

1
2 **BRIGHTON**3 **PLANNING**4 **BOARD**5
6
7 September 21, 2022
8 At approximately 7 p.m.
9 Brighton Town Hall
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)
15 KAREN ALTMAN)

16 ABSENT:

17 DAVID FADER
JASON BABCOCK-STINER18 KENNETH GORDON, ESQ.
Town Attorney19
20
21
22 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
23 FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
24 Batavia, NY 14020
25

1 CHAIRPERSON PRICE: Okay. Good evening,
2 everyone. Welcome to the September 21st, 2022,
3 meeting of the Town of Brighton Planning Board. This
4 is our first Planning Board in quite some time
5 actually in person. Good to see everybody. I guess I
6 would like to ask Jeff to please call the roll
7 tonight.

8 (Whereupon the roll was called.)

9 CHAIRPERSON PRICE: Okay. We typically
10 start with the agenda review with staff and board
11 members at this point. I do want to point out first
12 off that there are two applications -- actually three
13 applications that were initially on the agenda that we
14 actually do not -- two applications where we do not
15 have a quorum to take any action on. Those are
16 applications 5P-02-22, that's the Talmudical Institute
17 of New York, Brighton Central School District as owner
18 for conditional use permit approval for the Montessori
19 School. That application will be postponed to our
20 October meeting, as well as the application 5P-NB1-22.
21 That's the Talmudical Institute itself. That has been
22 postponed to our October meeting as well.

23 We also have the application 10P-NB1-21 for
24 1950 to 1966 Monroe Avenue LLC, Quicklee's is the
25 owner, for a preliminary subdivision and preliminary

1 site plan approval and demolition review. That has
2 been postponed to the October meeting as well.

3 And our application 5P-NB2-22, the
4 application of Bristol Valley Homes LLC and PEMM LLC
5 for site plan approval for a Quickee's at 3108 East
6 Avenue, that has been postponed to our October meeting
7 as well.

8 So if you are here for those applications,
9 please know we will not be hearing those or taking
10 action on those applications tonight.

11 So we're going to begin tonight -- before we
12 approve minutes or talk about the public hearings, we
13 want to have a moment to review the agenda with staff
14 and the Board amongst ourselves.

15 So Jeff, that leaves us really with I think
16 two applications plus some signs to work on.

17 MR. FRISCH: Yup. On the first application
18 8P-02-22, application of Paychex of New York, LLC,
19 owner Golisano Business COE for a conditional use
20 permit approval to allow for a college to be -- for a
21 school I should say. To allow for a school to be
22 located at 150 Sawgrass. And they were tabled at the
23 last meeting.

24 We had some questions about the economics of
25 the project, which they did submit a letter with some

1 additional information on along with some other
2 information.

3 During the meeting we also raised a question
4 about what their program's going to be, if they're
5 going to need any sort of state accreditation for what
6 they are going to be offering. We didn't really
7 receive an answer on that question, but we can ask
8 them about that during the meeting.

9 CHAIRPERSON PRICE: All right.

10 MR. FRISCH: Anybody, any questions on
11 those?

12 CHAIRPERSON PRICE: Is the information that
13 was submitted in this packet?

14 MR. FRISCH: Yes.

15 CHAIRPERSON PRICE: This particular --

16 MR. FRISCH: Yes.

17 CHAIRPERSON PRICE: Was that submitted?

18 MR. FRISCH: It was submitted and it was on
19 the agenda. I don't remember the -- the specific date
20 that it was submitted. But it was before two weeks
21 prior to the meeting.

22 CHAIRPERSON PRICE: Thank you.

23 MR. FRISCH: Yup.

24 CHAIRPERSON PRICE: Okay. Any questions?
25 All right. Another application?

1 MR. FRISCH: The other application is
2 9P-NB1-22 for Kim Bailey and Stahl Properties for
3 preliminary site plan approval and demolition review
4 to raise existing single-family home and construct a
5 5,545 plus or minus square foot single-family home
6 with a 900 square foot attached garage at 12 Elmwood
7 Hill Lane.

8 There's another -- a number of things that
9 the engineer and I looked over the application that we
10 need. There's still a number of approvals they need.
11 There's three variances that I saw that they need to
12 apply for with the Architecture Review Board. And
13 then we need a lot of information regarding the demo
14 and the restoration plan post-demolition. We need an
15 existing conditions map that's up-to-date, a number of
16 things that need to be done.

17 CHAIRPERSON PRICE: Have you seen any
18 architectural plans yet?

19 MR. FRISCH: They haven't submitted any yet.

20 CHAIRPERSON PRICE: Okay.

1 enough to show that they do have an easement and a
2 dedicated sewer.

3 And Steve over at highway looked into it.
4 He said that they -- the easements might exist on some
5 of those maps, but they don't think they were ever
6 filed with the County, which makes the sewer not a
7 legal sewer at this point.

8 CHAIRPERSON PRICE: Okay. So we saw the
9 maps in the packet. That we got. And those were
10 found through abstract or title search of some kind?

11 MR. FRISCH: Yeah.

12 CHAIRPERSON PRICE: And it's not clear if
13 they were actually ever --

14 MR. FRISCH: Yeah. This -- something
15 submitted -- I mean, they talked about through the
16 Town. And I think it was brought up during meetings
17 in I think the '40s it was. But we don't have --
18 there's no record of them being filed with the County,
19 the easements.

20 CHAIRPERSON PRICE: Interesting. If they
21 were with the County, how did they find them? Just
22 curious.

23 MR. FRISCH: Well, I think the -- I think
24 they were on the maps and the sub maps for the other
25 properties around. But I don't think that they were

1 officially filed with the County is what I've gotten
2 out of it.

3 MR. GORDON: Yeah. And there's a difference
4 between those sewers appearing on a map that was filed
5 or not filed and granting an actual easement to the
6 Town. Because in order for the Town to make sure that
7 those sewers are -- well, the main that runs into our
8 main line is in good shape and is maintained, we need
9 to have an easement to be able to inspect and
10 maintain. And there is nothing on record that gives
11 us that right at this point in time.

12 MR. FRISCH: And --

13 CHAIRPERSON PRICE: Is there -- in your mind
14 is there -- there is sewer there. I mean --

15 MR. FRISCH: Yeah.

16 CHAIRPERSON PRICE: -- sanitary is being
17 conveyed into the --

18 MR. GORDON: Correct. And each -- as we
19 understand, each of the properties has a lateral that
20 tie into what I'll call a submain. That submain goes
21 into our main that runs into that neighborhood and
22 ties into the consolidated sewer district. But that
23 submain that serves these -- five residences, Jeff?

24 MR. FRISCH: Four or five, yeah.

25 MR. GORDON: Four or five. That is the

1 piece that we do not have a sewer maintenance easement
2 over and can find nothing on the record that says that
3 we have it.

4 So in order for that -- I think it's fair to
5 say, Jeff, that the Town would very much like to have
6 the right --

7 MR. FRISCH: Yes. Yeah.

8 MR. GORDON: -- to inspect and maintain that
9 sewer. And we're not opposed to them coming into the
10 district. We just don't have that right now.

11 So in order for that to happen, we would
12 need easements granted to the Town from each of the
13 property owners that that sewer crosses.

14 I would think that they would want the Town
15 to take that easement so that the Town would then
16 become responsible for the maintenance and inspection
17 of that sewer line, but we don't have it right now.

18 CHAIRPERSON PRICE: So is that a couple of
19 separate actions by the Board where you accept a
20 dedication and you --

21 MR. GORDON: It's not a matter of dedication
22 per se. It's a matter of getting the easements to
23 maintain the sewers. So it's giving us legal right to
24 go onto somebody else's property and, you know, if
25 need be, go in the ground and, you know, do what we

1 need to do or go look through the manholes we assume
2 are there and inspect and, you know, flush it and do
3 whatever we do to maintain sewers. I'm not involved
4 in that business myself, but that's how I understand
5 it happens.

6 MR. OSOWSKI: Is that something that should
7 have been done by the developer, you know, 70,
8 80 years ago?

9 MR. FRISCH: Yeah.

10 MR. GORDON: Yeah. That's fair, John.

11 MR. FRISCH: Part of it is -- is with the
12 Town -- the Town has easements over -- like there's a
13 part of -- a section that's under the road that we
14 know we do have easements over. But it goes down and
15 around I think in back of a few of the houses. And
16 that's kind of the area we are unsure about and can't
17 find anything on.

18 MR. OSOWSKI: Okay.

19 MR. GORDON: What we're sure about is that
20 the lines are there.

21 MR. FRISCH: Yeah.

22 MR. GORDON: And we're sure that we don't
23 have an easement. And we're sure it's on somebody
24 else's property.

25 CHAIRPERSON PRICE: All right. Karen or

1 John or Julie, any other questions about here?

2 MR. OSOWSKI: I'm good.

3 MS. ALTMAN: I'm good.

4 CHAIRPERSON PRICE: And Jeff, how many signs
5 do we have?

6 MR. FRISCH: Seven signs. There's seven of
7 them.

8 CHAIRPERSON PRICE: Okay. All right. Any
9 other questions from the Board, observations, things
10 going on, anything? Okay. Move on to our agenda.

11 I'd like to go ahead and review and seek a
12 motion to approve the May 18th meeting minutes. I
13 believe we got these just ahead of last month's
14 meeting.

15 MR. FRISCH: Yes. Correct.

16 CHAIRPERSON PRICE: And didn't have enough
17 time to or only a day or so to review those.

18 MS. ALTMAN: I move that we vote to approve
19 the May 18th minutes.

20 CHAIRPERSON PRICE: Okay.

21 MR. OSOWSKI: I'll second.

22 CHAIRPERSON PRICE: I was here and I think
23 all of us that are present were here. So I think we
24 can call a vote on that. Jeff, would you please call
25 the roll?

1 (Ms. Altman, aye; Mr. Price, aye;
2 Mr. Osowski, aye; Ms. Ford, aye.)

3 (Upon roll motion to approve minutes
4 carries.)

5 CHAIRPERSON PRICE: Okay. Thank you.

6 August 17th meeting minutes.

7 MR. FRISCH: We just received those today.

8 So you guys have not had a chance to review those.

9 CHAIRPERSON PRICE: Okay. So we'll look at
10 those at our October meeting.

11 Jeff, were tonight's public meetings
12 properly advertised prior to the meeting?

13 MR. FRISCH: The public hearings as
14 advertised for the Planning Board were advertised in
15 the Daily Record of September 15th, 2022.

16 CHAIRPERSON PRICE: Very good. Thank you.
17 We'll hear those applications now.

18 As a reminder, if you do have an agenda and
19 you're following along, the first application is
20 5P-02-22. This is the Talmudic Institute of Upstate
21 New York with Brighton Central School District and the
22 Montessori School. That has been tabled until --
23 postponed until our October meeting.

24 So that brings us to application 8P-02-22.

25 **Application 8P-02-022**

1 Application of Paychex of New York, LLC, owner, and
2 Golisano Business COE, Sept Letter Inc., agent, for
3 Conditional Use Permit Approval to allow for a college
4 to be located at 150 Sawgrass Drive. All as described
5 in application and plans in file. **TABLED AT THE**

6 **AUGUST 17, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

7 MR. GOLDMAN: Good evening, Mr. Chairman and
8 members of the Board. My name is Jerry Goldman and
9 I'm the attorney and agent for Golisano Business COE
10 Inc, who is the applicant or co-applicant with Paychex
11 for a conditional use permit for the property at 150
12 Sawgrass Drive.

13 As the Board knows from the last meeting we
14 had, the building at Sawgrass Drive was originally
15 occupied by General Railway Signal and then Alstom and
16 then subsequently Paychex. And it's currently vacant.
17 It is not being utilized at all.

18 The application that we have before you this
19 evening is for a conditional use permit pursuant to
20 Town Code 203-44(B) (2) as a cultural facility. We
21 have this laid out in our letter of intent. We've
22 talked about it at the Board previously. I'm not
23 going to go at length and rehash. But to tell you
24 that the program, which is being proposed for the
25 site, is an educational program, which is an

1 alternative to a college program, to teach people
2 business and business process.

3 And right now, we'll talk about -- we can
4 talk about the things that were left over from the
5 last meeting. But first, I'd like to introduce our --
6 our group, which is here this evening with us.

7 We have Matthew Ray and Dale Twardokus from
8 the Golisano Business COE LLC, and Matt Tomlinson who
9 is the project engineer from Marathon Engineering.
10 And each of those individuals will be able to answer
11 any questions that the Board may have.

12 At the last meeting we did review the
13 Planning Board report. And I believe that the
14 Planning Board report that we have this evening is the
15 same that we had last month.

16 MR. FRISCH: It's very similar.

17 MR. GOLDMAN: Okay. So to that extent we
18 can comment on specifically the recommendation of Town
19 staff numbers 1 through 14 on the second to third page
20 of the document. And as we stated at the last meeting
21 and as Mr. Tomlinson has verified with me today, we
22 don't have any problem with any of those issues at
23 all.

24 In terms of the conditional use permit
25 itself, the law has specific standards that we have to

1 follow to obtain a conditional use permit. Those are
2 also discussed in our letter of intent. To cut to the
3 chase in terms of what we're talking about what as it
4 was pointed out during the pre-meeting, it appears
5 that the primary topic of discussion relative to these
6 standards is the standard sub D which talks about "The
7 proposal will not create excessive additional
8 requirements of public cost for public facilities and
9 services and will not be detrimental to the economic
10 welfare of the community."

11 To that extent, counsel suggested that an
12 economic analysis be provided. And, in fact, one was
13 provided two weeks in advance, as Jeff pointed out.
14 It's been suggested to us that we should have included
15 in their additional information with regard to taxes
16 on the property as I've currently stated.

17 So what I'm going to do is to pass around --
18 I don't know. It'd probably be easier for me to just
19 walk it around as opposed to trying to stretch because
20 I think people are spread out. It's different from
21 the one that you had. The difference is primarily at
22 the back of the document. But we'll talk about the
23 entire document. Because the entire document is
24 relevant to our consideration.

25 Specifically if you take a look at the

1 document, when we take a look at the BE-1 code, we
2 know that educational institutions are permitted as a
3 conditionally permitted use in many districts and --
4 but they have different requirements in the districts.
5 And the residential districts are a bit different.

6 There's a specific requirement that it be an
7 accredited elementary or senior high school, if you
8 will, in order to fit in the residential district. In
9 the commercial district, in the BE-1 that we're in, we
10 have a little bit of a different situation.

11 This is listed -- a school is listed under
12 what's referred to in the Code as cultural facilities.
13 There's no definition of what cultural facilities are
14 within the Code, other than -- other than to list
15 particular types; libraries, museums, art galleries,
16 schools, places of worship, botanical gardens and
17 zoological gardens of primarily historic, educational
18 or cultural interest.

19 The reason why I go through those is to
20 point out two things. One, there is no specific
21 definition dealing with what type of school or what is
22 a school, other than the fact that it has to be a
23 school. And second, as we take a look at the list and
24 take a look at the overall list, pretty much all of
25 those uses, again, libraries, museums, art galleries,

1 schools, place of worship, botanical gardens, et
2 cetera, are uses that you typically would expect would
3 be not for profit and generally off the tax rolls.

4 So -- and that was something that was added
5 to the Code back in 2014. It wasn't even a permitted
6 use until the Town Board specifically said we want
7 these categories of uses, which are primarily not for
8 profit, to be allowed in the commercial district. Why
9 they added them, I don't know the legislative history
10 of that.

11 In addition to that, many properties on
12 Sawgrass Drive are tax exempt in the area, I should
13 say, Empire State College and the Islamic Center off
14 site. But also what should be pointed out in
15 subparagraph 3 in this letter is that medical offices
16 are a permitted use without a conditional use permit.
17 And if the medical offices were a part of a
18 not-for-profit, in fact, that would be off the tax
19 rolls as well.

20 So to that extent there is some real
21 question, certainly in my mind, as to whether the
22 standard that we are talking about, which specifically
23 deals with economic impact on the Town, is meant to
24 address the taxable status of the property. And to
25 that regard I had provided a letter to the Town

1 counsel, to the Town attorney. And told him that I
2 would be providing to the Board this evening as
3 well -- I wasn't sure if it was in your packet.

4 But basically what this letter does is that
5 it goes thorough -- goes through the case law, the
6 relevant case law, which pretty much establishes that
7 economic -- that the economic status or the tax status
8 of a property is not a germane consideration for a
9 board in dealing with special permits or, in fact,
10 dealing with educational institutions either in a
11 building permit or a special permit context.

12 More or less a legal question. So that is
13 why I provided that to the Town attorney for his
14 review. And I'm sure during your deliberations, if
15 not before, he'll be discussing that with you.

16 But to the extent that we are taking this
17 particular building and we are repurposing it -- we
18 don't want to have vacancies in the Town -- and at the
19 same time to provide something, which certainly our
20 comprehensive plan talks about wanting to have
21 educational diversity and the fact that we are
22 providing the service to the overall community, and
23 the law specifically provides that conditional use
24 permits really do not -- should not be addressing the
25 taxable status of property, we believe that our

1 economic analysis, which frankly I've never been asked
2 to provide for any other conditional use permit
3 application before, is accurate and is in total -- and
4 in total addresses the issue.

5 We talk about the community benefit, the
6 goals of the organization, roads and bridges, traffic
7 lights, sewer system, utilities and the fact that we
8 are not creating any burden on the infrastructure.
9 Property taxes, yeah. If this were to go off the tax
10 rolls, there would be a loss in revenue to the Town.
11 But again, whether it is an appropriate consideration
12 has already been talked about by the courts.

13 The second issue which was of interest dealt
14 with licensure. Town attorney did bring up the
15 Educational Law Section 5001. Does require a
16 licensure of certain types of educational
17 institutions. That is not really within my personal
18 purview. The Golisano Business COE Inc, has retained
19 separate counsel to review the -- any regulation or
20 anything which would be required from the State or any
21 other agency in order to conduct their programs.

22 They're actually doing that review and
23 running it on a parallel track with what we're doing
24 here. We're here solely for the land use issue and to
25 say, okay, is this property the appropriate place? I

1 would think that an appropriate condition to be
2 imposed on the conditional use permit for a school,
3 any school, not only us, is that there be provided
4 before at the appropriate time for review by the Town
5 any certifications, anything which is necessary or a
6 statement saying why it is not necessary. And that
7 should be reviewed by the Town and Town's counsel to
8 assure that they're satisfied as to that issue.

9 We don't have an answer for you tonight
10 because, in fact, that parallel track involves a board
11 of advisors as I understand it for Golisano Business
12 COE, which involves some of our local colleges and
13 university, and some of the individuals in those
14 colleges and universities imitate the exact structure
15 of what the program is going to be, is still -- is
16 still in -- still in the process in terms of exactly
17 what it is.

18 The vision that we had is certainly
19 expressed in the letter of intent. And that was to
20 provide the four day a week program, which runs in the
21 mornings primarily.

22 So at this point, you know, we -- the school
23 itself is a school. And if there's concern relative
24 to that from a land use point of view, it's
25 appropriate to make that a condition, if you will, of

1 any -- of any approval the Board is so inclined to
2 grant that approval.

3 With that I think I'll stop now and see if
4 any of our team wants today add anything at this
5 point.

6 CHAIRPERSON PRICE: Jerry, be prepared to
7 come back.

8 MR. GOLDMAN: Oh, yeah. I'm not going
9 anywhere.

10 MR. RAY: Mathew Ray. Again, an advisor
11 with the Golisano Business COE, 7622 County Road 42 in
12 Victor.

13 And just to elaborate on what Jerry had
14 mentioned, you know, we expressed within the letter of
15 intent that we don't intend to be a college or a
16 university. And so that created a large amount of
17 work that needed to go into that process if one were
18 to choose to go down that path.

19 So typically accreditation falls within that
20 context of that conversation. A certain level of
21 licensing falls within that level of conversation.
22 You know, we as a nonprofit organization are pursuing
23 the education nonprofit corporation status, which is
24 clearly a path we need to take to move towards being a
25 school and offering this program that we feel is

1 appropriate.

2 But as Jerry said also, you know, this is an
3 alternative. This is kind of something that is a
4 little bit new. It's not a black and white
5 conversation. It doesn't fit into some of the things
6 that have been pointed out and say this is a yes or no
7 of what needs to be done. And as we take these
8 parallel paths, you know, there's going to be feedback
9 that we're going to receive and some additional
10 information we need to provide, additional steps we
11 need to take, and all of those are going to take time.

12 But at the same token in these running
13 parallel, finding the facility, developing the
14 curriculum and the program that we plan to do, clearly
15 in a broadly defined school situation is what we're
16 doing and those are the immediate things we need to
17 address.

18 MR. GOLDMAN: Thanks. Anyone else in our
19 group?

20 I think that concludes our presentation. So
21 if the Board has any questions, we'll be more than
22 glad to address it.

23 CHAIRPERSON PRICE: I'm afraid, Jerry, that
24 I get lost in the conversation. I apologize, but I'm
25 going to need you guys to explain, just clarify a few

1 things here.

2 MR. GOLDMAN: Okay.

3 CHAIRPERSON PRICE: So you're not trying to
4 be a college or a university.

5 MR. GOLDMAN: Correct.

6 CHAIRPERSON PRICE: And it's not clear
7 whether or not State Ed is going to have jurisdiction
8 over the education program that you are providing,
9 whether that's a certification or any kind of
10 accredited degree program, that is -- that is a
11 parallel track that you're going down.

12 MR. GOLDMAN: That is correct. We could
13 wind up being -- we could wind up being an adjunct to
14 an existing university providing programming. It's
15 undefined at this point in terms of what the exact
16 program is going to be.

17 CHAIRPERSON PRICE: I see. Okay. So we're
18 technically not clear yet on what type of education
19 program this is?

20 MR. GOLDMAN: But it is a school.

21 CHAIRPERSON PRICE: But it's a school.
22 Okay. So we got school and school is lumped in with
23 other cultural institutions within the conditional
24 permitted uses.

25 MR. GOLDMAN: Correct.

1 CHAIRPERSON PRICE: So I wanted to resist
2 the comment that this is a thinly veiled attempt to
3 get a building off the tax rolls, but --

4 MR. RAY: Can I comment on that?

5 CHAIRPERSON PRICE: No, you can't. Not yet.
6 Yeah. That's my perception itself --

7 MR. GOLDMAN: Okay.

8 CHAIRPERSON PRICE: -- that's not so thinly
9 veiled.

10 So what happens if this comes back and is no
11 longer -- you know, this turns out to be like Trump
12 University and you know goes defunct, does this go
13 back? Can we get this back on the tax rolls the
14 minute this goes defunct?

15 MR. GOLDMAN: I believe your -- well, first,
16 in order to become tax exempt there needs to be a
17 filing by the taxable status date, by March 1, to the
18 assessor. And the assessor does the evaluation as to
19 whether the property's being utilized for its
20 not-for-profit purpose.

21 If it is not utilized for the not-for-profit
22 purpose, it does not get the tax exemption. That
23 exemption -- well, you can ask counsel if you would
24 like.

25 CHAIRPERSON PRICE: Ken, is this --

1 MR. GORDON: Yeah.

2 CHAIRPERSON PRICE: -- this accurate?

3 MR. GORDON: Yeah.

4 MR. GOLDMAN: And the law provides generally
5 speaking that an application has to be made every year
6 for recertification as being conducted in accordance
7 with this business purpose.

8 Now, a lot of assessors say, yeah, we
9 initially did it. It's operating as a school. We
10 aren't really caring -- or being used for its
11 not-for-profit purpose, we don't care. I think there
12 will be a fair amount of scrutiny relative to this
13 particular building, this particular use.

14 And I would venture to say that if we fail
15 to make that application in a year, we're going back
16 on the tax rolls. If we are off of the not-for-profit
17 purpose, we will be back on the tax rolls. So it's
18 not something where it goes off the tax rolls and
19 stays off the tax rolls forever once you get -- once
20 you get a certain approval or nod from the assessor.

21 CHAIRPERSON PRICE: Okay. Thank you.

22 MR. RAY: It's probably appropriate to
23 answer the first part of your question. To clarify on
24 who we're trying to target and what we're trying to
25 achieve here, not being a college or university is

1 simply saying that we aren't taking that next step to
2 be degree granting in the eyes of New York State
3 Education. So that's where we say it's a certificate,
4 not a degree. We can't say that. We're not approved
5 to be. Somewhere down the road that could be in
6 context. That's why we've been careful about not
7 calling it a college.

8 Secondly, our target is clearly post-high
9 school, somewhere between 19 and 30. There's a
10 little -- whether it's veterans, whether it's people
11 who have started school, decided it didn't work and
12 this an alternative. As Jerry described in a letter,
13 it's an alternative option to a traditional four-year
14 program.

15 Third, it was clearly defined as a broad
16 based business. This isn't, you know, a very specific
17 competency certificate program, which you do see right
18 now from many institutions that are offering that as a
19 curriculum.

20 With regards to the Trump University
21 comment, that was a for-profit university. This is
22 absolutely something that Tom is seeing as a legacy
23 nonprofit organization that he is looking to
24 establish. This isn't a let's try it first and if it
25 fails we can walk away. He is financially supporting

1 this fully. He's already endowed this that this has
2 longevity and that it's something that is built here
3 in Rochester and possibly creates a model that could
4 be used in other parts of the country.

5 With that being said, we've commented on the
6 fact that there is some level of tuition that we're
7 evaluating. But yet at the end of the day early on,
8 there's a good likelihood that 90 percent of the
9 operating costs are coming out of the endowment and
10 the financial resources of the organization are being
11 funded -- you know, and so that ties to the community
12 perspective. That ties to the fact that there is a
13 belief and a standing behind this organization to see
14 this be successful.

15 And so, yes, there is that aspect of being a
16 nonprofit because it is not looking to make a profit,
17 which is one of the biggest issues with many of those
18 for-profit universities were. Because they were truly
19 doing things that they shouldn't have been doing.
20 That's not what we're trying to do here.

21 We're trying to target -- if we can get up
22 to 250, great. 250 students, that's a tremendous
23 asset back into this community, putting the jobs
24 in place. And the money's being put behind that to
25 support that. So I just want to make sure that

1 hopefully to clarify --

2 CHAIRPERSON PRICE: And I just hope you
3 understand, we can't be hypocrites here sitting,
4 talking to you, where we have asked other educational
5 institutions to find a location on property that is
6 already tax exempt to construct and operate their
7 business. And for you to come in and, you know, take
8 a taxable piece of property and turn it into a
9 nontaxable piece of property when there are other
10 alternatives for you to consider is something that
11 we're considering very, very seriously.

12 MR. RAY: Completely understand. And I
13 think in our search, we don't feel there was as
14 appropriate of location. We've had multiple
15 conversations with many schools and universities
16 around town. And for various reasons to be on their
17 campus was not a situation they even recommended. You
18 know, they were supportive of the idea of being off
19 their campus, those that we spoke to.

20 And then to that point, again --

21 CHAIRPERSON PRICE: Really?

22 MR. RAY: Absolutely. And to that point --

23 MR. GOLDMAN: Not all of them.

24 MR. RAY: Yeah. But to that point, we saw
25 this -- we see this as a tremendous asset and a

1 valuable program that we're trying to offer to the
2 individuals --

3 CHAIRPERSON PRICE: The value of the program
4 is not in question. It's where is -- where is the
5 program happening and why does it require a taxable
6 piece of property to come off the tax rolls to achieve
7 it? I'm not sure you're making the argument.

8 MR. GOLDMAN: In reality there is -- there's
9 also ample case law to say you can't really define
10 where somebody -- where somebody locates a particular
11 use. I -- again, I point back --

12 CHAIRPERSON PRICE: We'll seek our own
13 counsel on that.

14 MR. GOLDMAN: I understand that. I
15 understand that. I point back to the Code itself and
16 definition of cultural facilities. Why -- I'll ask
17 the question, which is going to be rhetorical because
18 none of you were involved and we don't know. Why did
19 we add this whole laundry list and category of
20 not-for-profits and put it as a conditionally
21 permitted use in the BE-1 commercial district? It
22 kind of befuddles me a bit.

23 CHAIRPERSON PRICE: I will be the one to
24 answer that. Because not-for-profit uses combined
25 with good for-profit uses can support each other if

1 they are adjacent to each other and they work in
2 synergy with each other. Where a non-for-profit
3 organization, a museum or a school, can provide, you
4 know, people and bodies to support adjacent commercial
5 uses in a commercial district.

6 So you can permit non-for-profit with
7 for-profit in a good zoning strategy and a good land
8 use strategy. However, this is a standalone. This is
9 all by itself. There is no other commercial in this
10 area.

11 So the intent of writing a code that says
12 that is different than the way that it gets applied.
13 But that would be why it would have been presented.

14 MR. GOLDMAN: It is bringing 500 people
15 to --

16 CHAIRPERSON PRICE: To do what?

17 MR. GOLDMAN: -- the site.

18 CHAIRPERSON PRICE: To stay inside and eat
19 in the cafeteria --

20 MR. GOLDMAN: And perhaps --

21 CHAIRPERSON PRICE: -- not giving any money
22 at adjacent restaurants, to just put cars on the
23 street, to be a non-sustainable, you know, autocentric,
24 not-for-profit, non-taxable use.

25 MR. GOLDMAN: That's not to say that the 500

1 people at that location are not going to patronize
2 Tops Brighton Plaza, which is around the corner.

3 CHAIRPERSON PRICE: Not when we're talking
4 about how big the cafeteria is inside --

5 MR. GOLDMAN: Well, no --

6 CHAIRPERSON PRICE: -- and, you know, how
7 we're intending to keep them in the building.

8 MR. GOLDMAN: Well, but they travel before
9 and after to get there. And they -- you know, we can
10 debate -- we can debate that point.

11 CHAIRPERSON PRICE: And --

12 MR. GOLDMAN: And we can reach our own
13 conclusions, but --

14 CHAIRPERSON PRICE: I understand your point.

15 MR. GOLDMAN: -- you know, I understand. I
16 mean, perhaps there needs to be a reminder of what
17 cultural facilities are and --

18 CHAIRPERSON PRICE: Yeah. How they work --

19 MR. GOLDMAN: -- and talk about its synergy
20 if that's the intent. Because clearly the Code
21 doesn't address that. It just throws it out there and
22 has uses without --

23 CHAIRPERSON PRICE: When people write the
24 codes they do think about it.

25 MR. GOLDMAN: I understand. One of the most

1 difficult things to do is to write code. I understand
2 that.

3 CHAIRPERSON PRICE: Yeah. And this is being
4 cherry-picked to make it fit, you know, so that this
5 building can be taken off the tax rolls.

6 Let's -- let's be real. That's what it is.
7 Okay? So we can -- we'll ask our counsel whether we
8 can or can't use that as an argument for making our
9 decision.

10 MR. GOLDMAN: Okay.

11 CHAIRPERSON PRICE: Just laying out there
12 for you, Jerry.

13 MR. GOLDMAN: I understand. I understand.
14 And I understand your perspective. But this was never
15 to take this particular piece of property off the tax
16 rolls.

17 CHAIRPERSON PRICE: This is not what -- this
18 is not what the Code intended. And taking -- taking,
19 you know, a piece of -- very valuable piece of
20 property off the tax rolls to allow for 500 students
21 to come here, hasn't accomplished anything for the
22 Town.

23 MR. GOLDMAN: I hear what you're saying.

24 CHAIRPERSON PRICE: Thank you. I've said my
25 peace.

1 MR. GOLDMAN: Do you have any more to add?

2 MR. FRISCH: Just I have a quick question.

3 Last week -- last meeting we asked a lot about whether
4 it would be a non-for-profit or anything like that.

5 And you didn't really have an answer to that question.

6 But it seems like now you're pretty sure that that's
7 going to be the case.

8 Did you know it last meeting that that was
9 the intention for the school?

10 MR. RAY: I think all -- all paths and all
11 positions were being evaluated. I was not on the call
12 to be able to chime in to disclose that. But we have
13 filed for our 501c3.

14 MR. FRISCH: Okay. Because we did ask
15 multiple times at the last meeting. And it wasn't --

16 MR. RAY: Yeah.

17 MR. GOLDMAN: I didn't have -- personally, I
18 didn't have any information. I was the primary
19 spokesperson. I didn't know.

20 MR. RAY: And I just want to go on the
21 record just so it's clear, I take all your comments
22 and I'm not trying to deny or project any of where
23 you're sitting because I appreciate what you're doing.

24 I do want to state relative to the onsite
25 kitchen facility and capabilities, I mean, the fact

1 that we're looking at this as a commuter program that
2 we're not asking people to live on campus, we're not
3 trying to, as you say, kind of bring them there and
4 leave them there, that there are going to be people
5 who are living in the apartments that are around the
6 area.

7 We are not going to be open 24 hours. The
8 dining area is there and available because it's a
9 function that should be available based on the fact of
10 the 8 to 1 time frame. But there are no restrictions.
11 We could have 500 people plus staff walk out the door
12 for lunch every single day.

13 We're also going to outsource the dining as
14 well. So we're not looking at that as a profit
15 motivator. We're not looking to tie them in.

16 And I think -- I just want to go on the
17 record to say that moving this from taxable to non-tax
18 had zero to do with our decision when we looked at
19 this. We looked at property in Fairport. We've
20 looked at property in Henrietta. We've looked at
21 properties in Brighton. All of which were taxable
22 properties. We were trying to find what we felt was
23 an appropriate solution for the program that we're
24 trying to offer.

25 This one happened to be on the market. This

1 one happened to meet so many of the different boxes
2 that we were looking to check. And if this would have
3 been a not-for-profit selling it, again, we wouldn't
4 have gone looking for a for-profit building. So it
5 had nothing to do with the taxable property status for
6 why we went for this one in particular is why we
7 chose. So I just want to at least go on the record to
8 say that in response.

9 MR. TWARDOKUS: I'm Dale Twardokus, 910 Oak
10 Ridge in Victor.

11 And so one of the reasons that I'm here
12 assisting with Tom's endeavor is because I frankly
13 believe that this is a once in a lifetime opportunity
14 for our community.

15 This community -- or this school is going to
16 be a leading-edge educational program. It's going to
17 create an educational innovation and a resource that
18 can be utilized all over different types of
19 educational universities, whether they're considered a
20 college, a university or other educational resource.
21 We are going to work and share all of the benefits
22 that we learned through this resource to be able to
23 help better all of the individuals that are attending
24 this -- this school.

25 And it is a leading-edge program. And that

1 is why not everything is defined yet at this point is
2 because we are having collaborations with a lot, and
3 not just one or two, but a lot of different areas.

4 Tom Golisano is the sponsor of this. He is
5 not looking for anything in return on it. As Matt Ray
6 had indicated, this is something that is going to be
7 funded and funded so that it does not peter out as a
8 Trump type of education that is a for-profit.

9 And because of his contributions, and I know
10 based on his communication to me that this is going to
11 be a legacy of his. And knowing what that word means
12 to him reflects on me that this is more than just
13 something that somebody is trying to do as we have
14 seen the positive impacts that it has already had,
15 that he has had on the other colleges, universities,
16 medical institutions, within our communities. The
17 kind of impact, that positive impact, that has been
18 has been in the light -- in the likes of, you know,
19 George Eastman, where it is impacting not just
20 hundreds of people, but thousands of people.

21 This -- this resource and educational
22 program is going to help provide learning to those
23 that would not already be able to have this type of
24 learning. And it could be because of financial. It
25 could be because of time. Right? It's going to be a

1 condensed program. It's going to be more intense.
2 And the costs are going to be less. And that is why
3 it is going to be innovative and where we also want to
4 share the learnings of this with other educational
5 institutions that are in this area.

6 I've been so moved, because he has said this
7 is going to be one of his legacies, that I'm going to
8 contribute and provide financial resources in the way
9 of supporting the students that are going to be
10 attending, that it's going to ensure that we are going
11 to be able to contribute back to the community far
12 beyond any taxable cost that the return to the
13 community is going to be so much greater. That the
14 goal is to help provide education in a leading
15 innovative way is going to go beyond just the
16 cafeteria or the other businesses that are in the
17 area.

18 The goal here is to really help educate
19 people that would not already be educated to this
20 level. And it will be a business-focused program.
21 And the benefits that it's going to provide to those
22 individuals that are from the community I believe are
23 going to be exponential as far as the financial return
24 to the community.

25 And Tom is not looking to profit from this

1 in any way. The goal with this by no means was to go
2 in and try to take a taxable piece of property. The
3 sole purpose of this was to have a leading-edge
4 educational program that is going to provide an
5 education to people that would not otherwise be able
6 to have it, which is a direct benefit to the immediate
7 and neighboring community.

8 CHAIRPERSON PRICE: Thank you.

9 MS. FORD: My question, it's a roundabout
10 because you're presenting the vision, the legacy, as a
11 key factor, which perpetuates contribution to the
12 community.

13 So I'm not sure that this is appropriate
14 here, but my question, what other educational
15 institutions have you talked to? You mentioned this.
16 How does this --

17 MR. TWARDOKUS: So --

18 MS. FORD: And again, and it's trying to get
19 an understanding -- we talk about a tax base. And
20 what's -- what's the --

21 MR. TWARDOKUS: So right now we have -- we
22 are in communications with other colleges and
23 universities.

24 MS. FORD: Which ones?

25 MR. TWARDOKUS: We can't say because we have

1 where they are providing resources of all different
2 kinds. But we do not have a contractual agreement
3 yet. So it's premature for us to be able to share --

4 MS. FORD: That's all I need. Thank you.

5 MR. TWARDOOKUS: But I can assure you that we
6 are working with local colleges and universities. Are
7 we working with all of the ones that we will as we
8 will -- as it moves forward? No. There will be
9 conditions. So we haven't necessarily teed up a
10 relationship with every college or university.

11 But the goal is to take this program and be
12 able to have it replicated, not just by Tom Golisano,
13 but to have this replicated by colleges and
14 universities, you know, not only across the United
15 States, but further than that. And it's not, once
16 again, going to be a profitable endeavor. This is one
17 to help use that leading-edge that can then be --
18 where other colleges and universities can take from
19 that and benefit their programs.

20 MS. FORD: Thank you.

21 MR. FRISCH: So if you're still talking to
22 other universities and other schools, colleges, in the
23 area, are you sure at this time that there's not going
24 to be any potential for working with them on their
25 land? Because it sounds like the conversation along

1 those lines is not quite over yet.

2 MR. RAY: The short answer is, no. The.

3 MR. FRISCH: Okay.

4 MR. RAY: The two organizations or
5 universities, the schools, whatever we want to use the
6 term at, that we are working closely with are
7 providing some resources and have been working with
8 more closely, they've been supportive of the idea that
9 we're not on the land.

10 And there's rationale for it because this is
11 unique and different. I mean, these aren't going to
12 be the same student populations necessarily. And
13 there's rationale for why because of this type of
14 program, because of the calendar of this program
15 actually differs slightly from a traditional school's
16 calendar, you know, there's rationale why having that
17 separation makes sense.

18 And honestly, Julie, I'd love to share the
19 names that we've talked to. You know we have talked
20 to six other schools, any of the ones you can think
21 of, but out of respect for them and the rationale from
22 a business decision why we've decided to work with the
23 few that we are, you know, I don't want it to come
24 across that there's the some negative or some reason
25 why. And I don't want anything to be inferred or

1 interpreted in the wrong way.

2 So out of that respect is why we're not
3 sharing those conversations or names. But we've got
4 letters of support and we've got the conversations
5 that we've had where all six of those colleges were
6 very supportive of the program and the idea and
7 offering their support in any way we asked them to.

8 MR. TWARDOOKUS: And because it's a
9 leading-edge program -- and I apologize if I'm
10 repeating myself, but right now the objective is to
11 have the project -- excuse me -- have the process be
12 something that is replicatable so that it can be
13 shared, okay, with much more than one, two, three,
14 four or five colleges and universities.

15 So it's not to exclude; right? The goal is
16 to use this as a resource for others.

17 MR. GOLDMAN: I know you'll reject this as
18 being speculative, Bill, but there's no -- there's no
19 telling whether this will have a secondary beneficial
20 effect outside of the immediate taxes on the real
21 property itself.

22 If, for example, this were to lead to
23 somebody to come in and be a part of the development
24 of, what we affectionately refer to as the 90 acres,
25 along -- along the expressway in Westfall, and they

1 say what we want to do is we want to be here because
2 we want to tap into internships from people at this
3 business school, you know, that could bring a tax
4 benefit to the Town that doesn't currently exist.

5 I don't want to engage in debate on that. I
6 just want to -- I know you're going to say it's
7 speculative.

8 MR. GORDON: I'd like to ask a question. So
9 since thinking as you developed this project and
10 concepts have developed since last we met, I'm going
11 to ask the question I asked last time.

12 MR. GOLDMAN: Okay.

13 MR. GORDON: What are the plans for a
14 dormitory facility?

15 MR. RAY: We are not having a dormitory
16 on-site.

17 MR. GORDON: Never?

18 MR. RAY: Never.

19 MR. TWARDOKUS: We are going to work with a
20 local -- other businesses; right? And for -- for
21 individuals that want to be located in a close
22 proximity, we are going to work with the other local
23 real estate business to provide, you know, resources
24 for housing for them in the existing community or, you
25 know, apartment complexes, or what have they, in that

1 area. It's not to create a new housing operation.

2 MR. GORDON: So you would not object then to
3 a condition if the project was approved or the
4 conditional use was granted a condition that says that
5 there shall not be a dormitory facility used or built
6 in connection with this facility?

7 MR. RAY: Meaning on the parcel?

8 MR. GORDON: Correct.

9 MR. RAY: Absolutely. If that's the issue,
10 that is the position we're taking and the structure of
11 the program would abide nobody living on that parcel.

12 MR. GORDON: Okay. Thanks. That answers
13 that.

14 MR. RAY: Now, you got to remember, I'm not
15 going to be around forever.

16 MR. GOLDMAN: But if it's a condition, it's
17 a condition.

18 MR. RAY: Then they'll have to come. But
19 I'm in full support and I know the team back in the
20 office, absolutely.

21 MR. GORDON: Right. I mean, you can always
22 make an application to modify a variance. Correct.

23 MR. RAY: There is zero intention.

24 MR. GOLDMAN: Correct.

25 CHAIRPERSON PRICE: John?

1 MR. OSOWSKI: How long are full-time
2 students anticipated to attend?

3 MR. RAY: Relative to the program structure?

4 MR. OSOWSKI: Yeah. Like how -- do they go
5 in there for a year? Two years?

6 MR. RAY: Our intention is to structure a
7 two-year program.

8 MR. OSOWSKI: And then when they
9 matriculate, will they intend to just go to a job --

10 MR. RAY: The goal --

11 MR. OSOWSKI: -- or go to a college? I mean,
12 what's the intention?

13 MR. RAY: I think you can't pigeonhole what
14 somebody wants to do afterwards, especially if they
15 use this curriculum to decide what's the best course
16 of action, but if this program is successful through
17 our connections with this business community, both
18 within, you know, small private as well as many of the
19 larger private companies that you're aware of here
20 locally, it will be a feeder program for tremendous
21 individuals to work after completing this program as
22 well as during the program.

23 MR. TWARDOKUS: And it can continue on to
24 have a specialty, you know, as -- because sometimes --
25 you know, whether you want to become an engineer, an

1 attorney; right? There are other additional
2 educational and licensure and certificates that need
3 to be achieved, right, in order to be able to hold
4 those positions.

5 So the goal here is to create an educational
6 environment where it is very -- where it is very rigid
7 and very strong in its efforts to educate as much as
8 possible within this time frame within the business
9 curriculum. Then, right, do they then transfer into
10 another, you know, college or university? That is
11 definitely something that we would advocate for. Do
12 they go straight into a private, right, public
13 nonprofit pipe? They are going to have a business
14 degree.

15 So it could not be unlike other colleges and
16 universities. And when they receive their business
17 degree, where do they then go, you know, to work;
18 right? It could be, you know -- I mean it could be in
19 any area because business is something that is within
20 all aspects of, you know, profit, nonprofit,
21 municipal, public, private.

22 So the goal is to have a very disciplined
23 business, educational opportunity where they then go
24 into the workforce.

25 MR. GOLDMAN: To answer your question, it's

1 not out of the realm of possibility that the program
2 would allow for the transfer of some credit to another
3 institution. But that's still subject to discussion
4 with other institutions to see whether they can
5 consider the program to be worthy to provide -- to
6 provide credit within their system.

7 MR. RAY: And that's why we're having these
8 discussions with the local universities, having
9 conversations with colleges that are outside of the
10 area. So our intention is to structure the curriculum
11 in a manner that can both get the -- there's some
12 organizations that do the accrediting of specific
13 courses as compared the overall content -- but to go
14 through that process so that it is at least an option
15 that's available to these individuals.

16 But our intention and our goal if we are to
17 be successful is that that doesn't matter. That's not
18 necessary. Because these individuals have earned --
19 you know, they've gained a level of knowledge and
20 experience and interaction with the businesses that
21 they're moving right into the workforce, that there's
22 no reason for them to go to another institution.

23 That's our goal. We can't assume that
24 that's going to be for everybody, but that's our goal.

25 MR. OSOWSKI: So could you anticipate that

1 your programs will try to fill goals that -- holes
2 that MCC or Brockport or Fisher or Naz or even REOC
3 don't have or would you be in competition with some of
4 their programs? Too soon to tell?

5 MR. RAY: I think some of that is
6 speculation. And it's not to disparage anything that
7 anybody else is trying to do. I think with a very
8 specific business focus and the broadness of the
9 business curriculum and the level of, you know,
10 concentration in that, it's a different offering.

11 And so it's not necessarily to fill the
12 holes because I think what they offer has tremendous
13 value to those individuals that go into that program.
14 I think there's a level of people who have gone to a
15 traditional four-year and it wasn't a fit, whether
16 it's outside of the area here. And we think we have a
17 market for that as well as many others, whether it's
18 veterans, you know, whether it is some individuals who
19 are straight out of high school who do want to be more
20 proactive.

21 But that's not to say that that means we're
22 competition like something like Fisher or RIT because
23 those individuals may have not ever considered going
24 for four, five, six years.

25 MR. GOLDMAN: Well, it's not only that, I --

1 yeah. And I'm certainly well removed from college.
2 But for what it's worth, you know, a liberal arts
3 college -- I went to the University of Rochester, for
4 example. I had to take two courses in physical
5 sciences. Fortunately for me, I had a calculus AP
6 credit and took a course, astronomy I think, was my
7 other course.

8 If someone wants to be uber-focused and just
9 say I want to be a business -- I want a business
10 education without a full education -- I think pretty
11 much all of our institutions, degree bearing
12 institutions, have a tendency to try to broaden the
13 educational offering and make sure that they come out
14 with "well-rounded" graduates. That is not what this
15 is designed to do. This is meant to really address
16 that particular area.

17 MR. TWARDOKUS: It's a very high level of
18 focus within business where someone can receive this
19 education in a shorter period of time at a lower cost.

20 MR. GOLDMAN: On the other hand, we know
21 some businesses are wedded to the piece of paper and
22 they're going to want to see -- for business, they
23 aren't even going to be satisfied with an
24 undergraduate business degree. It's got to be an MBA.

25 MR. OSOWSKI: Well, I can't think of a

1 school in the area that doesn't offer an associates or
2 bachelor's degree of some sort in business
3 administration. So I don't know what advantage you
4 have over what they already offer. But that's up to
5 you.

6 MR. TWARDOKUS: Based on the support we've
7 already received, there is a very strong opinion from
8 local colleges and universities that this is
9 innovative enough that they want to learn from what
10 we're doing.

11 MR. OSOWSKI: Okay.

12 CHAIRPERSON PRICE: But you can't share
13 that?

14 MR. TWARDOKUS: Not yet.

15 MR. OSOWSKI: Earlier you had stated the
16 goal is not to take a taxable property off the tax
17 rolls. So would you be amenable to perhaps
18 negotiating a pay in lieu of taxes with the Town of
19 Brighton and Monroe County and the school district.

20 MR. TWARDOKUS: We haven't had that
21 discussion. We would definitely have a discussion
22 internally to be able to answer that.

23 MR. OSOWSKI: I'm done.

24 MS. ALTMAN: I have a question about the use
25 of the building. The curriculum will be over by noon

1 or 1 o'clock. What is the reason for that and what
2 will go on in the building the rest of the day?

3 MR. RAY: I think the simple answer is we're
4 trying to walk before we run. You know, I think in
5 all seriousness to have a program where we have
6 multiple courses throughout the entire day, that comes
7 with a faculty, that comes with the staffing, that
8 comes with a lot around it.

9 So there's a rationale for why we're
10 starting out with a -- you know, more of a predefined
11 8 to 1 for the courses, building stays open maybe 'til
12 four to give time afterwards if individuals want to
13 speak with faculty or staff or what have you. But I
14 think that's -- that's the general premises.

15 Some point down the road, you know, as the
16 market betters, as the response betters itself, there
17 may be something to consider where we need a approval
18 based on the time. But again, I think there's a
19 rationale of a -- you know, a worked in kind of
20 setting to kind of get these individuals started on
21 the right foot in that regard. And that's what we
22 believe is the best course of action for this.

23 MR. TWARDOKUS: And another reason is
24 because this is going to be such a focused program,
25 that in order to align the different courses you're

1 going to take -- if you're taking, you know, courses
2 in ten different areas, you have to align all those
3 classes with everyone's schedules.

4 So what happens is a student may have a
5 class at 8 o'clock, but then there isn't another class
6 offered. So then they're -- the next one is at
7 1 o'clock. And because of the number of classes, then
8 have to have one at 7 o'clock in the evening.

9 Well, this is going to be so streamlined
10 that we're going to lay out all of the classes so that
11 they can have it in a more condensed time frame. Not
12 necessarily that they're going to have more or less
13 hours within the week of class, right, but they're
14 going to have it where it's going to be back-to-back.

15 So instead of large gaps in between classes,
16 they're going to go right from one class to the next.
17 And then that gives them the opportunity, whether it's
18 in the afternoon, for studying from the classes they
19 took in the morning and/or some internship
20 opportunities.

21 MS. ALTMAN: I notice also your market seems
22 to be young people coming out of high school. Are you
23 also marketing the program to people who are currently
24 employed at local companies where they can come and
25 get specific training or is that not part of your

1 market at this point?

2 MR. RAY: I think generally speaking, again,
3 going back to that idea of how much you offer from the
4 beginning, you know, and the broadness. We're kind of
5 starting small and moving on. If somebody's got a
6 family that's working 9 to 5 or 8 to 5 job, you know,
7 do they have the ability to take away two years, stop
8 going to work and go? That may not be well suited for
9 them.

10 So in addition, we're offering three
11 credits, a shortened competency based certificate. I
12 think that's something definitely down the road, but
13 in the near term, no. But if it's somebody who feels
14 like they haven't completed college, they want this
15 opportunity and they are willing to take that break,
16 then, yeah, absolutely they could be a market that at
17 least we're addressing or at least giving them an
18 opportunity if that's the case.

19 MR. TWARDOKUS: And it wouldn't just be for
20 high school graduates. I mean, military. So there
21 are other, you know, areas where we think that there
22 would be a great fit and a great need. Those coming
23 out of the military, this would be -- this would be,
24 you know, a great resource for that.

25 MR. FRISCH: Is there any thought on -- I

1 mean, you kind of talked about people possibly
2 pursuing other schooling after this. Is there any
3 thought of how credits might be transferred to another
4 university or college? Because if they go here and
5 there's not like a program in place to offer them like
6 credits --

7 MR. RAY: I think I addressed it. In
8 relative to what we're trying to accomplish here, I
9 think broadly, yes, that's on this list to at least
10 give a path if there's somebody who kind of falls in
11 the cracks and that doesn't work out for.

12 And that layers into the articulation
13 agreements that you have between colleges or
14 organizations that say the program or courses are
15 credit bearing if they were to transfer to this
16 school. That comes with going out and getting
17 validated by some regional accredited body. So, yes,
18 this X, Y, Z course or class that they're taking is
19 comparable to this at another institution.

20 So I think it's on us. The onus is on us
21 from a business perspective because ultimately we're
22 going to have to convince people for why we think --
23 you know, we're saying it, you know, get them to a
24 degree that that's a good option and be comfortable
25 with the risk that they're taking, especially early

1 on. We fully understand that. We got to start
2 somewhere.

3 MR. FRISCH: Okay.

4 MR. GORDON: I just have a -- something I'd
5 like you to sort of knock down for me that I heard out
6 there in the community maybe. I had heard some talk
7 about that all this is going to be Paychex training
8 school and supporting Paychex and --

9 MR. RAY: There's --

10 MR. GORDON: Let me finish -- thank you.

11 That this is just going to be a Paychex
12 training school and you support Paychex or the other
13 business within the office park. Is that what we're
14 talking about? Or are we talking about more a broad
15 scaled sort of regional school that's supposed to
16 serve the overall town community and maybe beyond?
17 Can you just address that?

18 MR. RAY: Those words have never been
19 uttered to me. So if somebody said that to you, I
20 don't know where that came from.

21 What I would say is Paychex is one of the
22 largest employers here in Rochester. And so I -- you
23 know, it would be foolish of us not to have
24 conversation with them as a possible opportunity to
25 bring in senior leadership, executives and gives us

1 the opportunity to interact as a possible job after
2 the fact. But we've got conversations started with
3 Wegmans. We got, you know, relationships back into
4 other organizations as well, whether it's M&T Bank, or
5 what have you.

6 We are going to touch upon every single
7 connection that we have to give these individuals
8 exposure. Because ultimately they have proved
9 themselves that they're worthy of the job opportunity
10 with them. We think we can put them in a position.
11 But they've also got to sell themselves.

12 So this is not going to be something that
13 simply leads into one or two organizations.
14 Absolutely.

15 MR. GORDON: More of a regional type.

16 MR. RAY: Absolutely. And -- absolutely.
17 Because as any of these -- I don't know if there's any
18 college or university here in the crowd, but if any
19 one of them are, they're all trying to bring a
20 complete -- you know, continuing to keep that funnel
21 of bringing new organizations in to give their
22 students exposure.

23 MR. TWARDOKUS: And I'll second that, Tom --
24 I mean, I've been involved with this right from the
25 beginning. And he -- Tom has never mentioned to me or

1 around me or where I have heard where Paychex has come
2 up that this is tied in with that. It is -- there has
3 been a lot of discussion over how there are a lot of
4 businesses throughout Rochester, as Matt mentioned.

5 MR. GOLDMAN: For the record, Paycheck is
6 the applicant, considered the title owner of the
7 property. It's not -- I've not talked to anybody at
8 Paychex. It's not -- they're not part of the actual
9 conditional use permit application except as a
10 property owner.

11 MR. GORDON: Thank you for addressing that.

12 CHAIRPERSON PRICE: How much square footage
13 does Paychex control in the Town of Brighton?

14 MR. GOLDMAN: Town of Brighton?

15 MR. RAY: I'm not certain.

16 MR. TWARDOKUS: I don't know.

17 MR. GOLDMAN: I don't know.

18 CHAIRPERSON PRICE: Any space in Henrietta
19 for this school? Got a pretty big campus out there.

20 MR. RAY: I'm not sure. There's not
21 anything that we've seen in our search for what's
22 available that meets our needs, let alone if it was
23 owned by Paychex or anybody else.

24 CHAIRPERSON PRICE: I'd like --

25 MR. GOLDMAN: Paychex --

1 CHAIRPERSON PRICE: -- to ask the engineer
2 questions. Matt, could you? Matt, this is a 125,000
3 square foot building?

4 MR. TOMLINSON: Correct.

5 CHAIRPERSON PRICE: And if there are 500 --
6 I guess these are the students; right?

7 MR. OSOWSKI: 250.

8 CHAIRPERSON PRICE: 250 students.

9 MR. GORDON: And 250 faculty.

10 MR. TOMLINSON: So there's 250 per class.
11 So there would be a program with a total of 500
12 students, roughly 50 and 60 staff and faculty.

13 CHAIRPERSON PRICE: Okay. So if we just use
14 the number of students at 500, out of 125,000 square
15 foot building we're looking at, 250 square feet per
16 student. That seems very, very high in the amount of
17 real estate needed to support the student. Bear with
18 me here.

19 Is -- what amount of parking is necessary
20 and what amount of parking is actually provided? Do
21 you know? If you don't have it right off the top of
22 your head --

23 MR. TOMLINSON: Yeah. I don't have it off
24 the top of my head. I do have those numbers on the
25 site plan. So I can definitely do that. I believe

1 that the total existing parking on the site is roughly
2 680. There was a variance that was granted for
3 narrowing the parking spaces to increase that number a
4 number of years ago.

5 This being a full commuter school, I think
6 that there would be the opportunity for in the area
7 to -- a few students ride their bikes, possibly
8 rideshare, that kind of thing. So we would anticipate
9 approximately 500 to 550 vehicles being on-site when
10 fully in operation and fully vested with students.

11 CHAIRPERSON PRICE: Well, I have a
12 question -- I have questions of our attorney, but I
13 believe this is -- this application is in the process
14 of being developed and maturing. I guess I'm not sure
15 why we would be in any rush to address a conditional
16 use permit on this unless the conditional use permit
17 has triggered something else.

18 MR. GORDON: I --

19 CHAIRPERSON PRICE: Why do --

20 MR. GORDON: I think we should talk about it
21 during the Board's deliberations later.

22 For the record, Mr. Tomlinson, could you put
23 your name and company on the record.

24 MR. TOMLINSON: Yeah? Sorry. Everybody
25 knows me here.

1 MR. GORDON: For the court reporter.

2 MR. TOMLINSON: Matt Tomlinson for Marathon
3 Engineering.

4 CHAIRPERSON PRICE: Okay. I guess, you
5 know, guys, where we're at here is a very valuable
6 piece of property. You're proposing to take it off
7 the tax rolls. Okay?

8 There's no question this program will
9 probably be the best program. You don't have to sell
10 us on the program or Mr. Golisano's commitment to
11 education. That's not the question.

12 Whether you can actually quantify your
13 statements about the value to the community of this
14 education over the tax loss, I -- I'm not sure that
15 can be done. That's -- you're just saying that and at
16 best it would be a qualitative argument. That I don't
17 believe is anything that can be quantified.

18 If I'm wrong about that, please bring
19 forward how this town's going to benefit from all
20 these very smart people that are going to be going out
21 onto our streets.

22 So in thinking about how can this project
23 integrate better with the community, something that,
24 you know -- you guys aren't done thinking about this
25 or developing your curriculum or any of that. So

1 think about how much space in that building do you
2 need that has to be, you know, non-taxable. Are there
3 other uses that you could attract? Are there other
4 things you can do in the way of the master plan with
5 the adjacent properties in that Sawgrass community to
6 make something out of that neighborhood?

7 MR. GORDON: And I just want to make sure
8 that our record reflects the supplemental information
9 that was given, I know it was distributed, but the
10 chart provided in the supplemental economic impact
11 statement shows that actual taxes that would be lost
12 by the Town, County and Brighton School District would
13 be for this most recent tax years would \$590,905.44.

14 CHAIRPERSON PRICE: Very, very difficult to
15 justify. But you know -- so, you know, there are --
16 are there opportunities for other areas to grow,
17 businesses, in this town that are associated with this
18 school? It's asking you to think as much about how
19 you're coming in and affecting this community as much
20 as how this community is able to help you. So that is
21 something that you guys have got to make a much
22 stronger argument before I think I'll be bringing -- I
23 would be bringing this to a vote.

24 MR. GOLDMAN: I will share with you it's
25 tough to quantify the value of cultural facilities no

1 matter how they are -- and I'm not going to engage in
2 a debate. I'll just make a couple short statements
3 and you can beat me up during your deliberations.

4 CHAIRPERSON PRICE: No, no --

5 MR. GOLDMAN: No, that's fine. That's fine.

6 CHAIRPERSON PRICE: To me you guys should be
7 dropping yourselves into -- some place in downtown in
8 a big unused building where you put 500 students on
9 the street to support restaurants and other
10 businesses, where doing it out of here, all you're
11 doing is supporting cars driving from who knows how
12 far for -- and not putting any money back into the
13 economy.

14 You can say they're going to leave and
15 they're going to go to Twelve Corners and buy a
16 sandwich, but it doesn't make sense that that's going
17 to happen. I just want you to think about what is --
18 what are you doing for the community beyond all these
19 very smart people that are going to be going out
20 there. What are you doing for us versus what we're
21 doing for you?

22 MR. GOLDMAN: You're reviewing an
23 application for a conditional use permit. It's not --
24 it's not a legislative determination what's going on
25 here. So you take a look at your standards and you

1 make your determination.

2 CHAIRPERSON PRICE: I may have an attorney
3 tell me you're out of your mind. You can't even ask
4 these kinds of questions because you can't use those
5 criteria in making a decision. He may tell me that.

6 You know, if you're asking something of this
7 community, you better be ready -- prepared to turn
8 around and give us something back.

9 MR. GOLDMAN: Is that -- is that how we deal
10 with all land use applications?

11 CHAIRPERSON PRICE: Conditional use
12 applications? We make sure that there's positive
13 impacts, yes.

14 MR. GORDON: We make sure that they're in
15 harmony with the community and we make sure they're in
16 harmony with the comprehensive plan; right?

17 MR. GOLDMAN: Right.

18 MR. GORDON: These are important criteria.

19 MR. GOLDMAN: Correct. I understand all
20 that. And I appreciate all of your comments.

21 CHAIRPERSON PRICE: All right. Anything
22 else?

23 MR. GOLDMAN: And we talked about it also
24 and that we are in the process right now, again, in
25 parallel tracks to try to understand whether this is

1 the site that we are going with in order to be able to
2 pursue the rest of things. The land use decision is
3 not necessarily going to -- not going to drive
4 everything with regard to this. But certainly we're
5 making -- we're making that request of this board.
6 And there's a time and consideration for this
7 institution because they intend to try to get this
8 program up and running, yeah, starting in
9 September 2023.

10 MR. GORDON: If I may, you mentioned
11 parallel tracks again. And that jogged my memory to
12 ask the question that I asked last time that you
13 didn't have an answer for. So I'm going to ask it
14 again.

15 Is there an application currently with State
16 Ed to get approval from the Bureau of Proprietary
17 School Supervision?

18 MR. GOLDMAN: To my knowledge, no.

19 MR. RAY: That's not the next step relative
20 to what we're trying to accomplish.

21 MR. GORDON: Thank you.

22 CHAIRPERSON PRICE: Board members, have
23 other questions? All set? Okay. Thank you very
24 much.

25 MR. GOLDMAN: Thank you.

1 CHAIRPERSON PRICE: Okay. This is a public
2 hearing. Is there anyone here that cares to address
3 this application?

4 Thank you. We'll move on to our next agenda
5 item. Again, for clarification application 10P-NB1-21
6 Quickle's for 1950 to 1966 Monroe Avenue is postponed
7 to October.

8 The application 5P-NB1-22, application of
9 Talmudical Institute has been postponed 'til October,
10 as has application 5P-NB2-22, Bristol Valley Homes and
11 PEMM, LLC, for a Quickle's on East Avenue has been
12 postponed.

13 That brings us to application of 9P-NB1-22.

14 **Application 9P-NB1-22**

15 Application of Kim Bailey, Stahl Properties,
16 owner, for Preliminary Site Plan Approval and
17 Demolition Review and Approval to raze an existing
18 single family home and construct a 5,545 +/- square
19 foot single family home with a 900 square foot
20 attached garage on property located at 12 Elmwood Hill
21 Lane. All as described on application and
22 plans on file.

23 MR. HEININGER: Good evening. I am Larry
24 Heininger, vice president of engineering for Marques
25 and Associates. With me is my client, Kim Bailey, and

1 architect, Chuck Smith. You saw us on Zoom over the
2 past couple months.

3 I heard what Jeff read off. So this is the
4 latest site plan. I'm not really going to talk much.
5 Chuck has some renderings from this view, that view
6 and the front view.

7 Ultimately, if we have approval to demolish
8 the house, build a new one, we'll need to go to the
9 Zoning Board for some variances.

10 There was one comment from Monroe County,
11 Rich Bianchi at Pure Waters, about getting a Pure
12 Waters stamp and a PW-2 form. I emailed Rich, said,
13 you are aware that this is a single family home and
14 there's already a home there?

15 And his response was, we don't -- we don't
16 review single-family homes in Brighton. I forwarded
17 that email to -- I'll actually give a copy to Jeff.
18 "Hi, Larry. Monroe County Pure Water's review is not
19 required for this one-single family home in the Town
20 of Brighton. Multi-family would be different. Refer
21 to the Town for the requirement."

22 So the Town has a requirement that we put a
23 Pure Waters stamp there, get it signed, not a problem.
24 If you don't have the requirement, it's not needed.

25 MR. FRISCH: Thank you.

1

2 MR. HEININGER: I can print them out.

3 Other than that, we have not received any
4 other comments from the Town or the County. And I
5 went through the fairly exhaustive process along with
6 my partner Israel Marques getting all the deeds for
7 the five lots that were in question on the sewer.

8 The sewer was dedicated to the Town. The
9 Town engineer provided me with documents that indicate
10 that the sewer got all the approvals to be built. And
11 the map done by those here shows the easement and
12 various repairs along the way. Tony Masrinato, et
13 cetera all picked up and recorded or referenced the
14 litem page of the first deed. And I think that was
15 June 2nd '47.

16 And what's interesting is a few days later
17 another lot was sold and that attorney -- and Ken, I
18 don't know if you noticed this, but that attorney
19 didn't bother to write out the language. He just
20 referred back to the litem page that had been filed
21 four days earlier. So kind of interesting when you
22 give it a read.

23 So the sewer was dedicated. The sewer's in
24 an easement. The water is Monroe County Water
25 Authority. It is town road.

1 About two weeks ago when I went over to put
2 the sign in the window, I went in the front door.
3 There was water all over the hallway. There's water
4 dripping through the ceiling from the second floor.
5 Went up to the second floor. There was water running
6 in the sink. I tried to turn off the valves
7 underneath the sink. They were frozen.

8 So I went down to the basement. Water was
9 coming from the hallway down into the basement floor.
10 So I went, I turned off the master valve right ahead
11 of the meter. Then that valve snapped in my hand.

12 So I called Kim and said, call 442-2000, the
13 Water Authority, tell them to come over and turn off
14 the curb cock at the street because this is -- the
15 original problem was there were leaks while the house
16 was sealed up. And so that's where the house stands
17 right now.

18 Chuck can come up and talk about this plan.
19 The one thing that -- you know, I rendered this up.
20 There's a little bit of a difference on the dimension
21 here between our plan and the architectural. Our plan
22 has the correct radii. It's pretty complicated.
23 Radius one, radius two, radius three.

24 What I would recommend is rather than
25 holding this 30 foot front setback or this 60 foot

1 rear, that we move this back a little bit because of
2 the trapezoidal shape. Move that back maybe 3 to 5
3 feet. But also move it over here where 27.58. If
4 this was a standard lot in this zoning, the dimensions
5 would be 18.75. So move that over about 5 feet and
6 give a little bit more room in that area. That would
7 be, you know, with the zoning variance if/when that
8 happens.

9 Another thing I noticed was the original
10 map, this lot owned up to about here. And some time
11 the people that developed this lot in order to get
12 highway frontage, they purchased that strip of land,
13 which is 2 feet wide. Why they didn't put the
14 right-of-way right on the lot line, don't know. But
15 they purchased that strip of land. Fine. So this is
16 their property line.

17 But if you look at this closely, their
18 driveway is on Kim Bailey's property. And the water
19 curb cock is on Kim Bailey's property, which you can't
20 do. You can't have your water service running through
21 somebody else's.

22 I recommended to Kim that when we get
23 through with this, there be a little resub and she
24 sell this to that owner for a dollar and take care of
25 that problem.

1 CHAIRPERSON PRICE: Would you tell us a
2 little bit about that? Variances that you need to
3 apply for?

4 MR. HEININGER: Well, interestingly enough,
5 and I reference this in my engineer's report, when the
6 County planning reviewed this project, there was an
7 affidavit at the bottom by the owner of the developer
8 here, Grayson. And they had requested of the Planning
9 Board to have a 30 foot front setback because of the
10 hill. And if they went to the standard 60, these
11 houses would be falling down the hill.

12 And so the setback is actually 30 feet. We
13 are holding that setback. But if you drive up there,
14 you'll notice that the houses are much closer to the
15 right-of-way, which actually gives it a very
16 comfortable feel. And so they are in that 30 foot
17 setback.

18 Our neighbor to the east, Kemper Miller,
19 very nice man, he's actually about 10 feet from the
20 right-of-way here. So I don't think we -- I think
21 we're good with the 30 foot setback. I would like to
22 have a little relief from the 60 foot rear, say 55.

23 And right now, we're at 24.32 here. If we
24 move this over then and that 27 gets smaller by a few
25 feet, then we're looking good. But as I pointed out,

1 18.75 -- so if you said, you know, 20 works, then we
2 get to position the house optimally.

3 MR. FRISCH: That would be something that
4 the Zoning Board would decide.

5 MR. HEININGER: Okay.

6 MR. FRISCH: Yeah. We're required -- from
7 the setbacks --

8 MR. HEININGER: There's other variances
9 obviously. And then Chuck can talk about that, the
10 size of the house compared to the size of the lot and
11 I guess what was there before. And I'll let him deal
12 with that.

13 MR. FRISCH: And there's another for a pool
14 in the side yard.

15 MR. HEININGER: Okay.

16 MR. FRISCH: Because pools are -- they're
17 required to be in the rear yard. But this one is in
18 the side yard.

19 MR. HEININGER: Got it.

20 Bill, does that answer your question?

21 CHAIRPERSON PRICE: Yeah, I guess. I guess,
22 you know, is the site somehow just not big enough to
23 be able to fit within the setbacks?

24 MR. HEININGER: Well, because --

25 CHAIRPERSON PRICE: Orientating things in a

1 way --

2 MR. HEININGER: Because the width of the lot
3 is 30 feet back this line, 30 feet back this line, and
4 then connecting those, tells you that the lot width is
5 221 feet. And 15 percent of that is 33.22.

6 If it was a standard -- standard zoning RLA,
7 the lot width would be like that and you'd be 18.75 or
8 20 feet. So because of this geometry, we have a big
9 number.

10 CHAIRPERSON PRICE: Okay. So what do you
11 need to accomplish -- for this to happen you need
12 sounds like four variances, three of which are -- all
13 of them are area variances; right?

14 MR. FRISCH: Yup.

15 CHAIRPERSON PRICE: And then we would get a
16 crack at the configuration of it. I -- I guess I
17 don't see any real large questions. It seems like the
18 pool -- the pool is very close to the side property
19 line. I don't know why -- why is that?

20 MR. HEININGER: Well, that's --

21 CHAIRPERSON PRICE: Why would you put it
22 that close to the property line?

23 MR. HEININGER: Well, that was -- Chuck,
24 could you come up? I think you all had this 11 by 17.

25 MR. SMITH: Hello. My name is Chuck Smith.

1 I'm the owner of Design Works Architecture. So thank
2 you for hearing us tonight.

3 So we've designed a house that is -- we feel
4 is appropriate for the neighborhood. It's a story and
5 a half house with dormers. It's got a nice
6 presentation to the cul-de-sac in the front. And then
7 as it's -- we have the site plan and grading stepping
8 down as you walk through the house and go out onto the
9 terrace onto the patio level on the golf course side.
10 Then the patio starts to step down to meet the grade
11 in a gradual fashion.

12 And then there's one way that will become a
13 great room, a family room. That is a gable that pokes
14 out towards the golf course that really celebrates the
15 views of the golf course. And back there is like an
16 L-shape that creates that nice patio space that faces
17 the east and the golf course.

18 And then there's a wing on the north side
19 approximately where the garage is presently. That is
20 a three-car garage, 900 square feet, with a bonus room
21 that is a wing making an L-shape house plan facing the
22 street. And that creates a little courtyard effect
23 for the front of the house.

24 Then -- and then with the way the house is
25 graded and the actual existing grading of the land on

1 the west side of the house where we have the pool
2 right now, that area is actually where it's the most
3 private because the house faces the golf course. And
4 there is a -- there's a golf -- there's actually a
5 hole -- a green right to our south. And so the
6 question, why did we place the pool where it is?

7 Number one, it steps down a half level from
8 the house. So it's tucked into the grade, the
9 existing grade. And secondly, it's in the most
10 private spot for the owners when you're considering
11 that you've got the public walking in front of your
12 backyard, which is the golf course. So we felt that
13 was the ideal spot for -- for privacy.

14 The lot next door, which is to the --
15 further west, is quite a bit down the hill. So they
16 don't -- they can't really see the pool. They might
17 be able to see the fence. But I think it will be
18 pretty private for them as well.

19 And we can actually show you -- next month,
20 if you'd like, we can show you exactly where that
21 house is relative to this pool. That will probably
22 become important to the Zoning Board as well in their
23 consideration for the setback.

24 So that's kind of the lay of the land and
25 the design of the house. The house design and the

1 massing is trying to make it somewhat timeless. So
2 it's got steep gable roofs that really fits with --
3 generally the houses that you find in the general
4 Elmwood area.

5 And the design you see is fairly loose as a
6 watercolor because we're not -- we're not saying that
7 we're done designing yet. We're just showing you
8 massing to give you an indication of the size of the
9 house. So...

10 MR. FRISCH: Do you have an estimate on how
11 far away that neighbor's house is from that pool area?

12 MR. SMITH: I don't know the answer to that.

13 MR. FRISCH: 50 feet? 100 feet?

14 MR. HEININGER: Let me dive into my plans.
15 But if I had to guess, I'd say about 30 feet.

16 MR. FRISCH: Okay.

17 MR. HEININGER: But I'll dive into my plans.
18 One thing before I do that, I'm going to pass out a
19 copy each. You have all received a copy of this.

20 So there's one lot going here. We also show
21 the lot right across the front, which is 161 feet,
22 11 inches. And if you use that as a lot line, it's
23 24.3 feet. 15 percent is 24.3 feet. So if you ignore
24 this point there, then that's how trying to come up
25 with the 27 and 25 is that we're under that 24 square

1 feet.

2 MR. SMITH: That's for a normal rectangular
3 lot.

4 MR. HEININGER: Well, the normal rectangular
5 would be 18.75 because minimum width is a 125 feet.

6 And so we're kind of looking at --

7 CHAIRPERSON PRICE: Okay. John, do you have
8 a question?

9 MR. OSOWSKI: No. No, I don't.

10 CHAIRPERSON PRICE: Julie?

11 MS. FORD: No.

12 CHAIRPERSON PRICE: Okay. All right.

13 MR. HEININGER: Looking at the County topo,
14 and I can pass this around, the neighbor's house is
15 quite a bit further than the old house or the existing
16 house was. So you don't even see it.

17 CHAIRPERSON PRICE: I was just thinking if
18 we could have a diagram that shows the distance to the
19 adjacent house for the -- for the next round. And I
20 am going to guess that ZBA is going to want -- yeah
21 okay. You got a scale here of --

22 MR. GORDON: Nothing you're saying right now
23 is being a part of the record. So if you want it made
24 part of the record, please do that.

25 CHAIRPERSON PRICE: All right. So to kind

1 of recap, you need four variances.

2 Jeff, I had one question. Is the pool house
3 considered an accessory use and not subject to setback
4 requirements?

5 MR. FRISCH: It's considered an accessory
6 building. So it'd be 5 feet.

7 CHAIRPERSON PRICE: What?

8 MR. FRISCH: 5 feet from the side.

9 CHAIRPERSON PRICE: Okay. So that's -- it's
10 not the same as the house itself. Okay.

11 MR. GORDON: I have a question. On the,
12 what I'll as describe as the southeast and northeast
13 portions of the proposed den, I see a set of steps at
14 each of those locations. How far above grade is the
15 decking proposed to be or? Is it not above grade?

16 MR. HEININGER: I think that's you; right?

17 MR. FRISCH: I was -- I was just looking at
18 that. So I can kind of speak to that. The pool deck
19 is 477 feet. And something that I'm concerned about
20 is around the pool you need a 4 foot fence to be legal
21 and to be able to keep people out and all that.

22 And on the topographic map here that's
23 provided with the way that the grading currently is
24 now, it would be about 6 feet or taller than 6 feet.
25 And once it's over 6 feet, then that would be a

1 variance for fence height or wall height.

2 And it kind of looks like based on this
3 drawing that you might be in the range of -- 6 foot
4 range.

5 MR. SMITH: No. That's correct, at the
6 pool.

7 MR. GORDON: What about the decking around
8 the pool? You're talking about the rail of the fence
9 around that.

10 MR. FRISCH: Yup.

11 MR. GORDON: I'm talking about how high the
12 deck of the pool deck is above grade. Because it
13 looks like it's going to be above grade.

14 MR. SMITH: That's correct. In your
15 reading, which is -- as your -- to the -- as you're
16 looking at the golf course to the right of the pool
17 house, it's probably about 5 foot high. So it is --
18 it does -- it is a problematic issue there.

19 So we'll either have to terrace that to
20 reduce that wall height to comply with zoning or add
21 that to the zoning variances that are requested.

22 MR. GORDON: Jeff, you may or may not know
23 this off the top of the head. I don't know this off
24 the top of my head. The fact that the deck of the
25 deck is going to be 5 feet off grade, above grade,

1 does that render itself an accessory structure
2 requiring it to be also to be at least 5 feet away
3 from the neighbor?

4 MR. FRISCH: I don't know.

5 MR. GORDON: Something we need you folks to
6 look at.

7 MR. HEININGER: Okay. Let me come back to
8 the original -- the first question was how far is the
9 neighbor from the lot line. Measuring from both the
10 existing garage corner and the existing house corner,
11 in both cases neighbor's twice the distance from the
12 lot line then we are.

13 MR. FRISCH: What's that come out to be?

14 MR. HEININGER: Pardon me?

15 MR. FRISCH: What's that come out to be?

16 MR. HEININGER: There's no scale here. I
17 can't -- it's one inch equals 94.04 feet. So I'll get
18 you a better answer.

19 But the other thing that's interesting is
20 that someone built a pretty significant retaining wall
21 on their property in order to create the house pad.
22 So that retaining wall one, two, three, four, five,
23 six, seven, eight, nine, ten -- about 10 feet of
24 retaining wall. So that would fall under the New York
25 State Building Code. And when I first saw this -- I'd

1 be interested to actually see the design plans for
2 that wall because it's -- it would need to be
3 engineered. Not that it's a problem with what we're
4 doing, because I did look at that, but it would be
5 interesting to know.

6 Anyway. Back to your elevations. Pool
7 deck, 77. This corner here is 79, 78, 77 pretty much
8 middle of the pool, and 76 running under the south end
9 of the pool. So the pool deck at this south end is
10 only 1 foot above grade. And then the 75 contour runs
11 through the pool house. And the 74 contour runs just
12 below -- below the pool house.

13 So if this is 74 and this is 77, the
14 differential is only 3 feet. And actually on the pool
15 deck there's a 1 foot fill here, zero there 1 foot
16 cut, 2 foot cut, 3 foot cut there. If we move this
17 over, we can grade along that wall. We can keep this
18 under a 6 foot wall, keep it down to a 4, 4 and a half
19 foot wall. Does that make sense?

20 CHAIRPERSON PRICE: Ken, any
21 other questions?

22 MR. GORDON: Yes. Larry.

23 MR. HEININGER: Yes.

24 MR. GORDON: Going back to the sewer issue
25 we've been talking about a bit, I have seen an

1 easement that was granted to the project developer. I
2 have not seen any easements granted to the Town of
3 Brighton. Do you have something that shows an
4 easement granted to the Town of Brighton?

5 MR. HEININGER: In the approvals they
6 reference the sewer. Now, it was designed by the
7 William Woizer Company. William Woizer Company
8 predicated engineering stamps. It was a company as is
9 Louis Cole. I worked for Sal DiBella. And Sal was a
10 partner with Woizer. One of the draftsman was a man
11 Mike Valensa.

12 This came up many years ago, probably 40
13 years ago, when Israel was asking Mike Valensa, where
14 the easement was. He said, what Woizer did today,
15 they drew the plan, they showed the sewer, they showed
16 the sewer easement and the sewer went in the ground.
17 And wherever the sewer was, that's where the easement
18 was. They did not go back, locate manholes, create
19 easement bounds, create a description, file map.
20 That's the way Woizer did it.

21 So the fact that it, I think it was litem
22 2409, page 92, first lot sold June 2nd. And the
23 second lot, June 6, they refer to that. All these
24 other surveyors all picked up on that litem page that
25 that easement exists.

1 MR. GORDON: I agree the easement exists.
2 It's not to the Town of Brighton. Unless you have
3 something else.

4 MR. HEININGER: Well, the Town of Brighton
5 took the sewer under dedication.

6 MR. GORDON: And tell me how the Town of
7 Brighton took the sewer under dedication. I don't see
8 that either.

9 MR. HEININGER: Okay. (As read): The Town
10 Board meeting dated June 9th, 1948, Elmwood
11 Countryside, Inc, Gray Dickerson president, to the
12 Town Board of the Town of Brighton. The improvements
13 to Elmwood Hill Lane with Elmwood Countryside Inc,
14 have been completed in accordance with the plans
15 prepared by William Woizer Company, a copy which was
16 filed with the Town Clerk. We are attaching a letter
17 from Mr. George Clem dated June 8th stating that
18 construction meets the requirements of the Town of
19 Brighton. And a letter from William L. Woizer dated
20 June 9th advising us that the contract improvements
21 have been completed. We respectfully request that the
22 Town of Brighton accept the road for dedication.

23 So that was from Gray Dickerson to the Town
24 Board. The next item on the Town Board docket from
25 (as read): William S. Woizer Company, Elmwood

1 Countryside Inc. This is to advise you that the work
2 under contract with Abrams & Pletzger, the
3 improvements of Elmwood Hill Lane has been completed.
4 The sewers have been inspected by Mr. George Bush,
5 superintendent of Brighton Sewer District Number 2,
6 the water main from the Rochester Lake Ontario Water
7 Company. Enclosed is a copy of the letter from George
8 Plentz, superintendent of highways approving road
9 construction. It's our understanding that all the
10 requirements for the public agencies interested in the
11 construction of this work have been met and the road
12 and its utilities are satisfactory for dedication. We
13 are accordingly preparing our final estimates for
14 Abrams Pletzger. William S. Woizer Company, signed A.
15 Bradford square.

16 Next one, (as read): From George Clem
17 superintendent of highways to Abrams & Pletzger,
18 Woodstock Road, Rochester, New York. Inspection of
19 construction of Elmwood Hill Lane meets the
20 requirements of the Town of Brighton. In view of that
21 and communication from Elmwood Countryside constitutes
22 the offer of a dedication, a motion was offered
23 councilman Sykes, seconded by councilman Mark, that
24 the supervisor be directed to inform Mr. Gray
25 Dickerson, the president Elmwood Countryside contact

1 Mr. James O'Brian, Town Attorney, in order that the
2 Town shall require a connection be offered for
3 dedication. Roll call vote, motion unanimously
4 granted -- carried. Excuse me.

5 So I -- that was my interpretation.

6 MR. GORDON: Do you have anything else?

7 MR. HEININGER: You know, these were all
8 documents provided to me by the Town. I'll go through
9 them.

10 MR. GORDON: The reason I'm asking is
11 because what you just read seems to me to be a
12 dedication of the road and the utilities in the road
13 bend and that's all.

14 We're talking about a sewer main that runs
15 behind the properties, not in the road bed. That's
16 the problem line, that one that goes behind the
17 property.

18 Because there are sewer lines in the road
19 bed. We know that. And we know that Elmwood Hill
20 Lane is a dead-end road. I don't think there's any
21 dispute about that.

22 But the line behind the properties that the
23 houses are tied into for sanitary sewer purposes has
24 not, to my knowledge, been dedicated and there is no
25 easement that allows the Town to go on that property.

1 Please help us -- maybe it's not there now,
2 but at some point in time before the Town can approve
3 this project, we need to know that the Town has the
4 right to go on that property to maintain and inspect
5 that sewer line. And we don't have that right now.

6 MR. HEININGER: Okay.

7 MR. FRISCH: I believe the communication
8 from the deputy commissioner who -- and he said before
9 the meeting and he kind of looked more. They don't
10 think -- if there is easement, which some of the plans
11 do show the sewer easement, but they don't see it
12 being filed with Monroe County. There's not like a
13 record of those particular easements being written.

14 MR. HEININGER: Okay. Let me -- for the
15 Board, book 9 -- 49, page 67, the permit to discharge
16 sewage waste into the waters of the State was granted.
17 On -- that permit was filed by the Town clerk at the
18 time. George Gordon. Is there any relative?

19 MR. GORDON: No. But there's a street.

20 MR. FRISCH: It's not you?

21 MR. HEININGER: So that was filed. They got
22 their approvals to build it. Then Elmwood
23 Countryside, you know, purchased the property.
24 Interesting they couldn't -- in 1947 they couldn't get
25 cast iron pipe and they asked for a waiver. That was

1 granted by Supervisor Draper.

2 There are some things about the highway
3 being used for two years before they took dedication,
4 but they ultimately took dedication.

5 CHAIRPERSON PRICE: Is there --

6 MR. HEININGER: They offer dedication --
7 Elmwood Hill Lane -- okay. That's a public highway.
8 So I know where you're at, Ken.

9 It seems to me that what we need to do is,
10 like I said, procure them through process and
11 procedure. And maybe there was a I that was not
12 dotted or a T that was not crossed that they
13 specifically said "the sewer," the back lot sewer they
14 refer to in the plan, is that we're going to need to
15 locate the manholes, put an easement. My partner can
16 write a description. We can provide it to the Town.
17 And we'll get the permission of the five owners. And
18 then you'll have your easement.

19 MR. GORDON: I think that's the solution,
20 yeah. Absolutely.

21 MR. HEININGER: We're going to clean up a
22 mess from 1947.

23 MR. FRISCH: Thank you.

24 MR. HEININGER: That's part of my title,
25 professional cleaner-upper of messes.

1 CHAIRPERSON PRICE: Board members, any other
2 questions?

3 MR. OSOWSKI: Just has this gone to the
4 Historic Preservation Commission yet for demolition
5 review?

6 MR. HEININGER: We had a Zoom meeting. And
7 Ken can fill you in on that one.

8 MR. GORDON: It's on the agenda tomorrow
9 night.

10 MR. FRISCH: Yeah. They went preliminarily
11 to kind of get the feeling for the Board and to
12 present some information. And then it's on for
13 tomorrow night. Some of you guys don't have to
14 attend. This is just like the review that the
15 Planning Board gives to the Historic Preservation
16 Commission.

17 MR. HEININGER: Is that this room?

18 MR. FRISCH: Yeah.

19 MR. GORDON: And really the only issue
20 before the Historic Preservation Commission tomorrow
21 night does the Historic Preservation Commission have
22 an interest in land marking the existing property and
23 structure. I think you've already had some feedback
24 on that. It's up to you. You are welcome to attend.
25 I think you heard from Jeff it's probably not needed.

1 MR. HEININGER: Yeah. I have another
2 commitment. For the Board, this house was originally
3 built to here, over to about there. Very nice solid
4 little brick house by the president of French's
5 Mustard. If you look at the old 1931 atlas, there's a
6 French that lived here. 1947 construction.

7 Since then there's been an addition here.
8 There's been a massive '80's addition here, great
9 room. You can put a basketball hoop in there and
10 shoot hoops. So there's a second set of stairs and a
11 set of stairs here. So it's been kind of cobbled
12 onto.

13 Not sure if that garage was original or, you
14 know, how that worked. But there's been multiple
15 additions to the house that was basically a fairly
16 standard postwar house, brick construction, CMU
17 concrete masonry basement, concrete block. As I said
18 at the meeting to Jerry Ludwig, that's a beautiful
19 Tudor up here. That was the original Weller estate.
20 That should be on your list, on the list. There are
21 no other houses on the street that are -- there's
22 nothing on Elmwood Hill Lane that's on that list.

23 MR. FRISCH: Okay.

24 CHAIRPERSON PRICE: Okay.

25 MR. HEININGER: I don't know when that house

1 was built, but it's probably in the teens because of
2 the -- it's a beautiful Tudor. Take a drive up. They
3 actually have a porch on this side facing south that
4 would have been looking out onto the golf course. But
5 in 1946-ish Mrs. Weller sold the 13-acres to Grayson
6 Dickerson and Elmwood Hill. And if you look through
7 my engineering report, which I think it was 19 pages I
8 scanned, you'll see that they were selling lots after
9 they had approval. They were selling the lots, the
10 litem pages before they built any road, water, sewer
11 anything.

12 CHAIRPERSON PRICE: Interesting.

13 MR. HEININGER: One of the people moved from
14 Alexander Street close to Park Alexander. Somebody
15 else moved from another place. They were all moving
16 out to Brighton.

17 CHAIRPERSON PRICE: All right. Thank you.
18 Other questions? You good?

19 MR. FRISCH: I have another question. I
20 think -- we've had a lot of conversations and there's
21 some requirements that are set out in the Code for
22 preliminary site plan approval process through
23 Planning Board and demolition review and approval. A
24 number of those things that we require as a town and
25 to be able to kind of give permission to grant

1 approval of projects like this and -- so there's a lot
2 of things that we need. A lot of them are in the
3 engineer's report, which we'll get to you. Some of
4 them I'm sure we talked about during some of our
5 pre-meetings. I have a number of questions here that
6 need some sort of response to them.

7 MR. HEININGER: I have not seen those
8 questions or the engineer's report.

9 MR. FRISCH: Right. I'm just -- I'm kind of
10 telling you like those will be sent to you. We have
11 them laid out. I'm -- it hasn't been reviewed by
12 Architectural Review Board yet; right?

13 MR. HEININGER: No.

14 MR. SMITH: No.

15 MR. FRISCH: No. Correct. It seems the --
16 the existing condition map shows a bunch of trees in
17 the backyard. I think that some of those have been
18 removed since that existing condition map has been
19 done.

20 So we'll need a up-to-date map of that. And
21 then we need something showing the original house
22 where the original house sits by itself, the
23 conditions natural and -- and physical conditions that
24 are kind of around that house and the property.

25 Right now you kind of have that with the new

1 house layout kind of placed over it. And so that's I
2 think for us we need something that's a little
3 separate so we can look at the existing conditions.

4 MR. HEININGER: We have that.

5 MR. FRISCH: For demolition review, we need
6 the existing conditions and then we need like a
7 restoration plan.

8 And have you done an asbestos -- any sort of
9 asbestos testing on the house?

10 MR. HEININGER: I'm not aware of it.

11 MS. BAILEY: We got someone --

12 MR. HEININGER: We have not done that.

13 MR. FRISCH: Is there going to be HVAC a
14 generator for the property?

15 MR. HEININGER: Kim? More than likely I
16 would say. People seem to like those.

17 MS. BAILEY: Hello. Kim Bailey. I'm the
18 owner and builder. Yes, definitely during the
19 construction process there will be.

20 MR. FRISCH: Okay. Is there HVAC and air
21 conditioning going to be to the house? Is there going
22 to be a generator or HVAC outside on the property?

23 MS. BAILEY: During construction?

24 MR. FRISCH: No. Like when the house is
25 done.

1 MS. BAILEY: Oh, yes. Yes. For sure. I'm
2 sorry. I thought you were talking about the
3 construction process.

4 MR. FRISCH: We'll need the location of
5 those.

6 Is there any -- are you -- is there a plan
7 to cover any of the rear patio in the back?

8 MS. BAILEY: What do you mean "cover?"

9 MR. FRISCH: Put a roof over it.

10 MS. BAILEY: Oh, no. No.

11 MR. FRISCH: Like a pergola or anything like
12 that?

13 MS. BAILEY: No.

14 MR. FRISCH: Okay. And we'll need some --
15 there may be some changes to the property disturbance.
16 It looks like the plans that are shown, the elevations
17 are a little bit different than what we have on the
18 engineering report. So I think we'll need to get some
19 clarification on that.

20 MS. BAILEY: You're referring to the
21 renderings?

22 MR. FRISCH: The rendering versus the
23 architectural plan versus the engineering plan.
24 There's some differences between all of them. So if
25 you guys could reconcile those.

1 And then there's a issue with the -- we'll
2 need to see like top of wall, bottom of wall heights
3 for any of the walls or anything that's built. As I
4 kind of mentioned earlier, it looks there might be
5 some that would be over 6 foot, 6 inches, which would
6 be an additional requirement. And if not, then
7 there's additional grading. And I'm not sure how that
8 would play into the square footage.

9 MS. BAILEY: Fine tune the final grading.

10 MR. FRISCH: Yeah. And we would need -- I
11 think a landscape plan is required for
12 post-construction. So that'd be considered -- trees
13 that are going to be put in, landscaping that's going
14 to be put in. It might be an important aspect given
15 the proximity of the pool to the neighbors.

16 MS. BAILEY: Yeah. When are you saying that
17 that's required? I'm sorry. When?

18 MR. FRISCH: Primary to preliminary approval.

19 MS. BAILEY: Okay. So you need a landscape
20 plan for planning right away?

21 MR. FRISCH: Yeah.

22 MS. BAILEY: Okay.

23 MR. FRISCH: I think that's all the main
24 things I have for now.

25 This letter will be sent out. It has some

1 other specifications that we'll need to get some sort
2 of answer on now or in the future.

3 Do you know what you're doing with the fill
4 that's going to be created on-site? Is that going to
5 be spread on the site or is it going to be removed?
6 That might be something Larry may be able to answer.

7 MR. HEININGER: No.

8 MS. BAILEY: As of right now I think it will
9 be --

10 MR. HEININGER: No, that's fine. What we'll
11 do is we will calculate the volume of the void of the
12 existing basement so we know how big that hole is.
13 We'll then cookie cutter the new basement into that
14 hole plus whatever else. We will then do a surface to
15 surface of the existing topography and the proposed
16 topography so we can come up with a fill.

17 MR. FRISCH: Yeah. What's going -- all
18 the -- what's going to happen with the fill? Is it
19 going to be taken off --

20 MR. HEININGER: No. I think it's going to
21 be taken off site because that makes the most amount
22 of sense instead of trying to throw it around unless
23 there's some areas we need to grade. But it's really
24 not going to be that many truckloads.

25 MR. FRISCH: Okay. Yeah. Okay.

1 MR. HEININGER: It also depends on the
2 quality of the soil. So, you know, if the soil is
3 suitable, depending where the pool deck is, like I
4 said, we're going to have -- we're going to have fill,
5 but we shouldn't really be running gravel underneath
6 the pool deck.

7 MR. FRISCH: I'm not sure.

8 MR. HEININGER: In the Monroe County soil
9 report, this shows up as urban land. So it doesn't
10 tell you --

11 MR. FRISCH: So it will be like some geotech
12 that you'll probably have to get for this?

13 MS. BAILEY: No.

14 MR. HEININGER: Well, I can go out there and
15 watch them backhoe. But my point is we're not going
16 to have a pool deck that heaves in five years because
17 we were stupid and didn't bring in proper material and
18 didn't take stuff that would have been perfectly fine
19 in someone's backyard but not --

20 MR. FRISCH: And that's just something that
21 we need to know.

22 The last thing that I have is the -- you
23 are -- is the driveway going to be relocated? Is the
24 curb cut going to be changed?

25 MR. HEININGER: Chuck, where's your plan?

1 Driveway is pretty much in the same location. That's
2 what we did. We tied into that curb cut.

3 MR. FRISCH: Okay. All right. That's all I
4 have.

5 MR. HEININGER: In fact, it shows on our
6 plan the existing curb cut. We tied right in at the
7 right-of-way.

8 MR. FRISCH: Okay. Just asking. Because it
9 would need -- I mean, if it's going to be changed,
10 then there would need to be some right-of-way -- the
11 highway department.

12 MR. HEININGER: Yeah. I don't want to do
13 that. I got enough stuff to do.

14 MR. FRISCH: Yeah.

15 CHAIRPERSON PRICE: All right. Thank you.

16 MR. FRISCH: Yup.

17 CHAIRPERSON PRICE: Thank you, Larry.

18 This is a public hearing. Is there anyone
19 who cares to address this application? Please come on
20 up. If you guys will take a seat for a moment and
21 please leave your rendering up. Appreciate you
22 waiting. If you could kindly give us your name and
23 address.

24 MR. McCABE: Of course. Sean McCabe. I'm
25 an attorney with Harris Beach, 99 Garnsey Road,

1 Pittsford, 14534. Thank you for your time tonight.

2 I represent Deborah Ronnen, the land owner
3 that's been subject of some discussion tonight. 15
4 Elmwood Hill Lane, immediately to the west of the
5 subject parcel.

6 She's submitted a statement earlier. I'm
7 not sure if it made it into your packets. I have
8 copies if I could hand those out.

9 MR. FRISCH: Yeah. I received it this
10 afternoon so it's not in the packet.

11 MR. McCABE: It was late. It was late. I
12 should say, Ms. Ronnen does not oppose the action
13 that's in front of the Board tonight. But given the
14 scope of the construction and demolition activity, she
15 did want to raise some concerns that she hopes the
16 Board will consider in its evaluation of the
17 application.

18 The first is she hasn't seen any design
19 renderings and perhaps those are the first -- the
20 first time they were circulated tonight. But she just
21 wants to ensure that the proposed structure will be
22 consistent in terms of its design and landscaping with
23 the existing conditions of the neighborhood.

24 The next concerns are really around the
25 construction activities. This -- both of these

1 properties are located at the of the cul-de-sac on
2 Elmwood Hill Lane. It's very tight up there. There's
3 not a lot of room. So concerns around construction,
4 access, parking, staging, you know, hoping that the
5 Board will address those in its evaluation. Also
6 concern about access for delivery vehicles and
7 emergency vehicles.

8 Also with respect to construction she's got
9 some concerns about the timing in terms of the time of
10 day and days of the week that construction would be
11 occurring. We're hoping the Board would evaluate that.

12 The last two concerns are really about the
13 site plan. The footprint of the residence as has been
14 discussed is significantly larger than the existing
15 structure. And it's significantly closer to her
16 property, which raises some privacy, noise concerns.

17 Similarly with the pool, the property right
18 now there's no pool located there. The proposed pool
19 is, you know, as shown on the site plan materials, on
20 the application materials, closer than 5 feet to the
21 property line and runs basically along the length of
22 the shared property line, raising more privacy and
23 noise concerns. We're hoping that the Board might be
24 able to put some parameters around that in terms of
25 landscaping or screening.

1 So again, we're just asking that the Board
2 take some of these concerns into the consideration and
3 evaluation. We don't oppose the action generally.

4 MS. RONNEN: Thank you for the opportunity
5 to speak. This is democracy at work; right? I
6 appreciate -- I learned a lot tonight about how you
7 evaluate all of these requests. It's very impressive
8 and makes me as a resident feel like I have something
9 to say.

10 So I live alone. I live on a street that
11 has no sidewalks and suffers from traffic and parking
12 congestion. You can't go into one driveway if
13 somebody else is on the street. There's nothing along
14 here. There's no sidewalk.

15 And, in fact, I have one neighbor a little
16 bit further down the street who when they have their
17 lawn mowed, there are six trucks that come and park on
18 the street, not in the driveway. And I'm very
19 concerned about construction vehicles and how it's
20 possible to put such a huge house on the street. From
21 my point of view it's not harmonious.

22 I don't know the size of the pool, but it
23 looks to me -- it looks like an Olympic-size pool.

24 I know other neighbors share my concern
25 about the possible traffic and construction

1 congestion. And I hope that maybe we could all work
2 together, if the owner would consider a slightly
3 smaller house and putting the pool somewhere else.
4 And I understand that you want the view of the golf
5 course. It's desirable. And it's typically a lovely,
6 quiet street. I think something like this could go on
7 for years and really would affect daily life.

8 I think Sean did me a favor in coming here
9 tonight. Did a great job. I don't really need to add
10 anything.

11 MR. GORDON: And for the record, if you
12 could just state your name and address please.

13 MS. RONNEN: Yes. Deborah, D-E-B-O-R-A-H,
14 Ronnen, R-O-N-N-E-N. 15 Elmwood Hill Lane.

15 CHAIRPERSON PRICE: Thank you.

16 MR. FRISCH: Thank you.

17 MR. GORDON: This may be helpful to answer
18 some of your questions. Town Code already limits the
19 hours of construction to 7 a.m. to 7 p.m., Monday
20 through Friday, and 9 a.m. to 6 p.m. Saturdays and
21 Sundays. So that's what Town Code allows for now.
22 And outside of those times would be violation of the
23 noise ordinance.

24 Also some of the issues that you are
25 concerned about sound like they're going to be the

1 subject of variance applications before the Zoning
2 Board of Appeals. If you're interested, I encourage
3 you to stay involved in that process, which is a
4 separate board. Also meets on Wednesday night. But
5 it would be the first Wednesday night of the month
6 instead of the third Wednesday night of the month.

7 MS. RONNEN: Thank you. I do hope to stay
8 involved. I hope to stay in my house 'til the end.
9 Got a long time to look at.

10 MR. FRISCH: And the agenda for those
11 meetings are available on the website. And they'll be
12 putting a sign that says there will be Zoning Board
13 when they -- when that comes, when they make that
14 application.

15 MS. RONNEN: Is this now ready to go to the
16 Zoning Board?

17 MR. FRISCH: I mean, they -- before they get
18 final Planning Board approval, they'll need the Zoning
19 Board's approval.

20 MS. RONNEN: That comes first?

21 MR. FRISCH: It's kind of concurrently. But
22 they'll need to have that before they get final
23 Planning Board approval.

24 MR. GORDON: They need to make application
25 to the Zoning Board before they can get on that

1 agenda. To knowledge they have not yet made those
2 applications.

3 MS. RONNEN: I am sure they will. Thank you
4 so much.

5 MR. FRISCH: You're welcome.

6 MR. McCABE: Thank you.

7 CHAIRPERSON PRICE: Thanks for coming out.
8 Anyone else care to address this application? Okay.
9 Thank you. Everybody doing okay? Do we need five
10 minutes? We'll regroup at about 25 after.

11 (End of public hearings.)

12 (There was a pause in the proceeding.)

13 (Deliberations begin at 9:26 p.m.)

14 CHAIRPERSON PRICE: Meeting is back to order
15 at -- I have 9:27. All right. Let's go back to the
16 beginning on the first application to review 8P-02-22,
17 Paychex of New York Golisano Business Center of
18 Excellence located 150 Sawgrass Drive.

19 Is there a motion? Do we have a motion?

20 MR. GORDON: I'd suggest, if you're okay
21 with this, Bill, that we have a little chat about this
22 before --

23 CHAIRPERSON PRICE: Before.

24 MR. GORDON: -- we present a motion. I know
25 it's procedurally defective, I'd still like to have a

1 discussion because I have -- I do not have a sense of
2 where the Board wants to go. And I will say that
3 depending on where the Board wants to go, I may want
4 some time to write up specific findings.

5 CHAIRPERSON PRICE: All right. I guess
6 let's have our questions of Ken.

7 I think the one that I do have is the point
8 about being able to use the non-tax status as a
9 criteria in the discussion for a conditional use
10 permit.

11 MR. GORDON: So as you know, our code
12 Section 217-7 spells out the standards governing
13 conditional uses. And there are seven of them
14 articulated there. One of them is in item 217-7(d),
15 as in dog, the proposal will not create excessive
16 additional requirements of public cost for public
17 facilities and services and will not be detrimental to
18 the economic welfare of the community.

19 So I had asked some questions at the last
20 meeting that were designed to elicit the information
21 we have now received. I felt the record was simply
22 incomplete without having that information in hand.
23 We don't know or didn't know at the last meeting
24 whether the project was proposed to be taken off the
25 tax rolls. And if so, what the loss in tax revenue

1 will be.

2 We now know that the project is intended to
3 be taken off the tax rolls. We now know what that
4 means in terms of lost tax revenue. And therefore we
5 have a more complete record relative to how it will
6 impact the economic welfare of the community. How
7 that loss of revenue stacks up is a matter of
8 discretion.

9 Let's talk about the case law that
10 Mr. Goldman presented. And taking look at the cases
11 that I had an opportunity to actually read this
12 evening while the presentation was going forth, the
13 case that Mr. Goldman cited, the Pacer versus Planning
14 Board case, which came out of the Third Department --
15 that's not our appellate division; that's the one next
16 door -- from 1995, which said that the concept of
17 denying a project based solely on its tax exempt
18 status is not permitted, even it if it's not a
19 religious institution. That's the case that he talked
20 about.

21 What that case actually says is that in that
22 particular case, the municipal code, which was
23 allowing a special use permit that would be issued in
24 that case, a special use permit, but similar to the
25 conditional use permit here, the criteria, the factors

1 set forth in that municipal code did not allow for the
2 consideration of economic factors.

3 So therefore the court says, Board, what are
4 you doing considering economic factors when the Code
5 doesn't say you should consider economic factors? You
6 ought not to do that. Here we have a code that says,
7 consider economic factors.

8 So yes, it's completely appropriate for you
9 to consider economic factors and determine whether to
10 grant a conditional use permit.

11 But there's other factors in the Code that I
12 think are important to take a look at. And the one
13 that jumps out at me is that the proposal essentially
14 conforms to the master plan. That's condition G.

15 So I had an opportunity while we were
16 sitting here to go back to Envision Brighton 2028, the
17 master plan for Town of Brighton, take look at what it
18 says about BE-1 districts. This project is in a BE-1
19 district. And it talks about what the intention of
20 the uses are in the master plan.

21 I don't take issue with Mr. Goldman's
22 position that the project does not need a variance
23 because it's been characterized as a cultural use.
24 Cultural uses can include schools. But if you look at
25 the Envision Brighton Plan and the master plan for the

1 Town of Brighton, what it talks about is that BE-1 is
2 designed to permit -- and this is a quote -- "BE-1 is
3 designed to permit -- in fact, let me pull it up on my
4 screen. "Permit the large scale development of
5 professional and medical office parks, minimal 40,000
6 square foot lot, with provisions allowing supporting
7 services such as public, cultural and municipal
8 facilities, daycares and nursing homes as a
9 conditional use.

10 So the idea and concept here is that it's
11 essentially an office park district and you have
12 supporting services, a daycare that services the
13 offices that are in that office park, maybe some
14 cultural facilities that service the office park. But
15 the office park is the office park. And the
16 conditional use is allowed and intended to be by the
17 language of the master plan itself simply supporting
18 services for that office park.

19 We heard clearly that is not intended to be
20 that at all. This is a regional project; right? This
21 is to be, you know, providing education services to
22 the entire region, of businesses well outside the
23 office park, businesses well outside of Brighton,
24 maybe even outside of Monroe County.

25 So I question whether this really fits

1 within what the master plan really intended for this
2 district in terms of conditional use. And I think it
3 would be perfectly legitimate if the Board is looking
4 at this issue to consider that factor as well as the
5 economic factors.

6 And the other cast that Mr. Goldman talked
7 about relative to economic factors talked about the
8 fact that it shouldn't be the sole criteria. So I
9 recommend that it not be the sole criteria if you, in
10 fact, are not going to approve this conditional use
11 permit. That you look at it maybe perhaps -- the more
12 important issue does it meet the master plan.

13 This goes to what you were saying, Bill;
14 right? This isn't really what the Code was looking to
15 get in this type of a district. And you weren't
16 voting Envision Brighton, but you know it so well that
17 it was just there for you to articulate.

18 So that's my sort of take on the Code. But
19 I don't know what your intentions are relative to the
20 project. Maybe you think it does fit. And that's
21 fine. It's within your discretion.

22 MS. FORD: I did have the one thing -- I
23 showed -- the one thing that I wrote with my left
24 hand, which is my non-dominant hand, I can barely seek
25 it out, but I wanted to reread the master plan and

1 comprehensive plan. I need to understand this project
2 better within that context. And that's my feedback.

3 CHAIRPERSON PRICE: John, any questions?

4 MS. FORD: And also I want to say, as an
5 educator...

6 MR. GORDON: Yes. Was there more?

7 MS. FORD: No. That's it. I'm done.

8 MR. OSOWSKI: I needed to hear what you
9 said. Thank you. I appreciate hearing that.

10 MS. ALTMAN: Yes. I also had a lot of
11 concern about the taxable status of the property. So
12 that was helpful. Makes me think more deeply about
13 looking at that criteria. And it does raise up a
14 question about what, you know, I don't know if these
15 are appropriate in this context or not.

16 But how long has the building been vacant?
17 What do we know about attempts to market it? Can we
18 ask if -- you know, if we can ask what other
19 alternatives were considered. They mention they can't
20 because they don't have a contract. And I understand
21 that. But they could talk to us about other sites
22 they looked at perhaps.

23 I just want to understand their process a
24 little more thoroughly. And also the curriculum, I
25 feel like I would like some more detail about what

1 they're actually offering there.

2 MR. GORDON: I think some of those
3 questions, Karen, go to the factors under the Code. I
4 mean, you know I'm really wedded to the code; right?
5 And what I'm encouraging you to do is to analyze this
6 conditional use application like any other within the
7 factors under the Code.

8 Some of the things you're talking about
9 really go more towards issues that the Zoning Board
10 struggles with on use variances, like what other
11 marketing. But some of it, I mean, is it in harmony
12 with the general purposes and intent of the chapter?
13 I mean, that's sort of what you're asking in a way.
14 And I get that and I think some of those are
15 appropriate questions that you do want to get answers
16 to before taking action one way or another.

17 But I mean, Bill, I want to give you an
18 opportunity.

19 CHAIRPERSON PRICE: So I clearly stated a
20 concern over the removal of a very valuable piece of
21 property from the tax rolls. And I'm not going to
22 waiver from that. But I think there's also -- you
23 know, what ends up happening is we get an applicant
24 that is singly focused on what it is that they want to
25 do. And -- and this is not the applicant's fault at

1 all.

2 But, you know, Envision Brighton had at
3 least five areas, focus areas, where it's very clear
4 about the principals. This wasn't particularly one of
5 them; right? But clearly looking at the mix of uses
6 to activate and enliven areas, districts and corridors
7 in the Town.

8 And so I asked the question, you know, how
9 much of this building do you need to occupy for 500
10 students plus 70 or 80 staff. What else could happen
11 in this building in addition to this? What else could
12 happen on this site? What else could happen on this
13 site and in combination with other properties within
14 the Sawgrass neighborhood?

15 And again, I know that this is not -- you
16 know, they want to focus on getting an educational
17 institution up and running. But per our code and for
18 our needs, that's not -- that alone by itself does not
19 work.

20 Now, is there something they can do to
21 supplement it with other uses that would be
22 complementary to the faculty, to the staff, to the
23 four or five, you know, surgery centers that we have
24 on the other side to the -- to the mosque that we have
25 on the east side and the neighbors to the south. So

1 it's thinking broader. It's thinking more about, you
2 know, how does this -- how does this new thing work?

3 We are done with the days of low density,
4 single-use zoning. That is gone. And we need to be
5 encouraging multiple use, mixed use type developments
6 that, you know, create an environment that is
7 activated somewhere between 12 and 18 hours a day, not
8 from 8 to 1, where we have a rush of cars coming and a
9 rush of cars going out. Not interested in that. We
10 got enough of it. We've had it for decades. Don't
11 need it.

12 And we certainly do not need it if it's --
13 if we're losing \$509,000 a year.

14 MR. GORDON: So I don't know what the Board
15 would like to do this evening. I am not prepared with
16 proposed findings and I would like to have a hand in
17 drafting findings whether the Board decides to approve
18 or disapprove the project. I can draft up alternative
19 finds for the Board action at the next meeting. But I
20 would ask the Board for some opportunity to work with
21 staff to draft those findings.

22 CHAIRPERSON PRICE: Any other conversation?

23 MS. ALTMAN: That makes sense.

24 MR. OSOWSKI: Can we entertain a motion for
25 tabling for now?

1 CHAIRPERSON PRICE: Yeah.

2 MR. GORDON: Please.

3 **Application 8P-02-22**

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

9 MR. OSOWSKI: I would -- I would propose
10 that we table application 8P-02-22 based on plans
11 submitted, testimony given and it looks like 14
12 conditions in the report.

13 **Conditions:**

- 14 1. All requirements of the Town of Brighton's
15 Department of Public Works shall be met.
- 16 2. All Town codes shall be met that relate directly
17 or indirectly to the applicant's request.
- 18 3. All required building permits shall be obtained.
- 19 4. An Operational Permit shall be obtained from the
20 Town of Brighton Fire Marshal (Chris Roth,
21 585-784-5220).
- 22 5. Any change in programs offered or use of indoor or
23 outdoor space shall require review by the Building and
24 Planning Department and may require further Planning
25 Board approval.

- 1 6. Any new signage must receive all necessary Town
- 2 approvals. Only business identification signage as
- 3 allowed per the Comprehensive Development Regulations
- 4 is permitted.
- 5 7. All Monroe County Development Review Committee
- 6 comments shall be addressed.
- 7 8. All conditions of the Zoning Board of Appeals
- 8 regarding parking space size shall be met.
- 9 9. Any external modifications shall be approved by
- 10 the Town of Brighton Architectural Review Board prior
- 11 to the issuance of any building permits.
- 12 10. The dumpster shall be enclosed with building
- 13 materials that are compatible with the existing
- 14 building and located in the rear yard. The enclosure
- 15 shall equal the height of the dumpster and shall not
- 16 be higher than six and one-half (6.5) feet.
- 17 11. The parking lot lights shall be placed on a
- 18 timer.
- 19 12. Applicant shall comply with the requirements of
- 20 §207-14.2 of the Comprehensive Development Regulations
- 21 regarding refuse and grease handling, cleaning of
- 22 exhaust hoods/vents and other applicable regulations.
- 23 13. The project engineer shall confirm if additional
- 24 accessible parking spaces are required to be installed
- 25 as part of this project. All new accessible parking

1 space signage to be installed or replaced shall have
2 the logo depicting a dynamic character leaning forward
3 with a sense of movement as required by Secretary of
4 State pursuant to section one hundred one of the
5 Executive Law.

6 14. A revised site plan showing the current
7 conditions shall be submitted.

8 MR. GORDON: And I would just add the Town
9 attorney and staff's joint request for an opportunity
10 to draft findings.

11 MR. OSOWSKI: Yes. I agree with that.

12 CHAIRPERSON PRICE: It becomes 15
13 conditions.

14 MR. OSOWSKI: We'll make that condition 15.

15 MS. ALTMAN: I'll second.

16 CHAIRPERSON PRICE: Moved and second with
17 the additional condition. Jeff, would you call the
18 roll?

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

20 Mr. Osowski, aye; Ms. Ford, aye.)

21 (Upon roll motion to table carries.)

22 CHAIRPERSON PRICE: Thank you all. All
23 right. That's going to bring us to application
24 9P-NB1-22, Kim Bailey, Stahl Properties, for
25 preliminary site plan approval, demolition review and

1 approval for property at 12 Elmwood Hill Lane.

2 I don't feel -- do you feel a need for any
3 real conversation on this? Motion to table this.

4 Julie, why don't you give it a try?

5 MS. FORD: I read the thing?

6 MR. GORDON: Actually, if I could just
7 interject here. When making a motion to table, all
8 that is needed is a motion to table. You do not need
9 to articulate any reason to do so.

10 **Application 9P-NB1-22**

11 Application of Kim Bailey, Stahl Properties,
12 owner, for Preliminary Site Plan Approval and
13 Demolition Review and Approval to raze an existing
14 single family home and construct a 5,545 +/- square
15 foot single family home with a 900 square foot
16 attached garage on property located at 12 Elmwood Hill
17 Lane. All as described on application and
18 plans on file.

19 MS. FORD: I motion to table this
20 application 9P-NB1-22.

21 MS. ALTMAN: I'll second.

22 MR. FRISCH: All right.

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

24 Mr. Osowski, aye; Ms. Ford, aye.)

25 (Upon roll motion to table carries.)

1 CHAIRPERSON PRICE: All right. What do we
2 got for signs? Do you want us to gather around you?

3 **Signs:**

4 1655 Tipsi Wine and Liquor for Building Face sign
5 at 30 Jefferson Road.

6 MR. FRISCH: First is 1655. The
7 Architecture Review Board approved the sign, but they
8 added the condition that it's adding -- to add the
9 missing serif on the P.

10 CHAIRPERSON PRICE: All in favor?

11 ALL BOARD MEMBERS: Aye.

12 1658 Tenants Names for Directory Sign at 2601 Lac
13 De Ville Boulevard

14 MR. FRISCH: Next is 1658 which is 2601 Lac
15 De Ville.

16 CHAIRPERSON PRICE: Application 1658 is
17 denied without prejudice as recommended by the ARB.

18 MS. ALTMAN: I'll second.

19 MR. FRISCH: All in favor?

20 ALL BOARD MEMBERS: Aye.

21 1659 Prodigy Surgical for a building face sign.

22 MR. FRISCH: The next is 1959 for Prodigy
23 Surgical center. It was tabled at the ARB meeting.
24 They wanted to provide more information on the sign.

25 CHAIRPERSON PRICE: I'll move application

1 1659 be tabled per recommendation of the ARB.

2 MS. ALTMAN: Second.

3 MR. FRISCH: All in favor?

4 ALL BOARD MEMBERS: Aye.

5 1660 Wellnow Urgent Care for a Building Face, 3
6 sides, at 2750 Monroe Avenue.

7 MR. FRISCH: The next one is 1660 for
8 Wellnow Urgent Care. They were approved with
9 conditions from the Architectural Review Board that
10 they get the necessary variances for what they were
11 proposing.

12 CHAIRPERSON PRICE: I move application 1660
13 be approved per recommendations of the ARB.

14 MS. ALTMAN: I'll second.

15 MR. FRISCH: All in favor.

16 ALL BOARD MEMBERS: Aye.

17 1661 Chapter Aesthetic Studio for Building Face,
18 3 sides, at 2750 Monroe Avenue.

19 MR. FRISCH: Next is for 1661, Chapter
20 Aesthetics Studio also in the Whole Foods Plaza. I
21 think it's building five. They were approved with
22 conditions from the ARB that the required variances be
23 obtained.

24 CHAIRPERSON PRICE: I move application 1661
25 be approved based on recommendations of the ARB.

1 MS. FORD: I second.

2 MR. FRISCH: All in favor?

3 ALL BOARD MEMBERS: Aye.

4 1662 Premium Mortgage/Avvino for a building face
5 sign at 2541 Monroe Avenue

6 MR. FRISCH: Next is sign 1662 by Premium
7 Mortgage. They were approved as presented.

8 CHAIRPERSON PRICE: Application 1662 I move
9 for approval based on recommendation of the ARB.

10 MS. FORD: Second.

11 MR. FRISCH: All in favor?

12 ALL BOARD MEMBERS: Aye.

13 1663 Whole Foods for building face, 3 signs, at
14 2740 Monroe Avenue.

15 MR. FRISCH: The last one is for Whole Foods
16 itself. They gave us revised drawings. They
17 change -- they decide to change what they were doing.

18 CHAIRPERSON PRICE: I move to approve
19 application 1663 based on recommendations of the ARB
20 and subject to the same conditions.

21 MS. FORD: Second.

22 MR. FRISCH: All in favor?

23 ALL BOARD MEMBERS: Aye.

24 (Proceedings concluded at 9:54 p.m.)

25

1 REPORTER CERTIFICATE
2

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

7 Further, that the foregoing transcript is a
8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

11

12 Dated this 21st day of September, 2022
13 at Rochester, New York.

14

15

16

17

18

19

20

21

22

23

24

25

Holly E. Castleman

HOLLY E. CASTLEMAN, CR,
Notary Public.