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BRIGHTON
PLANNING
BOARD

July 19, 2023
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY
WILLIAM PRICE, CHAIRPERSON

)	BOARD MEMBERS
KAREN ALTMAN)	
DAVID FADER)	
PETER GRISEWOOD)	

KENNETH GORDON, ESQ.
Town Attorney

ABSENT:

JULIE FORD
JASON BABCOCK-STINER
JASON OSOWSKI

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

1 CHAIRPERSON PRICE: Good evening, everyone.
2 I'd like to welcome you all to the July 19th meeting
3 of the Town of Brighton Planning Board. In the
4 unlikely event of an emergency tonight, there are
5 exits behind and to our right, your left. We just ask
6 that you leave in an orderly manner.

7 Would you please call the roll tonight,
8 Mr. Secretary.

9 (Whereupon the roll was called.)

10 MR. HAREMZA: Babcock-Stiner is absent, Ford
11 is absent, Osowski is absent.

12 CHAIRPERSON PRICE: Okay. Just so that
13 everybody knows, we're lacking three members tonight.
14 We do have enough members for a quorum. We will be
15 able to make decisions tonight, but those decisions
16 need to be unanimous.

17 If the decision is not unanimous, then the
18 application is tabled 'til next month. It's the
19 middle of the summer. I do apologize for any
20 inconvenience that may cause, if it does cause.

21 Just a quick moment of reflection, I guess
22 it might be, for our attorney. Ken Gordon is not
23 here. There was a loss in the family this week and
24 that is why he is not here. And our thoughts and
25 prayers go out to him and his entire family.

1 At this point we will take a few minutes to
2 go through the agenda review with our secretary. Do
3 you want to just tell us -- we got a couple of
4 postponements early in the agenda.

5 MR. HAREMZA: Sure. The first case is 55
6 Stonybrook Drive. That was a watercourse EPOD permit.
7 As I think we spoke about last month, they have
8 applied for a letter of map amendment to FEMA and
9 they're waiting for that.

10 In staff discussion last week, the feeling
11 from the commissioner of DPW was we can't let this
12 linger forever. We'll give them one more month and
13 then recommend the Board may want to consider denying
14 without prejudice and having them reapply when they
15 receive their paperwork.

16 CHAIRPERSON PRICE: They are kind of at the
17 mercy of FEMA.

18 MR. HAREMZA: Yeah. I mean, I'm sympathetic
19 to their cause. Our government doesn't always move
20 very fast.

21 Second item is site plan modification for a
22 single-family house that was recently approved at 1
23 Knollwood Drive. That -- they have to submit some
24 additional information because they were in two EPODs.
25 And they are still working on that. And they

1 requested a postponement.

2 CHAIRPERSON PRICE: Okay. Any sense of why
3 they weren't here last month? Or were they just not
4 prepared? It was an agenda item.

5 MR. HAREMZA: They requested a postponement
6 last month as well.

7 CHAIRPERSON PRICE: They did. Okay.

8 MR. HAREMZA: Yeah. They -- yeah. They
9 have to do some redesign.

10 One of the issues was their pool house.
11 Either the variance or they're redesigning that so it
12 doesn't need a variance. And I think because of the
13 two EPODs, one of them watercourse, but also a steep
14 slope, there's a substantial amount of engineering
15 work involved with the steep slope issues. So they're
16 working on that.

17 CHAIRPERSON PRICE: Okay.

18 MR. HAREMZA: The first item of -- new item
19 I guess is 7P-01-23. That's 1880 South Winton Road.
20 That is a conditional use permit for the Montessori
21 School of Rochester.

22 They would be relocating from the former
23 Brookside School, which is now the Talmudical
24 Institute of Upstate New York. And they are proposing
25 to relocate to this building, which was most recently

1 used as a satellite location of Medaille
2 College/Medaille University from Buffalo, which has
3 recently gone out of business. So I assume that's why
4 this building is available.

5 Fairly straightforward. No exterior
6 changes. I think some of the issues to ask the
7 applicant are related to traffic and how that's going
8 to function with the site.

9 Even though it has a South Winton Road
10 address, the parcel is landlocked in that development.
11 So it's quite distant from public roads.

12 CHAIRPERSON PRICE: Okay. Thank you. Any
13 questions?

14 MR. HAREMZA: Next one is 135 Superior Road.
15 That's the construction of a 598 square foot detached
16 garage.

17 The site -- I visited the site. It's a
18 unique proposal in that the garage is going to be set
19 into the hillside. So it's going to be, you know, a
20 fair bit of excavation. The driveway slopes down and
21 the garage will be at the level of the existing
22 driveway but sort of at the basement level of the
23 house.

24 And it's not impacting the steep slope
25 itself, but it is within the 50-foot buffer of the top

1 of the bank. And so the town engineer did not think
2 there were any major issues, but just needed to
3 confirm some of the engineering involved, the angle of
4 repose and the disposition of the excavated material
5 and where is that going to be going.

6 And then some minor questions about showing
7 some of the easements on the site plan. But again, I
8 think it's a fairly straightforward application.

9 CHAIRPERSON PRICE: Okay.

10 MR. HAREMZA: And then finally for this
11 evening is site plan modification and resubdivision, a
12 combination of two lots, 164 Southern Drive and the
13 parcel directly behind that that fronts on Center
14 Drive. These are both off of West Henrietta Road.

15 And the proposal is to construct a 14 space
16 parking lot on what has been a vacant parcel and then
17 combine it with the Southern Drive parcel, which
18 includes a building. It's currently used for
19 cabinetry making.

20 And a few questions from staff that the
21 Board may wish to ask as well related to the need to
22 connect the two parking areas and the property line
23 with the neighbor to the west, there's some -- little
24 bit of clarification on the map there regarding what
25 is an easement or what is the property line. And some

1 questions about stormwater. Nothing major I don't
2 believe.

3 So again, I think fairly straightforward
4 application as long as those issues can be resolved to
5 the satisfaction of the commissioner of DPW.

6 CHAIRPERSON PRICE: Very good. Thank you.
7 Status of the other two applications under new
8 business?

9 MR. HAREMZA: The other --

10 CHAIRPERSON PRICE: They're not going to be
11 heard tonight.

12 MR. HAREMZA: Yeah. The other two on the
13 agenda, 57 Eldridge, that was postponed at the
14 applicant's request.

15 They have -- they just submitted revised
16 plans that show a slightly different footprint for the
17 house. That did not meet the deadline for this
18 meeting. So I'm fully anticipating they will be here
19 in August. And they still have yet to make a ARB
20 application, but I believe that is also forthcoming
21 very soon.

22 CHAIRPERSON PRICE: All right. Thank you.

23 MR. HAREMZA: And then finally, 125 Old Mill
24 Road, that is pending the completion of the cultural
25 resources survey that the Historic Preservation

1 Commission requested. And that is in progress.

2 CHAIRPERSON PRICE: Out of curiosity, the
3 cultural resources survey that is being prepared, does
4 that come to the Town for review and Historic
5 Preservation Commission? Or does SHPO have any
6 involvement?

7 MR. HAREMZA: SHPO doesn't have any
8 involvement when it comes to the Town and Historic
9 Preservation Commission.

10 CHAIRPERSON PRICE: Okay. Thank you. Any
11 questions on the applications?

12 All right. So back to the agenda. We have
13 approval of the June 21st meeting minutes. Does
14 anyone want to make a motion to approve those minutes?

15 MS. ALTMAN: I'll make the motion to approve
16 the meeting minutes.

17 MR. FADER: I'll second.

18 CHAIRPERSON PRICE: Moved and seconded. Any
19 discussion? Please call the roll, Jason.

20 (Ms. Altman, aye; Mr. Fader, aye;
21 Mr. Grisewood, aye; Mr. Price, aye.)
22 (Upon roll motion to approve minutes
23 carries.)

24 CHAIRPERSON PRICE: All right. The hearings
25 we're having tonight, have they been properly

1 advertised?

2 MR. HAREMZA: Yes. These public hearings
3 were advertised in the Daily Record of July 13th,
4 2023.

5 CHAIRPERSON PRICE: Okay. Thank you. We'll
6 hold those now. For anybody that might have come in a
7 little late, the first two applications on the agenda
8 tonight have been postponed at each applicant's
9 request to our next meeting.

10 So our first application tonight is
11 application 7P-01-23.

12 **Application 7P-01-23**

13 Application of Gallina Cambridge, LLC,
14 owner, and the Montessori School of Rochester, lessee,
15 for Conditional Use Permit Approval to allow a school
16 to be on property located at 1880 Winton Road South.
17 All as described on application and plans on file.

18 MR. SERTL: Good evening, everybody. I'm
19 Kurt Sertl, Brighton resident, representing Gallina
20 Cambridge. And with me is Cindy Gowan, also a
21 Brighton resident, president of the Montessori School
22 of Rochester.

23 So we are seeking a conditional use permit
24 for our property at 1808 South Winton Road, which was
25 formally occupied by Medaille College. In 2009 we did

1 receive a conditional use permit for Medaille to use
2 and occupy 13,200 square feet of the building.

3 What I've highlighted in orange is the
4 roughly 16,000 square feet that Montessori School will
5 initially occupy. The green is an existing tenant
6 that will vacate in the fall of 2024. And hopefully,
7 the school will expand into that space in the first
8 quarter of 2025.

9 We're renovating to provide nine classrooms
10 within this space here with the potential to add two
11 more classrooms in the future if they take over that
12 additional 1700 square feet. And Cindy has a lot more
13 information on that.

14 To address the parking issue, so the school
15 has 24 full-time employees and two part-time
16 employees. Our current tenant here is in 1700 square
17 feet. So at the standard Brighton parking ratio of
18 four per thousand, they would have a parking
19 allocation of seven. Their actual use is one or two.

20 We've got 75 parking spots highlighted in
21 blue here, which are the parking spots for 1880, which
22 again, is the four per thousand that was approved back
23 in 2009. Standard office zoning. So we feel as
24 though we have plenty of parking in the 1880 site for
25 the school, for the one additional tenant and also to

1 accommodate the drop-off, pickup that will be going on
2 essentially throughout the day.

3 But if there is any overflow needed, the way
4 these parking lots are laid out, the 1880 parking lot
5 and the 1882 parking lot directly abut each other. So
6 they're easily able to service overflow parking for
7 either building as the case may be.

8 1880 was approved as a medical office back
9 in probably 2011-ish. So this parking lot is seven
10 per thousand. And right now, we don't have any
11 medical users in that building.

12 I walked this parking lot this morning.
13 There was about 30 cars in it at 10 o'clock. And
14 that's pretty representative of what we have in this
15 space right now -- in that building right now.

16 There is one vacant space in that building,
17 about 6,000 square feet. I've got proposals out to
18 two different people for that space. And they both
19 have a parking requirement of 40 to 50.

20 So there's 138 spots here. So we really
21 might get up to 70 spots or so in that lot. So we
22 really have a lot of parking on that site to
23 accommodate whatever's needed.

24 As part of our application we went through
25 the Monroe County Development Review Committee. I

1 reviewed their report as of July 7th. I spoke with
2 Brett Gobe at Monroe County Health, John Raymond at
3 Monroe County Transportation and Rich Bianchi at
4 Environmental Services, all whom expressed no concerns
5 relative to the renovation we were doing and requested
6 no further information from me.

7 The location has existing backflow
8 prevention in place. There will be no food service at
9 the location. No grease trap. No separator required.

10 And then to touch on traffic, all of the
11 employees and clients will access Cambridge Place via
12 the traffic light that's right here at South Winton
13 and Cambridge Place. We're really not anticipating
14 any traffic issues.

15 It's my understanding that this traffic
16 light and this intersection is engineered to
17 accommodate the extension of Senator Keating
18 Boulevard, which will ultimately come down from the
19 west there and service -- I don't know what will be
20 developed there, but most likely some office buildings
21 that will have a fairly reasonable traffic count
22 associated with them. We feel pretty confident that
23 we're not going to put any increased traffic burden on
24 that intersection.

25 Doing a little research on my own of the

1 Monroe County Transportation guidelines, they call for
2 preparation of traffic impact reports when
3 intersections are going to be increased by more than a
4 hundred vehicles per hour. And we will be nowhere
5 near that at any time of the day. And Cindy has some
6 data to support that as well.

7 Now, I'll turn it over to Cindy and she'll
8 give you information on the day-to-day ongoings at the
9 school.

10 MS. GOWAN: Thanks, Kurt. I prepared a
11 little handout because it is a lot of -- I'm sorry.
12 Go ahead.

13 CHAIRPERSON PRICE: For the record, you're
14 name.

15 MS. GOWAN: Oh, sorry. So I'm Cynthia
16 Kerber Gowan. I reside at 286 Fair Oaks Avenue here
17 in Brighton. And I'm head of school at the Montessori
18 School of Rochester.

19 So I know Kurt addressed several of your
20 questions. I have some of the more specific detail
21 that the Board was looking for. I prepared a couple
22 of charts if that is helpful to look at just for that.
23 I don't know if you want me to pass them out.

24 So as a background -- and first just let
25 me -- for me it feels like an elephant in the room

1 because I feel like I know some of you very closely
2 now over the last year. We did not expect to be back
3 in front of your board again so soon. But we are
4 really incredibly excited by the opportunities that
5 this new building affords us.

6 So as a background -- and I'll keep that
7 short -- we've been in operation since 1965. We've
8 made our home here in Brighton for 25 years. We're a
9 nonprofit organization and serve children from ages
10 six weeks old through their kindergarten year. So six
11 years. And we employ about 28 staff members. So that
12 fluctuates. 28 is our max currently.

13 We operate on a school year calendar. It
14 mirrors quite closely to Brighton Central School
15 District's calendar. We do hold breaks during April
16 and February breaks. And also during the summer, we
17 have some camps that serve about half of our school
18 population.

19 I know that Kurt talked about sort of the
20 number of classrooms being built for us. Because of
21 the way that Montessori classrooms operate, not all of
22 them are in use at the same time. So we currently
23 have six actual classrooms. We have one infant
24 classroom, two toddlers and three preschool
25 classrooms. And we have 97 students enrolled for the

1 fall. That represents 78 families.

2 Because this has been something we talked
3 about previously, I just wanted to remind everyone
4 that our capacity isn't static. It's based on sort of
5 the balance of age groups within our multiage
6 classrooms. So it can fluctuate, you know, within a
7 10 percent range. But we have not had more than 90 to
8 100 students in the last several years.

9 I know that in my application letter I
10 mentioned that one of the things that we are excited
11 about and one of the opportunities we're excited about
12 is modest growth, but I wasn't really specific about
13 the details. So I just wanted to kind of go through
14 that a little bit.

15 The new facility will allow us to maintain
16 our current levels of programming. And then when we
17 take over that additional space, we will be able to do
18 two things; we will be able to provide additional
19 after-school care for our families of current
20 students; and then also eventually open two additional
21 classrooms to serve an additional 30 students.

22 The back that has the charts on it, I've
23 broken down our traffic so that you can see exactly
24 who's coming and who's leaving and at what time. So
25 we currently, like I said, have contracts for 28 staff

1 members for the fall and 97 students, which is 78
2 families. And you can see broken down by half an hour
3 the cars that are coming in during that time.

4 The time currently in the fall of 2023 that
5 has got the most saturation of traffic would be from
6 8:30 to 9 with 57 cars. What I want to mention about
7 that is that those cars aren't there for the full half
8 an hour. So they come in, drop off. It takes about
9 five minutes. If you have three children it might
10 take ten. But most of the cars come in and out.

11 We currently operate at a similar level with
12 a parking lot of 50 spots, with the same level of
13 staff and the same number of families. And we have
14 not had any trouble so far with that setup.

15 You can see that we have an expansion that
16 we are proposing or forecasting. We are making our
17 new increases very carefully and with purpose. So we
18 are not realizing those 30 extra students for seven
19 years. It's not happening tomorrow. It's not
20 happening next month.

21 When we do that, we would forecast 34 staff
22 members and 130 students. And we think that would,
23 again with siblings, be 104 families.

24 Using sort of the same method of contracting
25 and using sort of past data, we forecasted what that

1 would look like in terms of drop-off and pickup and
2 staff contracts below. 8:30 to 9 remains for us the
3 time where we have the highest concentration. And we
4 do not expect to see more than 70 at that point.

5 Again, considering just a couple of things,
6 we have staff members who have children at our school.
7 So they're coming earlier. We have before-school
8 care. There's a lot that goes into this.

9 I know that they also -- you also asked
10 about special events and bus traffic. I thought I
11 would just address those briefly. We don't hold a lot
12 of special events. Our children are small.

13 So we do hold some. Most of them are
14 planned for the evening and weekends. And most of
15 them are really parents-only. It's not the whole
16 school all at once. It's parent education. It's
17 maybe a picnic after school or on a weekend.

18 We have in our current parking lot like a
19 little extra -- 42 spots that we don't use regularly.
20 We used that overflow once this year for a school-wide
21 performance. We won't have the space to house
22 everyone all at once in this building. So I can't
23 imagine we would need to use that. But we did use the
24 overflow one time.

25 And then in terms of bus traffic, we used to

1 have an elementary program. And when we did, we had
2 more buses. We have not had a bus transport a student
3 in a number of years, not since we closed the
4 elementary program. We do have one student next year
5 whose parents have talked to us a little bit about
6 whether or not they would utilize the bus for part of
7 the year. That bus would drop off at 8 and then pick
8 up at 3. Or 8:30 and pick up at 3. I think I
9 wrote 8, but it is 8:30.

10 So we do not foresee many buses. Only 15
11 percent of our children, only the kindergartens can
12 take the bus. And lots of those kindergarten students
13 have siblings that are smaller and their parents have
14 to drive them anyway. So they usually bring them all
15 together.

16 I hope that that has answered most of the
17 questions that the Board had. I just want to express,
18 first, my gratitude for the work that you do, and then
19 just to impress upon you how important this is to our
20 school.

21 Our school will no longer have a home
22 beginning in September of this year. And any delay in
23 our ability to open our doors for this new space would
24 result in us being unable to operate and displace our
25 70 families. And that makes me very scared. So I

1 apologize.

2 But we provide stability to our families and
3 we certainly don't want to risk that. So we know the
4 timeline's short. And we appreciate that you're
5 willing to hear us out. It was not our intent, but we
6 are excited. It doesn't sound like it, but we are
7 excited.

8 MR. SERTL: And this whole transaction, we
9 just signed the lease in, what, the middle of June?
10 It really came about -- it really came together really
11 quickly.

12 I guess my point is where we were in
13 negotiating the transaction, there's no way we could
14 have been at the June meeting because we weren't that
15 far along. So this is the first meeting that we could
16 possibly get to because some real estate transactions
17 take forever. This one came together really, really
18 quickly.

19 And then obviously with September being --
20 time is of the essence from a construction standpoint.

21 MS. GOWAN: And the need for the move
22 happened abruptly and rapidly.

23 CHAIRPERSON PRICE: That's kind of what I
24 want to hear a little bit about. As you know, we
25 listened to you and your testimony for a conditional

1 use permit at the existing location. And you made
2 some statements there that it's a little baffling why
3 you're doing this now.

4 MS. GOWAN: Sure.

5 CHAIRPERSON PRICE: What happened?

6 MS. GOWAN: To be incredibly transparent, we
7 have loved the place that we have been at. We've made
8 our home there for over 25 years.

9 We -- when the building -- found out about
10 the sale of the building, we -- it took a little while
11 before Brighton could tell us who was buying the
12 building. And once we knew, we started that
13 conversation with the new potential building owners
14 right away about renegotiating a lease because our
15 lease was up in July -- sorry. June 30th of last
16 year.

17 They were unwilling to negotiate a lease at
18 that time saying that they had to wait until the sale
19 went through, which, you know, I completely
20 understood. The sale went through this year.

21 Finally, in March, at which time sort of
22 previous to that obviously, last May, I asked the
23 school district to allow us an additional year on our
24 current lease to give us time for the sale to go
25 through and to negotiate a new lease. When the sale

1 went through, I approached the new building owners and
2 asked them for -- to negotiate a lease. And they said
3 they were busy and they didn't have the opportunity
4 to.

5 Our lease was up on June 30th and we didn't
6 hear from them. I reached out several times. I
7 didn't hear back from them. We are nonprofit. As
8 many of you know, Brookside has had a couple of turns.
9 Our ability to stay has been put into question. And
10 when the new owners were not willing to really sit
11 down and tell us how long they'd be willing to keep us
12 beyond not just 5 years but 10 years or 20 years, it
13 was frightening to the board.

14 And I think we took that opportunity to say
15 we really should start looking. Having looked before
16 and not found anything, we thought we should start
17 looking. We started looking not very long before we
18 found this property and started negotiating a lease in
19 June.

20 And we were surprised to find something so
21 quickly. That was not our intention. But again,
22 there are some things about the current building that
23 have always been things we love and things that we
24 would love to see different. But the unknown of how
25 much that cost was going to be, some restrictions on

1 how many students we would be able to have, the aging
2 infrastructure and being unable to know whether or not
3 the new owners would be willing or able to take care
4 of that infrastructure, all of those things coupled
5 with sort of radio silence in terms of negotiating a
6 new lease, caused us to look elsewhere.

7 CHAIRPERSON PRICE: Well, the things you
8 said in your conditional use application for your
9 current location was you were not going to expand.
10 And I suspect that was because there wasn't
11 necessarily any real room to expand.

12 MS. GOWAN: Correct.

13 CHAIRPERSON PRICE: But now you're saying
14 you have the potential for almost a 30 percent
15 increase in your student enrollment.

16 MS. GOWAN: We would need to increase that
17 enrollment to be able to continue to afford the rent
18 of the building. So it's not -- it wasn't necessarily
19 like, yay, let's look for someplace else then can let
20 us get bigger. We've always had more demand than we
21 have spots.

22 And so, not to be scary to my future
23 landlord, but we did look very carefully at what we
24 could do in terms of expansion and carefully and
25 slowly. But there wasn't room at the other building

1 and there is room at this building.

2 CHAIRPERSON PRICE: Okay. So you had some
3 ambiguity in the term of your lease and in the
4 improvements to the structure that you might have had
5 to make or could have been made for you by the current
6 owner. And then this current opportunity is going to
7 cost more. So enrollment needs to increase.

8 MS. GOWAN: Correct.

9 CHAIRPERSON PRICE: You currently have
10 outdoor playground facilities for the kids. You
11 haven't mentioned anything about that at this current
12 location.

13 MS. GOWAN: Yeah. So there is a quite
14 significant back --

15 CHAIRPERSON PRICE: Greenspace in the back.

16 MS. GOWAN: Greenspace. When we -- the last
17 renovation we did on our current property, we built a
18 toddler garden. The connection to the environment at
19 our school is incredibly important. We would not be
20 looking at a traditional play structure. We would be
21 looking at gardening that backyard and having the
22 space --

23 CHAIRPERSON PRICE: But you have the room to
24 do it.

25 MS. GOWAN: We have the room to do it. We

1 have the approval of using that property.

2 We recognize that if any changes are to be
3 built permanently, then that would come to you.

4 CHAIRPERSON PRICE: Is that true?

5 This doesn't -- you're talking about site
6 plan issues.

7 MR. HAREMZA: Yeah. I mean, the
8 characterization is that it's not a traditional
9 playground. We look at that more like landscaping,
10 the gardens. So nothing that requires site plan.

11 I should note that it will require a fence
12 and that -- the Montessori caught the Town in the
13 transition from our old system to our new online
14 permitting system.

15 And so the fence will need a EPOD permit.
16 And that will be on the August agenda before this
17 Board because of its proximity to the creek. But as
18 far as the outdoor playground itself --

19 CHAIRPERSON PRICE: It would be the fence.

20 MR. HAREMZA: Yes, just the fence.

21 CHAIRPERSON PRICE: Okay. All right. All
22 the questions I have. Questions?

23 MS. ALTMAN: You got them all. Thank you.

24 MR. HAREMZA: I just have one more, Bill.

25 Ms. Gowan, just to confirm, I wanted -- it wasn't --

1 just clarify the date, you were looking to start as
2 soon as possible.

3 MS. GOWAN: Yeah. Sorry. That was in there
4 and I did not read that part. Sorry.

5 The -- we're hoping that the building is
6 finished being built out by August 25th, which would
7 give us two weeks before the first day of school,
8 which is September 4th. And we are hoping to have
9 been there on September 4th.

10 MR. HAREMZA: Thank you. Thank you for the
11 chart. That's very helpful to clarify many of the
12 questions.

13 CHAIRPERSON PRICE: And just so we know, the
14 source of this data is you?

15 MS. GOWAN: Yeah. So the source of data is
16 contracts. So I know when people arrive and when they
17 leave because all the contracts cross my desk.

18 MR. SERTL: With the employees and
19 students --

20 MS. GOWAN: With employees and the students,
21 yes. So I mean, the nature of our business is that we
22 have to know when children are coming and leaving
23 because we have to staff.

24 CHAIRPERSON PRICE: Dropping off grandkids,
25 I know that this takes 35 seconds to a minute and a

1 half.

2 MS. GOWAN: You. So it does not take long.

3 So when you see the 70 --

4 CHAIRPERSON PRICE: 50 or 70 is --

5 MS. GOWAN: Yeah.

6 CHAIRPERSON PRICE: And frankly, if there's
7 going to be any traffic problems, it's going to be on
8 your property. I don't see it going out onto Winton
9 Road causing any issues out there.

10 MR. SERTL: And with one small tenant there,
11 we're not concerned that it's going to impact their
12 use of the building.

13 CHAIRPERSON PRICE: Kurt, a question for you
14 on the adjacent building and proposals that you have
15 out to potential tenants, are either of those medical?

16 MR. SERTL: No. Both standard office.
17 We've had very little medical demand here much --
18 since we started, much to our surprise. But, no,
19 they're -- both proposals I have out are standard
20 office.

21 CHAIRPERSON PRICE: It will be traditional
22 office users.

23 MR. SERTL: Yup. Standard office users.

24 And I have floor plans for both -- you know,
25 proposed floor plans for both of them. And that's how

1 I was able to give you a number of what the employee
2 count would be.

3 CHAIRPERSON PRICE: Okay. Other questions?
4 Comments? All set? Thank you.

5 This is a public hearing. Is there anyone
6 in the audience that cares to address this
7 application? Yes, please. Tell us your name.

8 MS. DANIEL: Hello. My name is Afrad
9 (phonetic) Daniel. I am a resident of Brighton and a
10 parent -- well, it's one now. I had another, an older
11 child, who went to Montessori School. And I've also
12 been a member of the board for several years now.

13 I just wanted to express how much we have
14 loved the Montessori School. As I said, both my kids
15 have been through it. My younger son is going to be a
16 kindergartner next year.

17 I can say as a member of the board that we
18 have been looking at different buildings on and off
19 over the years. There was a time, when the sale was
20 going to happen, we didn't know if we could stay in
21 the building. We have been looking for a long time
22 for buildings that would be suitable for us, the
23 correct size, within the school's geographical
24 footprint.

25 And this year in March, it came to the point

1 that on one side, it was pretty clear we were not
2 going to stay in our current building for long, and on
3 the other side, our building committee found the best
4 building we've seen in all those years.

5 And so the board has voted to approve the
6 move. And so we are very hopeful that you will
7 approve this permit. We really hope to start there in
8 September. So thank you.

9 CHAIRPERSON PRICE: I have a question for
10 you. If you knew in March that you weren't going to
11 be staying where you were, why did you apply for
12 conditional use permit where you are?

13 MS. GOWAN: So the conditional use permit
14 for the other building -- for the current building was
15 filed in October of the previous year. And it was
16 filed on behalf of us. We did what TIUNY asked us to
17 do and we continued on in that process.

18 March was when the board was continuing to
19 be faced with radio silence in terms of negotiating a
20 lease. And when the sale went through, they were too
21 busy to negotiate.

22 They were negotiating with the town at that
23 point, but the idea of being able to forecast a
24 long-term solution, a long-term home was becoming
25 increasingly apparent that we should continue or begin

1 a new search.

2 CHAIRPERSON PRICE: What's the term of this
3 lease?

4 MR. SERTL: 10 years.

5 MS. GOWAN: So with two five-year
6 extensions.

7 CHAIRPERSON PRICE: Thank you. Thank you
8 for coming in.

9 Anyone else care to address this
10 application? Very good. Thank you so much.

11 **Application 7P-02-23**

12 Application of William Burke, owner, for
13 EPOD (steep slope) Permit Approval to allow for the
14 construction of a 598 square foot detached garage and
15 a retaining wall on property located at 135 Superior
16 Road. All as described on application and plans on
17 file.

18 MR. PEACOCK: Good evening. I am Randall
19 Peacock. And my office address is 545 Spring Meadow
20 Lane, Webster, New York. I am here this evening with
21 Mr. William Burke, the owner of 135 Superior Road.

22 Mr. Burke has never had a garage. He's
23 lived at this house for many, many years. He would
24 like to build a garage, a two-car garage.

25 What we're proposing is a garage that is 23

1 feet wide and 26 foot deep, carefully nestled into the
2 existing hillside with a very low slope roof to
3 preserve the views from the first floor of Mr. Burke's
4 house.

5 As evident from the plans that we had
6 submitted, the garage is located in a steep slope EPOD
7 district. And we hired Jim Baker from Foundation
8 Design to come out and drill two test holes and
9 analyze the soil and prepare a report, which basically
10 said it's fine. You can build this garage here. It's
11 not going to cause any instability of any of the
12 adjacent slopes.

13 So the garage sits in the ground. At the
14 backside it's about 6 and a half feet deep with the
15 foundation sitting -- running deeper, a little bit
16 deeper on the side that tapers down a little bit.

17 The plan is to construct the garage walls
18 with masonry construction, to drain the exterior of
19 those garage walls with the foundation drain, that
20 foundation drain with daylight on both sides. You
21 have an elevation drawing. I didn't call it on the
22 elevation drawing. One on each side of the garage.

23 There are two roof drains. The way the roof
24 drain works on the house, one will be picked up by a
25 leader, run along the side, along the west side of the

1 garage and drop onto the driveway. The other one will
2 come down in the downspout on the north side of the
3 garage and drop onto the driveway.

4 The driveway is then graded to slope gently
5 across to the swale or the belly on the north side of
6 the house. This is where all the current drainage of
7 the driveway goes. So we're following the existing
8 drainage path. We've created a very non-concentrated
9 sheet flow across the drive and then down the other
10 side into the gully and off into the space below.

11 I responded -- the letter you have I wrote
12 in response to the comments from SWBR and staff
13 report. I didn't put the boundaries of the steep
14 slope areas on this because essentially the whole
15 thing is a steep slope, 50 feet off the top of the
16 slope. This drawing is that one to 20 -- 50 feet is
17 that much. If I come off the top of that slope, like
18 that, the entire house, the entire area sits within
19 that steep slope. I can add it if it becomes
20 necessary.

21 There really -- there's a note about
22 protecting plant life around the garage. There's lawn
23 and some patches of weeds. There's really -- none of
24 the native plant life on the steep slope that would be
25 affected by this work. So there's really no need to

1 protect anything outside of the boundary of the
2 garage.

3 There was a note about regrading. There's
4 no situation on the proposed site plan where grading,
5 excavating or other disturbance will occur on the
6 steep slope. This garage can be constructed very
7 simply by excavating into this little plateau area
8 from the driveway side without ever even going off the
9 steep slopes on the further side of it. So there's
10 really no way to get over there to do that. It won't
11 be entered or disturbed.

12 There's actually no need to provide access
13 down the steep slopes. We're not going to dig
14 anywhere down there. We're not sending any piping
15 through it. The intent is to keep it as a wall and
16 work from the driveway within that platform.

17 As I mentioned earlier, the discharge point
18 of the roof drains is shown on the plans. They come
19 out on the north side and drop onto the driveway and
20 should drain across the driveway.

21 There is a note about a possible stormwater
22 easement on the site. I have a survey from a licensed
23 engineer. I got a topo survey. And neither of them
24 mentions anything about a drainage easement. I can go
25 back and have them research that and see if there is a

1 drainage easement. I'm not sure where it would be on
2 the property, but perhaps it's a stormwater drainage
3 easement for the roadway or something. I don't know
4 where that would be.

5 CHAIRPERSON PRICE: Does the Town have any
6 evidence of an easement?

7 MR. PEACOCK: Do you know where it is?

8 MR. HAREMZA: I am pulling up the GIS right
9 now.

10 MR. PEACOCK: Certainly, we can go back to
11 the surveyor and have them do it again. I can't
12 imagine it's anywhere where the garage is.

13 CHAIRPERSON PRICE: I assume it's not going
14 through the garage.

15 MR. PEACOCK: It would seem quite off since
16 it's at the top of the hill. I imagine it was a
17 drainage easement.

18 Mr. Burke did mention there was, he
19 believed, an old sewage pipe. And there was a force
20 main, a 30-inch force main on the property at some
21 point in time.

22 MR. HAREMZA: It's showing up as a sanitary
23 sewer easement cutting across the southwest corner of
24 the property.

25 MR. BURKE: At the bottom of the ravine

1 there's a right-of-way with what they called a force
2 main, 30-inch force main. Not used anymore.

3 CHAIRPERSON PRICE: Your name, sir?

4 MR. BURKE: William Burke. Sorry.

5 MR. PEACOCK: So southwest corner would be
6 somewhere down in here.

7 CHAIRPERSON PRICE: So it's remote --

8 MR. PEACOCK: Quite remote from the garage.

9 I did just mention asphalt to Mr. Burke. He
10 said he'd be interested in looking into that for the
11 driveway. So maybe we'll update with that.

12 There are notes for the site plan sheet A1.
13 There was a question about the lack of distinguishing
14 between the existing contours and the proposed
15 contours, but it's very simple to explain. There's
16 very, very minimal modified contours.

17 The intent is to put this in and match the
18 contours exactly as they are. There's one little spot
19 where there's a walkway on the side bank here up and
20 over where you got to move a couple of contours just
21 to ease that walkway up the hill. And those are shown
22 as solid lines on the drawing.

23 CHAIRPERSON PRICE: I assume any
24 disturbances beyond the limits of the building itself
25 are just there for getting in the building.

1 MR. PEACOCK: Correct. Correct. There was
2 a comment that an orange construction boundary fence
3 should be erected and placed on the final drawing. I
4 mean, we can do that, but I think it's a little
5 overkill for a small residential project. We're
6 building a garage. But if the Board would like a
7 construction boundary fence outlined on there, we're
8 happy to do one.

9 If I was in a machine, I certainly wouldn't
10 drive over the edge of the bank. It's pretty steep.

11 So there is no spoil pile identified on the
12 site because there is no spoil pile. Once it's
13 excavated, it will go all off-site. And then we're
14 not planning on reusing the existing materials for
15 backfill. We'll bring in materials from outside the
16 site to backfill the project. It's just not possible
17 to store that soil on the site and work around it
18 while we're in the process of doing that.

19 I question the -- the comment about the
20 erosion control fencing. I called out the erosion
21 control fencing across the top following the contour
22 up here and erosion control fencing on the bottom
23 following the contour there. And both of them are
24 labeled and called out. And there is a note on the
25 drawing that shows the erosion control fencing.

1 There's no need to protect any trees on the
2 site. There are no trees in the footprint to protect.

3 There is not a floor drain in the garage.
4 There was a question if there was a floor drain. If
5 there was, it would have shown on the plan. The
6 garage is on a pitched slab and it slopes out the
7 front of the garage as most new garages do.

8 The foundation drains, I have not identified
9 them on the drawing, but the intent is that there are
10 foundation drains around that. And that would be in
11 the final construction document of the garage. I just
12 provided a preliminary design drawing for purposes of
13 this hearing.

14 And those drains will be as recommended by
15 Foundation Design. There will be a filter fabric sock
16 and pea gravel bed so that they relieve any water
17 pressure off the walls of the garage. And those will
18 drop out onto the north side, one on each side.

19 And there was a comment there about
20 connecting roof drains to existing roof drains.
21 Frankly, we don't know where the existing roof drains
22 go. They are connected to piping and we suspect that
23 they go off to the north and dropping into that
24 existing small valley area that runs along here.

25 Mr. Burke has never seen the outflow of

1 those pipes. His understanding is that there are no
2 storm drains, municipal storm drains on the street.
3 He's spoken with Town of Brighton sewer folks, who --
4 they were doing some work on the site. There's no --
5 he thought the storm drain connected to the storm
6 sewer. And they said there's no storm sewer on this
7 street.

8 So it's a mystery as to where they go. The
9 easy part is, we're not planning to connect to them.
10 Like I said, we're going to drop it onto the driveway
11 and let it sheet drain across the driveway.

12 And I did my site plan with some bullet
13 elevations to indicate the amount of drainage. Very
14 gentle grade across the driveway. I didn't put, you
15 know, directions for those. I can add those if that
16 helps. But the bullet elevation will give you the
17 highest point of the garage, the low point along the
18 outside side.

19 CHAIRPERSON PRICE: Who's the contractor
20 you're working with?

21 MR. PEACOCK: We're going to go with
22 Minnehan Design Build.

23 CHAIRPERSON PRICE: A lot of these comments
24 come when the reviewer doesn't know who the contractor
25 is. So if you have somebody you work with --

1 MR. PEACOCK: I understand. I'm answering.
2 I don't take offense. I'll just answer them.

3 I'm not sure if Jason had mentioned about
4 the angle of repose. The Foundation Design
5 recommendation was that the excavation be done on a
6 one-on-one slope. That's going to take a lot of soil
7 out of here. Our intent would be to do this a little
8 bit steeper. If you give me an exact slope, we'll
9 work that out. But to use shoring around the edges of
10 the excavations. The way that it's done, the shoring
11 can be installed just to protect a number of parts of
12 the slope. And we can dig the foundation, get the
13 lower part of the wall in place and then pull the
14 shoring out to do the upper part. So it should be
15 fairly simple to proceed there.

16 I -- far be it for me to question the
17 recommendations of an engineer. But I see how steep
18 those slopes will stand just by looking at them. I
19 suspect they'll do just fine.

20 CHAIRPERSON PRICE: What is the soil in that
21 area? Is that sandy?

22 MR. PEACOCK: Sandy, silt. Yeah.

23 CHAIRPERSON PRICE: Not clay.

24 MR. PEACOCK: No, no. It drains
25 wonderfully. Yeah. Mr. Burke is like, I have never

1 even seen a puddle there.

2 So that -- and then there are some
3 additional notes about details and notes on sheet 5
4 and 6 of 6. I only have three sheets. So I'm really
5 not sure what those refer to. Perhaps another
6 project? Tree protection, et cetera, et cetera.

7 CHAIRPERSON PRICE: Cutting and pasting.

8 MR. PEACOCK: It's happened to me.

9 Overall, I think it's a pretty simple
10 project. I think based on the \$6,000 worth of soils
11 engineering that was necessary to get to this point, I
12 think we're in pretty good shape. And I hope I've
13 satisfied your concerns about that as well.

14 CHAIRPERSON PRICE: Thank you. I don't have
15 any questions.

16 MS. ALTMAN: No questions.

17 MR. FADER: None.

18 MR. GRISEWOOD: I am good.

19 MR. HAREMZA: I'm all set.

20 CHAIRPERSON PRICE: Okay. Thank you. This
21 is a public hearing. Is there anyone in the audience
22 here that would like to address this application?

23 I'm sorry. No one wants to talk about it.

24 All right. Thank you.

25 **Application 7P-03-23**

1 Application of Mindis Urbonavicius - Urbon
2 Developing NY, LLC, owner, for Resubdivision Approval
3 and Site Plan Modification to combine two lots into
4 one and construct 14 parking spaces on property
5 located at 164 Southern Drive and property located on
6 Center Drive, known as Tax ID #148.20-2-23. All as
7 described on application and plans on file.

8 MR. TOMLINSON: Good evening. My name is
9 Matt Tomlinson with Marathon Engineering. Larrisa
10 from my office is with me. And Mindis, who is the
11 owner, is here as well.

12 As the Chair mentioned, this is 164 Southern
13 Drive. Mindis has owned the building at that location
14 for 10 to 12 years and runs a business out of there,
15 has had other commercial tenants in it occasionally.
16 But any time that he looks to lease excess space or
17 add employees, historically, he's had an issue with
18 how much real estate he had and the availability of
19 parking.

20 There's been previous agreements with the
21 neighbor immediately to his west along Southern Drive.
22 And there is an easement for lot line encroachment
23 with the paving over there -- I know that was one of
24 the questions or comments -- to squeeze a couple of
25 parallel spaces for additional access to the west side

1 of the building.

2 But when this opportunity came to buy the
3 parcel right behind him, he purchased that. It's a
4 separate lot with a parking lot on it. It's somewhat
5 problematic with the zoning code. So the intention is
6 to combine it into one parcel from the two as
7 mentioned. That will result in a little bit over a
8 half an acre lot, just under 30,000 square feet. And
9 we'll have the opportunity to add 14 parking spaces.

10 The owner did start doing some work out
11 there, some clearing, got some stone down. And then
12 was told by town staff that, hey, you need to get some
13 approvals in place before that happens. So that's
14 when they brought us on board to help them out with
15 that.

16 So the overall project itself, other than
17 the creation of a through lot, which is not
18 necessarily a very typical condition within the Town,
19 is relatively straightforward. There were a couple
20 comments that I want to spend some time going through.

21 We did receive the staff report along with
22 the engineering comments. I'd like to just spend the
23 time answering a few of the questions that were in the
24 front of that. I also have a copy of the anticipated
25 proposed fence along the west line. I know that that

1 was a question, which I will pass to the Board here.

2 So there's no intention to light this. This
3 is for overflow for clients, but primarily for tenants
4 or employees. This would be -- access between the two
5 parcels is a question that was raised and the
6 necessity for the connecting drive aisle.

7 If there was not a connection there, pulling
8 into the Southern Drive, for example, someone plugging
9 into the GPS as the address, it would show up as
10 Southern Drive. There's only three or four parking
11 spaces in there. Essentially you'd have to turn
12 around, take a left onto West Henrietta, a left on
13 Center Drive and then proceed to there or go around
14 and blocking direct traffic further west along Center
15 Drive.

16 So that connection I think is important. It
17 will be -- it's not a high turnover type of business
18 or anything like that where there would potentially be
19 a lot of conflicts at that area. So we do feel that's
20 important.

21 The lot coverage calculation, I agree. I
22 think we do have a typo in there for the lot coverage.
23 But we do comply with the greenspace requirement.
24 We'll revise that on the final plans when we address
25 all the comments in detail.

1 The west property line has several trees
2 that are relatively high canopy or higher branch
3 pines. It's kind of bare looking through what's along
4 there. When we sat down with staff to review the code
5 and any potential variances, that kind of thing, they
6 suggested potentially adding a fence on that side
7 versus lower sort of landscaping that might not get
8 much sunlight or opportunity to thrive there and
9 provide screening to the property to the west.

10 My understanding is that's still occupied, a
11 single-family residential, even though it's zoned the
12 same as ours. And that's the copy of the proposed
13 fence of what we anticipate installing for the fence
14 that I circulated to the Board.

15 I know the Conservation Board also had some
16 comments relative to landscaping. I think if you look
17 at the aerial or if the Board has visited the site,
18 there's quite a few large trees. And really outside
19 of the paving area we're intending to leave all of the
20 vegetation that's there. So there's really not an
21 opportunity or space for a significant amount of trees
22 to be installed.

23 We are showing two trees to replace a couple
24 that have to come down in the frontage of the parcel
25 on Southern Drive because there's a lawn area that

1 would facilitate the installation of those.

2 The stormwater collection system, we really
3 didn't spend a lot of time locating that originally.
4 But I talked with the owner. He verified it is 8 inch
5 water main and it does connect to the municipal storm
6 sewer along Southern Drive. So we will make sure,
7 again, that is captured on the final plans that come
8 back in for signature.

9 The rest of the comments really were mostly
10 technical in nature from the town engineer and from
11 staff, who I am happy to answer any of those in detail
12 that the board would like to discuss. But at this
13 point, I wanted to open it up for questions to the
14 Board, see if we can answer those.

15 MR. FADER: What was there before the
16 parking lot?

17 MR. TOMLINSON: My understanding is it was
18 just covered with brush on the lot itself.

19 MR. URBONAVICIUS: Brush and a bunch of dead
20 ash trees.

21 MR. FADER: What's going to be done to
22 mitigate the large parking area that there used to be
23 permeable surface?

24 MR. TOMLINSON: So from a stormwater
25 standpoint specifically?

1 MR. FADER: Stormwater.

2 MR. TOMLINSON: Yeah. So there's an
3 existing storm system in our analysis compared to the
4 existing conditions proposed. We're under all the
5 thresholds that require any kind of SWPPP or --

6 MR. FADER: I understand that. But --

7 MR. TOMLINSON: But we wanted to ensure that
8 no overflow would go towards the neighboring property.
9 And so those are the calculations that we submitted
10 and the town engineer is commenting on.

11 MR. FADER: I understand that. But you're
12 going to have water leaving the site faster and more
13 of it than it used to be.

14 MR. TOMLINSON: There will be a larger
15 volume that leaves the site. We are not up-sizing the
16 storm sewer system. And it's all 8-inch pipe. So
17 that will serve to restrict the flow to the capacity
18 of the pipe.

19 What we provided in the analysis is a
20 25-year storm event, which is the design storm for the
21 Town of Brighton. It will pond in the rear yard or
22 next -- adjacent to the parking area 'til that 8-inch
23 line can catch up to it.

24 So I do not anticipate in the larger design
25 storm that there will be a larger amount -- a larger

1 rate of water leaving the site because it's
2 constrained by the existing piping.

3 MR. FADER: Jason, did town staff have no
4 problem with this?

5 MR. HAREMZA: As long as the stormwater is
6 adequately conveyed to the existing system, then, no.

7 MR. FADER: You know they're just being
8 conveyed to the floodplain; right?

9 MR. HAREMZA: It's being conveyed -- our
10 understanding, it's being conveyed to the municipal on
11 Southern Drive, which connects onto West Henrietta
12 Road.

13 MR. FADER: Which leads to a floodplain.

14 MR. HAREMZA: Where?

15 MR. FADER: Red Creek. That whole area. It
16 transfers to the Genesee River

17 MR. HAREMZA: Right. Genesee River is a
18 fourth-order river, which can accommodate quite a bit
19 of capacity. We had no concerns over the volume of
20 the stormwater.

21 MR. FADER: There's a corner here that's --
22 large greenspace in the corner. Why couldn't you put
23 a small retention area there?

24 MR. TOMLINSON: We'd have to cut down a lot
25 of trees in order to accommodate that. I don't

1 know -- I believe there is some storm piping on Center
2 Drive, but the whole site -- that's the highest point
3 of the site up towards Center Drive. It actually
4 drains back towards the rear of the building, the
5 existing building, the majority of it.

6 MR. FADER: Okay.

7 MS. ALTMAN: Yeah. A couple -- there's
8 reference in the document to a gate on the Center
9 Drive part. Could you talk about that gate and what
10 the purpose of the gate is there? Are you trying to
11 regulate access in and out through that portion of the
12 site in any way? Or is that just a security gate?

13 MR. URBONAVICIUS: So I wanted to put the
14 gate so people wouldn't pass through.

15 MS. ALTMAN: So it's to control other people
16 who are not your clients or your tenants.

17 MR. URBONAVICIUS: Yes, ma'am. So it
18 unlocks when business opens, lock it up at the end
19 type of thing.

20 MS. ALTMAN: And my related question is, is
21 this strictly sort of long-term planning or has there
22 been some change in your business that stimulates the
23 need for the development of additional parking?

24 MR. URBONAVICIUS: So we were always trying
25 to do the additional parking. You know, the Town here

1 gave us the other space. So we have two tenant spaces
2 there. It would help --

3 MS. ALTMAN: To be able to market the space.

4 MR. URBONAVICIUS: Depends on the tenant,
5 right? Sometimes they're fine because we had tenants
6 before. But it would depend on the tenant I think.

7 MS. ALTMAN: Okay. So your business is
8 operating the same way that it's always operated?

9 MR. URBONAVICIUS: Yes, ma'am.

10 CHAIRPERSON PRICE: Matt, the fence that's
11 proposed would stop just past the end of the parking
12 on the one side?

13 MR. TOMLINSON: Yes. The intention there
14 was to keep it out of the front setback. Because it's
15 a through lot, when we sat down with staff, we could
16 only go to 3 foot 6, I believe, if it's in the front
17 yard setback. So the intention was to screen the
18 parking and kind of keep it a little bit higher for a
19 little better visual barrier without having to step it
20 down.

21 CHAIRPERSON PRICE: Okay. And no site
22 lighting, post-op lighting.

23 MR. TOMLINSON: Nope.

24 MR. GRISEWOOD: I was just wondering if it
25 was -- the construction that was done prior to

1 permitting this was -- or demolition, was there any,
2 you know, fine or anything like that? Did the
3 Town fine the landscaper or issue any citation for any
4 of that kind of --

5 CHAIRPERSON PRICE: Stop-work order.

6 MR. GRISEWOOD: Stop-work order.

7 MR. HAREMZA: To answer the question, I
8 don't know. I think it was -- and the owner may know
9 more than I do, but I think it was the activity was
10 observed and the owner was made aware that there
11 needed to be a process to go through. And that's when
12 they submitted their application.

13 MR. TOMLINSON: Yeah. I believe we made an
14 application within a month or six weeks after being
15 let know by Mindis that he needed some help getting
16 this done. So we tried to jump on it as quickly as we
17 could.

18 MR. URBONAVICIUS: They brought me a
19 stop-work letter, but they never signed it.

20 MR. TOMLINSON: But he did stop work.

21 MR. GRISEWOOD: What was the extent of the
22 work that has been done?

23 MR. URBONAVICIUS: Some soil was moved and
24 some gravel was brought in.

25 MR. GRISEWOOD: Were trees cut down?

1 MR. URBONAVICIUS: Yes, sir. There's a
2 bunch of dead ash in there.

3 MR. GRISEWOOD: What's the biggest sized
4 tree that was cut down?

5 MR. URBONAVICIUS: It might have been
6 (indicating.) There's still a couple there that
7 haven't been cut down that are dead. You know, so
8 there's still probably five or six ash on that
9 property that are -- there's a couple leaning over on
10 that top side. And then along this left side in
11 between the house and where that fence would be
12 there's probably three of them in there.

13 MR. GRISEWOOD: Is there any good live trees
14 out there? I see some --

15 MR. URBONAVICIUS: There's a maple that's in
16 here. I cut down the maple that was over here that
17 was leaning. It was rotted in the middle. It was
18 split.

19 And then there's big -- in the top up there,
20 there's a big willow that -- I don't know if it got
21 hit by lightning or what, but part of it has been
22 knocked over and falling over.

23 MR. GRISEWOOD: All right. Is your intent
24 to keep those trees?

25 MR. URBONAVICIUS: My intent was to make it

1 nice, buy, you know, new trees if I have to. I wasn't
2 going -- I have to bring someone in to look at that
3 tree to see if it's savable or not though. It's
4 beyond my call right now. But the ash, I definitely
5 want to pull those out of there. I think they're just
6 dangerous.

7 MR. GRISEWOOD: Sure.

8 MR. HAREMZA: Couple quick things.
9 Regarding the easement on the property to the west, I
10 think one of the issues, Matt -- and this is just
11 clarification on the drawing -- some of the line
12 weights that were used seemed to indicate a property
13 line rather than an easement.

14 MR. TOMLINSON: Yeah. We'll clarify that.
15 Originally, Mindis had an agreement in place with the
16 purchase part of that property. Then the easement
17 went in. We need to clean that up.

18 MR. HAREMZA: Got you. And then the only
19 other thing was regarding the proposed fence. It's
20 shown just sort of hard up against the back of the
21 parking lot there. And, you know, I just -- just to
22 make you aware, obviously, that creates some sort of
23 no man's land on the other side of the fence and also
24 may lead to some maintenance issues with snowplowing,
25 you know vehicles, you know, damaging the fence kind

1 of thing. So more a comment on that.

2 MR. TOMLINSON: Yeah. We will take a look
3 at actually shifting the fence to the property line.
4 We didn't want it to impact trees where we got to
5 start sections of fence through there. So if there's
6 a route we can select that avoids them, great. If
7 not, we'll put in curb stops or make sure plows go to
8 the east side or to the west side, that kind of thing,
9 for snow removal.

10 MR. HAREMZA: That's it.

11 CHAIRPERSON PRICE: Very good. All set?

12 MS. ALTMAN: All set.

13 CHAIRPERSON PRICE: Okay thank you. This is
14 a public hearing. Is there anyone that cares to
15 address this application?

16 MR. HARDING: My name is Robert Harding. I
17 live at 101 Center Drive. And I actually own the
18 residential house to the west of the property. And I
19 would just like to ask that since it's a residential
20 house, I don't know what kind of fence he's going to
21 put up, but if we could put a privacy fence along the
22 side of the house so we don't see the traffic coming
23 and going.

24 And plus, I don't understand why we would
25 have to have a -- okay. That's nice. So that's one

1 thing.

2 And the other thing is why we would have to
3 have the entrance off of Center Drive if he's going to
4 combine it so everything is to Southern Drive where
5 you can come in off Southern Drive and park. Center
6 Drive has eight houses. It's a dead-end street. And
7 we get enough traffic down there now, turning around
8 and coming back up.

9 It wouldn't do any -- it would make more
10 sense to go out on Southern Drive, down to Western and
11 out Townline where you come out at the light. Center
12 Drive has nothing. You can't go -- to the west, it's
13 a dead-end street. You have to come out on West
14 Henrietta Road.

15 So that's the only thing I'm kind of
16 concerned about is traffic flow on Center Drive.

17 CHAIRPERSON PRICE: Okay. All right.

18 MR. HARDING: And the fence was a big thing
19 for the residential property, which he has. So thank
20 you.

21 CHAIRPERSON PRICE: Thank you. Is there
22 anyone else that cares to address this? All right.
23 Thank you. Everybody okay to keep going?

24 MR. TOMLINSON: Would you like me to address
25 the Center Drive? We would prefer to have the

1 driveway come out to Center Drive because of that 14
2 foot. We don't want to have all the traffic going
3 back and forth on the narrow aisle.

4 CHAIRPERSON PRICE: On the side of the
5 building.

6 MR. TOMLINSON: On the side of the building.
7 So there's just not enough real estate to create a
8 full two-way.

9 In addition, you know, if we make it a dead
10 end, there's really not a spot to turn around with
11 parking on both sides there without having the egress
12 going out on Center.

13 The intention is to gate it, limit traffic
14 flow. There really wouldn't be a reason to go down to
15 the left on Center Drive out there. They'd be exiting
16 out towards West Henrietta.

17 MR. FADER: If you remove that, you would
18 decrease the amount of impervious surface.

19 MR. TOMLINSON: That's possible, yeah. We
20 are under the thresholds for --

21 MR. FADER: I know you're under the
22 threshold. We had a meeting here a while back for a
23 property in central Brighton and they were adding --
24 because they weren't maintaining their grass, they
25 added a small piece of impervious grass. Okay? And

1 we spent several meetings discussing what we were
2 going to do to mitigate the terrible runoff that was
3 coming from that piece.

4 Now in West Brighton, we're adding 14
5 parking spots onto an area that is impermeable, that
6 leads to the floodplain. And no one thinks anything
7 of it. I'm wondering -- and this isn't a question for
8 you. It's more for Jason. How do you reconcile two
9 completely different approaches for one part of the
10 Town to another?

11 MR. HAREMZA: Well, I can't speak to the
12 other example you bring up because I was not here. I
13 rely on my colleagues who know more about stormwater
14 than I do. They are saying it's under the thresholds
15 and, you know, I guess --

16 MR. FADER: The other was under the
17 threshold too.

18 MR. HAREMZA: Well, I can't begin to explain
19 Brighton's obsession with stormwater. And then --

20 CHAIRPERSON PRICE: It's a valid point --

21 MR. FADER: Would you object to putting in a
22 small retention pond?

23 MR. TOMLINSON: I think the potential impact
24 with taking down additional trees and the -- if you
25 look at the grades on the plan, Center Drive, there's

1 a high point kind of through the northern portion of
2 that parcel of land. And there's not enough depth
3 there to get the water from back near the building up
4 into a retention pond.

5 So it might capture some stormwater from
6 adjacent properties or the roadway, but it really
7 wouldn't be capturing stormwater from the parking lot.

8 I happened to be at several of those
9 Planning Board meetings where some of that was
10 discussed previously. I think a lot of it, David,
11 really depends on where the stormwater is directed to.
12 If it's directed to some neighboring property where
13 there isn't a conveyance system, that's a much
14 higher -- it's a much larger issue than if it's
15 directed to an established conveyance system like we
16 have here for our property.

17 MR. FADER: Where's the control part?

18 MR. TOMLINSON: For this property
19 specifically, the control is the small diameter of the
20 existing piping that's present on the site. Similar
21 to if the stormwater management facility was put in,
22 it's restricted by the size of the orifice to limit
23 the flow.

24 CHAIRPERSON PRICE: We need to -- why don't
25 we come back at 8:25.

1 (Public hearings concluded.)

2 (Deliberations begin.)

3 CHAIRPERSON PRICE: Go right to our first
4 application, which is 7P-01-23. This is 1880.

5 **Application 7P-01-23**

6 Application of Gallina Cambridge, LLC,
7 owner, and the Montessori School of Rochester, lessee,
8 for Conditional Use Permit Approval to allow a school
9 to be on property located at 1880 Winton Road South.
10 All as described on application and plans on file.

11 MS. ALTMAN: I move to close the public
12 hearing.

13 CHAIRPERSON PRICE: Second that. Moved and
14 seconded to close the public hearing. Is there any
15 further discussion?

16 Jason, please call the roll.

17 (Ms. Altman, aye; Mr. Fader, aye;

18 Mr. Grisewood, aye; Mr. Price, aye.)

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

21 CHAIRPERSON PRICE: I move we approve
22 application 7P-01-23 and adopt the SEQRA findings by
23 staff based on testimony given, plans submitted and
24 four conditions.

25 MR. HAREMZA: Yes. I would just add the

1 eight conditional use permit findings.

2 CHAIRPERSON PRICE: I apologize. Those are
3 on the original --

4 MR. HAREMZA: No. They're not on the
5 original. The original was recommending tabling. So
6 they were not included. The eight conditional use
7 findings are included in option B.

8 CHAIRPERSON PRICE: A through H. I'm sorry.
9 I thought I saw these four over here. Okay.

10 MR. FADER: I'll second that.

11 **Conditional Use Findings:**

12 A. The Planning Board finds that the proposed school
13 use complies with the standards of the Office and
14 Office Park District (BE- I).

15 B. The Planning Board finds that the proposed use is
16 in harmony with the purpose and intent of Code
17 Sections 217-3 through 217-7.2 (Conditional Uses).

18 The location and size of the school, the intensity,
19 size of the site and access have all been considered
20 in the Board's review.

21 C. The Planning Board finds that the establishment of
22 a school in this location, will not be detrimental to
23 persons, detrimental or injurious to the property and
24 improvements in the neighborhood, or to the general
25 welfare of the Town.

1 D. The school will be developed within an existing
2 structure on a developed site and not result in the
3 destruction, loss or damage of any natural, scenic or
4 significant historical resource.

5 E. The Planning Board finds that the establishment of
6 a school will not create excessive additional
7 requirements for public facilities and services and
8 will not be detrimental to the economic welfare of the
9 community.

10 F. The Planning Board finds that the establishment of
11 a school will be adequately served by essential public
12 facilities.

13 G. The Planning Board finds that the establishment of
14 a school will not result in the loss or damage to
15 trees.

16 H. The proposed finds that the establishment of a
17 restaurant in this location essentially conforms to
18 the Town Master Plan: Envision Brighton 2028.
19 Specifically Volume 2, Page 16, Objective E. "Provide
20 support for local...institutions."

21 **Conditions:**

22 1. Address the comments of the Town of Brighton's
23 Department of Public Works.

24 A. Applicant shall respond in writing to
25 all comments of the Planning Board, Town Engineer, and

1 Building and Planning Department.

2 2. All Monroe County comments shall be addressed. In
3 particular the comments of Monroe County DOT (John
4 Raymond). Any agreement with the county shall be
5 subject to the review and approval of the Commissioner
6 of Public Works or their designee and the Town
7 Attorney.

8 3. The entire building shall comply with the most
9 current New York State Fire Prevention and Building
10 Code. The proposed building shall be sprinklered in
11 accordance with Town of Brighton sprinkler
12 requirements.

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

15 CHAIRPERSON PRICE: Is there any further
16 discussion on this? Moved and seconded to approve.
17 Jason, will you please call the roll.

18 (Ms. Altman, aye; Mr. Fader, aye;

19 Mr. Grisewood, aye; Mr. Price, aye.)

20 (Upon roll motion to approve with conditions
21 carries.)

22 **Application 7P-02-23**

23 Application of William Burke, owner, for
24 EPOD (steep slope) Permit Approval to allow for the
25 construction of a 598 square foot detached garage and

1 a retaining wall on property located at 135 Superior
2 Road. All as described on application and plans on
3 file.

4 CHAIRPERSON PRICE: Is there a motion to
5 close the public hearing?

6 MS. ALTMAN: I move to close the public
7 hearing.

8 MR. FADER: I'll second that.

9 CHAIRPERSON PRICE: Moved and seconded. Any
10 discussion? Jason, please call the roll.

11 (Ms. Altman, aye; Mr. Fader, aye;

12 Mr. Grisewood, aye; Mr. Price, aye.)

13 (Upon roll motion to close the public
14 carries.)

15 CHAIRPERSON PRICE: Okay. Is there a
16 motion?

17 MR. FADER: I move that Planning Board finds
18 the proposed action will not have a significant impact
19 on the environment and adopts the negative declaration
20 prepared by town staff and; that the Planning Board
21 adopts the eight findings on steep slope EPOD permit
22 approval outlined in the Planning Board report and;
23 the Planning Board grants EPOD and steep slope permit
24 approval for application 7P-02-23 based on the
25 testimony given, plans submitted and with the 15

1 conditions outlined in the Planning Board report.

2 MR. HAREMZA: How many conditions?

3 MR. FADER: 15. Or did I get that wrong?

4 MR. HAREMZA: It's two.

5 MR. FADER: Okay then. Two.

6 CHAIRPERSON PRICE: I'll second.

7 Just a point of clarification from Jason, is
8 this in fact in the steep slope EPOD or is it the EPOD
9 buffer? And does it matter how it's worded?

10 MR. HAREMZA: Bear with me just a second.

11 The way the town code defines steep slope in the code
12 includes the 50 foot from the top of the slope --

13 CHAIRPERSON PRICE: It does.

14 MR. HAREMZA: -- in the EPOD itself. So no,
15 not the buffer. So it is indeed in the steep slope.

16 CHAIRPERSON PRICE: Plus 50 feet is the
17 entire EPOD. Thank you.

18 Moved and seconded. Any further discussion?
19 Please call the roll.

20 **Negative Declaration Findings:**

21 1. Air, Water, Waste, Erosion, Drainage, and Site
22 Disturbance.

23 The proposed Project is taking place on a
24 previously disturbed site with most areas of
25 disturbance taking place in previously disturbed

1 areas. The area to be disturbed is quite small and
2 the proposal does not significantly alter the overall
3 grade or drainage on the site.

4 The proposed use is a residential garage,
5 and in itself will not disturb the site beyond the
6 work done during the site improvement. Soil erosion
7 control measures will be implemented during and after
8 construction based upon a detailed grading and erosion
9 control plan. The storm water drainage system will be
10 designed and will be constructed in accordance with
11 all applicable Town requirements. The proposed use
12 will not create a substantial increase in solid waste
13 production. The proposed Project will not create any
14 significant adverse impact on the existing air quality
15 or water quality, nor in solid waste production, nor
16 potential for erosion, nor promote drainage problems.

17 2. Noise, Visual, and Neighborhood Character.

18 The Project will not impact the neighborhood
19 character of the surrounding area nor will it create
20 any adverse noise or visual impacts.

21 The Project will not be detrimental to the
22 health, safety or general welfare of persons residing
23 or working in the area of the proposed use and will
24 not be detrimental or injurious to property and
25 improvements in the area or to the general welfare of

1 the Town.

2 3. Agriculture, Archeology, Historic, Natural, or
3 Cultural Resources.

4 The Project will not adversely impact
5 agricultural, archeological, historical, natural, or
6 cultural resources. Proposed improvements are taking
7 place on a previously disturbed site. There are no
8 known archaeological resources within project site.

9 4. Vegetation, Fish, Wildlife, Significant, Habitats,
10 Threatened or Endangered Species, Wetlands, Flood
11 Plains.

12 The Project will not have a significant
13 adverse impact on plant or animal life. The property
14 does not host any threatened or endangered species,
15 and therefore the Project will have no impact on any
16 threatened or endangered species. The Project is not
17 located within a floodplain and there are no wetlands
18 on the project site.

19 5. Community Plans, Use of Land, and Natural
20 Resources.

21 The Project is located in a Residential Low
22 Density B (RLB) district. The garage will be
23 installed on already disturbed areas and will have no
24 adverse impacts on the natural resources found on the
25 site.

1 6. Critical Environmental Area.

2 The Project will not have an impact on any
3 designated Critical Environmental Area as set forth in
4 6 N.Y.C.R.R. Section 617.14(g).

5 7. Traffic.

6 The proposed Project will not generate more
7 vehicle trips to or from the project site. The
8 Project will not have a significant adverse impact on
9 vehicular, bicycle, or pedestrian traffic. Thus, the
10 Project will not result in any significant adverse
11 traffic impacts.

12 8. Public Health and Safety.

13 The Project is subject to all applicable
14 Federal, State, and Local laws, regulations, and code
15 requirements including all requirements of the Town of
16 Brighton, Monroe County Department of Transportation,
17 Monroe County Water Authority, Monroe County
18 Department of Health, and New York State Department of
19 Environmental Conservation.

20 **Conditions:**

21 1. Meet all requirements of the Town of Brighton's
22 Department of Public Works.

23 A. Applicant shall respond in writing to
24 all comments of the Planning Board, Town Engineer, and
25 Building and Planning Department.

- 1 B. Requirements of the Department of
2 Public Works include but are not limited to:
- 3 i. Information on the spoil material
4 excavated for the new garage
- 5 ii. Information on slope stability/angle of
6 repose
- 7 iii. Information on the stormwater easement
- 8 iv. Labeling the EPOD boundaries on the
9 submitted drawings.

10 2. Monroe County comments, if any, shall be
11 addressed.

12 (Ms. Altman, aye; Mr. Fader, aye;

13 Mr. Grisewood, aye; Mr. Price, aye.)

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

16 **Application 7P-03-23**

17 Application of Mindis Urbonavicius - Urbon
18 Developing NY, LLC, owner, for Resubdivision Approval
19 and Site Plan Modification to combine two lots into
20 one and construct 14 parking spaces on property
21 located at 164 Southern Drive and property located on
22 Center Drive, known as Tax ID #148.20-2-23. All as
23 described on application and plans on file.

24 MR. FADER: I move to close the public
25 hearing.

1 MS. ALTMAN: I will second.

2 CHAIRPERSON PRICE: Moved and seconded to
3 close the hearing.

4 (Ms. Altman, aye; Mr. Fader, aye;
5 Mr. Grisewood, aye; Mr. Price, aye.)
6 (Upon roll motion to close the public
7 hearing carries.)

8 MR. FADER: I move that the Planning Board
9 finds that the proposed action will not have a
10 significant impact on the environment and adopts the
11 negative declaration prepared by town staff and; the
12 Planning Board grants resubdivision approval and site
13 plan modification approval for application 7P-03-23
14 based on the testimony given plans submitted and the
15 four conditions outlined in the Planning Board report.

16 CHAIRPERSON PRICE: I'll second. Is there
17 any further discussion? Call the roll.

18 **Negative Declaration Findings:**

19 1. Air, Water, Waste, Erosion, Drainage, and Site
20 Disturbance.

21 The proposed Project is taking place on a
22 previously disturbed site with most areas of
23 disturbance taking place in previously disturbed
24 areas. The site is relatively flat and the proposal
25 does not significantly alter grade or drainage on the

1 site. The proposed use is a surface parking lot, and
2 in itself will not disturb the site beyond the work
3 done during the site improvement. Soil erosion
4 control measures will be implemented during and after
5 construction based upon a detailed grading and erosion
6 control plan. The storm water drainage system will be
7 designed and will be constructed in accordance with
8 all applicable Town requirements. The proposed use as
9 a parking lot will not create a substantial increase
10 in solid waste production.

11 The proposed Project will not create any
12 significant adverse impact in the existing air quality
13 or water quality, nor in solid waste production, nor
14 potential for erosion, nor promote drainage problems.

15 2. Noise, Visual, and Neighborhood Character.

16 The Project will not impact the neighborhood
17 character of the surrounding area nor will it create
18 any adverse noise or visual impacts. The Project Site
19 is immediately adjacent to the intensely developed
20 West Henrietta Road corridor. Noise generated will be
21 from vehicle traffic and minimal truck deliveries.

22 The Project will not be detrimental to the
23 health, safety or general welfare of persons residing
24 or working in the area of the proposed use and will
25 not be detrimental or injurious to property and

1 improvements in the area or to the general welfare of
2 the Town.

3 3. Agriculture, Archeology, Historic, Natural, or
4 Cultural Resources.

5 The Project will not adversely impact
6 agricultural, archeological, historical, natural, or
7 cultural resources. The EAF Mapper Summary Report
8 indicates that the project area is located near
9 archaeologically sensitive areas. Proposed
10 improvements are taking place on a previously
11 disturbed site. There are no known archaeological
12 resources within project site.

13 4. Vegetation, Fish, Wildlife, Significant, Habitats,
14 Threatened or Endangered Species, Wetlands, Flood
15 Plains.

16 The Project will not have a significant
17 adverse impact on plant or animal life. The property
18 does not host any threatened or endangered species,
19 and therefore the Project will have no impact on any
20 threatened or endangered species. The Project is not
21 located within a floodplain and there are no wetlands
22 on the project site.

23 5. Community Plans, Use of Land, and Natural
24 Resources.

25 The Project is located in a BF-2 General

1 Commercial District. The parking lot will be
2 installed on already disturbed areas and will have no
3 adverse impacts on the natural resources found on the
4 site.

5 6. Critical Environmental Area.

6 The Project will not have an impact on any
7 designated Critical Environmental Area as set forth in
8 6 N.Y.C.R.R. Section 617.14(g).

9 7. Traffic.

10 The proposed Project may generate more
11 vehicle trips to or from the project site but is
12 located immediately adjacent to a significant road and
13 will not significantly increase traffic on the road.
14 The Project will not have a significant adverse impact
15 on vehicular, bicycle, or pedestrian traffic.

16 Thus, the Project will not result in any
17 significant adverse traffic impacts.

18 8. Public Health and Safety.

19 The Project is subject to all applicable
20 Federal, State, and Local laws, regulations, and code
21 requirements including all requirements of the Town of
22 Brighton, Monroe County Department of Transportation,
23 Monroe County Water Authority, Monroe County
24 Department of Health, and New York State Department of
25 Environmental Conservation.

1 **Conditions:**

2 1. Meet all requirements of the Town of Brighton's
3 Department of Public Works.

4 A. Applicant shall respond to Planning
5 Board and Town Engineer comments in writing.

6 2. All Monroe County comments, if any, shall be
7 addressed.

8 3. All comments and concerns of the Town Fire Marshal
9 shall be addressed. Comments can be obtained from the
10 Town of Brighton Fire Marshal (Chris Roth,
11 585-784-5220). A turning radius analysis
12 demonstrating that emergency vehicles can adequately
13 access and navigate the site shall be submitted to the
14 Town Fire Marshal for review.

15 4. A letter of credit shall be provided to cover
16 certain aspects of the project, including, but not
17 limited to demolition, landscaping, stormwater
18 mitigation, infrastructure and erosion control. The
19 applicant's engineer shall prepare an itemized
20 estimate of the scope of the project as a basis for
21 the letter of credit.

22 (Ms. Altman, aye; Mr. Fader, aye;

23 Mr. Grisewood, aye; Mr. Price, aye.)

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

1 **Signs:**

2 1690 The Good Feet Store for a building face sign
3 at 2780 Monroe Avenue.

4 CHAIRPERSON PRICE: I move approval based
5 upon recommendation of the ARB.

6 MR. GRISEWOOD: Second.

7 ALL BOARD MEMBERS: Aye.

8 (Proceedings concluded at 8:38 p.m.)

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1 REPORTER CERTIFICATE

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

7 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 19th day of July, 2023
13 at Rochester, New York.

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19
20
21 *Holly E. Castleman*

22 HOLLY E. CASTLEMAN, NYSACR,
23 Notary Public.
24
25