

BRIGHTON

PLANNING

BOARD

November 1, 2022
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JEFF FRISCH

WILLIAM PRICE, CHAIRPERSON

JOHN OSOWSKI) BOARD MEMBERS
JULIE FORD)
DAVID FADER)
PETER GRISEWOOD)
JASON BABCOCK-STINER)

KENNETH GORDON, ESQ.
Town Attorney

ABSENT:

KAREN ALTMAN

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

1 CHAIRPERSON PRICE: Good evening and welcome
2 to the November 1st meeting of the Town of Brighton
3 Planning Board. This is the special meeting Town of
4 Brighton plan board between your October and November
5 regular scheduled meetings. Tonight's meeting we'll
6 hear three applications. You are all welcome to speak
7 tonight. We will have the applicant make
8 presentations. And then the floor will be open to
9 anyone interested in commenting on the applications.

10 You may also submit a letter with your
11 comments to the Town should you think of anything
12 after the presentation tonight. Those comments can be
13 spent -- I'm sorry -- sent to Jeff Frisch. Jeff is
14 our executive secretary. And he can be reached at
15 Jeff.frisch, that's F-R-I-S-C-H, @townofbrighton.org.

16 I do also want to remind everybody that in
17 the unlikely event of any kind of event tonight that
18 we do have exits directly behind you and over to my
19 right, your left. So it's been a little while since
20 we've had in- person meetings and I do forget to say
21 that.

22 I'd like to call tonight's meeting to order.
23 And Mr. Secretary, could you please call the roll?

24 (Whereupon the roll was called.)

25 CHAIRPERSON PRICE: Thank you. I would like

1 to introduce and welcome Peter Grisewood as the newest
2 member of our Planning Board. Peter, welcome.

3 MR. GRISEWOOD: Thank you.

4 CHAIRPERSON PRICE: We're going to have a
5 brief agenda review. But at this point I'm going to
6 the meeting over to John Osowski to chair the meeting
7 and I will be recusing myself.

8 MR. GORDON: Before you go, Bill, let's just
9 make sure that we've had the necessary legal notice
10 published for this meeting.

11 CHAIRPERSON PRICE: Very good. Jeff, I
12 want -- I'll ask has tonight's meeting and
13 applications been advertised properly?

14 MR. FRISCH: The public hearing was duly
15 advertised in the Daily Record of October 26th, 2022.

16 CHAIRPERSON PRICE: All right. Thank you.
17 At this point I will recuse myself.

18 MR. GORDON: Yup.

19 CHAIRPERSON PRICE: Thank you.

20 MR. OSOWSKI: Thank you, Bill. Appreciate
21 that.

22 I just have one comment on the agenda.
23 Bill, can we combine 10P-01-22 and 5P-NB1-22? The
24 reports --

25 MR. FRISCH: Yeah.

1 MR. GORDON: Sure. And if it's the pleasure
2 of the Board to make that modification to the agenda
3 so that the public hearings of 10P-01-22 and 5P-NB1-22
4 will be heard jointly, why don't we have a brief
5 motion to combine those two matters?

6 MR. BABCOCK-STIENER: So moved.

7 MR. FADER: I second.

8 (Mr. Fader, aye; Mr. Babcock-Stiner, aye;
9 Mr. Osowski, aye; Ms. Ford, aye;
10 Mr. Grisewood, aye.)

11 MR. FRISCH: Those are combined.

12 So we can -- we'll start off with the agenda
13 review.

14 MR. GORDON: Yup.

15 MR. FRISCH: 5P-02-22, the application for
16 the conditional use permit for the Montessori School
17 to be located at 20 -- 220 Idlewood Road.

18 We don't have a lot of questions about that
19 one. I know this and the other two, the main concerns
20 have been the traffic on Idlewood Drive and its impact
21 on the neighbors. So there's not a lot of additional
22 information for that one.

23 And then for 10P-01-22 and 5P-NB1-22, will
24 be combined for preliminary and final site plan
25 approval, EPOD permit approval and conditional use

1 approval to construct a 2300 square foot building
2 addition and to repurpose the former Brookside School
3 for the use of the Talmudical Institute of Upstate New
4 York.

5 Again, there's some traffic issues that have
6 come up regarding this and in association with the
7 Montessori School in the relationship in the same
8 building.

9 There have been some questions ongoing
10 between engineering comments that we've had regarding
11 the flood water diversion and also like the stormwater
12 from the building. Those -- most of that stuff is
13 wrapped up and in good shape. They've been -- their
14 engineer and our engineer have been working together
15 pretty well. And our engineer felt like it's nothing
16 that would hold up approval and it's kind of a
17 normal -- are normal details that can be worked out
18 after final, but before the project is approved and
19 the final plans are stamped.

20 Is there any questions?

21 MR. OSOWSKI: Yeah. I have no further
22 questions on the agenda. Thank you.

23 Any other board members?

24 MS. FORD: No.

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

1 MR. OSOWSKI: All right. Thank you. Then
2 let's get started on application 5P-02-22.

3 **Application 5P-02-22**

4 Application of the Talmudical Institute of
5 Upstate New York, contract vendee, and the Brighton
6 Central School District, owner, for Conditional Use
7 Permit Approval to allow for The Montessori School of
8 Rochester to be located at 220 Idlewood Road. All as
9 described on application and plans submitted.

10 MR. GOLDMAN: Good evening, Mr. Acting
11 Chairman and members of the Board. My name is Jerry
12 Goldman. I am the attorney and agent for the
13 Talmudical Institute of Upstate New York. For the
14 record, I reside at 59 Branchwood Lane in the Town of
15 Brighton. My office address is 1900 Bausch and Lomb
16 Place in the City of Rochester at the Woods Oviatt law
17 firm.

18 We're here this evening on these
19 applications and we've been through many, many
20 hearings on this. And there's been a lot of
21 information which has provided -- has been provided by
22 our team. And as well the neighbors have provided
23 information for the board's consideration.

24 With regard to this particular conditional
25 use permit, there is a thorough staff report that has

1 come down relative to it. We have reviewed it. We
2 don't have any issues with any of the comments and
3 proposed conditions on this matter.

4 I will say that we have in our letter of
5 intent and in our oral presentations gone through the
6 legal standards for conditional use permits. And we
7 believe that we meet those standards.

8 Of particular interest in the neighborhood
9 and something that we have talked about is traffic.
10 And we did engage SRF Associates traffic engineers
11 relative to it. And frankly the -- their findings are
12 summarized very well in the Planning Board report.
13 Basically the traffic is supposed to remain at current
14 levels and the entrance off Idlewood will continue to
15 be used.

16 I will make one point relative to that. At
17 present, Montessori is located in this wing of the
18 building. But there are other uses which have doors
19 coming out in this direction. We are reorienting --
20 and we'll talk about this more during the site plan
21 application -- to reorient everybody but the
22 Montessori use to go out to South Winton Road. So to
23 that extent we'll probably be decreasing the amount of
24 traffic that will be going onto Idlewood.

25 The traffic report notes that no crashes

1 were reported on Idlewood from 2017 to 2022, that the
2 school contributes to 17 percent of daily traffic to
3 Idlewood and importantly, the current and future level
4 of service has a B grade or above during peak hours.
5 A B grade is -- may not be something that I would have
6 been happy with in school. But a B grade for levels
7 of service, which are -- which are graded from A to F,
8 is deemed to be an acceptable level of service as well
9 as a C and as well as actually a D. So we are at the
10 upper level in terms of those traffic numbers.

11 Road widths used included gutters and that
12 was pointed out as part of these comments as well.

13 We -- as I said, we've gone through a
14 substantial amount of discussion relative -- relative
15 to the issues. We have reviewed proposed findings.
16 We have reviewed proposed conditions. We are fine
17 with that.

18 We have a number of people here that will be
19 able to answer questions in addition to me. But in
20 the interest of keeping this flowing, we'll terminate
21 our presentation at this time and be able to answer
22 any questions that the Board may have.

23 MR. OSOWSKI: Okay. Thanks. Thank you very
24 much. So I have a few questions, one of which is we
25 know there's a lot of neighborhood opposition to

1 keeping the Idlewood entrance open. Do we know why
2 the developer is so opposed to closing it? Is it only
3 for Montessori School convenience? Is it because of
4 costs of rerouting the driveway?

5 MR. GOLDMAN: It is primarily for Montessori
6 School and Montessori School convenience. There are a
7 number of residents within the Evans Farm neighborhood
8 who are Montessori parents who have written letters in
9 support of keeping the Idlewood entrance open.

10 Frankly, we are adding some traffic through
11 that entrance. But again, it is not a substantial
12 amount of traffic enough to degrade the level of
13 service to a degree which would be unacceptable.

14 We analyzed as a part of our studies and at
15 the request of the Board the possibility of -- of
16 running -- essentially running roads around the
17 building. Idlewood is oriented in this direction.
18 All their entrances are here.

19 While they leased 15,000 square feet,
20 they're primarily leasing classrooms in this area, all
21 oriented in the direction.

22 In order to put roads in this direction
23 would certainly conflict with what's going on with the
24 school and playground. When we start getting in this
25 area to the north, we're approaching and dealing with

1 the hundred-year floodplain that we don't want to
2 impact.

3 So we did study alternatives to this and
4 found that none of them were truly acceptable in terms
5 of the operation of the Montessori School. And we are
6 talking about Montessori here on this particular
7 application.

8 So we tried to take a look at it. And we
9 tried to figure out if there was a way to make sense
10 out of that.

11 The one thing, again, to be pointed out and
12 will be discussed later is that while it's not being
13 given much credit or any credit at all, but there's an
14 agreement on the part of the purchaser here to orient
15 every other use other than the 15,000-square foot
16 Montessori School to south Winton Road.

17 MR. OSOWSKI: Okay.

18 MR. FRISCH: Jerry, can I just ask for a
19 clarification? You said there -- that the Montessori
20 School is adding traffic to that side. Did you mean
21 they were adding traffic to Idlewood or to --

22 MR. GOLDMAN: They are not adding traffic.
23 We are reducing the amount of traffic going to
24 Idlewood because we are going to be directing the
25 other uses to be going down South Winton Road.

1 If I said that we're increasing traffic --

2 MR. FRISCH: Yeah.

3 MR. GOLDMAN: I appreciate the correction we
4 are not. And that is not the intention.

5 We're talking about maintaining the
6 Montessori traffic at current levels and reducing
7 others.

8 UNIDENTIFIED SPEAKER: Excuse me. Are we
9 allowed to seek clarification now or --

10 MR. FRISCH: No. After they're done.

11 UNIDENTIFIED SPEAKER: Because I didn't
12 quite understand the answer --

13 MR. GORDON: John, this is for you to
14 control, but -- I'll defer to our Chair, but our
15 process is right now the applicant has made a
16 presentation. The Board members will be asking the
17 applicant questions. And the applicant will have a
18 chance to respond to those questions.

19 After we're done with the applicant then we
20 will open up the floor for the public to speak about
21 the project. And the Board is here to listen to your
22 questions.

23 UNIDENTIFIED SPEAKER: And to answer?

24 MR. OSOWSKI: But there will be no back and
25 forth between you and the applicant. You can address

1 the Planning Board only.

2 UNIDENTIFIED SPEAKER: Thanks for
3 clarifying.

4 MR. OSOWSKI: Yup.

5 One other question.

6 MR. GOLDMAN: Yes, sir.

7 MR. OSOWSKI: So I know you considered what
8 we call the north driveway and south driveway. Were
9 they considered to be a substantial financial burden
10 for the provision of the Religious Land Use and
11 Institutionalized Persons Act of 2000?

12 MR. GOLDMAN: In fact -- in fact, it is.
13 And -- and we haven't really talked about that as part
14 of this application because it's a legal standards
15 that we're dealing with. They're both state and
16 federal laws that deal with land use as it relates to
17 religious institutions.

18 So New York State law deals with educational
19 and religious uses and says that there has to be a
20 compelling interest in order to deny or chill an
21 approval -- an approval process.

22 The federal law is specific. And it's
23 called the Religious Land Use and Institutionalized
24 Persons Act. Why they lump the two together I'm
25 really not sure. It's referred to as RLUIPA and says

1 that there must be a compelling state interest
2 essentially to override the desires of an applicant in
3 terms of land use.

4 So there is certainly financial cost that is
5 involved relative to this. We took a look at it and
6 from -- clearly from a design point of view we thought
7 it was problematic. But notwithstanding that if we
8 found it to be the case, then it could be done
9 feasibly, we would also have a financial burden and we
10 would be talking about that.

11 But at the same time we believe that under
12 both the state and federal law we have -- not what we
13 referred to as a hardship, but we have -- we have a
14 cost which is not -- which is not necessarily to be
15 trivialized or taken lightly.

16 MR. OSOWSKI: Thank you. Any other board
17 members have --

18 MR. FADER: I did have a question, but the
19 internet is so slow that I can't bring up the document
20 that I have a question on.

21 MR. GOLDMAN: Is this Montessori or site
22 plan?

23 MR. FADER: Site plan.

24 MR. GOLDMAN: We'll be going back into site
25 plan. So we'll give the opportunity for your computer

1 to boot up over there and kick into shape. And I have
2 feeling that we may be engaging our engineer to come
3 up and discuss the --

4 MR. FADER: It's a simple question. But,
5 no --

6 MR. GORDON: David, can you make sure and
7 lean forward and speak into your microphone so that
8 the stenographer can hear you.

9 MR. FADER: I said it's a very quick
10 question. I don't know why we have very incredibly
11 slow internet.

12 MR. GOLDMAN: We have a building that was
13 built in 1951 and it was meant to protect us against
14 risk at that time. And the internet was not even
15 contemplated at that point.

16 MR. FADER: A little device on the ceiling.

17 MR. GOLDMAN: I hear you.

18 MR. BABCOCK-STINER: Jerry, I had a
19 question.

20 MR. GOLDMAN: Certainly.

21 MR. BABCOCK-STINER: You had mentioned
22 the -- kind of a reconfiguration that we'll talk about
23 on the site plan that would be sending the other use
24 in the other direction.

25 MR. GOLDMAN: Correct.

1 MR. BABCOCK-STINER: Was that -- were those
2 numbers included in the traffic report?

3 MR. GOLDMAN: No.

4 MR. BABCOCK-STIENER: So that's in addition
5 to what's being shown in the traffic report. So the
6 traffic report assumed that those folks would be --
7 would still be going out Idlewood.

8 MR. GOLDMAN: Correct. Matt Tomlinson is
9 the project engineer.

10 MR. TOMLINSON: The traffic study
11 contemplated those uses being reallocated.

12 MR. BABCOCK-STINER: Okay. Okay.

13 MR. TOMLINSON: It did for the level of
14 service purposes as well as traffic volume.

15 MR. BABCOCK-STIENER: Okay.

16 MR. TOMLINSON: It did accommodate that as a
17 proposed condition.

18 MR. GORDON: And Matt, just put your name
19 and company on the record.

20 MR. TOMLINSON: Matt Tomlinson, Marathon
21 Engineering.

22 MR. BABCOCK-STIENER: That's all I have.

23 MR. GORDON: No questions.

24 MR. OSOWSKI: Additional question.

25 MR. GOLDMAN: Yes, sir.

1 MR. OSOWSKI: So are there any plans to
2 expand the use of the Montessori School?

3 MR. GOLDMAN: There are no plans to expand
4 the use of the Montessori School. We have been told
5 that they are essentially at their current capacity.
6 So that is -- that is the case.

7 They have a number of classrooms that are
8 there. Can't really accommodate anymore than what
9 they're currently dealing with.

10 MR. OSOWSKI: So there's nothing that would
11 increase current traffic to the Idlewood Road
12 entrance?

13 MR. GOLDMAN: That is correct.

14 MR. OSOWSKI: Okay. Thank you. I have no
15 additional questions.

16 Peter?

17 MR. GRISEWOOD: No. I'm good. Thank you.

18 MR. OSOWSKI: All right. If that's the
19 case --

20 MR. GORDON: I have a few.

21 MR. OSOWSKI: That's right. Ken and Jeff.
22 Yeah.

23 MR. GORDON: Yeah. So just to follow up on
24 John Osowski's point regarding expansion of the
25 Montessori program, it has been represented by the

1 applicant that the program is at capacity at 92
2 students.

3 In the draft report -- I'm sure you saw
4 it -- one of the conditions if the Board decides to
5 approve would be to cap enrollment at exactly 92
6 students. It's not 93 or 94, but 92.

7 Have you discussed that with your client and
8 is that acceptable?

9 MR. GOLDMAN: We discussed it with
10 Montessori School. Dr. Gowan, who is the head of the
11 school, is here. And we're comfortable with that
12 number.

13 MR. GORDON: There is a commitment by the
14 applicant to direct all users, other than Montessori
15 staff and parents, to drive their vehicles in only
16 through the South Winton Road entrance; is that
17 correct?

18 MR. GOLDMAN: Correct.

19 MR. GORDON: And not only will that be a
20 policy that the new owner will adopt, but they are
21 willing to put a sign up on their property notifying
22 users of the Idlewood entrance of that vehicular
23 restriction; is that correct?

24 MR. GOLDMAN: Two signs actually; one at
25 south Winton and one at Idlewood.

1 MR. GORDON: When you say "at Idlewood,"
2 where do you mean at Idlewood?

3 MR. GOLDMAN: Well, we haven't discussed
4 that at this point. But we're flexible in terms of
5 its exact location.

6 Obviously we do not own -- we do not own the
7 property. My understanding is that the Idlewood
8 right-of-way or at least town right-of-way -- I'm
9 not sure what name it would be -- runs to the back of
10 the backyards of the -- of the adjoining properties.

11 So it can be -- I think there's a
12 requirement that all signage be a certain distance
13 away set back. I haven't really taken a look as to
14 whether informational signs have to be. Of this --
15 directional signs of this nature have to be set back.

16 But we're willing to put it -- it looks like
17 there's an area right at that property line. It
18 doesn't really make much difference to us where it's
19 located.

20 MR. OSOWSKI: Thanks, Jerry. Thanks, Ken.

21 MR. GORDON: Yeah. I'm still looking at my
22 notes.

23 If the Montessori School ceased using the
24 property, if Montessori School closed down or moved,
25 or if Talmudical Institute wanted to have a new tenant

1 or expand its own operations into this wing of the
2 building and operate some sort of schooling in that
3 portion of the building, is it your understanding that
4 a new conditional use permit would have to be applied
5 for?

6 MR. GOLDMAN: I may take issue with that to
7 the point of saying that if there is a use or a user
8 which meets all the conditions of the approval for the
9 Montessori School for this conditional use permit,
10 there could be consideration as to whether a new
11 conditional use permit is required.

12 If the Town requires it, we likely are going
13 to go through the conditional use process. But I
14 don't necessarily want to foreclose the ability to
15 have -- that there be an interpretation that a
16 conditional use permit may -- may or not be necessary
17 if the impacts are the same and if the conditions are
18 adhered to.

19 MR. GORDON: I would expect that staff would
20 take the position that the conditional use permit
21 being applied for is -- as it's been named, for the
22 Montessori School itself and not for some other school
23 use.

24 MR. GOLDMAN: Okay. I acknowledge your
25 comment.

1 MR. GORDON: Fair enough. That's all I
2 have.

3 MR. OSOWSKI: Jeff?

4 MR. FRISCH: I'm all set.

5 MR. OSOWSKI: Thank you, Jerry.

6 Okay. This -- do we have the capability of
7 limiting public comments?

8 MR. GORDON: Yeah. So because -- we often
9 do this at our public meetings. Because we do have a
10 number of people, typically the Board's have asked for
11 comments to be -- number one, try to be limited to
12 three minutes. And number two, try not to be
13 repetitive.

14 If after everybody speaks and you have more
15 to say and it hasn't already been said, then the chair
16 can give you a second opportunity to get up and say
17 more. But we do want to give everyone a fair chance
18 to speak tonight.

19 UNIDENTIFIED SPEAKER: Mr. Chairman, just
20 for clarification, will there be public commentary on
21 this application and then additional public
22 commentary? And speaking at one doesn't preclude you
23 from speaking at another? Just for clarification.

24 MR. GORDON: Could I comment on that, John?

25 MR. OSOWSKI: Yes. Please.

1 MR. GORDON: So this public hearing that
2 we're doing right now is just on the Montessori
3 conditional use application. We have not started the
4 continuation of, if you will, the application on site
5 plan.

6 So, yes. Those are two separate public
7 hearings. People will have an opportunity to speak on
8 each. Speaking at one doesn't preclude you from
9 speaking on the other.

10 UNIDENTIFIED SPEAKER: Thank you.

11 MR. OSOWSKI: Do we have the capability of
12 limiting the time.

13 MR. GORDON: You mean in terms of actually
14 keeping time?

15 MR. OSOWSKI: Yes.

16 MR. FRISCH: Yes.

17 MR. GORDON: Jeff's prepared to -- he has a
18 little timer up on his phone right now. And he can
19 start that timer when people start speaking and give
20 them about a 30-second warning when they're about
21 30 seconds from the end.

22 It's really the chair's discretion as to
23 whether we want to extend it or not?

24 MR. OSOWSKI: What is the duration?

25 MR. GORDON: Three minutes.

1 MR. OSOWSKI: Three minutes. Okay. Thank
2 you.

3 Okay. This is a public hearing. So you are
4 welcome to make comments addressed to this application
5 and addressed to the Planning Board.

6 There's no give and take. You can ask a
7 question. All we can do is take it down for
8 consideration. But we can't readily give you an
9 answer and we don't expect the applicant to give you
10 an answer. But you're free to give your comments.
11 Okay. Thank you.

12 MR. GORDON: Would you like people to just
13 raise their hand? Or how would you like people to
14 indicate that they would like to speak?

15 MR. OSOWSKI: Yeah. There was no sign-in
16 originally.

17 MR. GORDON: There's no sign-in.

18 MR. OSOWSKI: Yeah. No sign-in. Yeah.
19 Just raise your hand and be recognized and come on
20 over.

21 Okay. The man in the brown sweater first
22 and the and the woman back there who raised their hand
23 second.

24 UNIDENTIFIED SPEAKER: Do I speak from here?

25 MR. OSOWSKI: No. You come up here. Please

1 identify yourself by name and where you leave.

2 MR. HOLMES: My name is Seth Holmes. I live
3 at 182 Idlewood Road. S-E-T-H, H-O-L-M-E-S.

4 I'm also, Jeff, going to hit my timer.

5 So over the past six months I, along with
6 seven other Evans Farm residents have provided
7 comments to you in writing and during meetings
8 regarding this project. We have requested two
9 conditions be applied to this application; one, to
10 close the Idlewood vehicular entrance; and two, to
11 provide some official open-space access to portions of
12 the property.

13 Over 270 of our neighbors agreed with these
14 conditions through a signed petition we submitted to
15 you earlier this year.

16 Even after numerous meetings, design
17 revision and traffic study and even tonight's
18 presentation, I still stand by these requested
19 conditions.

20 I recognize that we're near the end of this
21 quite clearly. And I've reviewed the report that's
22 prepared for tonight's meeting. And I request that
23 you reconsider conditional use permit finding number 9
24 in that report, which states the proposed -- and I
25 quote -- "The proposed school will not be hazardous or

1 inconvenient or incongruent -- or incongruence with
2 the surrounding uses."

3 This point, number 9, also indicates that we
4 have provided -- we, the residents, have provided --
5 no objective information has been submitted that is
6 contradictory to the result of the traffic analysis.

7 I wish to point out to the Board a few
8 objective facts that we have identified that are not
9 in the traffic study.

10 One, we have identified and indicated that
11 Idlewood is a shared-use roadway, which has no
12 adjacent sidewalks and is a yield roadway, per the
13 Federal Highway Administration in 2016, Small Town and
14 Rural Multimodal Networks report. That FHA report
15 suggests it should only be used as a local road with
16 low-volume traffic.

17 The traffic study fails to mention that
18 Idlewood Road is shared with pedestrians. Never
19 mentions it.

20 Number 2, Idlewood road has 19 feet of
21 asphalt pavement with two 30-inch gutters on each
22 side. That 19 feet is equal to two nine and a half
23 inch travel width for the vehicle to travel on. So
24 the whole roadway is 24 feet. But travel lanes are
25 not.

1 You know, these are smaller than the minimum
2 10 feet lane width a minor collector should have
3 according to the traffic report. The gutters should
4 not be included in the travel lane calculations, which
5 was confirmed by Marathon Engineer's 9/7 letter that
6 said that the 24 feet of total width is not typically
7 utilized for regular passenger vehicles. So we have
8 to define the travel lane, not the roadway width.

9 Third, the traffic study report indicates
10 that the Idlewood Road has over a thousand vehicle
11 trips per day including MSR traffic, which is
12 significantly higher than the 700 maximum trips a day
13 a local road should be having according to the traffic
14 report.

15 These things do not jive. These facts
16 indicate Idlewood is a local road. The Montessori
17 traffic generated on this street is incongruous --

18 MR. FRISCH: Ten seconds.

19 MR. HOLMES: -- with the infrastructural
20 capacity as a local road.

21 I request that you reconsider these facts
22 while evaluating this proposal.

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

24 Next speaker. Thank you. Please identify
25 yourself and where you live. Thanks.

1 MS. GUPTA: My name is Suinta Gupta,
2 nickname Sunny. And I live at 226 Idlewood Road right
3 at the entrance to the -- to the community center.

4 My question is what will you -- what is the
5 Talmudical Institute planning to do to monitor or
6 police the access to be sure it's only the Montessori
7 School users that access the Idlewood entrance?

8 I'll go sit down now, if that's okay.

9 MR. OSOWSKI: Okay. Thank you very much.

10 All right. Next will be the gentleman in
11 the green and then you'll be after that.

12 MR. TERRY: My name is Jonathan Terry. I
13 live at 285 Idlewood road. And that's T-E-R-R-Y.

14 I didn't catch your first name, but I
15 appreciated that you saw to codify the commitment in a
16 way that is enforceable after this deal closes.

17 What I didn't hear from the lawyer -- and it
18 strikes me that there's no lawyers on our side. What
19 I didn't hear from the lawyers was we're going to
20 monitor the traffic going forward and in the same
21 technical way we showed up with our engineers, we're
22 going to assure that we never get more than 92
23 families worth of traffic flowing through Idlewood.

24 It flows to a second problem. And I want to
25 control my desire to be rhetorical.

1 The reason I jumped in with a question
2 was -- because I think the answer to your first
3 question, Mr. Osowski, was we were preserving the
4 entrance for Montessori. Full stop. There's a lot of
5 other technical details, but I think that was the
6 answer.

7 So 92 families are being represented. And
8 270 signatures and countless other families are not.
9 That feels problematic to me. And my question to the
10 Board is why? What's magical about the Montessori
11 School representation that we don't have? Be nice to
12 get that answer.

13 Last question. I understand the need for
14 formality in meeting and crowd control. I just don't
15 remember when we had healthy give and take about this
16 deal. I don't remember talking to these fine
17 gentlemen about their intent. I don't remember an
18 official saying, hey, there's a decision to be made.
19 We want to hear from you.

20 I remember meetings like this. I get three
21 minutes. You get three minutes. You're in charge.
22 Feedback. And then there's a vote. And we're out.
23 It's not working, you guys.

24 So I would just ask you as a question to
25 answer why we're not represented? Thanks.

1 MR. OSOWSKI: Thank you, John. Appreciate
2 your comments.

3 MR. REINA: Aaron Reina, 62 Poplar Way.
4 A-R-O-N, R-E-I-N-A.

5 On this particular topic -- I'm going to
6 speak again. But on this particular topic I think
7 we're hearing a summary of enforcement concerns from
8 the neighbors. Plain speak, we're concerned that the
9 premises that are made, that the topics that are
10 raised are not enforceable.

11 We can agree to 92 students. Are we
12 supposed to go take an inventory every morning of the
13 classes and how many kids are actually there? It's an
14 unreasonable request from an enforcement perspective.

15 But when we look at this, I'm actually
16 speaking right now more concerned with the prior
17 precedent of taking the agenda the way it's being
18 considered. Approving this or taking on action on
19 this before you hear the next part of this is doing it
20 out of order.

21 The Montessori application is actually being
22 submitted through the presumption that TIUNY is going
23 to purchase the property. That's the permit that's
24 being asked for. And it's being asked for presuming
25 that the road will still be there. And it's not

1 augmented by the plan that comes later in the agenda.
2 I know a lot of our neighbors are going to talk about
3 that. We're talking about the road. It's kind of the
4 crux of what's going on.

5 But I would ask you to consider those two
6 things. We have a lot of neighbors that send their
7 kids there. It's a great institution. What's not
8 great is the traffic. Just want to reinforce that.

9 And if they leave -- we've even heard from
10 the lawyers -- what happens? We need that enforceable
11 opportunity where this is public land becoming private
12 land. Making this choice as a prior president,
13 whatever comes next. Just want to leave you with that
14 thought.

15 MR. OSOWSKI: Thank you for your comments.

16 Woman in the gray. And then the woman in
17 the blue blazer after her.

18 MS. REINA: Hi. I'm Vicki Reina, V-I-C-K-I,
19 R-E-I-N-A. I live at 62 Poplar Way.

20 This is in response to what was just
21 mentioned that this is for the convenience -- leaving
22 the entrance to Idlewood open is to the convenience of
23 Montessori. I agree with the statements that have
24 previously been mentioned.

25 But, Mr. Goldman I think it is, mentioned

1 that the land uses and religious uses have to be
2 compelling to override the religious use of the land,
3 which would be relative to TIUNY, not relative to
4 Montessori.

5 However, Montessori is not a religious
6 organization. So I don't understand the connection
7 between saying that you can't question the Montessori
8 use because of compelling use of the land from a
9 religious perspective. Those two things are not --
10 they don't connect in that way.

11 So I want you to consider that. And I also
12 want you to consider that -- regarding the conditional
13 use permit for Montessori, however it happened,
14 Montessori never had to seek a conditional use permit
15 when they first entered that property. And therefore,
16 our neighborhood never got the opportunity to have
17 these same questions, these same comments and these
18 same worries about the traffic that have been existing
19 for many years.

20 So this is our opportunity to speak. Now is
21 the time that we have to share these questions. So I
22 just really kind of want to stress it's not like,
23 well, we've enjoyed it and tolerated it for so long,
24 the community got the opportunity -- the legal
25 requirements of a conditional use permit were never

1 originally provided.

2 So that's all for now. Thank you.

3 MR. OSOWSKI: All right. Thank you very
4 much, Vicki.

5 MS. CASTLE: My name is Barbara Castle,
6 C-A-S-T-L-E. And I live on Glenhill Drive, which is
7 really on the other side of the circle.

8 And I have a -- one of the things that I
9 don't understand why it hasn't been considered in all
10 of this talk is there are many places that have a
11 driveway or an entrance that is for emergency vehicles
12 only so that in the case of needing an emergency
13 vehicle, they can get in.

14 I have a real hard time with the lack of
15 response back to the concerns of the neighbors. And I
16 really -- I'm really angry tonight. And that's why I
17 decided to come. Because I'm wondering do we have to
18 have a child, God forbid, die in our neighborhood or
19 an elderly person walking in our neighborhood? Does
20 something tragic have to happen before the
21 neighborhood is considered?

22 We're the Town's payers. We're the people
23 that live there. And God forbid if somebody with
24 their child has to walk a little bit to get to their
25 school.

1 I also don't understand why an indoor
2 passage can't be made through that school to get those
3 kids over to Montessori in, you know -- the weather
4 isn't always great in Rochester.

5 But I think all of this and I think my
6 frustration is -- and we'll get to this later -- but a
7 good neighbor tries to work with your neighbor to make
8 a good compromise for all. We don't get any
9 compromise.

10 What we get is silence or no. And I find
11 that rude. I find that certainly motivating to be
12 angry. And I've lived there for probably 25 years. I
13 get the other part of the traffic that's not being
14 counted because they don't come Idlewood. They come
15 my road.

16 I just think it's a shame that we're going
17 to jeopardize children and people in that neighborhood
18 because it's inconvenient to drive to the other side
19 of the building to bring your kid to Montessori
20 School.

21 MR. FRISCH: 30 seconds.

22 MS. CASTLE: Okay.

23 MR. FRISCH: You have 30 seconds.

24 MR. OSOWSKI: Thank you for your comments.

25 Are there additional speakers at this time?

1 MS. SCHROEDER: Hello. I'm Audrey
2 Schroeder, S-C-H-R-O-E-D-E-R. I live at 190 Idlewood
3 Road, which is two doors down from the entrance. So
4 I'm in that stretch of very high traffic area in the
5 neighborhood.

6 I'm going to speak again later. So this is
7 kind of nice to have two opportunities so I can slow
8 down because I do have a lot of say. And I wanted to
9 tease out the few most important things.

10 But as you know, I am among the group of
11 other seven neighbors that's really been communicating
12 regularly with you with a number of concerns. And I
13 continue to support both of the requests. As it
14 relates to the Montessori traffic and the entrance
15 remaining open, I'm highly against it.

16 There have been a lot of modifications
17 mentioned even today and throughout the past many
18 months that could be done. There's been no real
19 response or validation.

20 I'm going to focus mostly on the safety,
21 which a lot of people have already eloquently
22 summarized. I have three kids in three different
23 Brighton Central School District schools. I'm out
24 standing in my driveway for hours as they bike to
25 school. Neighbors walk across the street to get on

1 the bus with my kids. The traffic there is
2 ridiculous. You should -- I mean, stand out there if
3 you haven't.

4 I did a traffic count. I'm going off script
5 here. But I mentioned this at another meeting. I did
6 a traffic count myself one morning. And on May 25th
7 from 7:45 to 9 a.m. I counted every car that went in
8 front of my house either way. 65 percent of it was
9 due to the property, the Brookside property.

10 That -- I mean, it was over a hundred extra
11 trips right in front in -- in that strip of Idlewood
12 Road just because of the property.

13 It's not safe. The roads are very narrow,
14 as has been mentioned. In the winter months it's even
15 narrower. So it's really not safe. And yeah, what is
16 it is going to take? Is it going to take a tragic
17 accident? I don't even want to think about it.

18 I will just quickly reiterate and I'm going
19 to agree with Vicki's last point there about that we
20 never really had a say. We've investigated the prior
21 history of the property. And a lot of people kind of
22 justified, oh, you've been fine with this traffic
23 pattern for years. Why the fuss now? Well, we never
24 had a say. There's never been this opportunity to
25 present concerns about the uses of the property to the

1 Planning Board and resulting traffic issues. And
2 Montessori has leased that property for the past 20
3 years without a conditional use permit.

4 So this is the time, the only time. And I
5 hope that --

6 MR. FRISCH: 30 seconds.

7 MS. SCHROEDER: -- that's considered.

8 I had two quick questions that people are
9 seeking. I reread the traffic analysis. I hope that
10 somebody can clarify what it means to be a grade B,
11 you know, situation with the traffic. I didn't get
12 the impression, if I'm recalling correctly, that it
13 had anything to do really with safety.

14 MR. FRISCH: Ten seconds.

15 MS. SCHROEDER: And then also I'm hoping
16 that specific numbers can be provided as to how that
17 17 percent traffic figure was generated because I just
18 can't figure it out looking at those documents.

19 MR. OSOWSKI: Okay. Thanks. Thank you,
20 Audrey. Woman with the -- yeah. The stripe sweater
21 please.

22 MS. BEACH: Hi. My name is Heather Beach.
23 I live at 200 Idlewood Road. That's B-E-A-C-H.

24 So our property is right on the corner going
25 into the Idlewood entrance. I support everything,

1 obviously, that has been said. I want to piggyback on
2 a couple of things.

3 One thing was mentioned about there are
4 several families in our neighborhood who attend
5 Montessori that would like the entrance to stay open.
6 I just want to point out that that is a school for
7 small children and not a permanent situation for these
8 families.

9 We live in our houses. We plan to be there
10 for, you know -- forever. I don't really know. But
11 our situation is permanent. Our neighbor's situation
12 is permanent. And I think that the majority of the
13 neighborhood wanting it to be closed is much more
14 compelling, I would think, an argument to close it
15 than the temporary families that use the school that
16 will soon age out of the school and go to normal
17 schools. Like I just don't -- I don't see how those
18 two can even possibly compare.

19 And I just want to point out that I know the
20 traffic study was done like for the peak hours in the
21 morning and in the -- in the evenings for traffic.
22 But I'm at home most of the day. So I would just like
23 to point out that a lot of times I see traffic just
24 speeding on by at lunch hour when employees and
25 faculty are possibly leaving and coming in. And it

1 is -- it is really out of control. And I feel very
2 unsafe having my children playing in the yard. So I
3 just want to -- I don't think everything has been
4 taken into consideration.

5 It's not just high traffic in the morning
6 for two hours or an hour and a half. It's not just
7 high traffic. There's constant flow of traffic. And
8 I see it every day.

9 So I just think it's very important you
10 should take the majority of the neighborhood's view
11 into account and the safety of our children. Why is
12 the safety of Montessori School's children more
13 important than our children's safety? I think we
14 should be thinking about everybody's children.

15 And so that's -- I just said my peace on
16 that. So thank you.

17 MR. OSOWSKI: All right. Thank you very
18 much, Heather.

19 This woman in the red first and then the
20 gentleman in the back with the beard next.

21 MS. WARRICK: Hello. I'm -- sorry -- Peg
22 Warrick, W-A-R-R-I-C-K, 215 Idlewood.

23 I just want to put together some things
24 people said. I'm totally for blocking Idlewood
25 entrance. But understanding Mr. Gordon's points and

1 the Board's points about possibly giving Montessori
2 the right to continue to use it, if that's the case, I
3 just urge that the current use, which never had a
4 conditional use permit, not be used as a president for
5 future -- that their future use not be used as a
6 president beyond that.

7 The current use was never permitted. It was
8 never requested. We didn't know there was such a
9 thing.

10 But just trying to avoid excessive traffic
11 per our very detailed studies -- we've had multiple
12 studies -- not continued to be a president for future
13 uses.

14 And should the Talmudical Institute ever
15 choose to use both what Montessori's using and the
16 north wing, which has twice as many classrooms, for
17 daycare or child use, not a renter but they
18 themselves, I picture a possible doubling or tripling
19 of traffic. And I sincerely hope that the current use
20 at the least is not considered president and that that
21 be allowed and that hopefully we actually have a
22 reduction to a use that fits our street.

23 Thank you very much.

24 MR. OSOWSKI: Thank you very much, Peg. The
25 gentleman with the beard.

1 MR. CONDOR: My name is Stephen Condor. I'm
2 at 50 Poplar Way.

3 And I'd just like to reiterate -- what
4 everyone's said so far I agree with a hundred percent.

5 And I'd also like to point out or maybe ask
6 a question as far as this public property that we're
7 getting rid of into private hands. So when they say
8 they're going to orient their other uses away to the
9 South Winton Road exit, how does -- how does that get
10 codified? And if it is codified, how is it enforced?

11 Once we're taking private land and giving it
12 away to -- sorry -- public to give away to private,
13 how -- it's out of our hands. We can do anything at
14 that point from what I can see. Maybe others know
15 better.

16 But I'd like the Board to consider that.
17 And we're not just giving up. There's more that is
18 being lost than just that chunk of land if we lose
19 some ability to keep our neighborhood safe.

20 That's all.

21 MR. OSOWSKI: All right. Thank you,
22 Stephen. The woman right there. Thank you, yes.

23 MS. SACCO: I'm Kathleen Sacco, S-A-C-C-O,
24 20 Dartford Road.

25 I will try to keep this quick. Obviously I

1 agree with everything my neighbors have said.

2 I do want to let everyone know that we did
3 have representatives that met with the Town Board and
4 the safety committee regarding this entrance. They
5 have brought it back to the Planning Board to help
6 make some decisions here.

7 You understand what our concerns are. And
8 our requests are to close off the entrance.

9 As numerous people have mentioned, students
10 and families are only there for about five years.
11 We're talking about the livelihood of our neighborhood
12 and permanent residences. So we would hope that you
13 would really take our side into consideration over a
14 tenant's.

15 Next question would be if the -- if the
16 institute does eventually take over that space and
17 decides to grow their own school, at that point they
18 are the owner of the property. It's my understanding
19 that they would not need a conditional use to take
20 over those wings for their own elementary school or
21 even their high school.

22 If that happens, then are they allowed to
23 bring in busing for their own students? And at that
24 point do we have any kind of control to stop traffic
25 going through the Idlewood when it's Montessori, if it

1 becomes just TIUNY as the resident?

2 Another point that a neighbor made was that
3 a lot of other consideration has not been made to
4 how -- how to mitigate traffic. You can
5 architecturally use other entrances to the building
6 and have internal hallways. Very safe way to get your
7 families from the western parking lot into the
8 building and into their school without being outside
9 or extending any driveways.

10 Then I just want to let you know and remind
11 you all that per Town Code, chapter 217, 4 does allow
12 you, the Planning Board, to impose any condition which
13 the Planning Board considers necessary and reasonable
14 to protect the best interest of the surrounding
15 property, the neighborhood and the Town as a whole.

16 Conditions do include controlling the
17 location and number of vehicle access points. That is
18 in your purview.

19 Chapter 217, part 5, also mentions the
20 location, size, nature, intensity of operations, the
21 site layout, relationships to existing streets shall
22 such -- that be such that both pedestrian and vehicle
23 traffic to and from property "will not be hazardous or
24 inconvenient to or incongruous with the said
25 residential district or conflict with the normal

1 traffic of the neighborhood."

2 That is all in your purview and we're asking
3 you to help us. We appreciate your time.

4 MR. OSOWSKI: Thank you very much, Kathleen.

5 The gentleman with the tan colored jacket.

6 MR. BERGEI: Hi. My name is Amitai. That's
7 A-M-I-T-A-I, B-E-R-G-E-I. I live at 40 Idlewood Road.

8 And I reiterate everything everyone's
9 already said. I think that the roads are small, that
10 in winter it's even worse. Just to add to the
11 children concern, there's also tons of dogs that
12 people walk around the neighborhood. And they tend to
13 be fairly unpredictable when it comes to traffic and
14 everything else, adding another hazard to having a lot
15 of traffic in the space.

16 I also just want to note from personal
17 experience. I've lived in cities as they've grown.
18 And traffic gets worse city streets -- town streets
19 and small streets are not safe from unpredictable
20 traffic patterns. And adding a -- and keeping the
21 entrance open allows for people to go in that way.

22 And from my understanding Google doesn't
23 care about signs. So if Google says this is the
24 fastest way to get to the school, people are going to
25 take that way. Google maps, Waves, whatever your

1 preferred app is.

2 So my question will be are you as the Board
3 or potentially the new owners going to make any kind
4 of commitment to reaching out to Google and removing
5 the Idlewood entrance from Google maps so that when
6 people go to the property, they are directed to be
7 Winton entrance? Which I think wouldn't hurt anybody.
8 The people who know about the entrance -- we can't
9 close it -- can still get there. But generally the
10 populace will be taking the preferred entrance on
11 Winton. That's all I have to say.

12 MR. OSOWSKI: Thank you very much. Is there
13 any additional speakers? All right.

14 Oh, another one. Sure.

15 MR. RIND: I wasn't planning to be last. I
16 hope I'm not last. My name is Samuel Rind. I live on
17 Evandale Road. My house is right behind the young
18 lady sitting here in the front row.

19 My kids used to walk through the backyards.
20 Took them two minutes to get to Brookside.

21 Now, I'm a walker. A lot of the people in
22 the neighborhood know me just from seeing me walking.

23 I heard a report here by the engineering
24 group about the traffic through Idlewood. We heard a
25 report before about traffic with Paul Woods.

1 Everybody said there won't be that much increase in
2 traffic, when the New York State public work
3 department said there will be. Look at the mess now.
4 It has nothing to do with being a professional.

5 People don't live in the neighborhood. I
6 don't care how many technical reports they write.
7 They don't know. Talking is easy. Talking is cheap.

8 Give you an example of the traffic. One
9 time I stopped right smack in the middle of the
10 entrance of Brookside because there was a driver
11 approaching. It was a female driver. I didn't know
12 which way she was going. So I stopped there in my
13 tracks and waited.

14 She started swearing inside the car and told
15 me to move. So I turned around and says, "I'm waiting
16 for you to signal so I know which way you're going."
17 No respect.

18 That stop sign, might as well don't have it
19 there because people don't use it going in and out of
20 Montessori, whatever other business is there.

21 Speed limit? People probably don't know how
22 to read numbers. Direction? They don't know how to
23 do that either. You drive into towards the school,
24 you got to go around the loop to the right. I've seen
25 people time and time again go to the left. And if I

1 said something, I heard words that I never heard
2 before.

3 Thank you, gentleman.

4 MR. OSOWSKI: Thank you very much, Samuel.

5 Did you already speak?

6 MS. GUPTA: I did. May I say one more
7 thing?

8 MR. OSOWSKI: Sure. Go ahead. Identify
9 yourself again.

10 MS. GUPTA: The whole name? Or just Sunny?
11 Is Sunny enough?

12 MR. GORDON: Full name please.

13 MS. GUPTA: Suinta Gupta, 226 Idlewood,
14 nickname Sunny.

15 I just wanted to say the Evans Farm
16 neighborhood is a wonderful community. We have a fire
17 truck coming through with Santa in the winter. We
18 have Easter egg hunts. We have picnics. We have so
19 many events. We don't want to lose this.

20 20 -- 270 people have signed the petition.
21 But there are more that may become advocates. Town of
22 Brighton was created to serve its people. There are
23 business responsibilities, but don't forget serve your
24 people, not your businesses. Thank you.

25 MR. OSOWSKI: Thank you, Sunny. Appreciate

1 it. Okay.

2 There being no further speakers, we will
3 move on to the next agenda item.

4 MR. FRISCH: Is there -- does the Board have
5 any questions that they would like to --

6 MR. FADER: I have a couple. The first one
7 is --

8 MR. FRISCH: David, can you speak in the
9 microphone?

10 MR. FADER: The first one someone brought up
11 and I'm not quite clear on this myself. If we approve
12 the conditional use because we haven't had a problem
13 with the school being there, does that imply given the
14 condition that we're also saying, yes, we think the
15 Idlewood entrance is acceptable? Or is the
16 conditional use separate from that?

17 UNIDENTIFIED SPEAKER: It's part of the
18 wording.

19 MR. FADER: Because I would think that's for
20 site plan.

21 MR. GORDON: Right. So one speaker talked
22 about what you're authorized to do pursuant to Town
23 Code with respect to adding conditions to, frankly,
24 any application, whether it's a conditional use permit
25 application or a site plan review. And some of those

1 conditions can include restrictions on access and
2 considerations of traffic patterns.

3 It's been mentioned already once during this
4 public hearing, but I'll just clarify it because I
5 don't think it was made that clear that the Town Code
6 is not the foremost authority on what our Planning
7 Board is. Overlying the Town Code are both state and
8 federal laws.

9 And one of those federal laws is RLUIPA,
10 which says two things actually. One is that there
11 needs to be a compelling governmental interest that
12 there is a concern, such as public safety, for the
13 Town to address before it can take action to restrict
14 in any way a proposed development or a proposal such
15 as a conditional use permit.

16 The reason why that applies to both
17 applications is because the applicant is the
18 Talmudical Institute. It is a religious entity. It
19 is going to be the owner of the property. And thus,
20 it would affect the Talmudical Institute if the
21 Montessori property, if it was denied the conditional
22 use based upon a -- or a condition was imposed on
23 that, restricting the access on the Idlewood side.

24 But the second part that wasn't mentioned of
25 RLUIPA is even where there is, in the record,

1 objective reasonable evidence of a compelling
2 governmental interest, to address that compelling
3 governmental interest, the Board needs to select the
4 least restrictive means of achieving that governmental
5 interest.

6 And so the Board would need to consider
7 whether closing off the Idlewood entrance as opposed
8 to perhaps encouraging the Town Board to form a
9 sidewalk district or encourage the Town Board to widen
10 the roads or taking other traffic measures within the
11 neighborhood for traffic calming -- that is if there
12 was, in fact, objective evidence in the record for
13 those things -- would have to be considered by the
14 Board.

15 So it really isn't a matter of a conditional
16 use permit granting to Montessori being an acceptance
17 of the Idlewood entrance as all right or okay. What
18 it is is whether this board would have the basis to
19 impose a restrictive condition on that conditional use
20 permit application.

21 Does that make sense?

22 MR. FADER: Yes. If it's -- restrictive,
23 they have another way to get in.

24 MR. GORDON: Yes. Absolutely.

25 MR. FADER: Okay. I wonder if it was still

1 considered to be restrictive given that there was
2 another entrance.

3 MR. BABCOCK-STINER: Couple of questions.

4 MR. FRISCH: Can you speak into the
5 microphone?

6 MR. BABCOCK-STINER: Couple of questions.
7 The cap in the student population at 92, what is the
8 enforcement mechanism for that?

9 So -- some type of state license. Then how
10 would that come back before us if it was determined
11 that they had 93 or 94?

12 MR. GORDON: So I mean, it's a question we
13 wrestle with in the Department of Public Works all the
14 time. How are any of our code provisions enforced;
15 right?

16 The same would be true of the usage of the
17 Idlewood entrance, right, that the owner says we're
18 going to restrict use only to Montessori traffic.

19 Montessori itself says we're going to
20 restrict our attendance to 92 students. The -- and we
21 haven't gotten there yet, but when we take up the site
22 plan, you'll see the condition that talks about all of
23 the tenants and the Talmudical Institute itself all
24 using the address of 1666 South Winton Road.

25 How is that all enforced? It's the same

1 answer that, you know, we are stuck with, frankly,
2 with all of our code provisions in Town. And that is
3 that we rely upon residents and neighbors to report to
4 us. We don't have a person who goes out and searches
5 for violations.

6 We do have code enforcement officers, two of
7 them, who will respond to complaints. So if we get a
8 complaint the neighborhood that it would appear that
9 there's an excess amount of traffic, that there
10 appears to be users when are using the entrance that
11 are not going to Montessori, the address is not
12 changed or whatever the case may be, that is something
13 then that our code enforcement officers would take up
14 and investigate.

15 Ultimately the enforcement tool is that if a
16 property owner does not follow the conditions set
17 forth by the Planning Board in the conditional use
18 permit, then that conditional use permit may be
19 revoked by the Planning Board on its own initiative.

20 MR. BABCOCK-STINER: So if a complaint came
21 in, for example, then it would -- we would have the
22 opportunity to bring them back in front of us? I'm
23 just curious what the process looks like.

24 MR. GORDON: What's interesting is you don't
25 need to bring anybody back in front of you. You would

1 notice on the matter. It could be heard on that
2 matter certainly. You would notice on the matter to
3 revoke their conditional use permit.

4 But before that happens -- I mean, to be
5 quite frank, if a complaint came in, our DPW would
6 investigate it first. It couldn't just --

7 MR. BABCOCK-STINER: I assumed that, yes,
8 upon investigation -- upon investigation, there was
9 information that was corroborated in the report.

10 MR. GORDON: There would be a lot more done
11 before it came back to the Board.

12 MR. BABCOCK-STINER: Okay. I had another
13 question kind of related to that. I kind of heard a
14 discussion between -- earlier about whether or not the
15 conditional use permit is transferable assuming all
16 conditions were met.

17 Is that something that can be conditioned in
18 the conditional use permit? Is that even if
19 conditions are met, if a new use or whatever comes
20 into that spot, even though they meet everything, they
21 still have come back before us? Or is that more of an
22 interpretation?

23 MR. GORDON: Well, it's interesting. So
24 there's a couple things I'll point out. And the
25 reason I say that the use is, if you will, personal --

1 conditional use permit is personal to the Montessori
2 School is that one of the conditions in this
3 application and in the other application as proposed
4 is that all uses on the property other than the
5 Montessori School shall use the 1666 South Winton Road
6 entrance.

7 So I posit the question -- I apologize for
8 answering your question with a question -- if another
9 user takes up residents or the Talmudical Institute
10 itself, which has committed to using 1666 South Winton
11 Road entrance exclusively, takes over the wing of that
12 building, how is it that they think that meets the
13 conditions of the conditional use permit to start
14 using the Idlewood entrance?

15 It would seem to me that if the Talmudical
16 Institute expands into those wings and they have made
17 a commitment and it was made part of their conditional
18 use permit, Talmudical Institute's conditional use
19 permit, that they must use 1666 South Winton Road,
20 that they're stuck using 1666 South Winton Road.

21 And I think they made that honest commitment
22 to do that. And I think they're actually, if you look
23 at the plans, making substantial improvements to the
24 South Winton Road entrance area to make that the area
25 they will use for their faculty and their students and

1 their visitors to go in and out of that building.

2 So my belief is that it is restricted to
3 Montessori.

4 MR. BABCOCK-STINER: Okay.

5 MR. FADER: Let me ask the following
6 question.

7 MR. GORDON: Speak into your microphone,
8 David.

9 MR. FADER: Sorry. He's very good. He
10 asked one of the questions that I was going to ask.
11 But I'm going to ask a follow-up to that.

12 So if someone else comes in rather than the
13 Montessori School, takes over that building, what's to
14 stop them from having 300 students that use the
15 entrance?

16 MR. GORDON: That I think we have
17 specifically in the conditions as proposed. I'm
18 just -- give me a moment to flip to the page, David.

19 UNIDENTIFIED SPEAKER: There was a cap at
20 92.

21 MR. FADER: Okay.

22 MR. GORDON: I think the condition proposed
23 is --

24 MR. FADER: Jason showed it to me. I'm all
25 set.

1 MR. GORDON -- any increase in enrollment
2 would require a new conditional use permit
3 application. Period.

4 UNIDENTIFIED: May I just --

5 MR. GORDON: No. You're -- we're -- sir,
6 please stop interrupting. And right now the Board has
7 the floor and is discussing matters with staff. And
8 if the chair wishes to open up public comments again,
9 the chairman may do so. That's not right now.

10 MR. FADER: I just want to --

11 UNIDENTIFIED SPEAKER: Speak up.

12 MR. FADER: One other question because I
13 want to reiterate some of this because it's a lot of
14 data to observe.

15 Right now that entrance is being used for
16 the Montessori School. And studies were done. And I
17 believe the conclusion of those was that although
18 there will still be traffic going to the Montessori
19 School, it would not increase as a result of this. Is
20 that true that that's what the conclusion was reached?

21 MR. GORDON: That's my understanding. But I
22 think if you want a real good answer to that question,
23 I would direct you to Mr. Tomlinson.

24 MR. FADER: Okay. Mr. Tomlinson.

25 MR. TOMLINSON: Matt Tomlinson, Marathon.

1 That is correct. The other tenants that
2 currently utilize that entrance would be redirected.

3 As Ken indicated there's additional parking
4 and sidewalk directing entry. And that signage will
5 also direct folks around to the Winton Road if they
6 enter by mistake.

7 They're -- so currently there's kind of been
8 what we're calling the north wing that utilizes this
9 parking on this side. All of that tenant space that
10 is not taken over by TIUNY within the existing will be
11 directed to the new parking, the parking on Winton and
12 the entry off of that parking will not be utilizing
13 the Idlewood side. So there will be a reduction in
14 daily vehicle trips.

15 UNIDENTIFIED SPEAKER: If they do --

16 MR. GORDON: Please do not interrupt. And
17 please do not shout from the audience. That's
18 inappropriate and you will be asked to leave the room
19 if it continues.

20 MR. FADER: Thanks, Matt.

21 MR. OSOWSKI: All right. Any other
22 questions from the Board.

23 MR. GRISEWOOD: Yeah. I just had a
24 question. One of the commenters asked about -- made a
25 comment that the Montessori School never required a

1 conditional use permit. And my understanding would be
2 it was already permitted under the existing zoning.
3 Would that be accurate?

4 MR. GORDON: So really it's sort of a
5 two-fold, three-fold answer. The record that we have
6 shows that the property has been used as a school by
7 Brighton Central School District for, I want to say,
8 over 50 years I think is correct. And the school
9 district did not need, because it's another level of
10 municipal government, to come to the Town to seeking
11 permission to operate there.

12 Having said that, you are correct that a
13 school is a conditionally permitted use in this
14 particular zoning district. But typically if they are
15 a conditionally permitted use, they have to get a
16 conditional use permit.

17 School districts don't need to do that. So
18 the school -- the district has operated there. The
19 Brookside school was an elementary school for 50-plus
20 years. The Montessori School for 20 years or so, as a
21 tenant of the school district.

22 And I know there's been a little bit of
23 confusion and I might as well try to clear it up here
24 and now. The property is owned by the Brighton
25 Central School District. It is not owned by the Town

1 of Brighton. The Town of Brighton is, like the
2 Montessori School, a tenant in the property. We have
3 a lease. Montessori has a lease. The owner we have
4 the lease with is Brighton Central School District.

5 I know we have a playground there. It was
6 put up 40 years ago or something ridiculous like that.
7 Under our lease that property, that equipment I should
8 say, becomes the property of the owner.

9 It's my understanding at least on the plans
10 I've seen that the playground is supposed to stay. It
11 says the existing playground is to remain on a number
12 of the plans.

13 But one way or another it's -- although
14 there's a sign that says town playground, we were
15 allowed to put up a sign, it is not town property.
16 The Town does not control the property. The Town is
17 just a tenant on the property.

18 I just wanted to clear that -- I know
19 there's been some questions about that over the last
20 several days.

21 I'm happy to take questions about that later
22 on when we get into the site plan decision. Just
23 seemed an appropriate time.

24 MR. OSOWSKI: All right. Very good. Thank
25 you. Appreciate that. All right.

1 MR. GORDON: Did you want to give the
2 gentleman some extra time to speak on this public
3 hearing? There will be an opportunity to comment on
4 the next public hearing. But I leave it --

5 UNIDENTIFIED SPEAKER: I felt it pertinent
6 to the current --

7 MR. OSOWSKI: I'll give you permission to
8 speak.

9 MR. GORDON: Come up to the podium.

10 MR. OSOWSKI: Identify yourself again.

11 MR. TERRY: No disrespect intended. You're
12 doing a wonderful job.

13 Just a couple points. To me it's apples and
14 oranges to count students and cars. Oh, Jonathan
15 Terry. 285 Idlewood Road.

16 If you want to prove in technical detail
17 that we'll get no more traffic, tell us how many cars
18 are driving at Montessori now and how you're going to
19 enforce the number of cars that drive there in the
20 future. Telling us how many students and not car
21 composition, it just don't feel like valid math to me.

22 And if we're going to get this technical
23 about it -- and it really feels to me like we're
24 parsing out the real discussion into technical
25 fragments and having fragmented discussions. And I

1 hope we get the big discussion of why we're all here
2 and how we're all going to be properly represented.

3 But if we're going to focus on the 92 cars
4 thing -- I'm sorry -- families, let's focus on the
5 actual traffic. I love that you guys are talking
6 about enforcement. That's my last point.

7 After all the dialogue, and it was very
8 intelligent, my conclusion is it's not enforceable.
9 It's not the least bit enforceable without major
10 action by the community, who is not represented.
11 We're all here. So it'd be a good litmus test for the
12 first time we report a problem whether it will be
13 heard. We're here now. Thanks.

14 MR. OSOWSKI: All right. Thanks, John. All
15 right. Thank you.

16 I'd like to end the discussion on this
17 application and we will move along for the next
18 application.

19 **Application 10P-01-22**

20 Application of the Talmudical Institute of
21 Upstate New York, contract vendee, and the Brighton
22 Central School District, owner, for Final Site Plan
23 Approval, Final EPOD (watercourse) Permit Approval and
24 Final Conditional Use Permit Approval to construct a
25 23,000 +/- square foot building addition (with an

1 additional 8,700 square foot future phase), to
2 re-purpose the former Brookside School for the use by
3 the Talmudical Institute of Upstate New York
4 Residential High School, and make other site
5 improvements on property located at 1666 South Winton
6 Road. All as described on application and plans on
7 file.

8 **Application 5P-NB1-22**

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

22 MR. OSOWSKI: Thank you, Jerry.

23 MR. GOLDMAN: Good evening, Mr. Acting
24 Chairman and members of the Board. Again, for the
25 record, my name is Jerry Goldman. I'm the attorney

1 and agent for the Talmudical Institute of Upstate New
2 York. My personal residence is 59 Branchwood Lane.
3 And my business address is 1900 Bausch & Lomb Place.
4 I'm a partner in the office of Woods Oviatt Gilman.

5 We're here, again, on our site plan approval
6 and our EPOD permit and conditional use permit
7 approval. Again, we have been through a number of
8 meetings relative to the site. There are comments
9 which have been provided, if you will, a Planning
10 Board report, as well as other information provided by
11 town staff to the Board.

12 We'll walk through generally -- generally
13 the site. Actually why don't we do this. If you
14 don't mind, Matt, I'm going to ask you to walk through
15 the site itself. I'll address the conditional use
16 permit afterwards so people know where we're going.

17 MR. TOMLINSON: Thanks. Matt Tomlinson,
18 Marathon Engineering.

19 The overall site -- and I know the majority
20 of this Board has heard this presentation several
21 times. So I'll keep it brief. But there's 22 acres.
22 There's an existing school building with access points
23 off of Winton Road south as well Idlewood on the east.

24 We are proposing a 23 square foot addition
25 in the first section showing a future addition of

1 another 8,700 -- yeah. 8,700 square feet that I
2 believe is written in the conditions that we will come
3 back to this board in the future if and when that
4 happens.

5 We're proposing a total of 189 parking
6 spaces on the site, associated lighting improvements
7 only on the Winton Road side. These will be 18 foot
8 high, dark-sky compliant LED lights that are dimmable.

9 The access ways and fire department
10 coordination for access points and turnaround for the
11 new school, bringing that into compliance with current
12 codes have been.

13 We've been working diligently with town
14 staff and the Town engineering folks relative to
15 stormwater design, floodplain mitigation as part of
16 what the Board is considering here tonight is EPOD
17 permit as well as the site plan approvals and
18 conditional use permits.

19 The stormwater itself is shown here on the
20 west side towards Winton Road. It had delineation
21 done at a preliminary jurisdictional determination
22 requested by the Army Corp that's in process. We're
23 also working with all of the other appropriate
24 agencies such as Monroe County Pure Waters, Water
25 Authority and the Health Department for the approvals

1 for the utility services.

2 We're well along in the stormwater
3 prevention plan. Design and approval, that's in
4 before the Town engineer for final sign off. And that
5 will include the plans to keep the limits under 5
6 acres of disturbance at any one time.

7 And I think that covers the majority of the
8 questions specific to site plan that I believe were in
9 the staff report. So I'll let Jerry talk briefly
10 about that. And I'll be available to answer any
11 questions.

12 MR. GOLDMAN: I am going to address one site
13 plan issue that did come up earlier and that is that
14 we did as part of our due diligence to an analysis of
15 the structure of the road in the Winton Road entrance.
16 And we have a full report, which was done by Erdman
17 Anthony Associates. That is an engineer that does
18 that type of analysis.

19 And what was found is that that road is
20 stable, has a capacity to handle traffic including
21 construction vehicles, and that the intention is to
22 have construction vehicles come through that entrance.

23 There was some modifications -- not
24 modifications. But as much tinkering which is
25 necessary for the stability, which will be done prior

1 to being done.

2 One thing to note, this is marked as
3 Columbus Way. I'm not sure if that is a formal name.
4 I know -- I believe it was in the 1990's -- there was
5 effort to have a Columbus Way literally on every
6 municipality. If you go near any town halls, you'll
7 find there are a lot of Columbus Ways around. 911
8 almost freaked out frankly.

9 We would look to have that discontinued so
10 that there is less confusion, if you will, relative to
11 it. There's a sign on the street which says Columbus
12 Way, which frankly, is a bit of an anachronism given
13 the fact we have celebrated Indigenous Persons Day in
14 town instead of Columbus Day now. It's probably
15 appropriate for us to retire the Columbus Way sign at
16 this point.

17 Matt, had indicated that all of the site
18 plan characteristics have been addressed as the Code
19 requires. In addition, as part of your staff report,
20 you have received comments from the Town engineer.

21 The engineers have been working in concert
22 to try to address any engineering issues. And as
23 Mr. Frisch pointed out it's our understanding that the
24 Town engineer is comfortable at this point to allow
25 the Board approvals to go forward. But that doesn't

1 mean that the effort on the engineers side stops.

2 All of that -- all that being said, the site
3 plan -- the site plan entails very few changes. It
4 entails construction of an additional building. But
5 it is on the other side essentially from the existing
6 building and may be visual to a few houses on Hunters
7 Lane. But we are proposing landscaping to provide
8 some screening in that area.

9 With that I'm going to move on to the
10 conditional use permit. Conditional use permit,
11 again, is governed over the Town's law, but also is
12 governed under state and federal law. And
13 specifically with regard to RLUIPA, the leading case
14 at a state level actually came out from the Town of
15 Brighton in 1958 where there was an effort to restrict
16 at that point a religious use. And the courts did not
17 agree with that conclusion. And the courts
18 consistently since that time have held that religious
19 and educational institutions have a special place in
20 the law when it comes to land use approvals.

21 We believe that we have addressed all the
22 conditional use permit standards. We did receive the
23 comments again and also the proposed findings for
24 conditional use permit as well as proposed conditions
25 on the application. None of them pose an issue for us

1 relative to them being addressed by the Board.

2 One thing that we do have as a part of this
3 is State Environmental Quality Review Act. To that
4 extent we have provided an environmental assessment
5 form, EAF. And there needs to be a finding relative
6 to it. This action is deemed to be what's referred to
7 as an unlisted action under SEQRA. And we believe
8 that we're in full conformance with what's necessary
9 under SEQRA.

10 I'm sure your attorney will provide you
11 counsel relative to those issues.

12 With that in order to keep things moving
13 along, we'll stop our presentation at this point and
14 be available to answer any questions that the Board
15 may have.

16 MR. OSOWSKI: All right. Thank you. Jerry.

17 MR. FADER: I have one question. It's on
18 stormwater --

19 MR. GOLDMAN: David. Closer to the
20 microphone.

21 MR. FADER: I have one question that's on
22 stormwater. This is a fairly large package you sent
23 out originally. It's 400 pages long.

24 But inside there is the stormwater
25 management plan. And on page 2 of 18 -- although it's

1 actually more than two pages -- it says the amount of
2 impervious area you're going to add is one and a half
3 acres.

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

5 MR. FADER: Okay. And then when I go down
6 to and look at your relegation for your pond, it's
7 based on approximately 1.07 acres.

8 I was curious if you can explain that?
9 Because it seems to me like the pond is being sized
10 maybe within the first phase of development or --

11 MR. GOLDMAN: Yeah. That's a great question
12 so on an existing parcel that has development on it,
13 it's called a redevelopment parcel or redevelopment
14 site. And the DEC has different regulations for
15 existing conditions versus proposed.

16 So I think if you look elsewhere in that
17 document as well, not only are we accounting the 1.07
18 within or directed to the pond, but we also have
19 additional impervious that's actually being directed
20 off the existing roof to the bioretention. And we
21 also had credits for planting trees that can be
22 counted for reduction of impervious in calculations.

23 So all of that is wrapped into that revised
24 number that's in there both for water quality, which
25 addresses pollutants that are suspended within the

1 water and treatment of it, as well as water quantity.
2 And that's a discharge rate where we're required to
3 reduce or match the existing flow rate for discharge
4 to Allens Creek.

5 MR. FADER: That's my question.
6 Considering -- have very little stormwater
7 infrastructure in place, it's your belief that when
8 you're done that this will actually discharge less
9 water than it --

10 MR. TOMLINSON: Yeah. So that's a great
11 question. And the requirements from the DEC are
12 specific to rate, not volume.

13 So our discharge rate through our treatment
14 practices will be less than existing. And, in fact,
15 as part of Brighton Town Code for our disturbed area
16 or our project area, we're actually required to reduce
17 the hundred year proposed storm event down to the
18 25-year existing rate. So that also was incorporated
19 into the stormwater pollution prevention plan.

20 The actual volume of runoff when there are
21 soils that we have throughout most of Brighton being
22 tight clay soils that really don't infiltrate water,
23 the actual volume of water ultimately discharges at a
24 reduced rate because of the storage provided on the
25 site.

1 So we're in full compliance with all of the
2 regulations for that. Does that answer your question?

3 MR. FADER: It did.

4 MR. BABCOCK-STINER: Now, I have a
5 question -- a follow-up, Matt. What's the temperature
6 of the lights in the parking lot? Do you know?

7 MR. TOMLINSON: Those are 3,000K.

8 MR. BABCOCK STINER: Thanks.

9 MR. OSOWSKI: So I'm curious about the
10 approval status of the other public authority, the
11 Water Authority, Pure Water, and so on and so forth.
12 What is the status?

13 MR. TOMLINSON: It's similar to the town
14 engineer. We've received comments. And we submitted
15 all the way back. And we submitted to the Town for
16 preliminary. We've addressed their comments. And
17 we're just awaiting final details for signature.

18 MR. OSOWSKI: All right. Very good. Thank
19 you.

20 MR. GORDON: Just on the heels of that. I
21 just don't recall. Have you been to ARB at all on
22 this?

23 MR. GOLDMAN: We've not. We've not at this
24 point. And we will be relatively soon. And we were
25 awaiting final decision on site plan to give us a

1 sense and make sure that we were all set. The project
2 architect is here this evening listening very
3 intently.

4 MR. GRIEWOOD: I have a question. It was
5 mentioned that there was some improvements being
6 planned for the main -- what will be the main
7 entrance. I wonder if you could briefly talk about,
8 you know, what those are?

9 MR. TOMLINSON: Sure. So the main entrance
10 really will be untouched. The only recommendations in
11 the structural analysis were if the asphalt surface
12 was to be replaced, that what's on there now be taken
13 off prior to resurfacing.

14 There's no intention for upgrades to the
15 entrance. That's been reviewed and is satisfactory.

16 MR. GORDON: I think he's asking about the
17 entrance to the building itself.

18 MR. GRIEWOOD: I was asking about the
19 entrance for the driveway.

20 MR. GORDON: Off Winton Road.

21 MR. GRIEWOOD: So that essentially stays
22 the same.

23 MR. GOLDMAN: When we say technical, they
24 want to tighten bridge bolts on the fourth and sixth
25 bridge rail posts. I mean, we're talking about highly

1 technical types of things. This is the summary of the
2 report. The full report is like that.

3 MR. OSOWSKI: Is there any kind of special
4 planting planned for the bioretention facility?

5 MR. TOMLINSON: Yes. We have materials
6 indicated on the detail sheet. We don't have a plan,
7 a metric planting plan. We can, of course, provide
8 that if requested as part of the engineer's final
9 sign-off.

10 But the plants, materials, are listed on the
11 detail for that bioretention area.

12 MR. OSOWSKI: Okay. Thank you. And I'd
13 just like to confirm that all addresses excluding the
14 Montessori School will indeed be changed to 1666 South
15 Winton Road.

16 MR. GOLDMAN: That is correct. We will be
17 making change of address notices to the US Post Office
18 in that regard to be able to -- to be able to do.

19 One benefit that we have right now is that
20 the tax records indicate that the address of this
21 building is 1666 South Winton Road. I want to point
22 that out. And that's a very key factor as far as
23 we're concerned.

24 MR. FRISCH: Does the USPS have that address
25 in their system?

1 MR. GOLDMAN: We haven't made that inquiry
2 as of yet because it's tough to talk to the post
3 office in concept. It only -- it only comes to
4 fruition when we make -- when we make applications and
5 everything else.

6 MR. FRISCH: And if it doesn't, you have no
7 problem kind of making that --

8 MR. GOLDMAN: We have ways to address or try
9 to address it. And part of it could entail having the
10 street address, the post office box 14602 or 01 or
11 whatever it may be, which will allow us to have that
12 street address there but have the post office box
13 represented.

14 I mean, to that extent I think we should be
15 able to address all of that. But we certainly hope
16 that we don't run into headwinds with the post office.
17 But we will be in touch with the Town on that issue.

18 MR. GORDON: Just as a follow-up on that,
19 the Talmudical Institute and all tenants other than
20 Montessori School will not be using an Idlewood
21 address no matter what; correct?

22 MR. GOLDMAN: That is correct.

23 MR. GORDON: Okay.

24 MR. OSOWSKI: Okay. Is there any other
25 comments from Ken or Jeff?

1 All right. Other members of the Town Board?

2 All right. Thank you.

3 Thank you, gentleman.

4 Okay. This being a public hearing, I'll now
5 welcome comments from people in the audience to step
6 up. Three-minute limit. State your name where you
7 live. And please provide any new comments that you
8 may wish to include. Go ahead.

9 MS. REINA: Again, I'm Vicki Reina, 62
10 Poplar Way.

11 The first statement I want to make is that
12 on the face it seems -- it's presented as a very
13 generous offer to have the other tenants use the 1666
14 Winton Road address. That is probably equivalent to
15 about 15 to 20 vehicles versus the 92 families for
16 Montessori as well as all of their staff. Perhaps
17 there's some consideration about switching the -- that
18 would be really nice.

19 The next statement I'm going to read is from
20 Dr. Judy Massare, J-U-D-Y, M-A-S-S-A-R-E. She resides
21 at 126 Idlewood Road.

22 "The Planning Board is being asked to
23 approve 120 student dormitories in a residential
24 neighborhood of single-family homes. We have been
25 told that the TIUNY students are well-behaved, hard

1 working and serious about their studies. Good buys in
2 every sense."

3 "I have no reason to doubt that they are as
4 Rabbi Noble has described them, but the question is
5 this: Will a potential buyer to my house believe me
6 when I tell them that? Will they agree that 120 high
7 school students living within one quarter mile of my
8 house is nothing to be concerned about? How can the
9 presence of a fairly large residential school in the
10 neighborhood not make it more difficult to sell my
11 house?"

12 "I'm afraid that my neighbors and I are
13 about to get hit with a significant financial loss in
14 the equity that we have in our homes."

15 "One way to mitigate this potential negative
16 effect is to commit to a Winton Road access for all of
17 the Brookside property eliminating vehicular access to
18 the property via Evans Farm neighborhood."

19 "It is well within the authority of the
20 Planning Board to specify the number of access points
21 to the property. By directing all vehicular access,
22 including tenants to Winton Road, the property may no
23 longer be perceived as part of the Evans Farm
24 neighborhood. Instead it will be on Winton Road
25 adjacent to Evans Farm. Changing the address of the

1 tenants to 1666 South Winton Road will further
2 emphasize the distinction."

3 Over 150 houses in Evans Farm are within one
4 quarter mile of Brookside School and even more are
5 within a quarter mile of the Idlewood Road entrance to
6 the property. A modest reduction in the current
7 assessment by ten percent from each house could result
8 in a greater value taken off the tax roll than
9 Brighton Central School District will get for the sale
10 of the property."

11 "I'm asking that the Planning Board -- I'm
12 asking the Planning Board to protect the interest of
13 taxpayers by requiring" --

14 MR. FRISCH: 30 seconds.

15 MS. REINA: -- "just a single vehicular
16 access point via Winton Road to the Brookside property
17 when it is developed for TIUNY for a residential
18 school." Thank you.

19 MR. OSOWSKI: Thank you, Vicki. Appreciate
20 your comments.

21 Anybody else who cares to make any
22 additional comments? Go ahead.

23 MR. REINA: Aron Reina, A-R-O-N, R-E-I-N-A,
24 62 Poplar.

25 Just two notes before I start speaking. A

1 lot of these trees are actually missing at this point.
2 It's not an accurate map. RG&E took them down in the
3 last couple of months and have not replaced them.

4 And the other thing is we have somebody from
5 the school district here. So if board members are
6 truly interested in whether or not the special use
7 permit should have existed in the past, there may have
8 been communications with them that indicated that
9 there's a difference of opinion there.

10 Good evening. I'm here on behalf of our
11 neighbors to remind you, the Planning Board, that
12 you're responsible to vote no. And that's not to be
13 taken lightly. You've tried to say yes. We all have.
14 We as neighbors tried to meet the buyers in a
15 collaborative way. They canceled and failed to
16 reschedule.

17 You as board members asked them to provide
18 attorneys to demonstrate consideration for the
19 existing neighborhood. They've yet to do so.

20 You as board members have expressed desire
21 to an amicable solution. Instead you've met with
22 hesitation and apparently no action.

23 But you still have not been provided with a
24 method to do what you want to do, nor has the
25 applicant submitted their own version.

1 Instead they displayed lack of neighborly
2 consideration for those who live nearby. We as
3 neighbors have asked in multiple settings for
4 additional vegetative screening. None has been
5 provided.

6 We as neighbors have asked for decades and
7 frequently within the past to close the entrance from
8 Idlewood to Brookside. Today we have a pathway to
9 share those concerns about public land, no matter
10 how -- tomorrow after the sale the land will no longer
11 be public, permanently eliminating our voice and
12 establishing irrevocable vehicle traffic.

13 We were met with prior precedents with
14 Montessori School, precedents that was never legally
15 obtained through this Board. The absence of this
16 process cheated the neighbors of their right to speak
17 up through the natural course of action.

18 That process happening now demonstrates
19 simple alternative ways to achieve both buyer and
20 neighbors requests. Instead we're told our children,
21 not theirs, should suffer their traffic. And again,
22 they've done nothing to share the plans with you.

23 In the absence of information on behalf of
24 our neighbors, you must assume intention. After all,
25 it's not provided to you. We must assume there are

1 reasons to keep the entrance open. We must assume
2 there is an intent to expand, one which has been
3 publicly a stated goal of the applicant. They've said
4 it in these meetings.

5 That expansion, perhaps TIUNY's existing
6 elementary in the Town of Greece, perhaps not. As
7 stated in a prior meeting, unless there is a new
8 applicant or tenant, no additional permits are needed.
9 Approving this plan making basic presumptions --

10 MR. FRISCH: 30 seconds.

11 MR. REINA: -- see our neighborhood will be
12 flooded with continual increases in vehicle traffic.
13 We've tried to say yes. We did.

14 Despite our continued frustrations with the
15 process, the applicant spent money for stonewalling.
16 Nothing has changed. You have not received more
17 information nor solutions, nor have we.

18 You wanted to place restrictions and you
19 could --

20 MR. FRISCH: Ten seconds.

21 MR. REINA: You wanted more from the
22 applicant and vocalized it -- refusing to show good
23 faith and effort to refusing --

24 We all wanted more from this application.
25 It has not happened. We tried to say yes. Now as the

1 Planning Board, it's your job and obligation on behalf
2 of the Town to say no.

3 MR. OSOWSKI: Thank you, Aron. Go ahead.

4 MR. TERRY: This is my third time up here.
5 Jonathan Terry, 285 Idlewood. I'll try to be brief.

6 I don't think the sale of the 22 acre
7 capital asset is a routine transaction that should be
8 made by seven elected officials.

9 I don't question the integrity of the deal.
10 I'm questioning the integrity of the buyer. I think
11 we should have an opportunity to vet the buyer and we
12 should have a values exchange as to who we're going to
13 be neighbors with and do that in a non-threatening and
14 non-accusatory way.

15 But our only opportunity for representation
16 is for you all to say no to this deal. I sat in a
17 parking lot with Judy last July for a month because my
18 mandate to get the Board to take a vote was to gather
19 1600 signatures for my fellow Brighton residents. My
20 job. Me and Judy's job. Not their job. Not your job
21 to publicize -- it's not to intervene in the interest
22 of Brighton and perhaps a visionary -- for this
23 property.

24 But instead it was very technical and very
25 lawyerly and very orchestrated to the point where your

1 hands are almost tied as to what you can do because of
2 the way this deal's been orchestrated. Not by
3 negative intent. No one's a cynic.

4 I think the Board spotted an opportunity to
5 get rid of a burden and said, "bang" let's do it. And
6 they didn't listen to the intelligent people in this
7 room and the Town of Brighton as to what we want to do
8 with it.

9 And we're asking you to represent us. Say
10 no. Open up the forum. Give us some leverage with
11 Judy. We don't have lawyers.

12 With Wegmans, Whole Foods, it was lawyers
13 against lawyers. It was their engineer and our
14 engineer; right? My buddy's an environmental
15 engineer. Usually it's back and forth. There's one
16 scientist in this room. I'm sure he's a very honest
17 guy.

18 We need representation. Things change over
19 the years, without codification, without
20 representation, without leverage, how can it not go
21 bad, guys? Please say no not because these are bad
22 people, not because Larry made a bad decision, because
23 together we'll make a better decision. I really
24 appreciate your time today and the way you guys
25 orchestrated the meeting. Thank you.

1 MR. OSOWSKI: Thank you, John.

2 MS. BEACH: Again, I'm Heather Beach,
3 B-E-A-C-H, at 200 Idlewood Road.

4 My questions are kind of rhetorical at this
5 point. It's hard to follow those two. But I just
6 want to point that out on this map, Aron's right.
7 These -- many of these trees are gone. This is my
8 property right here. And many of these trees are
9 gone.

10 So I see that the plan is to put trees here
11 because that's where the current building is going to
12 be happening. But once everything's sold, let's say
13 five years, ten years down -- I don't know how long.
14 What's going to happen to this space?

15 And are trees going to be planted here? Or
16 is that going to fall onto us to pay for that, you
17 know, what they're getting here? Which is wonderful.
18 I think that's great. But what happens to this space?

19 And also when all of this traffic for these
20 buildings here is directed over here, what happens to
21 just this space? Like what are they going to do with
22 it? Eventually you have to assume that they're going
23 to expand. They're going to build. And then this
24 becomes problematic for all of these property owners.

25 So I just want to piggyback on whatever

1 everybody else has said about property values are most
2 assuredly going to go down because of all this.

3 So just please take that into account.

4 Thank you very much.

5 MR. OSOWSKI: Thank you, Heather. You'll be
6 next.

7 MS. SCHROEDER: Audrey Schroeder, 190
8 Idlewood Road. I live right near Heather. And she
9 brought up my main question. And I actually hoped to
10 get an answer from it. It's not rhetorical.

11 Can TIUNY share their long-term vision for
12 that part of the property? I was very surprised by
13 the initial just plan that was announced to maintain
14 that whole section of the building as tenant space.
15 It was totally shocking.

16 And so who knows how long the current
17 setup's going to last. I'm hearing different opinions
18 on different sides about how specific the conditional
19 use permit is to Montessori. I would really like to
20 hear what the long-term plans are for the entire
21 building, not just half of it. Thank you.

22 MR. OSOWSKI: All right. Thank you, Audrey.

23 MS. SACCO: Kathleen Sacco, 20 Dartford.

24 I got questions, topics, for the Board to
25 consider. First one does have to do with the

1 conditional use and the approved permitted use of the
2 property. According to chapter 203 of the Town Code
3 private school is an allowable conditional use. That
4 makes sense. TIUNY makes sense as a tenant in that
5 sense.

6 However, there's no conditional use that's
7 congruent with a dormitory-type building or use of the
8 property. The only thing that does mention more of a
9 multi-person type of housing situation is "a parish
10 house, convent, rectory or parsonage and that shall
11 conform to the requirements for a one-family
12 dwelling." Which is very different than a 23,000
13 square foot addition, two stories; correct? One
14 story? Two stories? Filled with two students, three
15 students per room.

16 Also according to the use regulations,
17 article 2, Section 203-8, the purpose of residential
18 low density RLB zoning is to "promote and encourage a
19 suitable environment for family living by protecting
20 and stabilizing the residential character of the
21 Town's established neighborhoods."

22 Multi-resident properties does not meet the
23 intent of the Code. And the function of the student
24 dormitory is not an appropriate use directly adjacent
25 to a single-family residential neighborhood.

1 The acreage is small enough that the dorm
2 and the residents 24-hour use of the property, which
3 is very different to today's use of the property, will
4 be visible from the neighboring houses. Despite any
5 proposed screening it will negatively impact the
6 property values.

7 Second thing I want to consider is the green
8 space and playgrounds are a community asset and is
9 something that is public today and that the entire
10 community does have access to. Once this property
11 changes from public to private, these resources are
12 forever lost. Over 30 years residents have used the
13 green space for walking, exercise, recreational fields
14 for practicing sports, town playground -- maybe not a
15 town playground as you clarified.

16 Envision Brighton 2028 is -- they want you
17 to develop along Winton and Westfall including a creek
18 trail and Winton side path. These all then continue
19 paths through the Brookside property. And having that
20 connection to the neighborhood is --

21 MR. FRISCH: 30 seconds.

22 MS. SACCO: -- integral -- thank you -- to
23 the Evans Farm and Willowbend neighborhoods having
24 connectivity to Buckland Park, which is part of
25 Envision Brighton's vision.

1 So we do request that -- per previous
2 conversations that there is an easement granted to
3 allow public access to the green space and to connect
4 the neighborhood to Buckland Park. And please refer
5 to letters sent by Judy Massare regarding easements by
6 prescription. I believe that was sent to you Jeff;
7 correct?

8 Thank you. That's it.

9 MR. OSOWSKI: All right. Thank you,
10 Kathleen.

11 MS. CASTLE: My name is Barb Castle,
12 Glenhill Drive.

13 One of the questions I have and I don't
14 think the Board can answer, but the institute should
15 be able to, is how are the students going to get to
16 school for those that are nonresidential?

17 And for the residential students, are they
18 going to have -- be able to have cars?

19 And the kids that are local, are they going
20 to be able to drive cars and have cars there?

21 So those are my -- really my two questions.
22 When I saw 189 spaces, that occurred to me that's lot
23 of spaces for cars, for vehicles.

24 And the only other concern I have is I'm
25 hoping -- you know, when you have dormitories you have

1 to feed these children. And with that comes more
2 deliveries and more -- you know, food and everything.
3 And I'm assuming that will be through the Winton Road
4 entrance that these trucks come in.

5 Those are my continued concerns. Thank you.

6 MR. OSOWSKI: Thank you, Barbara.

7 Go ahead, Samuel.

8 MR. RIND: Samuel Rind, Evandale Road.

9 I came to this country over 60 years ago.
10 The one and only reason I came here is because of one
11 word; democracy.

12 To me democracy means the will of the
13 people. The will of the people tonight is to ask,
14 with all respect, this board not to accept the
15 application. That to me is the definition of the
16 democracy. Thank you.

17 MR. OSOWSKI: Thank you, Samuel. Was there
18 additional -- thank you.

19 MR. CONDOR: Stephen Condor, 50 Poplar Way.

20 I would just request after this period's
21 over for the Board to comment on the zoning issues
22 that my neighbor pointed out that it sounds like a
23 dormitory is preposterous in light of that.

24 And another thing I -- we were talking about
25 having signs up to say only Montessori School can use

1 the Idlewood entrance. Again, how's that going to be
2 enforced? It seems -- that also seems preposterous.

3 And it's -- the impunity that kind of
4 proceeds this whole process, which I could be
5 misperceiving. I hope I am. But if something as
6 simple as closing the Idlewood entrance can't -- no
7 leeway can be given on that at the approval process,
8 in the future once this changes hands, we're screwed.
9 We have no leverage as far as what my other neighbor
10 said. And I would like the Board to help protect us.
11 Thank you.

12 MR. OSOWSKI: Thank you, Stephen. Are there
13 any additional speakers from the audience?

14 Okay. Any follow-up questions from the
15 Board members?

16 MR. FADER: I have one question. It's a
17 little thing considering -- I have one question. It's
18 a little thing considering the concerns on this
19 project, but if that picture is wrong and those trees
20 are gone, can we request to have trees put there so it
21 matches the picture?

22 MR. FRISCH: It could be added as a
23 condition.

24 MR. BABCOCK-STINER: Following up on this,
25 where would they go? Because that sounds like it was

1 an RG&E issue that they cleared out -- not to say -- I
2 guess they wouldn't be able to go in the same spot;
3 right? Because it's not -- I don't know how the --
4 you know, the right-of-way, what that looks like.

5 MR. FADER: I think if you look at that, it
6 looks like there's space.

7 MR. GORDON: Give me a second.

8 MR. TOMLINSON: Mr. Chairman, I can speak to
9 that if that would be helpful.

10 MR. OSOWSKI: In the northeast corner --

11 MR. TOMLINSON: Yeah. Matt Tomlinson,
12 Marathon.

13 So I can speak just a little bit to that.
14 The trees that are in question are underneath the
15 overhead lines I believe at the rear of the property.
16 And those trees are primarily located on private
17 property, not on the school's property that the --
18 RG&E took down.

19 In addition, the area that we're buffering
20 is the only area that there are views to the proposed
21 buildings or any proposed parking along that southeast
22 corner. There are no proposed changes up in this
23 northeast corner at all that would be affected by the
24 removal of or placement of those trees in the future
25 if on the school property.

1 If any future development or use of this
2 area is contemplated in the future to change it from
3 existing conditions, that, of course, has to come back
4 before this board. And at that point I think it would
5 be appropriate to provide a required screening up in
6 that area.

7 Let me know if there's any other questions
8 about that.

9 MR. OSOWSKI: Jerry, I have one question.
10 Do we know will the students be allowed to have cars?
11 Or restricted to you know, seniors, or something?

12 MR. GOLDMAN: Students do not have cars as I
13 understand it.

14 They may -- they may. But at best it would
15 be a limited number of the population. They would all
16 be coming out of South Winton Road entrance. It's not
17 something that's encouraged.

18 MR. OSOWSKI: All right. Thank you.

19 MR. FRISCH: What is the number for the
20 planned students?

21 MR. GOLDMAN: The number of students?

22 MR. FRISCH: Yeah.

23 MR. GOLDMAN: The initial number of students
24 is 65. We expect 60 to be resident on the site and
25 perhaps five with family members in town to come in

1 likely with faculty or perhaps parents. But that's --
2 that's the population mix we're looking at here.

3 MR. FRISCH: And what is the proposed
4 expansion?

5 MR. GOLDMAN: Proposed expansion will be 60
6 more. So a total of 120 at the end of day. But as we
7 have pointed out, Phase II of the condition in which
8 we see is that Phase II would have to come back to the
9 Board.

10 MR. OSOWSKI: Okay. Thank you very much.
11 I'd like to announce that the public hearings are
12 closed.

13 Go ahead. Yup.

14 MR. GORDON: I just want to check on our
15 stenographer.

16 MR. OSOWSKI: I need a break too.
17 Five-minute break. Break now. It's 9:02 on my
18 computer. Want to resume at 9:10?

19 MR. GORDON: 9:10.

20 (Public hearings concluded.)

21 (Beginning of deliberations.)

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

23 Application of the Talmudical Institute of
24 Upstate New York, contract vendee, and the Brighton
25 Central School District, owner, for Preliminary Site

1 Plan Approval, Preliminary EPOD (watercourse) Permit
2 Approval and Preliminary Conditional Use Permit
3 Approval to construct a 23,000 +/- square foot
4 building addition (with an additional 8,700 square
5 foot future phase), to re-purpose the former Brookside
6 School for the use by the Talmudical Institute of
7 Upstate New York Residential High School and make
8 other site improvements on property located at 1666
9 South Winton Road. All as described on application
10 and plans on file.

11 MR. OSOWSKI: Can we have a motion to close
12 the public hearing?

13 MS. FORD: So moved.

14 MR. BABCOCK-STINER: Second.

15 MR. OSOWSKI: Moved by Julie. Second by
16 Jason. Call the roll.

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

20 (Upon roll motion to close the public
21 hearing carries.)

22 MR. OSOWSKI: I'll move that the Planning
23 Board adopts the ten findings outlined in the Planning
24 Board report based on the application submitted, plans
25 submitted and testimony presented.

1 MR. FADER: I'll second that.

2 MR. OSOWSKI: Okay. David seconds that.

3 **Conditional Use Findings:**

4 1. The Planning Board finds that the proposed use as
5 a school complies with the standards of the
6 Residential Low Density (RLB) District.

7 2. The Planning Board finds that the proposed use as
8 a school, is in harmony with the purpose and intent of
9 Code Sections 217-2 through 217-7.2 (Conditional
10 Uses). The location and size of the school, the
11 intensity (hours of operation), size of the site and
12 access have all been considered in the Board's review.
13 The building has been used as a school for over fifty
14 years and the Montessori School has operated at the
15 building for over twenty years.

16 3. The Planning Board finds that the establishment of
17 a school at this location, on a property currently
18 being used for a school and Town recreation facility,
19 in a Residential Low Density District will not be
20 detrimental to persons, detrimental or injurious to
21 the property and improvements in the neighborhood, or
22 to the general welfare of the Town.

23 4. The proposed school will be in an existing
24 building and not result in the destruction, loss or
25 damage of any natural, scenic or significant

1 historical resource.

2 5. The Planning Board finds that the establishment of
3 a school in an existing building on a site designed
4 for such uses will not create excessive additional
5 requirements for public facilities and services and
6 will not be detrimental to the economic welfare of the
7 community.

8 6. The Planning Board finds that the proposed school
9 in an existing building on a site designed and built
10 for such uses will be adequately served by essential
11 public facilities.

12 7. The Planning Board finds that the proposed school
13 in an existing building on a site designed and built
14 for such uses will not result in the loss or damage to
15 trees.

16 8. The proposed school essentially conforms to the
17 Town Master Plan: Envision Brighton 2028,
18 specifically, the Sense of community Statement and
19 Objectives.

20 Objective F: Maintain the attributes of the
21 community that support our world-class educational
22 system, diverse cultural and religious history, and
23 inclusive community environment.

24 9. The location and size of the proposed school
25 conditional use, the nature and intensity of the

1 operations involved, its site layout and relation to
2 existing pedestrian and vehicular circulation are such
3 that the proposed school will not be hazardous or
4 inconvenient to or incongruous with the surrounding
5 uses, nor the neighboring uses. The Montessori School
6 presently has 92 students, is at full capacity and has
7 no plans to increase enrollment. The traffic study
8 submitted by the Applicants showed that there was
9 neither vehicular nor pedestrian accident history in
10 the vicinity of the Idlewood entrance to the building.
11 Moreover, the objective information provided to the
12 Planning Board supports that the roadways servicing
13 the building are adequate and the use of the Idlewood
14 entrance to the property over the last twenty plus
15 years of operations of the Montessori School at the
16 subject property have not resulted in any actual
17 hazard, inconvenience or incongruence with the
18 surrounding neighborhood. Although concerns have been
19 raised by neighboring residents regarding the
20 continued use of the Idlewood entrance by Montessori
21 School parents and staff, no objective information has
22 been submitted that is contradictory to results of the
23 traffic analysis or information provided by the
24 applicant.

25 10. The location, height, and orientation of the

1 existing building in which the proposed school will
2 operate and the nature and extent of the existing
3 landscaping on the site are such that the proposed
4 school use will not hinder or discourage the
5 appropriate development and use of adjacent land and
6 buildings.

7 (Mr. Fader, aye; Mr. Babcock-Stiner, aye;
8 Mr. Osowski, aye; Ms. Ford, aye;
9 Mr. Grisewood, aye.)

10 MR. OSOWSKI: All right. Thank you. Now,
11 we'll get into the actual application. First, I
12 failed to mention the number. 5P-02-22.

13 I'll move that application 5P-02-22 be
14 approved based upon testimony given, plans submitted,
15 nine conditions outlined in the Planning Board report.

16 MR. FADER: I'll second that.

17 MR. OSOWSKI: David seconds that.

18 **Conditions:**

- 19 1. An Operational Permit shall be obtained from the
20 Town of Brighton Fire Marshal (Chris Roth,
21 585-784-5220).
- 22 2. The entire building/store shall comply with the
23 most current Building & Fire Codes of New York State.
- 24 3. Meet all requirements of the Town of Brighton's
25 Department of Public Works.

1 4. All Town codes shall be met that relate directly
2 or indirectly to the applicant's request.

3 5. If any site lighting is proposed as part of this
4 project, a lighting plan which shows the type,
5 location and lighting contours shall be submitted.
6 The proposed lights shall be designed to reduce
7 impacts to the surrounding properties.

8 6. The parking lot shall be striped as per the
9 requirements of the Brighton Comprehensive Development
10 Regulations.

11 7. The project engineer shall confirm if additional
12 accessible parking spaces are required to be installed
13 as part of this project. All new accessible parking
14 space signage to be installed or replaced shall have
15 the logo depicting a dynamic character leaning forward
16 with a sense of movement as required by Secretary of
17 State pursuant to section one hundred one of the
18 Executive Law.

19 8. Consistent with the Applicants' representations,
20 student population for the use is capped at 92
21 students. Any increase in enrollment would require a
22 new conditional use permit application.

23 9. Consistent with the Applicants' representations to
24 restrict the Idlewood entrance to Montessori School
25 users only, a regulatory type of black and white metal

1 sign, approximately 2' wide by 3' high, which reads
2 "VEHICULAR TRAFFIC RESTRICTED TO MONTESSORI SCHOOL
3 AUTHORIZED STAFF, PARENTS, AND VISITORS ONLY. ALL
4 OTHERS USE S. Winton Road ENTRANCE" shall be installed
5 on the Applicant's property at the closest point to
6 where the public access road from Idlewood Road enters
7 the Applicant's property.

8 MR. GORDON: Any discussion by the Board on
9 that motion?

10 MR. OSOWSKI: All right. Call the roll,
11 Jeff.

12 (Mr. Fader, aye; Mr. Babcock-Stiner;
13 Mr. Osowski, aye; Ms. Ford, aye;
14 Mr. Grisewood, aye.)

15 (Upon roll motion to approve with conditions
16 carries.)

17 MR. OSOWSKI: All right. Thank you.

18 **Application 10P-01-22**

19 Application of the Talmudical Institute of
20 Upstate New York, contract vendee, and the Brighton
21 Central School District, owner, for Final Site Plan
22 Approval, Final EPOD (watercourse) Permit Approval and
23 Final Conditional Use Permit Approval to construct a
24 23,000 +/- square foot building addition (with an
25 additional 8,700 square foot future phase), to

1 re-purpose the former Brookside School for the use by
2 the Talmudical Institute of Upstate New York
3 Residential High School, and make other site
4 improvements on property located at 1666
5 South Winton Road. All as described on application
6 and plans on file.

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

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

21 MR. FADER: I'll move we close the public
22 hearing.

23 MR. BABCOCK-STINER: Second.

24 MR. OSOWSKI: David made the motion.
25 Babcock second.

1 (Mr. Fader, aye; Mr. Babcock-Stiner, aye;
2 Mr. Osowski, aye; Ms. Ford, aye;
3 Mr. Grisewood, aye.)

4 (Upon roll motion to close the public
5 hearing carries.)

6 MR. FADER: I move for the record that we go
7 forward with the negative declaration based on the
8 report prepared by town staff.

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

10 MR. OSOWSKI: Motion made by David.
11 Seconded by Jason.

12 MR. GORDON: Motion is to approve the
13 negative declaration drafted by town staff.

14 (Mr. Fader, aye; Mr. Babcock-Stiner, aye;
15 Mr. Osowski, aye; Ms. Ford, aye;
16 Mr. Grisewood, aye.)

17 (Upon roll motion to approve negative
18 declaration carries.)

19 MR. OSOWSKI: Once again, I'd like to
20 separate the findings, the conditional use permit
21 findings, from the approval of the other items.

22 MR. FRISCH: Okay.

23 MR. OSOWSKI: So I would move that the
24 Planning Board adopts the ten findings outlined in the
25 Planning Board report based on application submitted,

1 plans submitted and testimony presented.

2 MR. FADER: I'll second that.

3 MR. GORDON: And this is regarding the
4 application 10P-01-22 and 5P-NB2-22.

5 MR. OSOWSKI: Yes. Thank you.

6 **Conditional Use Permit Findings:**

7 1. The Planning Board finds that the proposed use as
8 a school complies with the standards of the
9 Residential Low Density (RLB) District.

10 2. The Planning Board finds that the proposed use as
11 a school, is in harmony with the purpose and intent of
12 Code Sections 217-3 through 217-7.2 (Conditional
13 Uses). The location and size of the school, the
14 intensity (hours of operation), size of the site and
15 access have all been considered in the Board's review.
16 The building has been used as a school for over fifty
17 years.

18 3. The Planning Board finds that the establishment of
19 a school at this location, on a property currently
20 being used for a school and Town recreation facility,
21 in a Residential Low Density District will not be
22 detrimental to persons, detrimental or injurious to
23 the property and improvements in the neighborhood, or
24 to the general welfare of the Town.

25 4. The proposed school will be in an existing

1 building and will not result in the destruction, loss
2 or damage of any natural, scenic or significant
3 historical resource. Similarly, the proposed addition
4 will not result in the destruction, loss or damage of
5 any natural, scenic or significant historical
6 resource.

7 5. The Planning Board finds that the establishment of
8 a school in an existing building and the proposed
9 addition on a site designed for such uses will not
10 create excessive additional requirements for public
11 facilities and services and will not be detrimental to
12 the economic welfare of the community.

13 6. The Planning Board finds that the proposed school
14 in an existing building and the proposed addition on a
15 site designed and built for such uses will be
16 adequately served by essential public facilities.

17 7. The Planning Board finds that the proposed school
18 in an existing building and the proposed addition on a
19 site designed and built for such uses will not result
20 in the loss or damage to trees.

21 8. The proposed school essentially conforms to the
22 Town Master Plan: Envision Brighton 2028,
23 Specifically, the Sense of community Statement and
24 Objective:

25 Objective F: Maintain the attributes of the

1 community that support our world-class educational
2 system, diverse cultural and religious history, and
3 inclusive community environment.

4 9. The location and size of the proposed school
5 conditional use, the nature and intensity of the
6 operations involved, its site layout and relation to
7 existing pedestrian and vehicular circulation are such
8 that the proposed school will not be hazardous or
9 inconvenient to or incongruous with the surrounding
10 uses, nor the neighboring uses. The Applicant has
11 committed to directing all traffic entering or exiting
12 the subject property will be directed to use the South
13 Winton Road access other than vehicles accessing the
14 property for the Montessori School. Moreover, the
15 traffic study submitted by the Applicant showed that
16 there was neither vehicular nor pedestrian accident
17 history in the vicinity of the Idlewood entrance to
18 the building. Moreover, the objective information
19 provided to the Planning Board supports that the
20 roadways servicing the building are adequate and the
21 use of the Idlewood entrance to the property over the
22 last twenty plus years of operations of the Montessori
23 School at the subject property have not resulted in
24 any actual hazard, inconvenience or incongruence with
25 the surrounding neighborhood. Although concerns have

1 been raised by neighboring residents regarding the
2 continued use of the Idlewood entrance by Montessori
3 School parents and staff, no objective information has
4 been submitted that is contradictory to results of the
5 traffic analysis or information provided by the
6 applicant.

7 10. The location, height, and orientation of the
8 existing building and the proposed addition in which
9 the proposed school will operate and the nature and
10 extent of the existing landscaping on the site are
11 such that the proposed school use will not hinder or
12 discourage the appropriate development and use of
13 adjacent land and buildings.

14 (Mr. Fader, aye; Mr. Babcock-Stiner, aye;
15 Mr. Osowski, aye; Ms. Ford, aye;
16 Mr. Grisewood, aye.)

17 MR. OSOWSKI: Next up, the site plan, EPOD
18 and conditional use for the application 5P-NB1-22,
19 10P-01-22 for the Talmudical Institute.

20 Is there any discussion regarding any of the
21 conditions?

22 MR. FRISCH: For condition 40 it should read
23 provide a fire hydrant "within" 600 feet of the
24 perimeter of the newly constructed facility.

25 MR. OSOWSKI: Got it. All right. Thank you

1 Jeff.

2 I would like to move that the Planning Board
3 approves application 5P-NB1-22, 10P-01-22, based on
4 the testimony given plans submitted, and 41 conditions
5 outlined in the Planning Board report.

6 MR. FADER: I'll second.

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

8 MR. OSOWSKI: Seconded by Jason.

9 MR. GORDON: Any discussion by the Board on
10 the application and motion made?

11 **Conditions:**

- 12 1. The entire building shall comply with the most
13 current Building & Fire Codes of New York State.
- 14 2. The Fire Apparatus Access and Fire Hydrant
15 Worksheet shall be completed and submitted to the Town
16 of Brighton for review.
- 17 3. The architectural design and building materials of
18 the proposed building(s) shall be reviewed and
19 approved by the Town of Brighton Architectural Review
20 Board.
- 21 4. The project and its construction entrance shall
22 meet the New York State Standards and Specifications
23 for Erosion and Sediment Control.
- 24 5. The parking lot shall be striped as per the
25 requirements of the Brighton Comprehensive Development

1 Regulations.

2 6. A detailed phasing plan is required. Plans for:
3 Utility; wildlife mitigation; roadway improvements;
4 clearing; and erosion control shall be designated for
5 each phase of development.

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

10 8. All trees to be saved shall be protected with
11 orange construction fencing placed at the drip line or
12 a distance greater than the drip line.

13 Trees shall be pruned, watered, and
14 fertilized prior to, during and after construction.

15 Materials and equipment storage shall not be
16 allowed in fenced areas.

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

19 9. All County Development Review Comments shall be
20 addressed prior to final approval.

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

24 11. A letter of credit shall be provided to cover
25 certain aspects of the project, including, but not

1 limited to demolition, landscaping, stormwater
2 mitigation, infrastructure and erosion control.

3 The applicant's engineer shall prepare an
4 itemized estimate of the scope of the project as a
5 basis for the letter of credit.

6 12. The existing and proposed building shall be
7 sprinklered in accordance with Town requirements.

8 13. All disturbed areas shall be protected from
9 erosion either by mulch or temporary seeding within
10 two weeks of disturbance.

11 14. Maintenance of landscape plantings shall be
12 guaranteed for three (3) years.

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

20 16. A pre, during and post protection plan for trees
21 to be saved and moved shall be reviewed by the
22 Conservation Board with final approval by the Planning
23 Board.

24 17. All proposed landscaping shall be installed prior
25 to the issuance of any certification of occupancy.

1 18. Erosion control measures shall be in place prior
2 to site disturbance.

3 19. The applicant shall review the site plan,
4 elevations, and floor plans to ensure that the areas
5 and dimensions provided on those plans agree with one
6 another.

7 Elevation drawings showing the height of the
8 structure in relationship to proposed grade as shown
9 on the approved site plan shall be submitted.

10 Any changes to plans shall be reviewed by
11 the Building and Planning Department and may require
12 Planning Board approval.

13 20. The location of the HVAC shall be shown on the
14 site plan.

15 21. All easements shall be shown on the site plan
16 with ownership, purpose, and liber/page of filing with
17 the Monroe County Clerk's Office.

18 A copy of the filed easement shall be
19 submitted to the Building and Planning Department for
20 its records.

21 22. All parking lot lighting shall be low in height
22 and intensity and directed toward the building.

23 23. If any site lighting is proposed as part of this
24 project, a lighting plan which shows the type,
25 location and lighting contours shall be submitted.

1 The proposed lights shall be designed to reduce
2 impacts to the surrounding properties.

3 24. The dumpster shall be enclosed with building
4 materials that are compatible with the existing
5 building and located in the rear yard.

6 The enclosure shall equal the height of the
7 dumpster and shall not be higher than six and one-half
8 (6.5) feet.

9 25. Only business identification signage as allowed
10 per the Comprehensive Development Regulations is
11 permitted other than signage as specified in these
12 conditions.

13 This signage must be reviewed and receive
14 all necessary town approvals prior to installation.

15 26. The project engineer shall confirm if additional
16 accessible parking spaces are required to be installed
17 as part of this project.

18 All new accessible parking space signage to
19 be installed or replaced shall have the logo depicting
20 a dynamic character leaning forward with a sense of
21 movement as required by Secretary of State pursuant to
22 section one hundred one of the Executive Law.

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

1 28. All comments, concerns and requirements of the
2 Town Engineer as contained in the attached memo dated
3 October 17, 2022 from Evert Garcia, Town Engineer, to
4 Jeff Frisch shall be addressed.

5 29. The project will require multiple jurisdictional
6 approvals, including but not limited to: MCPW, BCSD,
7 and MCWA.

8 All approvals must be obtained prior to the
9 Town endorsing the final plans. Provide evidence
10 these approvals have been granted.

11 30. Provide a final Draft of the Engineer's report
12 prior to final approval.

13 31. Provide a SWPP that compiles revisions noted in
14 the provided comments submitted with this application
15 and any additional information required by the Town
16 Engineer.

17 32. Provide a landscaping plan for the proposed
18 bioretention facility.

19 33. The Talmudical Institute shall direct their
20 traffic and all other traffic, excluding that of the
21 Montessori School, to the Winton Road entrance.

22 34. Construction vehicles and all related vehicles
23 and equipment shall NOT use Idlewood Dr to enter or
24 exit the site. All such traffic shall be routed to
25 the entrance from South Winton Rd.

1 35. The Talmudical Institute will use as its business
2 address, and shall, prior to the issuance of a
3 certificate of occupancy for the project, require all
4 tenants other than the Montessori School, to change
5 their business and mailing address to 1666 South
6 Winton Road.

7 36. Construction vehicles and other equipment used
8 for construction of the proposed development that will
9 cross the Columbus Way bridge shall not exceed the
10 load rating values considered in the Load Rating and
11 Condition Assessment Report by Erdman Anthony.

12 37. A copy of the preliminary jurisdictional
13 determination should be forwarded to this office upon
14 receipt by the applicant to confirm the USACOE's
15 review of the wetland delineation performed by
16 Diehlux.

17 38. A schematic which depicts the proposed phasing
18 plan that defines the maximum disturbed area per
19 phase, and the specific sequencing and phasing that
20 will be done to minimize the amount and duration of
21 exposed areas to the maximum extent practicable must
22 be submitted for review and approval prior to this
23 signing the plans and final acceptance of the SWPPP.

24 39. The SWPPP indicates that a CPv of 0.225 ac-ft is
25 required for the proposed development.

1 However, only 0.183 ac-ft of storage will be
2 provided by the proposed SWMF during the 1-year,
3 24-hour storm event, due to the CPv orifice being
4 sized at 3" diameter for anti-clogging purposes.

5 The applicant's engineer should clarify how
6 the CPv component of the unified stormwater sizing
7 criteria will be met for this development.

8 40. Provide a fire hydrant within 600 feet with the
9 perimeter of the newly constructed facility.

10 41. Prior to the issuance of a certificate of
11 occupancy for the project, the developer/owner shall
12 erect a regulatory type of black and white metal sign,
13 approximately 2' wide by 3' high, which reads
14 "VEHICULAR TRAFFIC RESTRICTED TO MONTESSORI SCHOOL
15 AUTHORIZED STAFF, PARENTS, AND VISITORS ONLY. ALL
16 OTHERS USE S. Winton Road ENTRANCE" which shall be
17 installed on the Applicant's property at the closest
18 point to where the public access road from Idlewood
19 Road enters the Applicant's property.

20 MR. OSOWSKI: Okay. Jeff, call the roll.

21 (Mr. Fader, aye; Mr. Babcock-Stiner, aye;

22 Mr. Osowski, aye; Ms. Ford, aye;

23 Mr. Grisewood, aye.)

24 (AUpon roll motion to approve with conditions
25 carries.)

1 MR. OSOWSKI: I'll make a motion that we
2 adjourn.

3 MR. BABCOCK-STIENER: Second.

4 MR. OSOWSKI: All in favor?

5 ALL BOARD MEMBERS: Aye.

6 (Proceedings concluded at 9:23 p.m.)

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1 REPORTER CERTIFICATE
23 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 1st day of November, 2022
13 at Rochester, New York.

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Holly E. Castleman

HOLLY E. CASTLEMAN, CR,
Notary Public.