

---

**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 precedent for  
5 future -- that their future use not be used as a  
6 precedent 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 precedent 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 precedent 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. GRISEWOOD: 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. GRISEWOOD: I was asking about the  
19 entrance for the driveway.

20 MR. GORDON: Off Winton Road.

21 MR. GRISEWOOD: 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           (Upon 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.)

7 \* \* \*

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



## 1 REPORTER CERTIFICATE

2  
3 I, Holly E. Castleman, do hereby certify  
4 that I did report the foregoing proceeding, which was  
5 taken down by me in a verbatim manner by means of  
6 machine shorthand.

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

11  
12 Dated this 1st day of November, 2022  
13 at Rochester, New York.

14  
15  
16  
17  
18  
19  
20 *Holly E. Castleman*

21 -----  
22 HOLLY E. CASTLEMAN, CR,  
23 Notary Public.  
24  
25