flow of water remains as it is. And that's all we're
15 doing here.

16 MS. SCHEILDMAN: And this needs to go
17 through a Town approval?

18 MR. FRISCH: It needs to go through Town
19 approval because they're making -- their new home that
20 had a site plan approved by the Planning Board. And
21 now they're making changes to that site plan. And
22 that's what makes it come back to the Planning Board
23 for review.

24 MS. SCHEILDMAN: Okay.

25 CHAIRPERSON PRICE: Thank you very much for

1 joining the conversation. Okay. Other questions or
2 other comments from anybody else?

3 MR. GORDON: David Feldman is asking for the
4 opportunity to speak.

5 CHAIRPERSON PRICE: Yeah. David Feldman is
6 asking to speak.

7 CHAIRPERSON PRICE: Good evening.

8 MR. FELDMAN: Good evening. My concerns
9 about this, and I had expressed my concerns, were the
10 hard surface and the -- the pipe drainage in the
11 backyard. I had actually spoken to the landscaper a
12 number of times as this project was going on. And he
13 finally told me that everything had been approved by
14 the Town and to bug off, which is when I approached
15 the Town.

16 I am very concerned about drainage from my
17 neighboring property onto my property. And with the
18 hard surface that's there, I'm concerned that when we
19 have flood conditions due to heavy rains, the drainage
20 stops working on Winton Road. And we have this 8 inch
21 drain that's in the middle of the AstroTurf that's
22 going out to whatever the collector is and then onto
23 Winton Road. And when the rain happens, Winton
24 Road -- the water bubbles up from the storm collectors
25 on Winton Road rather than draining.

1 And while we put in this other drain pipe, I
2 think by getting rid of the natural drainage that was
3 there, it's still going to pose a problem for me under
4 heavy rain conditions. And we had a heavy rain and I
5 can't tell you what date it was, but my basement
6 flooded worse than it had typically flooded. And I
7 believe it's being adversely affected by my neighbor's
8 landscaping.

9 And, you know, I understand, you know,
10 Dan-Freidas were out of town when this was going on,
11 but I think that the bigger -- the issues are bigger
12 there. I think that the impermeable surface that was
13 put out there versus what was there with natural grass
14 makes a big difference in terms of what's going to end
15 up on my lot and when my basement is going to flood
16 again.

17 CHAIRPERSON PRICE: Mr. Feldman, have you
18 had an opportunity to meet with our Town engineer?

19 MR. FELDMAN: Yes. I met with Evert and
20 talked with Evert about that.

21 And I talked with John about it. And, you
22 know, John has presented this to me. But, begun,
23 my -- I look at it and I look at the 8 inch pipe that
24 runs out -- runs out of the AstroTurf and I know that
25 in bad rain conditions, that pipe will be

1 nonfunctional.

2 And I think that the concept of draining,
3 you know, out to their berm, that's probably a more
4 natural situation, but I think that once you get rid
5 of all the permeable surfaces next door, it's going to
6 adversely impact my lot.

7 And I have struggled for many years with
8 flooded basements. And we put in drainage pipes and
9 all that. And I watched what went on next door and I
10 said, "Boy. This is just going to be more problem to
11 my house and the value of my house."

12 And I'm not completely convinced that what's
13 being done -- I'm convinced that what was done was
14 incorrect. And I'm not convinced that what's being
15 proposed will be a final solution that will correct
16 what's been done.

17 MR. GORDON: Mr. Feldman, this Town Attorney
18 Ken Gordon. Just to clarify the record, could you put
19 your address on the record?

20 MR. FELDMAN: Yes. David Feldman, 549
21 Winton Road South, Rochester 14618.

22 MR. GORDON: Thank you.

23 CHAIRPERSON PRICE: Okay. Mr. Feldman, have
24 you other comments?

25 MR. FELDMAN: Nope. I'm done.

1 CHAIRPERSON PRICE: Okay. Thank you. Jeff,
2 and John Sciarabba, in thinking about Mr. Feldman's
3 comments, the 8 inch pipe, the pipe that's in the
4 middle of the yard, runs around the middle of the back
5 of the yard behind the house, that line runs around
6 and ties into the storm system; correct?

7 MR. SCIARABBA: Correct.

8 CHAIRPERSON PRICE: Now, if there is an
9 event where, you know, the storm system does not have
10 capacity during a certain event, that would back up
11 into the applicant's yard before going to any adjacent
12 property.

13 MR. SCIARABBA: Yeah. Along that property
14 line is sort of a low point now. So it'll stage right
15 there.

16 CHAIRPERSON PRICE: And it'll circle back
17 around and be able to drain overland on the north side
18 of the house or would it not even get to that point?

19 MR. SCIARABBA: It could not get to that
20 point due to the rocks and the fill that have been
21 placed. So it won't go there naturally.

22 That's why it would -- you know, during a
23 large event without this pipe being installed,
24 currently it would migrate further north to
25 Mr. Feldman's property. That's why we want to put the

1 pipe in and take it away from there. So it wouldn't
2 get a chance to go north.

3 CHAIRPERSON PRICE: So that pipe you're
4 proposing to put in and if I follow some of those
5 drainage arrows that show the existing condition
6 drainage, you're actually picking up drainage that is
7 kind of the naturally going towards his house --

8 MR. SCIARABBA: Correct.

9 CHAIRPERSON PRICE: -- intercepting that.
10 And in theory, you know, I know this is all on paper,
11 that's actually going to, you know, reroute that water
12 and take it so that it doesn't -- it reduces the
13 volume going towards his property.

14 MR. SCIARABBA: I believe so. And I think
15 another -- you know, just going down that thought
16 process, if you look at the middle of the artificial
17 turf, there's an area that says yard drain, the top of
18 grate 504.02. So if -- we're saying that this
19 AstroTurf is artificial. We'll we're capturing all
20 that artificial turf and bringing it south, not part
21 of the storm system we're discussing, into another
22 storm system. So we've taken that off the table.

23 So I think -- I really think this will work
24 well as long as we can put this pipe in and also with
25 a combination of adding some fill along the north

1 property line to keep that water from migrating to the
2 north.

3 CHAIRPERSON PRICE: Okay. All right. Thank
4 you.

5 MR. FADER: I have a question now on the
6 pipe that drains this artificial turf. If you didn't
7 put the pipe in and it wasn't there, where would the
8 artificial turf drain to?

9 MR. SCIARABBA: So the artificial turf
10 currently, there is a pipe there. The one that we
11 show heavily going east/west, that black pipe is
12 not what we're proposing --

13 MR. FADER: Right. So I'm saying without
14 that pipe, where would it go?

15 MR. SCIARABBA: That artificial turf drains
16 current into an existing storm system that drains
17 south along the back of the house and then drains east
18 along the south side of the house into a storm system
19 that was designed as part of the original approval.
20 So that goes -- that goes south.

21 MR. FADER: Okay. So does that go -- would
22 that go onto anyone else's property?

23 MR. SCIARABBA: It does not. It goes into
24 an infiltrator system that has relief that goes -- if
25 that ever fills up, goes into Winton Road storm

1 system.

2 MR. FADER: Okay. So I guess my question is
3 given the person that asked the question, if Winton
4 Road isn't accepting anything, then none of the
5 infiltrators are going to be accepting anything. So
6 where does the water go then?

7 MR. SCIARABBA: So, you know, that's --
8 that's a whole science on itself. And Evert and I and
9 numerous engineers can get involved. But it's tied to
10 concentration during storm events. So you got to
11 figure that if Winton Road storm system is full and
12 bubbling out of catch basins, that that rain event
13 happened three hours before and finally made it to
14 that big storm system.

15 So the rain water in this yard will drain
16 before it ever -- before that system ever surcharges
17 in Winton Road.

18 MR. FADER: Yeah. I've heard that before
19 from civil engineers. And in real life it never
20 happens that way.

21 MR. SCIARABBA: Yeah.

22 MR. FADER: You know, that's what they told
23 me in my neighborhood and other places that the timing
24 is different. But it's -- it's nice on the computer.
25 But in real life it isn't.

1 MR. SCIARABBA: Yeah. I think it's
2 important to point out that, you know, what this pipe
3 does that we're proposing is creates a spot to drain
4 as the original plan drained before.

5 So we had this swale proposed along the
6 north side of the house. And yes, changes happen
7 during construction, but essentially this pipe is
8 going to mimic what was there before. So it's just
9 going to drain to the north side of the house again.
10 And then that water from the north side of the
11 house -- so nothing really changes. From the north
12 east corner of the house that is there from where that
13 pipe is proposed, all those original drainage patterns
14 are maintained as the original plan.

15 The one caveat to that is we went to
16 extend -- we want to put grass -- we want to elevate
17 the grass a little bit higher to protect Mr. Feldman
18 between the end of the existing berm and the silver
19 maple that's there.

20 So it's really -- that's really it. It's
21 going to drain as it was proposed originally back in
22 2021 with this additional pipe. Right now, I think
23 Mr. Feldman is exposed to rain events and we have no
24 way to help him right now because we can't do any
25 construction out there. There's a stop-work order on

1 us.

2 But I think once this pipe gets in, it's
3 going to be pretty beneficial.

4 MR. FADER: So Mr. Feldman is to the west of
5 you?

6 MR. SCIARABBA: He's to the north.

7 MR. FADER: Okay.

8 CHAIRPERSON PRICE: David, you set?

9 MR. FADER: Yeah.

10 CHAIRPERSON PRICE: Okay. We have some
11 other hands raised?

12 MR. FRISCH: Yes.

13 CHAIRPERSON PRICE: Good evening.

14 MS. WARRICK: Sorry about that. This is Peg
15 Warrick. Took me a second. Just speaking on
16 Mr. Feldman's behalf as somebody who has a wet
17 basement, I'm in a different neighborhood. I live at
18 215 Idlewood Road. This is Peg Warrick.

19 But somebody in this discussion mentioned
20 that a rain event and it's a couple hours later until
21 the water will be an issue for Mr. Feldman. Every
22 spring, spring rain on snow piles is a long time.
23 It's flowing into the basement for hours.

24 So while some quick rain storms I can see
25 his point that it could get to the pipe in time,

1 spring snow melt, you know, I'm assuming on this turf
2 would then run in for quite awhile on some days, on
3 the days where it's warm and raining.

4 So I don't know if that impacts this yard
5 the same way it does mine, but just hoping people
6 think about that when they think about the water flow
7 at its max. And that's all I have.

8 CHAIRPERSON PRICE: Thanks, Peg. Okay.

9 Other board members have questions? Karen or Jason?

10 MR. BABCOCK-STIENER: I'm good.

11 MS. ALTMAN: All set.

12 CHAIRPERSON PRICE: Okay. Jeff, how about
13 you?

14 MR. FRISCH: Just a question for John. Once
15 the flow gets past the berm, the new proposed berm,
16 what direction will that water flow?

17 MR. SCIARABBA: So the water flow is always
18 going east. So we're proposing it to go east into
19 South Winton Road as originally intended.

20 So if we start looking at the end of this 8
21 inch pipe at the fence, at the west ridge line of
22 the -- of Wendy and Bruce's house, that -- that's
23 our -- that's the same place it was draining before on
24 the approved plan.

25 The berm that was installed and the tree

1 plantings installed by the landscaper I think was an
2 attempt to help block the water from going any further
3 north. And I think our proposed 6 to 12 inch grass
4 berm will do the same. So it's always going east and
5 that --

6 MR. FRISCH: Once it gets past that berm, is
7 there going to be any flow from that going to the
8 Feldman's property?

9 MR. SCIARABBA: No.

10 MR. FRISCH: Is it all going to go to the
11 road?

12 MR. SCIARABBA: To the road.

13 MR. FRISCH: Okay. Thank you.

14 CHAIRPERSON PRICE: Okay. All right. Any
15 other Board member questions?

16 MR. FADER: Yeah. I hate to belabor this,
17 but I'm still curious. On the map -- I located mine.
18 So north is up. But the little -- I think you talked
19 about the -- the corner of the yard, there's an
20 existing catch basin that picks stuff up and goes out.

21 That would be in the northwest corner; is
22 that correct?

23 MR. SCIARABBA: No. There is no existing
24 structures there at all.

25 MR. FADER: Is that something you're adding?

1 MR. SCIARABBA: We're proposing that. It's
2 not a catch basin. It's just the end of the pipe. So
3 it says 8 in that end session.

4 MR. FADER: So I guess -- I guess looking at
5 the contours, I don't see -- I see where the berm
6 sends the -- there's a berm with the trees. There's
7 the new grass berm. I see both of those. So the
8 water can't go to the north.

9 But if you went north directly from the
10 artificial turf, I don't see what stops it from
11 continuing to flow north.

12 MR. SCIARABBA: Well, the artificial turf
13 doesn't flow north, doesn't flow west, doesn't flow
14 east. It stays on the artificial turf because it
15 doesn't -- it's basically like -- it's called a
16 concrete pad and goes into that catch basin that's in
17 the turf.

18 MR. FADER: Right. But my point is when the
19 catch basin's not working, then where does it go?
20 Wouldn't it go just straight north?

21 MR. SCIARABBA: I think I got to look
22 closely at the contours. But I think it would spill
23 both north and west. And if it went west, it would
24 eventually make its way into that end section that
25 we're proposing.

1 MR. FADER: Okay.

2 MR. FRISCH: And there's a berm north of the
3 turf that would keep it from -- that would make it
4 flow to the east again.

5 MR. FADER: Is there a berm north of the
6 turf? Because I can't see that on what I'm looking
7 at.

8 MR. SCIARABBA: It's almost the same
9 elevation. So the turf is at 504. And it does drop.
10 Where the rocks are is the transition. So the rocks
11 are like -- almost like a wall.

12 MR. FADER: Oh.

13 MR. SCIARABBA: That's where the -- the
14 pictures that I provided might give you a better idea
15 of that. It may be hard with the fence.

16 But there's -- the turf elevation is at 504.
17 Mr. Feldman's yard is at 502, 503.

18 MR. FADER: Right.

19 MR. SCIARABBA: So it's definitely higher
20 than Mr. Feldman's.

21 MR. FADER: Is there something in between
22 that turf and Mr. Feldman's yard though that's lower?

23 MR. SCIARABBA: It's all higher. The rocks
24 have a transition of about a foot and a half.

25 So it's -- it's -- maybe you got to look at

1 those pictures again. I don't know, Jeff, if you can
2 go back to those. Because it's -- it really tells the
3 story.

4 And I know the map is very busy because we
5 really did it in an attempt to get Evert the most
6 detail we could.

7 And -- not that picture. Right -- yeah.
8 That's probably -- that's the west property line. And
9 if you look at the top of the rocks to the bottom of
10 the rock on the west, it's about a foot drop.

11 MR. DAN: What you see on the west, that
12 picture also was pretty similar to what you see at the
13 north. There's just a big section that so far we've
14 left un-landscaped until this is all resolved.

15 MR. FADER: Okay. So if I look at the left
16 side of the screen, the left side of the picture, is
17 that lower than the right side?

18 CHAIRPERSON PRICE: Higher.

19 MR. SCIARABBA: The rocks are about the same
20 elevation. But the west side of the rocks are about a
21 foot and a half lower.

22 So the bottom of the fence is about a foot
23 and half lower than the top of the rock.

24 MR. FADER: So what stops water from just
25 running underneath the fence?

1 MR. SCIARABBA: We're proposing a 4 inch
2 perforated drain.

3 MR. FADER: Right. And my question was if
4 that perforated drain doesn't work, then the water
5 just goes under the fence.

6 MR. SCIARABBA: It goes under the fence and
7 it would work its way towards that proposed end
8 section of that 8 inch pipe to the north.

9 MR. FADER: I thought the fence was the
10 property line?

11 MR. SCIARABBA: No. The fence is on our
12 property line.

13 MR. FADER: But if it goes under the fence,
14 doesn't it end up on the other property?

15 MR. SCIARABBA: I guess it would act the way
16 it acts today. It would go north along the west
17 line --

18 MR. FADER: Right.

19 MR. SCIARABBA: -- towards the proposed --
20 yes. It would go -- you see that big tree that's
21 there with the telephone pole?

22 MR. FADER: Yeah.

23 MR. SCIARABBA: That's where it would head.
24 And that's kind of where we're proposing that end
25 section of that pipe to take any water and bring it to

1 the east.

2 MR. FADER: So then if -- if this
3 infiltration doesn't work, then this artificial turf
4 will make the drainage problems worse.

5 MR. SCIARABBA: If -- like you're saying,
6 where those gentlemen are standing on that artificial
7 turf, if that catch basin clogs and that whole
8 system -- I think -- I think it will affect Wendy and
9 Bruce's house first. I think it's going to go towards
10 their hardscape to the south.

11 But I guess to your point, yeah, it could.
12 There's that 10 foot of topsoil you see there. I
13 don't see it migrating quickly off that AstroTurf to
14 the west. That's all because of planting --

15 MR. FELDMAN: Peg Warrick had been there for
16 the -- for school, but then she made a point, you
17 know, if this is loaded with snow and then you get a
18 rain event, and that drain --

19 MR. FADER: So the -- so your infiltrators
20 where they start, are they -- how much higher are they
21 than the storm system on Winton Road?

22 MR. SCIARABBA: So the elevation on Winton
23 Road South is at 99 and a half. And we are at -- so
24 we're about three and a half feet higher than Winton
25 Road at the end of that pipe.

1 MR. FADER: All right. So then it's very
2 unlikely that if Winton Road -- the storm sewers on
3 Winton have failed that it's going to back up into
4 your yard.

5 MR. SCIARABBA: Yeah. I don't see that.

6 MR. FADER: It's -- just what will happen
7 is, you'll just make Winton storm sewers fail worse,
8 which -- which will be the case anyways in a
9 torrential storm.

10 MR. SCIARABBA: Yeah. It's the same
11 drainage area that we had before on the approved plan.
12 So I don't know if it's fair to call it making it
13 worse. But it's going -- it's going to Winton Road.

14 MR. FADER: Okay. All right.

15 CHAIRPERSON PRICE: All right.

16 MR. FADER: I would think basement flooding
17 is not being caused by storm drain on Winton Road
18 overflowing.

19 MR. SCIARABBA: It could be groundwater and
20 not service water that we're talking about.

21 MR. FADER: All right. Okay. Now I really
22 am done.

23 CHAIRPERSON PRICE: Thank you. Any --
24 anyone else on the Board have other questions or
25 comments? All right. Thank you.

1 Okay. One last call for the public. Any
2 other public -- anybody else in the audience care to
3 address this? Okay. Thank you.

4 Move on. Lost my agenda. That will bring
5 us to application 8P-02-22.

6 **Application 8P-02-22**

7 Application of Paychex of New York, LLC,
8 owner, and Golisano Business COE, Inc., agent, for
9 Conditional Use Permit Approval to allow for a college
10 to be located at 150 Sawgrass Drive. All as described
11 in application and plans in file.

12 CHAIRPERSON PRICE: Anybody here
13 representing the applicant?

14 MR. GOLDMAN: Yes. Good evening,
15 Mr. Chairman, members of the Board. My name is Jerry
16 Goldman. I'm the attorney and agent for Golisano
17 Business COE, Inc., who is the applicant for the
18 repurposing of the 125,000 square foot building, which
19 is located at 150 Sawgrass Drive.

20 I'm familiar with this build from a long way
21 back. I was involved with it when it was General
22 Railway Signal and then -- which renamed as Alstom.
23 And then ultimately Paychex acquired the building.

24 It has been used for offices and used pretty
25 intensely as we'll talk about a little bit when we get

1 to traffic. With me tonight on the application are
2 Matt Tomlinson, who is the project engineer from
3 Marathon Engineering, as well as Matthew Ray and Dale
4 Twardokus, who are representatives of Golisano
5 Business, COE, Inc.

6 The property proposed is to be repurposed
7 for -- for an alternative learning environment to a
8 traditional four-year college and university. It's
9 intended to be a post-high school program.
10 Individuals who attend are intended to receive a more
11 concentrated program focused on the various areas of
12 working in or running a business.

13 The actual curriculum is in development
14 right now. But the concept is that this particular
15 educational product will have a short period of time.
16 It will be a two-year program. It will be a very
17 intensive program. And the cost to attend will be
18 significantly less expensive than any traditional
19 four-year program.

20 It's expected that there will be every day
21 learning traditionally in the morning. And based upon
22 what we have on the site, we think that the impacts
23 are going to be substantially less than what an office
24 would be.

25 So with that we're here tonight making an

1 application. Under the Town Code -- we're located in
2 a BE1 office district. And under the Town Code among
3 the conditional uses are what are listed as cultural
4 facilities.

5 Cultural facilities -- I'm going sheet by
6 sheet because all of them are sheet by sheet
7 considerations. Cultural facilities are defined under
8 the Code as establishments such as libraries, museums,
9 art galleries, schools, places of worship, botanical
10 gardens and zoological gardens of primarily historic,
11 educational or cultural interests. So we are under
12 the cultural facilities definition for conditional
13 use.

14 By the way that definition was added to the
15 Code in 2014. So there was a specific intent on the
16 part of the Town Board to allow for those specific
17 types of uses. And I think we'll be back revisiting
18 that definition later in the presentation.

19 But one thing that I would like to point out
20 is that Planning Board report that was put together by
21 staff, which again is a very, very good report and
22 professional report, calls this out as a school. In
23 fact, we have not used the definition of school for
24 this particular use. We consider it to be a college.
25 Excuse me. They call it out to be a college. And we

1 have eschewed the formal definition of college because
2 college is a term which has a number of definitions.

3 I went and pulled out a number of them.

4 Merriam Webster calls it a place where you have
5 instruction usually in a professional, vocational, or
6 technical field.

7 Another definition which is out there talks
8 about an educational institution, in particular one
9 providing higher education or specialized professional
10 or vocational training.

11 There's another definition that defines
12 college as an institution which provides a general
13 liberal arts education rather than technical or
14 professional training.

15 And the definition which causes us the most
16 issue is the fact that a college is defined by the New
17 York State Education Department as a higher
18 educational institution authorized by the regents to
19 confer degrees.

20 At this point this is not intended to be a
21 degree bearing facility. We suspect that graduates
22 will come out with a certificate. But, in fact, we
23 are a school. And a school is exactly what is defined
24 as a conditionally permitted use under the code.

25 In our letter of intent we did walk through

1 the conditional use permit standards. I will take a
2 couple minutes and go through them as well. In order
3 to grant a conditional use, the Planning Board shall
4 find that the request is in harmony with the general
5 purposes and intent of this chapter, which is the
6 zoning chapter, taking into account the location and
7 size of the use, nature and intensity of the
8 operations, and access to streets for the particular
9 site.

10 Again, we have provided traffic reports to
11 indicate a traffic study to indicate that we are
12 actually going to be providing less traffic onto the
13 road network. We are a less intense use in an area
14 that can actually serve to have some less intense
15 uses.

16 And the general purposes and intent of the
17 zoning chapter is to provide for education. So we
18 think that we squarely fit into the category in
19 subsection A of 2017.7.

20 In addition, the second characteristic is
21 that this particular use will not be detrimental to
22 the health, safety and general welfare of persons
23 residing or working in the neighborhood of the
24 proposed use or detrimental or injurious of the
25 property and improvements in the neighborhood.

1 This is part of Brighton Meadow's business
2 park. And as we take a look at it, it's near the
3 entry from the signalized entry of Sawgrass Drive
4 coming off of Westfall Road. In this particular case
5 we certainly will not be detrimental to the health,
6 safety and general welfare of the -- of our
7 neighboring properties.

8 All of our -- all of our use will be
9 contained within the building. We're not proposing
10 any outdoor use at all.

11 We have sufficient parking facilities for
12 our people and our students and staff and those who
13 will be working in the facility as well.

14 The third standard is whether the proposal
15 will result in the destruction or loss of a natural,
16 scenic or significant historical resource. And
17 again -- first, there's no historical resources in
18 this particular area. But we certainly aren't
19 affecting any of them by just repurposing the
20 building.

21 The fourth standard B says the proposal will
22 not create excessive, additional requirements of
23 public cost of public facilities and services and will
24 not be detrimental to the economic welfare of the
25 community.

1 This was cited as something that I believe
2 counsel may be addressing with the Board. And when he
3 does, I would request the opportunity to address any
4 comments he may have. But certainly there are no
5 additional requirements for public facilities related
6 to what we are -- what we are proposing on the site.

7 Next standard is the proposal will be served
8 adequately by essential public facilities such as
9 highways, streets, police/fire protection, stormwater
10 drainage, water sewers and schools, oddly enough, and
11 that the applicant shall otherwise provide these
12 services or be adequately obtained.

13 Again, we are already in a developed
14 environment. We are not a new build. There's nothing
15 ground-up here. So to that extent we are not going to
16 be putting any strain on existing public facilities.

17 The next standard, the sixth standard, is
18 the proposal will not result in unmitigated
19 destruction or loss or mitigated damage to trees.
20 We're not looking to impact any trees on the
21 particular site. And the proposal, especially,
22 conforms to the Town master plan. And we go to the
23 Town master plan and the Envision Brighton Plan and
24 talk about history, cultural diversity, and
25 educational opportunities. And clearly this provides

1 an alternative educational opportunity that we think
2 is well served within the Brighton area.

3 Just like to make a couple of additional
4 comments as they relate to the site plan and the
5 Planning Board report. What you have before you is a
6 site plan from when additional parking was put in to
7 serve Paychex roughly in 2008 if I recall. So the
8 area which is shaded in gray is parking which is
9 already in existence. We are not talking about any
10 changes to the site. And to that extent we are not
11 seeking a site plan modification.

12 In terms of the number of students, we
13 expect that this program will be phased in essentially
14 over a two-year period. In the first year we expect
15 to have 250 students, plus or minus. And those 250
16 students would be located on the first floor of the
17 facility initially. That is the plan.

18 And in the second year, again, remembering
19 this is a two-year program, we would be moving on to
20 utilizing the second floor of the building.

21 There was some questions which were raised
22 as part of the Planning Board report. Just like to
23 briefly talk about them. What types of programs will
24 be offered was the first question. Again, primarily
25 dealing with business, areas such as finance, human

1 resources, entrepreneurship, sales and marketing,
2 operations, business analytics, those are all explored
3 right now as being potential programs.

4 Occupancy again will be 250 people and
5 probably between 40 and 60 staff in the first year.
6 The parking analysis does provide for parking analysis
7 for this particular use and it shows that we will not
8 be having a significant impact at all with regard to
9 traffic.

10 We're not proposing any changes outside the
11 building. And at 125,000 square feet, we do not
12 anticipate any future expansion of the facility
13 itself. We believe that we can be fully contained
14 within the facility.

15 And future changes in the academic program,
16 of course, academics are organic. You know, we do
17 grow. We do change as needs are out there. So at
18 this point we are totally business oriented, but
19 there's always the possibility that there would be
20 other offerings that would be part of the educational
21 program.

22 And the last question which was raised is
23 there any new lighting proposed? And we are -- I'm
24 going to turn this over to Matt Tomlinson, who is the
25 engineer. I don't believe we're proposing new lights.

1 But I'm going to let him address.

2 Let me just say from our perspective, the
3 one clarification that we did want to make is, in
4 fact, we are a school. We are not looking to be
5 classified as a college for -- for zoning purposes or
6 for any other purpose.

7 So with that I'll turn it over to Matt
8 Tomlinson.

9 MR. TOMLINSON: Sure. Thanks, Jerry.
10 There's no intended changes to the parking lot as
11 Jerry mentioned or the lighting there.

12 And primarily, as Jerry mentioned, the
13 anticipated school hours and the basis for the
14 analysis of the traffic trip gen letter that was
15 submitted indicate that there would be very light, if
16 any, usage during the hours dusk to dawn, if you will.
17 And I think one of the comments or potential
18 conditions was also related to a timer on the lights,
19 which would be acceptable as well. So there are no
20 planned changes to lighting.

21 MR. GOLDMAN: Okay. With that
22 clarification, Matt Tomlinson, did you have anything
23 else to share?

24 MR. TOMLINSON: No. The -- I know that the
25 number of parking spaces was a question mark. And

1 there also was a previous variance that was granted
2 for narrower parking spaces being 8 and a half feet
3 wide versus 8. And we're happy to discuss that if
4 there's further question on the Board's behalf
5 relative to that as well.

6 MR. GOLDMAN: Okay. Matt or Dale, on behalf
7 of Golisano COE, any additional comments you want to
8 offer before we close our presentation?

9 MR. TWARDOKUS: No additional comments here.

10 MR. RAY: You covered it well.

11 MR. GOLDMAN: Thank you. Mr. Chairman, with
12 that, of course, we are available to answer any
13 questions that the Board may have.

14 We do understand because of County Planning
15 there will not be a vote on this matter this evening.
16 But we would like to garner as much input and be able
17 to address or at least acknowledge any questions that
18 we may have to go back and provide further information
19 to the Board on.

20 So with that we thank the Board for their
21 attention.

22 CHAIRPERSON PRICE: Thank you, Jerry. I
23 have one question first for Matt. And then I have a
24 question for our attorney Ken Gordon.

25 My first question for Matt is in the traffic

1 study, Matt, I guess I looked at it. McFarland
2 Johnson prepared it. What category of use did they --
3 did they use in the trip generation? Do you recall?

4 MR. TOMLINSON: The existing -- they
5 utilized the single tenant office building land use.
6 And then in the proposed they compared it with what
7 they basically they used as -- weighed it between a
8 junior or community college, which would be a typical
9 commuter, two-year-type school and then also a regular
10 university or college just to see where the numbers
11 shook out between those two and anticipated that that
12 would not be a significant impact utilizing either of
13 those codes.

14 But ultimately from a comparison -- for our
15 purposes, the junior or community college was chosen
16 just because it seemed to be a better representation
17 with the high level of commuters with no residential
18 on site for comparison purposes.

19 MR. GOLDMAN: Now, we should point out
20 there's no residential component as a part of this
21 proposal.

22 CHAIRPERSON PRICE: Okay. Yeah. I was just
23 curious. Matt, those are ITE standards?

24 MR. GOLDMAN: Yes.

25 MR. TOMLINSON: That's correct. Yes.

1 CHAIRPERSON PRICE: All right. Thank you.

2 And for Ken. Ken, in my 30 years I have
3 seen every bit of this -- every application from the
4 original General Railway Signal as Jerry mentioned and
5 every subsequent modification to this site. But I
6 would say in our time in the last 30 years, we have
7 not had a conditional use permit related to an
8 education or school use.

9 Could you just offer us some guidance?
10 We're typically looking at other uses and would like
11 to understand what the -- what the impact is of the
12 definition of this use is.

13 MR. GORDON: Staff and I -- so that would be
14 Commissioner Guyon, Jeff, Rick DiStefano our senior
15 planner, Evert Garcia our Town engineer and I -- did
16 meet early on in this process to review the Code.

17 I would say that staff came to the
18 conclusion that Mr. Goldman came to, which is that
19 this use is a school use under a cultural use
20 definition and would be a conditional use for this
21 particular district. So we don't believe that there
22 is any use variance needed.

23 In terms of impacts for school, school uses,
24 I'm not sure what you're asking me there, Bill.

25 CHAIRPERSON PRICE: Okay. It seems that

1 Jerry spent some effort in his explanation to make the
2 differentiation between the term college and school.
3 And I wondered from the Town's standpoint in the Code,
4 we've really never faced this.

5 MR. GORDON: There are some vagaries, I will
6 say, in the Code when it comes down to defining which
7 district a school is allowed in as a cultural
8 constitution, which district a educational facility or
9 college are allowed in. And the Code doesn't do a
10 really good job of separating those out quite frankly.

11 And the way we've interpreted the Code, the
12 way staff has interpreted the Code, is consistent with
13 what Jerry has spelled out here today.

14 CHAIRPERSON PRICE: Very good. Thank you.
15 So --

16 MR. GORDON: If I could just -- if I could
17 ask just -- because I'm curious and just in the sake
18 of full disclosure, Golisano Business, COE, Inc., I
19 I'm not familiar with the acronym CEO. Could somebody
20 please explain to me what COE stands for?

21 MR. GOLDMAN: Center of Excellence.

22 MR. GORDON: Thank you.

23 CHAIRPERSON PRICE: Now it makes sense. I
24 didn't follow that one either, Ken.

25 MR. GORDON: I thought it might have been

1 college of education.

2 MR. GOLDMAN: No, it's not college of
3 education. It's Center of Excellence.

4 CHAIRPERSON PRICE: Okay. And -- all right.
5 We will typically be -- you know, in a conditional
6 use, you know, we do typically look at materials that
7 are stored in the building if it's a manufacturing
8 facility, you know, any kind of hazardous materials or
9 waste materials. If it's a restaurant and it's
10 outdoor seating, are we talking about paper plate
11 service or are we talking about, you know, china
12 service. We're looking at how things like garbage is
13 handled, how loading and unloading are handled, hours
14 of operation, lot of -- lot of issues that on a daily
15 operation standpoint would stand to impact
16 predominantly the adjacent neighbors and have any
17 potential impact to property values.

18 So my understanding is that this use
19 needs -- this needs a conditional use permit, but
20 you're really not proposing anything in the way of
21 modifications to the site plan, to access points, to
22 utilities, to the way the garbage is handled.

23 MR. GOLDMAN: Correct.

24 CHAIRPERSON PRICE: I think I've got the
25 gist of the application. I guess I'll ask other Board

1 members, other Board members have questions or
2 comments for the applicants?

3 Could everybody please mute yourself if
4 you're not speaking? Thank you.

5 MS. ALTMAN: I'm just curious about whether
6 there was an existing cafeteria in the building or
7 whether food service would be available for the
8 students.

9 MR. GOLDMAN: There is an existing cafeteria
10 in the building, a food facility, which was there for
11 Alstom and I assume for Paychex. I was more familiar
12 with the Alstom operation.

13 But that will -- that will also be there to
14 serve the students. So it will be there, you know,
15 during the day.

16 MR. FRISCH: Is there any intention to have
17 that open to the public?

18 MR. GOLDMAN: I'd leave that to Matt and
19 Dale. My answer would be no, but I don't -- I can't
20 speak for that. I don't know if they're trying to
21 unmute or not.

22 MR. TWARDOKUS: Yeah. Sorry. I wasn't
23 allowed to be unmuted.

24 We are not planning to serve the public.

25 MR. GORDON: How about other tenants on

1 Sawgrass?

2 MR. TWARDOKUS: No.

3 MR. GORDON: If I could just ask a couple
4 follow-ups on this, Karen, on the cafeteria issue.

5 So while the current food service that
6 existed was serving GRS or Alstom or Paychex, about
7 how many people ate there each day?

8 MR. TWARDOKUS: I don't have -- we don't
9 have that information. My expectation is that the
10 majority of them would by the size of the facility.

11 MR. GORDON: The majority of the employees
12 wouldn't bring their lunch. They would eat from the
13 cafeteria?

14 MR. TWARDOKUS: Well, they, ay bring their
15 lunch or they may purchase it there, but they would
16 eat within that cafeteria space.

17 MR. GORDON: And for your student population
18 how many of your 500 students are you estimating will
19 be eating in that cafeterias on a daily basis?

20 MR. TWARDOKUS: Half. Excuse me. Eating?
21 We expect that they all will be eating within the
22 space. And whether they bring their lunch or whether
23 they purchase it there, my expectation is that it
24 would match similar to the previous user Paychex.

25 MR. GORDON: I'm just curious about whether

1 there will be an increase in waste based on more
2 students having food prepared for them in the
3 cafeteria, whether there will be a need for more
4 deliveries of food product and other products to the
5 building because of a cafeteria serving a student
6 population of 500 as opposed to office workers.

7 Do you have anything like that in any of
8 your application papers or your studies that you
9 presented to the Town.

10 MR. TWARDOKUS: I do not --

11 MR. TOMLINSON: If I could speak to that
12 just a little bit. Outside of the food preparation
13 piece, office use versus tenant, usual or a typical
14 calculation on solid waste or water usage is by
15 occupant. And, of course, there are some rule of
16 thumbs you could use for food prep on or off site, but
17 usually by occupant.

18 The previous employee load was approximately
19 650 full-time employees there on a typical 8 to 5
20 schedule. We're anticipating a typical or a maximum
21 occupant load of roughly 560 people.

22 So we would anticipate that the waste usage,
23 water usage would be consistent or lesser than
24 previously experienced given the number of employees
25 specific to the Paychex operation.

1 MR. GORDON: And that's in the application
2 papers that have already been submitted to the Town?

3 MR. GOLDMAN: Yes. The numbers of people
4 that we had are in the application. The traffic
5 report, Matt, you can expound on this, you know, deals
6 with those numbers as well.

7 I'm sorry to jump all over you, Matt. Go
8 ahead.

9 MR. TOMLINSON: Yup. Nope. It's correct.
10 And we also did not indicate any anticipated increase
11 in any of those other services in the short EAF
12 because we do not anticipate that.

13 MR. GORDON: All right. Thanks.

14 Thank you, Karen, for letting me jump on
15 your coattails there.

16 CHAIRPERSON PRICE: Karen, do you have any
17 further questions?

18 MS. ALTMAN: Go back around. I'll think
19 about it a few more minutes. Thanks.

20 CHAIRPERSON PRICE: I just want to remind
21 everybody, there was one application and one
22 improvement made to this property that is not showing
23 on this particular plan. But the applicant -- well,
24 Paychex came in several years ago but added a outdoor
25 patio space. And that was built. It has been

1 constructed. And part of that was also intended to
2 provide an outdoor space for employees to have lunch
3 and to eat.

4 I don't recall however if there were any
5 outdoor kitchen improvements that were made as part of
6 that application and exist there today. But I know
7 that they did develop quite a nice outdoor space on
8 that southeast corner. That's just anecdotal
9 information.

10 Other Board members have questions of the
11 applicants? David, do you have any questions?

12 MR. FADER: No, I do not.

13 CHAIRPERSON PRICE: John Osowski?

14 MR. OSOWSKI: Bill, my questions have
15 already been asked and addressed by others. Thank
16 you.

17 CHAIRPERSON PRICE: Thanks, John. And
18 Jason?

19 MR. BABCOCK-STIENER: Same with John. I'm
20 all set.

21 CHAIRPERSON PRICE: All right. Karen?

22 MS. ALTMAN: I think I'm all set.

23 CHAIRPERSON PRICE: All right. Jeff, how
24 about you? Do you have any further questions or
25 comments?

1 MR. FRISCH: Jerry said that there would be
2 no expansion of the facility itself. But do you see
3 there being future growth beyond the facility?

4 MR. GOLDMAN: The expectation is that the
5 500 student level is probably a comfortable number.
6 You know, if there are additional programs, as I said,
7 if there are changes that occur, take us into
8 different fields or subsets of business, let's say
9 particular disciplines of business, how to run a law
10 firm, for example, because Lord knows lawyers need to
11 learn how to operate their businesses better. You
12 know, if that's the case, there may wind up being some
13 growth.

14 But like I said, within the 125,000 square
15 foot footprint we currently feel pretty comfortable
16 that it will absorb any potential growth at the site.

17 MR. FRISCH: Okay. And do you know if this
18 is intended to be a non-for-profit facility?

19 MR. GOLDMAN: I don't know about the
20 business structure itself and how that is -- and how
21 that is set up. But, yeah. It is -- it is an
22 educational venture. So, yeah. I can't discount that
23 possibility.

24 MR. FRISCH: Okay. And a note on the
25 college or school thing, that is something we did

1 notice today. And there is an update that changes
2 college to school in the Planning report.

3 MR. GOLDMAN: Sorry. Okay. Thank you.
4 Thank you.

5 MR. FRISCH: Yeah.

6 CHAIRPERSON PRICE: Jeff, you set?

7 MR. FRISCH: Yeah. I'm set.

8 CHAIRPERSON PRICE: Okay. This is a public
9 hearing.

10 MR. GORDON: Hey, Bill. I got a couple
11 questions.

12 CHAIRPERSON PRICE: Oh. Ken, please.

13 MR. GORDON: Thanks. Jerry, I think I heard
14 you say that there is no residential component of this
15 project. That sounded like a qualifier of this
16 project.

17 Is there a plan to put dormitories in close
18 vicinity to this school so that there will be a
19 residential student population somewhere on the
20 Brighton Meadows campus?

21 MR. GOLDMAN: I'll let Dale address that,
22 but I always have a tendency to couch things in a way
23 that leaves me some wiggle room. But I personally
24 know of none.

25 Dale, do you have anything to offer?

1 MR. TWARDOOKUS: Yeah. There are no current
2 plans.

3 MR. GORDON: Okay. So then would the --
4 would the applicant object to a condition on the
5 condition use permit that the conditional use permit
6 be for strictly a commuter school.

7 MR. TWARDOOKUS: Yes.

8 MR. GORDON: You'd object to that?

9 MR. TWARDOOKUS: No. No, I do not object.

10 MR. GORDON: Okay. So that would be fine?

11 MR. TWARDOOKUS: Yes.

12 MR. GORDON: Okay. I'm interested in
13 knowing more about whether the school is going to be
14 paying full property taxes or not.

15 MR. TWARDOOKUS: That is yet to be determined
16 based upon the structure. We're -- we're a work in
17 progress at this point.

18 MR. GORDON: I understand. One of the
19 findings that the Planning Board is required to make,
20 and Jerry went over these, it is -- number 4 is that
21 the conditional use will not be detrimental to the
22 economic welfare of the community.

23 The Town and Planning Board particularly
24 will need an analysis of what the economic impact will
25 be on town, county and school district tax revenues if

1 you plan to take this project and this property off
2 the tax rolls. That's something that's not there and
3 something that I would request be provided if it is
4 your intention to take it off the tax rolls.

5 MR. GOLDMAN: I will make this statement.
6 And I acknowledge your comment. And since we are
7 going to be tabled anyway, we will need to address
8 this in a meaningful sort of way, but, Ken, as I
9 pointed out the Town Board did add cultural facilities
10 as a conditionally permitted use in the -- in this
11 district. And all of those uses, libraries, museums,
12 art galleries, schools, places of worship, botanical
13 and zoological gardens, almost uniformly are
14 not-for-profit. I think there may be a small subset
15 which could be fully on the tax rolls.

16 And I'd also like to point out that from an
17 economic impact point of view, projects which qualify
18 for COMIDA, for example, have at least partial tax
19 abatements. So there is all of that to be considered
20 as part of the economic modeling as we talk about this
21 particular property.

22 MR. GORDON: Sure. I think though that the
23 Planning Board needs that information unless there can
24 be some assurance that this project will be paying
25 full taxes or alternatively, and this is really what

1 I'd like to talk about a little bit, has the applicant
2 considered locating this school on property that is
3 already off the tax rolls? Much like Empire State
4 College did.

5 When Empire State College came to town
6 originally, they were going to locate on property on
7 south Clinton across from Tops plaza. Ultimately they
8 ended up locating on DDSO property on Westfall. And
9 that made it so that this educational institution,
10 Empire State College, would not end up taking new
11 property off the Brighton tax rolls.

12 Is that something that the applicant would
13 be willing to consider looking around? Because there
14 might be a great opportunity to have this business
15 school, for example, on the MCC campus. Is that
16 something that the applicant is willing to consider?

17 MR. GOLDMAN: I think -- I'll speak for the
18 applicant and then Dale can speak as well. But I know
19 that there was an extensive search to arrive at this
20 particular property.

21 I don't think that any consideration is
22 completely off the table. Let's put it that way.
23 Dale?

24 MR. TWARDOKUS: Right. Yes. We have
25 performed a pretty extensive search looking to locate

1 the facility at a different location. This one wants
2 for a lot of reasons in which we're highlighting it.
3 We have taken a look. And we would further look.

4 MR. GORDON: But I strongly encourage you to
5 chat with the folks at MCC. I think there might be
6 some real good opportunities for some synergies there
7 to have a Golisano Center of Excellence school of
8 business, whatever it's going to be called, located on
9 that property. If MCC were willing to work with you,
10 I think that's something you ought to explore. I
11 think that would be a great win-win potentially for
12 the community.

13 MR. GOLDMAN: I know that we have a diverse
14 and broad group of participants here this evening,
15 which I wouldn't normally expect to see on this
16 application. So we know there's some interest beyond
17 the bounds of the property.

18 MR. GORDON: Right. And I want to get
19 through my questions -- I just have a couple more --
20 so that our folks who have taken their time, their
21 valuable time to join us for this Planning Board
22 meeting do get an opportunity to ask their questions
23 and speak their peace as well.

24 One last area that I did want to inquire
25 into however, I'm curious as to where the school

1 stands with respect to applying for obtaining any kind
2 of licensure from the State Education Department?

3 Where does that stand?

4 MR. TWARDOOKUS: That is in process.

5 MR. GORDON: So an application has been
6 filed with --

7 MR. TWARDOOKUS: No. No. We're currently
8 evaluating our opportunity -- our options.

9 MR. GORDON: My understanding is that under
10 State Education Law Section 5001, you can't operate
11 that school without getting approval from the State
12 Education Department unless you fall under one of the
13 exemptions. I reviewed the exemptions. I don't think
14 your school falls under any of those exemptions.
15 Unless you're not going to charge tuition. But I
16 think you're charging tuition; right?

17 MR. TWARDOOKUS: Correct.

18 MR. GORDON: Yeah. So I'm not sure whether
19 the Planning Board can give any kind of approval for a
20 use which is not even lawful at this point in time.
21 So I would think you would have to go at least make an
22 application. And from my understanding from the State
23 Education Department today is that there is no
24 application pending. I'm not even sure if they're
25 currently applications until 2023. But you might know

1 more about that than I do.

2 MR. TWARDOKUS: So I misspoke when I said
3 that we're in process. We are not currently making an
4 application to New York State.

5 MR. GORDON: Okay. Well, I'd encourage
6 counsel to take a look at Education Law 5001 and take
7 a look at the requirements there. I don't think you
8 can operate without getting that licensure.

9 MR. GOLDMAN: I will --

10 MR. GORDON: And that's for a non-degree
11 program, Jerry.

12 MR. GOLDMAN: Correct. I'll take a look at
13 5001. I am not involved in the business end, if you
14 will. As you know, Ken, very often I'm called upon
15 just to be a night warrior.

16 MR. GORDON: We like to see your smiling
17 face. That's all.

18 MR. GOLDMAN: That's all. So for what it's
19 worth, now that it's been raised as an issue for
20 the -- in the context of the Planning Board
21 application, I'll take a look at it.

22 MR. GORDON: Thank you. All right. Bill,
23 thank you. That's all I have.

24 CHAIRPERSON PRICE: Okay. Okay. Thank you.
25 All right. Let's move on. I would like to ask

1 anybody in the audience that cares to speak to this
2 application please raise your hand so Jeff and Brendan
3 can see you and let you into the conversation.

4 Anybody care to speak?

5 MR. FRISCH: Or if you turn on your camera,
6 we can see you as well.

7 CHAIRPERSON PRICE: Any hands raised?

8 MR. GORDON: Or use the raise hand
9 feature -- either use the raise hand feature or turn
10 on your camera and raise at us madly so we can see
11 that you're out there. We see you out there. We just
12 don't see anyone raising their hand to speak.

13 MR. RYAN: No one so far.

14 MR. GOLDMAN: I think it's referred to as
15 auditing the course.

16 CHAIRPERSON PRICE: All right. Okay. A lot
17 of listening. One last call. Anybody care to address
18 this application? Okay. Thank you.

19 All right. Jeff, I believe all of our
20 applications -- anything else is either postponed to
21 the next month or been withdrawn. So that is our last
22 public hearing of the evening.

23 MR. FRISCH: Correct.

24 CHAIRPERSON PRICE: Do you concur?

25 MR. FRISCH: I do concur, yeah.

1 (End of the public hearings.)

2 CHAIRPERSON PRICE: Okay. All right. Why
3 don't we go back and address these two applications
4 that we heard tonight. And then we will go on to
5 signs.

6 So let me go back and just ask one more time
7 if there -- on the application of 6P-03-22, this is
8 Birnbaum Companies and this is for a preliminary and
9 final site plan at 150 Metro Park. Nobody here on
10 behalf of the applicant or anybody in the public that
11 wishes to address that application?

12 MR. FRISCH: I'm not seeing anybody.

13 Application 6P-03-22

14 Application of Birnbaum Companies, owner,
15 for Preliminary/Final Site Plan Approval and
16 Conditional Use Permit Approval to construct a 3,050
17 +/- square foot building addition for warehouse and
18 office use on property located at 150 Metro Park. All
19 as described on application and plans on file.

20 CHAIRPERSON PRICE: Okay. Then I'll make a
21 motion that we deny without prejudice application
22 6P-03-22 on the basis of lack of additional
23 information submitted to the Board and appearance by
24 the application at the Board meetings.

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

1 CHAIRPERSON PRICE: Second from Jason.
2 Thank you. Any other discussions? Jeff, please call
3 the roll.

4 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
5 aye; Mr. Babcock-Stiner, aye; Mr. Price,
6 aye.)

7 (Upon roll motion to deny without prejudice
8 carries.)

9 CHAIRPERSON PRICE: All right. Our next
10 application is 8P-01-22. This is Wendy Freida and
11 Bruce Dan for a site plan modification in conjunction
12 with their home improvements at 575 Winton Road.

13 I guess we need -- we need a motion and a
14 second. Then we can have some discussion. Is anybody
15 interested in making a motion?

16 MR. FADER: I can make a motion if you'd
17 like.

18 Application 8P-01-22

19 Application of Wendy Freida and Bruce Dan,
20 owners, for Site Plan Modification to allow for
21 changes to grading and stormwater control in
22 conjunction with the construction of a new home
23 (2P-02-21) on property located at 575 Winton Road
24 South. All as described on application and plans on
25 file.

1 MR. FADER: I move the public hearing be
2 closed and the Planning Board finds the proposed
3 action will not have a significant impact on the
4 environment and adopt the negative declaration
5 prepared by Town staff and the Planning Board approves
6 the application 8P-01-22 based on testimony given,
7 plans submitted and the 12 conditions outlined in the
8 Planning Board report.

9 **Conditions:**

- 10 1. All conditions of the Zoning Board of Appeals
11 shall be met.
- 12 2. Provide a revised site plan showing proposed
13 conditions and updated rear yard coverage calculations
14 that meet Town standards.
- 15 3. Meet all requirements of the Town of Brighton's
16 Department of Public Works.
- 17 4. All Town codes shall be met that relate directly
18 or indirectly to the applicant's request.
- 19 5. The project and its construction entrance shall
20 meet the New York State Standards and Specifications
21 for Erosion and Sediment Control.
- 22 6. The contractor shall designate a member of his or
23 her firm to be responsible to monitor erosion control,
24 erosion control structures, tree protection and
25 preservation throughout construction.

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

7 8. Maintenance of landscape plantings shall be
8 guaranteed for three (3) years.

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

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

18 11. All comments and concerns of the Town Engineer as
19 contained in the attached memo dated August 14, 2022
20 from Evert Garcia, Town Engineer, to Jeff Frisch,
21 shall be addressed.

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

25 CHAIRPERSON PRICE: Thank you. Is there a

1 second?

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

3 CHAIRPERSON PRICE: Moved and seconded. I
4 would -- Jeff, this approval would come with a lot
5 of -- kind of a big asterisk that the Board would be
6 relying on the expertise of staff to work with the
7 owners and the contractors to ensure the
8 implementation of the proposed improvements because I
9 think there were some comments made tonight about the
10 width of the channel and the height of the berm and
11 the direction of the flow -- the intended flow of
12 water, picking up water from running off site onto
13 this site. I think, again, this is something that
14 is -- the application makes sense to me as to how it's
15 being addressed. It does come down to kind of the
16 expertise on the ground making sure that it's
17 implemented properly.

18 MR. GORDON: And I will say, Bill, that at
19 the staff level as recently as today, Jeff and Rick
20 and Mike and I had a conversation -- was Evert part of
21 that? I don't think so -- about whether this matter
22 could be approved with those conditions or recommended
23 to be approved with those conditions or whether the
24 recommendation was going to be to table it.

25 And the conclusion was that what you said is

1 exactly right, that the issues really come down to
2 technical matters that can and should be handled and
3 addressed by staff and working with the project
4 engineer and the owners.

5 My question for you, Jeff, is did you hear
6 anything tonight in the questions asked, the concerns
7 raised by the neighbors, that gives you pause as to
8 whether this can still be handled on the staff level
9 or whether you would rather see the Board table this
10 matter for it to take action on sometime at a future
11 meeting?

12 MR. FRISCH: I would be okay with it being
13 approved. I talked to Evert today as well and he felt
14 that it is -- the issues that we have with it are
15 things that we can work out with the project engineer
16 and the owners. And he's -- him and I have both been
17 to the site. He's been there multiple times. We're
18 aware of the issues. And one of the reasons they're
19 back in here is so we can work out the drainage
20 issues.

21 MR. GORDON: I mean, what I heard both
22 neighbors express was that they don't want this
23 project to make their situation any worse than it
24 already is and ideally make it better. But at least
25 not make it worse. They don't want to see drainage

1 from the AstroTurf area for lack of a better
2 description, or synthetic turf area, to cause
3 additional basement flooding or drainage issues onto
4 their property either to the north or to the west.
5 And I assume that is what staff's goal is going to be
6 as well as to make sure that doesn't happen.

7 MR. FRISCH: Yes, it is. And that is to
8 make it comply with the -- our code and what we have
9 set there for flows changing from neighboring site
10 to -- from a site. That's what we always seek to do.

11 CHAIRPERSON PRICE: Okay. All right. We
12 have a motion and second. Any further discussion by
13 the Board? All right, Jeff. Please call the roll.

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

17 (Upon roll motion to approve with conditions
18 carries.)

19 CHAIRPERSON PRICE: All right thank you.
20 All right. That brings us the application 8P-02-22.

21 **Application 8P-02-22**

22 Application of Paychex of New York, LLC,
23 owner, and Golisano Business COE, Inc., agent, for
24 Conditional Use Permit Approval to allow for a college
25 to be located at 150 Sawgrass Drive. All as described

1 in application and plans in file

2 CHAIRPERSON PRICE: I believe we've
3 mentioned a couple of times that this application
4 would be tabled. Could I please ask someone to make
5 the motion?

6 MR. GORDON: Just a point of information.
7 In making a motion to table, you do not have to lay
8 out conditions or reasons for the tabling. It can
9 simply be a simple motion to table, which is a
10 non-debatable motion.

11 CHAIRPERSON PRICE: Thank you.

12 MR. BABCOCK-STIENER: I move that
13 application 8P-02-22 be tabled.

14 MR. FADER: I'll second that.

15 CHAIRPERSON PRICE: Thank you. Any further
16 discussion by the Board? All right. Jeff, please
17 call the roll.

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

21 (AUpon roll motion to table carries.)

22 CHAIRPERSON PRICE: Okay. All right. Thank
23 you, everyone, for your patience and joining the
24 conversation tonight. Looks like we'll have a pretty
25 full agenda in September. Please continue to join

1 conversation.

2 All right. That leaves us, Jeff, with sign
3 applications.

4 MR. FRISCH: Yes.

5 CHAIRPERSON PRICE: Walk us through those.

6 **Signs:**

7 1655 Tipsi Wine and Liquor for a Building Face
8 sign at 30 Jefferson Road

9 1656 Tenant Names for a Directory Sign at 340
10 Winton Place

11 1657 Lucky Folk for a Building Face Sign at 1470
12 Monroe Avenue

13 1658 Tenant Names for a Directory Sign at 2601
14 Lac De Ville Boulevard

15 MR. FRISCH: Yep. All right. First sign
16 application is for Tipsi Wine and Liquor at 30
17 Jefferson Road. It's for a building face sign. It
18 was tabled by the Architectural Review Board with
19 conditions. And it will also need -- require a zoning
20 variance because they were asking for signs on two
21 building faces.

22 CHAIRPERSON PRICE: I'll make a motion that
23 we table this based on the recommendation of the ARB.

24 MS. ALTMAN: I'll second.

25 CHAIRPERSON PRICE: I'm just going to do an

1 all in favor here. All in favor?

2 ALL BOARD MEMBERS: Aye.

3 CHAIRPERSON PRICE: Any opposed? Okay.

4 Passes.

5 Jeff, on the next application for 1656, I do
6 need to recuse myself --

7 MR. FRISCH: Okay.

8 CHAIRPERSON PRICE: -- on this particular
9 application.

10 MR. FRISCH: Okay. John, do you mind
11 handling this?

12 MR. OSOWSKI: Sure. The application
13 number 1656 for tenant names at 3450 Winton Place, the
14 Winton Design Center. The -- it's a directory sign.
15 The Architectural Review Board recommended approval
16 with conditions, that the sign panel and the box and
17 supports shall be charcoal gray and that all tenants
18 shall have the same typeface.

19 Will somebody make a motion that we approve
20 this with conditions?

21 MR. BABCOCK-STINER: I move we approve 1656
22 with conditions.

23 MR. OSOWSKI: Thank you. Someone second.

24 MS. ALTMAN: I'll second.

25 MR. OSOWSKI: Thank you. All in favor?

1 ALL BOARD MEMBERS: Aye.

2 MR. OSOWSKI: Okay. Thank you.

3 MR. GORDON: Hold on. Hold on, guys. How
4 many people do we have voting for this?

5 MR. FRISCH: Five.

6 MR. GORDON: Now, how many are voting -- can
7 we do a roll call please?

8 MR. FRISCH: Okay.

9 (Ms. Altman, aye; Mr. Fader, aye;
10 Mr. Babcock-Stiner, aye; Mr. Osowski, aye.)

11 MR. GORDON: Thanks. David wasn't on my
12 screen and I was only counting three votes when you do
13 the voice vote. Sorry. Thank you.

14 MR. FRISCH: The next one is 1656. It's for
15 Lucky Folk, the tattoo place on Monroe Avenue. This
16 one is in a historic building. So it's going -- it
17 did not go in front of the Architecture Review Board.
18 It will be reviewed by the Historic Preservation
19 Commission this -- next week.

20 CHAIRPERSON PRICE: When is that meeting,
21 Jeff?

22 MR. FRISCH: Next Wednesday.

23 CHAIRPERSON PRICE: Wednesday.

24 MR. FRISCH: Thursday.

25 MR. GORDON: Thursday. Please.

1 CHAIRPERSON PRICE: I may have interest in
2 that one. All right. So no action needed from us.

3 MR. FRISCH: You guys can review and vote on
4 it now with -- pursuant -- with condition that it
5 needs Historic Preservation Commission approval.

6 CHAIRPERSON PRICE: True. I don't know.
7 Jason, you're our graphic guru. What does that say to
8 you right now? What's your first reaction?

9 MR. BABCOCK-STIENER: Actually not bad. I
10 mean, you can see it from the street. I mean,
11 that's -- I mean, and you know the thing is I hesitate
12 too because it's probably their brand. And, you know,
13 if it's legible from the street unlike that first one
14 we saw.

15 CHAIRPERSON PRICE: Right.

16 MR. BABCOCK-STIENER: The question is if we
17 approve and the Historical Review Board doesn't, does
18 that impact us at all? We'll just have to see it
19 again?

20 MR. FRISCH: Yeah. If they make any
21 changes -- if the HPC tables it and wants changes,
22 then it would come back to the Planning Board.

23 CHAIRPERSON PRICE: I see. But this is a
24 permitted use. This is a sign. This is not anything
25 to do with the use.

1 MR. FRISCH: No.

2 CHAIRPERSON PRICE: Okay. And they're not
3 saying Lucky Folk tattoo parlor. It's just Lucky
4 Folk.

5 MR. FRISCH: Yeah. They have it on there as
6 a possibility as tattoo, but it was crossed out.

7 MR. GORDON: Yeah. And my understanding is
8 that this is a new shop, maybe as a matter of trivia,
9 perhaps the first tattoo parlor in Brighton. And it
10 is a permitted use.

11 And -- but, you know, what you said Jason
12 about this being their branding, I'm not sure they've
13 established a branding. I think there's a guy, Adam,
14 I can't remember his last name, I think was at a
15 different tattoo parlor and was hoping to open his own
16 shop.

17 MR. BABCOCK-STIENER: Yeah. I mean, there's
18 no real consistency in any of the signs there.

19 MR. GORDON: And that's going to be an issue
20 that, you know, HPC is certainly going to look at. I
21 mean, HPC's issue is going to be is this sign and how
22 it's colored and designed consistent with the historic
23 character of this building given the other signs that
24 are already on it.

25 MR. BABCOCK-STIENER: Yeah.

1 CHAIRPERSON PRICE: Okay. I guess
2 personally would vote or make a motion to approve as
3 presented with Lucky Folk as the graphic. And there
4 is a Lucky Folk Tattoo on the drawing to the lower
5 left, not recommending approval of that. But simply
6 the Lucky Folk as lettered.

7 MR. BABCOCK-STIENER: I would agree.

8 CHAIRPERSON PRICE: Does that mean you
9 second?

10 MR. BABCOCK-STIENER: Yes. I'm sorry.
11 Yeah. That's a second.

12 CHAIRPERSON PRICE: Okay.

13 MR. FRISCH: Can we -- can I just -- we'll
14 say approved -- we can vote on that first.

15 MR. GORDON: Say that again, Jeff.

16 MR. FRISCH: I think we vote on it first.
17 But I was just going to add the condition that as
18 Lucky Folk and with the approval the C of A by HPC.

19 MR. GORDON: So Bill and Jason, are you okay
20 with an amendment to your motion that says this sign
21 is approved with the condition that the Historic
22 Preservation Commission also approves by issuing a
23 certificate of appropriateness?

24 MR. BABCOCK-STIENER: Yes.

25 CHAIRPERSON PRICE: Yes.

1 MR. FRISCH: Thank you.

2 CHAIRPERSON PRICE: Any other comments or
3 questions? Why don't -- because this does have to go
4 to Preservation Commission, why don't you do a roll
5 call.

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

9 CHAIRPERSON PRICE: Okay thank you. One
10 more.

11 MR. FRISCH: The last sign is for 2601 Lac
12 De Ville Boulevard. It was tabled by the
13 Architectural Review Board for conditions, looking for
14 proposed materials, detail on the sign construction,
15 how individual tenants slats will be attached, overall
16 height from the ground, depth of sign panel and
17 cornice treatment. Three is oval address numerals
18 will not overlap the 'Lac De Ville" text. And the
19 fourth condition for -- the fourth tabling condition
20 was higher resolution visualization images.

21 CHAIRPERSON PRICE: I move we table
22 application 1658 based on the recommendations for
23 table issued by the ARB.

24 MS. ALTMAN: Second.

25 CHAIRPERSON PRICE: Thank you. Let's just

1 do a role -- let's just do a voice vote on this. One
2 all in favor?

3 ALL BOARD MEMBERS: Aye.

4 CHAIRPERSON PRICE: Any opposed? Okay. All
5 right folks. Heck of a summer. Let's hope it
6 continues. Enjoy your August and your labor days. I
7 hate to say that's coming up, but enjoy it. And we
8 will -- Ken. Oh, okay. Ken.

9 MR. GORDON: What is the Board's pleasure
10 with respect to setting up a meeting with me to
11 review -- I'd like to have an opportunity as counsel
12 to the Board to review roles, responsibilities, some
13 case law, some statutory law, talk a little bit maybe
14 about SEQRA. I'd like to talk about that and how that
15 interplays with what we do all at the Planning Board,
16 all of those things.

17 It can be -- this is not a executive
18 session. It's not a Planning Board meeting. It's a
19 meeting I'm asking to have as your counsel that would
20 be to give advice to my clients, my Board.

21 And so I want to schedule it when it's
22 convenient for you. We could do it either in person
23 or by Zoom. But if you could -- I know we sort of
24 talked about doing this past Monday. That didn't
25 happen. And we talked about maybe doing it after this

1 meeting, but I think it's a little late to try to do
2 that tonight.

3 So with -- maybe, Bill, with your permission
4 maybe I could arrange to have a doodle poll sent out
5 to have people pick some days and times that would
6 work. Maybe we can set something up that way.

7 CHAIRPERSON PRICE: Absolutely. That's
8 fine. Yeah. Look forward to the conversation. This
9 is -- in my 20-plus years on the Board we've really
10 very rarely done it.

11 MR. GORDON: It's certainly appropriate to
12 do. The law does allow for it and I think it would be
13 beneficial for all of you.

14 MS. ALTMAN: I'd appreciate it.

15 MR. BABCOCK-STIENER: Absolutely.

16 MR. OSOWSKI: Great.

17 CHAIRPERSON PRICE: John and David, you guys
18 have been on a while too. I don't know that we've
19 ever, you know, gone through roles and
20 responsibilities and actual statutory law. So Ken, we
21 appreciate that.

22 MR. OSOWSKI: Great.

23 CHAIRPERSON PRICE: Okay. Yeah. Jeff and
24 Ken, if we can get a date.

25 MR. GORDON: Yeah. Jeff and I will

1 coordinate getting a Doodle poll out so we can do
2 that.

3 CHAIRPERSON PRICE: Thank you.

4 MR. FRISCH: One that works this time.

5 CHAIRPERSON PRICE: All right. So I was
6 wishing you all a good rest of the summer. We'll see
7 you before the end of the summer. But have a good
8 week and good next month. We'll see you next month.

9 (Proceedings concluded at 9:08 p.m.)

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1 | **REPORTER CERTIFICATE**

2

3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

7

8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

11

12 Dated this 17th day of August, 2022
13 at Rochester, New York.

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Holly E. Castleman

HOLLY E. CASTLEMAN, CR,
Notary Public.