

BRIGHTON PLANNING BOARD

January 17, 2024
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

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

LAUREN BARON, ESQ.
Attorney for the Town

ABSENT:

JASON BABCOCK-STINER

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

1 CHAIRPERSON PRICE: Good evening, everybody.
2 I'd like to welcome you to the first meeting of 2024.
3 It's our January 17th Town of Brighton Planning Board
4 meeting.

5 In the event that you do have comments that
6 you think of after tonight's meeting, please submit
7 those in writing to Jason Haremza, our executive
8 secretary. His email is
9 jason.haremza@townofbrighton.org. Haremza is spelled
10 H-A-R-E-M-Z-A.

11 In the unlikely event of an emergency
12 tonight, there are exits behind you and to our right,
13 your left. I please ask that you just leave in an
14 orderly manner.

15 Mr. Secretary, will you please call the roll
16 for tonight.

17 (Whereupon the roll was called.)

18 MR. HAREMZA: Babcock is absent.

19 CHAIRPERSON PRICE: Okay. Thank you. At
20 this time the Board is going to take a few minutes to
21 talk about tonight's agenda, the applications and the
22 review that's been performed so far by the town staff
23 in their staff reports.

24 First application tonight is going to be
25 12P-02-23. There's additional information that's been

1 provided by the applicant for the Vision Hyundai
2 project over at 2525 West Henrietta Road.

3 MR. HAREMZA: Just briefly of a logistical
4 note, there's a one-page correction sheet that you
5 should have and this includes a keyword that was
6 omitted from the staff report regarding the engineer's
7 memo. So that sentence should read "These and other
8 remaining issues are largely technical in nature and
9 are not an impediment to the Planning Board approval."

10 With regard to this particular case, the
11 applicant met with town staff last week of December.
12 We discussed sort of the history of this site.

13 Vision Hyundai is under relatively new
14 ownership. They were not fully aware of the previous
15 owner's history with trying to redevelop the site,
16 including all of the parcels involved.

17 So it was a very fruitful discussion. And
18 as the staff report states, the remaining issues are
19 very minor. And I've been informed the cars have been
20 removed from the parcel to the south. And when the
21 weather improves, that will be topsoiled and seeded.

22 CHAIRPERSON PRICE: Questions? Okay. So
23 you guys were reasonably satisfied that there's no
24 violation that needs correction? Other than removing
25 the cars from the site.

1 MS. BARON: Yes. I think the discussion
2 during the last Planning Board meeting was whether,
3 you know, that them operating beyond the boundaries of
4 their site is okay and I think that was resolved to
5 staff's satisfaction.

6 CHAIRPERSON PRICE: All right. Brings us to
7 application 1P-01-24. This is 1666 South Winton Road,
8 Talmudical Institute.

9 So this is a -- is this a brand-new
10 application?

11 MR. HAREMZA: It is a brand-new application.

12 It's somewhat complicated in terms of the
13 description. It is a site plan modification as well
14 as a site plan approval and an EPOD permit review.

15 This is very similar to the process I
16 believe that the site went through a little over a
17 year ago before my time with the Planning Board. The
18 project -- my understanding is the project has
19 substantially changed and has grown larger since the
20 last review. That's why it's back before the Planning
21 Board. I'll let the applicant get into the details.

22 It is -- so the staff report, as you may
23 have read, recommends tabling at this time.

24 Because of the increased size of the
25 project, it is now a Type I action under SEQRA. So

1 the full environmental assessment form was just
2 received yesterday. So that needs to be reviewed.
3 You know, coordinating that process takes time.

4 And, you know, there are several areas of --
5 issues that the engineer for the Town has identified
6 in his memo that would need to be addressed.

7 So it's, I would say, still early in the
8 process. Again, that's why the tabling is
9 recommended.

10 Lauren, anything else?

11 MS. BARON: No. I think that covered it.

12 CHAIRPERSON PRICE: Do we become lead
13 agency?

14 MS. BARON: Yes. For this, you would become
15 lead agency. You would need to declare lead agency.

16 CHAIRPERSON PRICE: Who are involved --

17 MS. BARON: The Zoning Board --

18 MR. HAREMZA: Definitely the Zoning Board.

19 MS. BARON: -- and Monroe County agencies.

20 CHAIRPERSON PRICE: DOT?

21 MS. BARON: No, not DOT.

22 MR. HAREMZA: County DOT potentially; right?

23 MS. BARON: County DOT? I have to check.

24 MR. HAREMZA: It's a county road. Yeah.

25 That's part of what I think we needed to

1 confirm, whether, you know, the -- the county agencies
2 have what's called discretionary approval or
3 administrative approval and whether they are just
4 interested agencies or involved agencies. So again,
5 that's part of what we need to look into.

6 But definitely the Zoning Board would be
7 another agency that we would need to coordinate.

8 MR. OSOWSKI: I have a question about the
9 full environmental assessment form. On the first page
10 under project and applicant-sponsored information, it
11 states a brief description of the proposed action.
12 And it says "Using a portion of the existing
13 34,000-square-foot building and constructing a
14 20,000-square-foot addition."

15 I think we're constructing a
16 56,000-square-foot addition; is that correct?

17 CHAIRPERSON PRICE: That's probably the
18 difference between what's approved and the new
19 application.

20 MR. OSOWSKI: I mean, it's -- 20 and 34 add
21 up to 54, but it doesn't add up to 56.

22 And together -- the statement doesn't make
23 sense. I just want that to be straightened out by
24 somebody knowledgeable with the project.

25 MR. HAREMZA: Yeah. No. It's a great

1 question for the applicant I think.

2 And these are the sorts of things that, you
3 know, we need to, you know, confirm or resolve, you
4 know, as the review process continues. So it's a very
5 good catch.

6 You will note there are two communications
7 that were in the staff report packet. We received a
8 third one late yesterday. There should be a paper
9 copy in your folders. That is from Joanne Siegle at
10 30 Hunters Lane.

11 CHAIRPERSON PRICE: Okay. I did see it.

12 Questions on this one?

13 That brings us to application 1P-02-24,
14 application of Robert Hurlbut and Thomas Fitzgerald
15 for preliminary and final site plan at 1919 Elmwood
16 Avenue. It's an extension of the nursing home.

17 MR. HAREMZA: Correct. Yes. Pretty
18 straightforward project. Staff has recommended
19 approval.

20 It's essentially adding a fourth wing to the
21 building that would match the existing three wings.
22 It's not impacting the flood zones on the property.

23 I believe the last time this facility was
24 expanded was 20 years ago or so.

25 And they have already received the variances

1 necessary. They are on the agenda for the
2 Architectural Review Board.

3 Not anticipating any issues. Again, the
4 fourth wing is matching the existing three.

5 Just a couple comments from the Conservation
6 Board regarding trees. That's included on the
7 correction sheet that was in your packet.

8 And just a few minor site issues, the
9 sidewalk connection and some buffering between the
10 town highway property to the east and just resolving
11 some technical questions.

12 But again, nothing that would prevent this
13 from going through approval if the Board so chooses.

14 MS. BARON: I'll also note for the record
15 when this application was before the Zoning Board --
16 the applicant could speak more to this -- the
17 extension is not increasing the amount of people who
18 are going to be at the facility. The intent is to
19 increase the room size for the people that are
20 currently residing there.

21 CHAIRPERSON PRICE: Okay. All right.
22 Application 1P-03-24, Canal View Holdings LLC and
23 Kenneth Bracker. This is for conditional use permit
24 approval at 500 Canal View Boulevard.

25 MR. HAREMZA: Correct. So it's an existing

1 building. There was some minor exterior changes made
2 a few months ago to the rear of the building, a rear
3 door and a ramp.

4 The use itself is what's under review
5 tonight. Pretty straightforward. I understand a
6 representative from Panasonic will be here to answer
7 questions about the details of the operation, those
8 sorts of things.

9 But other than that, a pretty
10 straightforward conditional use permit request.

11 CHAIRPERSON PRICE: Okay. And what do we
12 got in the way of signs? Five of them.

13 MR. HAREMZA: We're actually down to four.
14 150 Sawgrass Drive, the applicant requested a
15 postponement on that for Golisano Institute of
16 Business and Entrepreneurship.

17 So four signs, all of which were recommended
18 approval by the Architectural Review Board.

19 CHAIRPERSON PRICE: Okay. All right. Let's
20 go back to our agenda.

21 I will -- did anybody get the meeting
22 minutes from December 20th? I will admit, I did not
23 see those. But that doesn't mean we can't have a
24 motion to approve. If you --

25 MR. OSOWSKI: I move that we approve the

1 meeting minutes from December 20th.

2 MR. FADER: I'll second that.

3 CHAIRPERSON PRICE: All right. Motion to
4 approve 12/20/23 meeting minutes. Moved and seconded.

5 Jason, call the roll.

6 (Ms. Altman, yes; Mr. Fader, yes;
7 Mr. Grisewood, yes; Mr. Osowski, yes;
8 Mr. Price, yes.)

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

11 CHAIRPERSON PRICE: All right. Jason, can
12 you confirm that the public hearings we are going to
13 hold tonight have been properly advertised.

14 MR. HAREMZA: This public hearing was
15 advertised in the Daily Record of January 11th, 2024.

16 CHAIRPERSON PRICE: All right. Okay. First
17 application is 12P-02-23.

18 **Application 12P-02-23**

19 Application of Vision Hyundai, owner, and
20 Andrew Spencer, BME Associates, agent, for
21 Preliminary/Final Site Plan Approval to construct a
22 1,244 square foot service department building addition
23 along with other minor site improvements on property
24 located at 2525 West Henrietta Road. All as described
25 on application and plans on file.

1 CHAIRPERSON PRICE: Good evening.

2 MR. SPENCER: Good evening, everyone. My
3 name is Andrew Spencer with BME Associates here to
4 represent Vision Auto Group.

5 With me this evening is a representative
6 from Vision Auto that might be able to answer any
7 questions that I cannot.

8 Per your initial review of this project,
9 that's the update I was going to provide you. This is
10 for a 1,244-square-foot building addition on the
11 existing building, on the east side of the building,
12 for a service entry. It is an area in which vehicles
13 would come through and services would be administered
14 through this new addition.

15 The other portion of the project is a
16 building facade renovation. Hyundai of America is
17 resizing all of their facades in all of their
18 facilities across the nation. And Vision is doing
19 this per the Hyundai -- the Hyundai banner, if you
20 will.

21 We did review this at last month's Planning
22 Board meeting and the main issue that did arise was
23 the use of the neighboring property. This is 2525
24 West Henrietta Road. Immediately adjacent is 2577
25 West Henrietta Road.

1 There were vehicles that were parked on that
2 property. They have been removed. No parking signage
3 has been installed. Albeit, not within the icy ground
4 that we have today. But there is no parking signage.
5 I do have some photographs, if the Board would like to
6 see that, of that area.

7 So basically, any of the vehicles that were
8 parked down in this area here and in the area that was
9 turned into gravel have been removed. And Vision
10 Hyundai will be topsoiling and seeding that area as
11 soon as the weather breaks.

12 So we request the Planning Board does look
13 to approve this project with the condition that it's
14 seeded -- topsoiled and seeded at the earliest point
15 that we can this next spring.

16 We did receive the staff report for this
17 project and I would agree with Mr. Haremza that the
18 remaining items are technical in nature and can be
19 addressed through discussions with the town
20 departments and other agencies.

21 I really don't think there's much more that
22 I might be able to add at this point unless there are
23 questions from the Board.

24 CHAIRPERSON PRICE: I don't recall anything
25 else. Was there anything else with the -- maybe the

1 manhole in the front of the -- you clarified that;
2 right?

3 MR. SPENCER: Yes. We clarified that. We
4 clarified that with town staff.

5 That is an existing telephone manhole. It's
6 a box where probably fiber telephone cables come
7 through that area. Any work in that area we would
8 have to coordinate. But there is no site work that's
9 being proposed in that zone.

10 The other clarification for town staff was
11 also there is an existing gas meter on the side of the
12 building, roughly in this location. And that will
13 need to be relocated. And we have proposed a location
14 for it further down the building.

15 Until such time we can do a coordination
16 with RG&E, we do not know where the gas main would
17 have to be routed. If there is a need to get into the
18 pavement in that area, then we will alert town staff
19 and have a plan to do that.

20 CHAIRPERSON PRICE: Okay.

21 MR. OSOWSKI: Do you know where the gas main
22 is now? Or do you not know where it is?

23 MR. SPENCER: We do not know. It is a
24 service that comes from a main. We believe it does
25 come through here and come into this area here.

1 But that has to be uncovered and
2 investigated at the time of the excavation for that
3 structure.

4 MR. OSOWSKI: Okay.

5 CHAIRPERSON PRICE: Okay. Karen, any
6 questions?

7 MS. ALTMAN: No questions.

8 CHAIRPERSON PRICE: David?

9 MR. FADER: No.

10 CHAIRPERSON PRICE: Pete?

11 MR. GRIEWOOD: Good.

12 CHAIRPERSON PRICE: All set, John?

13 MR. OSOWSKI: Yeah.

14 CHAIRPERSON PRICE: Okay. Thank you.

15 MR. SPENCER: Thank you.

16 CHAIRPERSON PRICE: This remains a public
17 hearing. Is there anyone in the audience that cares
18 to address this application? All right. Thank you.

19 **Application 1P-01-24**

20 Application of the Talmudical Institute of
21 Upstate New York, owner, and Betsy Brugg, Woods Oviatt
22 Gilman, agent, for Site Plan Modification to modify an
23 Approved Site Plan (10P-01-22) and EPOD Permit
24 (watercourse) which allowed for a 23,000 +/- square
25 foot school building addition (with an additional

1 8,700 square foot future phase) and Preliminary/Final
2 Site Plan Approval to construct an additional 24,300
3 +/- square foot school building addition all in one
4 phase on property located at 1666 South Winton Road.
5 All as described on application and plans on file.

6 MR. GOLDMAN: Good evening, Mr. Chairman,
7 members of the Board. My name is Jerry Goldman. I'm
8 the attorney and agent for the Talmudical Institute of
9 Upstate New York and its affiliates, who are the
10 owners of the property at 1666 South Winton Road
11 located on the east side of South Winton Road, west of
12 Idlewood Road, south of Westfall and north of the
13 Cambridge Office Park.

14 As the Board will recall, we spent a fair
15 amount of time in going through an initial review
16 process on this site. That review process included
17 applications for two conditional use permits.

18 One was for the Talmudical Institute to
19 operate their religious school primarily on the
20 western end of the site.

21 In addition to that, at that time the
22 existing Montessori School was on the east side of the
23 site -- southeast portion, if you will. And that --
24 in this area. And that is -- and those conditional
25 use permits remain in effect relative to it.

1 Subsequently, the Montessori School did
2 relocate and a use which is, essentially, exactly the
3 same as the Montessori use. So Torah Loving Care use,
4 which is a toddler and pre-school, is occupying that
5 space and is in conformance and remains in conformance
6 with all conditions of that conditional use permit
7 approval.

8 Over the course of time, the Talmudical
9 Institute has had an opportunity to refine their
10 proposal. And the refinement of the proposal involves
11 the fact that it is being switched from what was a
12 two-phase project to a one-phase project.

13 Initially, it was going to have a
14 23,000-square-foot school for 60 students with an
15 8,000-square-foot expansion to accommodate 60 more
16 students for a total of 120. So there was
17 approximately 30- to 31-, 32,000 square feet, if you
18 will, which was considered by the Board.

19 As part of our site plan application this
20 evening, that is treated administratively as a site
21 plan modification on that square footage. But in
22 addition, there has been a total rethought relative to
23 the idea and concept of providing this education and
24 dormitory facility on the site.

25 On the Talmudical Institute site, you can

1 see on this plan -- we can pass it around and display
2 it for the public -- but the area which is outlined in
3 purple was the initial addition that we were going to
4 do. And the area which is depicted on the site plan
5 itself is the proposed additional 22,000 square feet.

6 That 22,000 square feet is not designed to
7 accommodate any more students than what we had before.
8 Basically, there are a number of elements which have
9 been expanded in their footprint.

10 An area, which is the study area, which is
11 called a Beit Midrish has been increased by about
12 2,000 square feet; dining room, approximately 800
13 square feet; kitchen, approximately 1,000 square feet.

14 The dormitory has been repurposed. Instead
15 of having four students per dormitory room, there are
16 some threes and there are some fours. That encases
17 the 3,000-square-foot addition.

18 There are four living spaces, apartments, if
19 you will, which are meant for staff to be able to stay
20 over on the Sabbath. It's not meant to be an
21 apartment by any means. But it's meant to service the
22 overall campus that was originally proposed. And that
23 was meant to go in the original building. But now
24 it's been relocated to within the new footprint.

25 There's also a conference and boardroom,

1 which has been added for administrative purposes.

2 But the big square footage addition is a
3 gymnasium of 6,000 square feet on the site, an
4 internal gymnasium on the site. So essentially,
5 totaling everything up including hallways and all the
6 rest of it, we have an addition of 22,120 square feet
7 on the building which is being proposed.

8 Again, remember this is a 21.8-acre site and
9 we are well below any criteria in terms of building
10 coverage, which is approximately 12 percent as opposed
11 to 20, which is the code maximum. And to that extent,
12 we feel very comfortable with this particular layout
13 and with our proposal.

14 In addition to that, we understand the
15 sensitivities of the neighbors that we have to the
16 east and the Evans Farm neighborhood. And as a result
17 of that, there are some changes which have occurred on
18 the east side of the building, primarily the removal
19 of a parking area, which is located on the east side
20 of the building.

21 And we are proposing a grass berm, which
22 will likely have ultimately some landscaping on it at
23 the southeast corner of the property.

24 Essentially, we are lessening the degree of
25 intensity on the Idlewood side or on the east side of

1 this property as a result of this proposal. We have
2 analyzed all of the elements. And as Jason has
3 pointed out, we have received detailed engineering
4 comments as of yesterday and in my hands -- this
5 morning in my hands and a couple of days ago in the
6 engineer's hands. And we are prepared to answer all
7 those. And in conjunction with the -- with our
8 engineering firm, we are satisfied that we can address
9 all of those questions as well as the staff comments,
10 which were part of the packet which we had.

11 So to that extent, we're here tonight solely
12 for site plan approval to deal with the modification
13 of the building footprint itself for which we are
14 confident the engineering is set and everything else.

15 We have a number of people here who are
16 available to answer any questions that the Board would
17 have including the executive vice president of
18 Talmudical Institute, Rabbi Noble, to my left. Also
19 David Hanlon, who is the project architect. Pete
20 Gorman from Marathon Engineering firm is also here to
21 answer any questions the Board may have.

22 As John Osowski pointed out, I think we do
23 have a little bit of cleanup to do on the SEQRA form
24 in terms of square footages and in terms of language.
25 I -- if it is implied that the 30 -- that

1 30,000-some-odd square feet is already constructed,
2 that's not the case.

3 The school will use a portion of the
4 existing building. But in addition, the
5 30-some-odd-thousand square feet which was previously
6 approved and the 20,000-square-foot addition have a
7 tendency to throw us into the Type I action under
8 SEQRA, which does require going through a coordinated
9 review.

10 On the environmental assessment form, we
11 have listed the Architectural Review Board as an
12 involved agency, the Health Department, the Water
13 Authority and DEC dealing with the stormwater permit.
14 Those are -- and we'll refine that list and we will be
15 getting that out. We'll be finalizing that with the
16 Town.

17 We have the benefit this month of having
18 five Wednesdays in the month. So your next meeting is
19 five weeks from now, which would be in excess of the
20 30 days for coordination for lead agency.

21 So we are hopeful to get all of that set and
22 all of that in place so that the SEQRA process could
23 be dealt with, at the earliest, at the meeting in
24 February. But if you desire to act at the meeting in
25 February, it can be accomplished.

1 The one action item -- while we realize the
2 application itself will be tabled as was asked and
3 answered by counsel, by Lauren, on this, we would
4 request that the Board express their intent by
5 resolution to be lead agency for a coordinated review,
6 logically the most relevant, most important agency in
7 dealing with the application itself.

8 We wanted to give this overall presentation
9 at this point understanding that we will be providing
10 answers in writing to both staff comments and the
11 engineering comments. And to that extent, that is the
12 overall outline of what we are proposing and our
13 presentation this evening.

14 I think what we'll do is leave it to board
15 questions at this point. If there are members of the
16 public who are interested in speaking this evening, we
17 will also -- we'll also be taking notes. And we'll be
18 able to answer those questions either this evening or
19 back in correspondence with the Board. So thank you
20 very much.

21 CHAIRPERSON PRICE: Thank you. Jerry or a
22 representative from Marathon, could you explain a
23 little bit about the watercourse EPOD?

24 MR. GOLDMAN: We do need a stormwater EPOD
25 relative to this.

1 The stormwater EPOD is basically a
2 modification of the one that we had previously
3 received. We required a stormwater EPOD initially.
4 There is some floodplain on the site.

5 Pete, do you want to --

6 Yeah. We are not impacting the floodway.

7 MR. GORMAN: Pete Gorman, Marathon
8 Engineering, 39 Cascade Drive, Rochester.

9 There is a floodplain on the site. And it's
10 tough to see on here, but it runs right through here,
11 down through the stormwater management facility. The
12 floodway is closer to South Winton Road itself.

13 We will be impacting it with the stormwater
14 management facility, but we will not be impacting the
15 floodway itself, just the floodplain.

16 CHAIRPERSON PRICE: Okay. So it is a
17 watercourse EPOD resulting from work to create the
18 stormwater management.

19 MR. GORMAN: Correct.

20 CHAIRPERSON PRICE: Okay. All right. This
21 is typically excavation, Jason; right?

22 MR. HAREMZA: My understanding is it's --
23 yeah. Regrading and creating a larger stormwater
24 facility to accommodate the larger building footprint.

25 And that's the nature of some of the, I

1 would say, more substantive comments -- or all of the
2 comments engineering had are substantive, but the
3 concern about the -- you know, how some of the
4 facilities are designed with regard to, you know, the
5 level of flooding that can occur and the sort of
6 disposition of the excavated soils and creating a berm
7 and, you know, is that going to cause unforeseen
8 consequences with regards to the drainage.

9 You know, we of course defer to the engineer
10 for the Town on these issues, but that was my
11 characterization of the summary.

12 MR. GORMAN: Yeah. It should be noted that
13 we're not filling within the floodplain. We're
14 actually going to be creating additional volume within
15 the floodplain.

16 CHAIRPERSON PRICE: Okay. Thank you. Would
17 you talk briefly about parking and parking ratios
18 required versus proposed?

19 MR. GOLDMAN: Yeah, I can. On the plan
20 itself, there are projects existing on the general
21 site plan, but let's walk through some of that.

22 So one of the features we are talking about
23 is the fact that we are taking those spaces away on
24 the east side of the property.

25 Our initial plan, which was approved, had 91

1 spaces on the west side, 98 spaces on the east side of
2 the building. We have now reconfigured and we have
3 104 spaces located on the west side of the building.
4 And we are at 72 spaces located on the southeast side.

5 The calculation is pretty certain in terms
6 of dealing with the school uses. The Torah Loving
7 Care Elementary has a code requirement of 37 spaces.
8 And the Talmudical Institute has 58 spaces.

9 The remainder of the building, which isn't
10 being utilized, the existing building -- and I should
11 have mentioned this earlier -- is, as we all know --
12 the Brighton Parks and Recreation Department is
13 located within the existing building. That is going
14 to be relocated to the northern section of the
15 building itself with its own entrance -- with an
16 entrance for that community space.

17 In addition, there's additional community
18 space, which is in that area, which currently I
19 believe -- I believe Brighton Volunteer Ambulance may
20 still be in there. I think the school board
21 association was. And quasi-governmental and
22 governmental uses were in that space.

23 There's no real parking ratio which goes
24 along with that per se. What we have provided in our
25 calculation is for 50 spaces for that particular use.

1 In the old plan, we had 42 spaces that were
2 essentially identified for those uses.

3 CHAIRPERSON PRICE: Sorry, Jerry. For that
4 use, you're talking about --

5 MR. GOLDMAN: Parks and Rec.

6 CHAIRPERSON PRICE: Just the Town's --

7 MR. GOLDMAN: Correct.

8 CHAIRPERSON PRICE: Okay. Their entrance
9 and access is still off of South Winton. And their
10 parking -- the parking spaces you've allocated are on
11 the west side of the building.

12 MR. GOLDMAN: That is correct. The existing
13 building -- the existing building, the only use which
14 would be oriented toward Idlewood is the toddler --
15 the toddler preschool located in that portion of the
16 building.

17 The remainder of the building will be these
18 governmental, quasi-governmental uses. The entry will
19 be on the north side with the sidewalk accessing the
20 parking lot, which is located to the west.

21 I don't know if I'm saying it well. David
22 has spent the better part of the last few months
23 really working on all of this. I don't know if you
24 have anything to add.

25 MR. GORMAN: No. That's correct. The Torah

1 Loving Care is the only use using this parking off of
2 Idlewood. Everything else is access off South Winton.

3 David Hanlon, Hanlon Architects.

4 MR. GOLDMAN: So this parking field is
5 increasing in size.

6 CHAIRPERSON PRICE: And the other parking
7 field that is next to the school, that's on the south
8 of the access drive -- yeah. That one. That was --
9 was that proposed with the original application?

10 MR. HANLON: Not in that size. We increased
11 it a bit because that serves as a secondary entrance.
12 We call it the women's entrance.

13 So there was a small area right about here.
14 We moved it up a bit and created a more distinct entry
15 on that side.

16 CHAIRPERSON PRICE: But it is at a point
17 furthest away from the existing building.

18 MR. HANLON: Yes.

19 MR. GOLDMAN: Correct. Correct. The
20 parking field up on top, Dave, do you know how many
21 spots we have in that --

22 MR. HANLON: I don't think -- Pete -- I
23 think we have a breakdown between these two.

24 MR. GORMAN: I don't know.

25 CHAIRPERSON PRICE: They're on your drawing

1 here. That's fine. Okay.

2 And at what point does the parking lot --
3 you say now this is a one-phase project. So I'm
4 assuming all of your site work, all of your utility
5 work, gets done at the same time. So that parking lot
6 on the east side of Idlewood is -- at this
7 right-of-way is part of the initial construction and
8 restored to lawn.

9 MR. GOLDMAN: Correct. Correct. That is
10 part of the overall project when constructed. This is
11 proposed as a one-phase project.

12 CHAIRPERSON PRICE: Is the -- I don't need
13 to get into the nitty-gritty, but is the berm a result
14 of finding a place to put topsoil? Or is it put there
15 to do --

16 MR. GOLDMAN: It serves a dual function.
17 There have been concerns about screening. The berm I
18 believe is proposed on a 1 to 5 slope. So it's not
19 really what we would call any sort of -- any sort of a
20 hill. It's more of a -- it's more of a little rise,
21 if you will.

22 But it does serve the purpose of not having
23 a lot of fill having to be relocated in different
24 parts or off site.

25 CHAIRPERSON PRICE: Okay. And obviously,

1 it's not near your floodplain.

2 MR. GOLDMAN: Not near the floodplain.

3 MR. GORMAN: That is correct.

4 CHAIRPERSON PRICE: I've talked enough.

5 Karen, do you have questions?

6 MS. ALTMAN: Not at this time.

7 CHAIRPERSON PRICE: Fader?

8 MR. FADER: No.

9 CHAIRPERSON PRICE: Okay.

10 MR. GRISEWOOD: I was just wondering did you
11 have a gymnasium before or is this a new addition?

12 MR. GOLDMAN: We had -- there's currently an
13 indoor gymnasium, which is currently going to be
14 shared between the Talmudical Institute and Brighton
15 Recreation.

16 In addition to that, we are constructing an
17 exclusive gymnasium for the benefit of the Talmudical
18 Institute students.

19 MR. GRISEWOOD: Just curious.

20 MR. GOLDMAN: That's what we got.

21 CHAIRPERSON PRICE: John?

22 MR. OSOWSKI: So the swimming pool would
23 also be constructed at the same time?

24 MR. GOLDMAN: That's correct.

25 MR. OSOWSKI: Okay.

1 CHAIRPERSON PRICE: I take it, Jerry, that
2 the fire access road is just that.

3 MR. GOLDMAN: Yeah.

4 CHAIRPERSON PRICE: That everything from
5 essentially the loading dock area, the parking lot,
6 you're not seeing any daily traffic coming around the
7 backside of the building between the building and the
8 athletic field.

9 MR. GOLDMAN: No.

10 MR. GORMAN: That's correct. There is no
11 direct access from this side over to this side. This
12 fire access road is -- allows us to have the proper
13 distance to the backside of this building and for the
14 fire truck to turn around as it's leaving.

15 CHAIRPERSON PRICE: What's the width of the
16 majority of the access road? I know it widens out
17 there by the backside near the loading dock area. 24,
18 26 feet? Is it --

19 MR. GORMAN: 20 feet, I believe.

20 CHAIRPERSON PRICE: I'm sorry?

21 MR. GORMAN: 20 feet.

22 CHAIRPERSON PRICE: 20. Okay. So what is
23 the height of the building in that back area? Is
24 that -- is the width --

25 MR. GORMAN: It is 26 feet. I apologize.

1 CHAIRPERSON PRICE: I believe the width of
2 the pavement is based on the height of the building
3 for fire apparatus.

4 MR. HANLON: So the gym is 30 feet. So it's
5 not past that 34-foot trigger.

6 CHAIRPERSON PRICE: Okay. Any comments on
7 that?

8 Talk to the fire marshal and see if that
9 could be cut down just a little bit.

10 MR. GORMAN: The width of the road?

11 CHAIRPERSON PRICE: The width and/or some
12 combination of a reinforced shoulder and some amount
13 of asphalt.

14 MR. GORMAN: Yeah. Width is usually driven
15 by the fire code. So there is a minimum that we'd
16 have to get a waiver for from -- through the state.

17 CHAIRPERSON PRICE: Have you spoken to the
18 fire marshal yet?

19 MR. GORMAN: Not -- I don't know the answer
20 to that.

21 CHAIRPERSON PRICE: Okay.

22 MR. GORMAN: I can provide that in the
23 communications we've had with you.

24 CHAIRPERSON PRICE: We've had some
25 applications historically that, you know, get our

1 approval. And then they go to the fire marshal and
2 things get a little --

3 MR. GOLDMAN: Yeah. I can say to this,
4 generally speaking, that access road and the
5 configuration, although it's slightly relocated, the
6 concept of it is similar to what was on the initial
7 plan, which was reviewed by the fire marshal. So we
8 have confidence we'll be able to work out -- it'll
9 work out the same way.

10 I should point out that we would be
11 coordinating with Brighton Parks and Rec in terms of
12 their relocation within the building and making sure
13 that we are not impacting them or having as little
14 impact as possible during the construction of this
15 project.

16 CHAIRPERSON PRICE: Okay. All right. Board
17 members, any other questions or comments?

18 MR. OSOWSKI: Will there be a lot of
19 reconfiguration of the existing building? Or just
20 finishes and paint and whatnot?

21 MR. HANLON: So as part of the -- the school
22 will be occupying this wing of the existing building.
23 And so -- I'm sorry. This is the updated one. This
24 wing here. So we'll be renovating that portion. The
25 Torah Loving Care is occupying today this portion.

1 And then other tenants will be occupying this.

2 The level of renovation is up to them; they
3 could really move from one to the other. That's to be
4 seen.

5 MR. GOLDMAN: Parks and Rec right now
6 because of the nature of being a former school and it
7 wasn't really used that much, Parks and Rec had a
8 pretty big footprint within the building itself.

9 So their area is going to be a little bit
10 more defined. And that's been discussed with them.

11 CHAIRPERSON PRICE: You guys have any
12 questions?

13 MR. HAREMZA: Just a question. And I
14 apologize if I missed it. Actually two questions.

15 On the south side of the fire lane south of
16 the building there -- what appears to be a strip of
17 sidewalk. Or what is that feature?

18 MR. HANLON: That -- it's a line weight or
19 different colors. It's a plotting issue. Color
20 plotting.

21 MR. HAREMZA: Well, on the black and white
22 it shows up as a strip of something.

23 MR. HANLON: It's not intended to be a
24 sidewalk.

25 MR. HAREMZA: Okay. I guess I would just

1 request clarification on that.

2 And then I'm sure this question has been
3 answered many times before, but the students at the
4 Talmudical Institute are entirely residential? Or are
5 there any day students?

6 MR. GOLDMAN: They are at least 90 percent
7 residential. There may be some who are -- who
8 have local parents. I think we estimated that perhaps
9 five students could very well be off campus and coming
10 in.

11 MR. HAREMZA: The reason I ask is about
12 parking. Because being primarily residential, it
13 would make sense to me that there's less of a, you
14 know, parking and traffic issue.

15 MR. GOLDMAN: Yeah. There's really not
16 going to be a parking demand, if you will, resulting
17 from the student population.

18 CHAIRPERSON PRICE: Can we just go over
19 quickly the number of students, number of staff.

20 MR. GOLDMAN: The number of students is 120.
21 Number of staff --

22 I don't know if you have a rough-cut number?

23 RABBI NOBLE: Rabbi Noble, Shlomo Noble, 31
24 Sylvan Road.

25 It's -- I'm doing this not -- I'm just doing

1 it off the cuff. I don't really have any notes
2 available. But there are -- the staff is complicated.
3 They're not all there at the same time.

4 So I'm going to give you the breakdown.
5 Some are morning. Some are afternoon. But
6 essentially there are four high school classes. So
7 four rabbis. Two of the post-high schools. So that's
8 six rabbis altogether.

9 And the secular classes would be -- there
10 are four periods. And then there are some support,
11 miscellaneous. So probably about six on that side as
12 well.

13 But again they're not there together at the
14 same time all day. Some are morning. Some afternoon.
15 The classes are broken out, religious in the morning,
16 secular in the afternoon.

17 Two secretaries. One director of
18 development. One building manager. Two janitors.
19 The principal is also one of the rabbis. So he's in
20 the six already. One secular principal only in the
21 afternoons. One kitchen person. The other one is on
22 campus. So there are two kitchen people. One lives
23 in the building. I think that's it.

24 MR. GOLDMAN: Okay.

25 RABBI NOBLE: I do think it was in the

1 original application as well. Thank you.

2 CHAIRPERSON PRICE: Less than 20.

3 MR. GOLDMAN: Yes. Less than 20.

4 RABBI NOBLE: I trust your math.

5 CHAIRPERSON PRICE: Please don't. And
6 Rabbi, could you step up just to tell us a little
7 about the hours of -- how does the day work? How do
8 you --

9 RABBI NOBLE: The boys -- the official day
10 starts at 7:40 when we pray. However, there is an
11 early morning program 40 minutes before the prayer.
12 So it's a voluntary class before the prayer at 7.

13 And after prayer there's a religious class
14 until about 9. So they pray from 7:40 to, let's say,
15 8:20. And then 8:20 to 9 is a class.

16 9 to 9:45 is breakfast and clean up.

17 9:45 to 12:45 is regular Talmud class.

18 12:45 to 1:30 is lunch.

19 1:30 to 2:20 is another class.

20 2:20 is afternoon prayers.

21 2:35 or 2:45 to 6:30 is secular classes.

22 6:30 to 7:30 is dinner.

23 7:30 to 8 o'clock is what we call a night
24 seder, where they study and review some of the classes
25 with a study partner.

1 And 8 o'clock is -- they usually have an
2 activity. Sometimes -- well, now it's off campus
3 because, you know, we don't have much of a -- when we
4 have a gym, it will be on campus.

5 9:15 is the evening services.

6 And then it's, depending on the age, getting
7 ready for bed because they get up early.

8 CHAIRPERSON PRICE: Do the students assist
9 with cooking chores and cleaning?

10 RABBI NOBLE: That would be a wonderful
11 thing if they would. But the short answer to that
12 question is not too much.

13 CHAIRPERSON PRICE: Okay. I was wondering
14 why you had such a low kitchen staff.

15 RABBI NOBLE: It's very interesting that you
16 say that. We have really efficient kitchen staff.
17 And actually, it's quite unbelievable to see what they
18 produce. There are two guys in the kitchen and they
19 are really fantastic.

20 We previously operated the kitchens with
21 more, but since -- for the last 15 years, it's been
22 the same two guys.

23 CHAIRPERSON PRICE: Impressive. Okay. So
24 really, you know, between your secular and the
25 teachings, you probably have 20 staff or less than 20

1 staff that's split up afternoon and mornings.

2 RABBI NOBLE: There are very few people that
3 are there all day.

4 CHAIRPERSON PRICE: You're not burdening
5 this parking situation.

6 RABBI NOBLE: No. And I do want to point
7 out that a lot of the locals -- like, for example, I
8 have -- all of my children went through. So a lot of
9 the locals are coming in with the rabbis.

10 Just stand on the corner of Sylvan at 7:20,
11 you'll see what I'm saying. It's either the rabbis'
12 kids themselves or neighbors and they just get a ride
13 with the rabbis to Yeshiva.

14 CHAIRPERSON PRICE: Okay. That gives us a
15 little better idea of operation and what your staffing
16 is like.

17 RABBI NOBLE: Yeah. Again, I know this
18 isn't like an official response and Jerry might get
19 angry at me, but we were very careful. We took our
20 current parking usage and we used it, you know, with
21 that to determine -- besides from the engineer's
22 figuring out the legal part of it. But just to make
23 sure we would have enough parking.

24 CHAIRPERSON PRICE: Okay. Thank you.

25 MR. OSOWSKI: Do the students have a time in

1 the evening to do their homework? It sounds pretty
2 full up.

3 RABBI NOBLE: To do their homework?

4 MR. OSOWSKI: Yeah.

5 RABBI NOBLE: They do their homework during
6 the study period and --

7 MR. OSOWSKI: All right.

8 CHAIRPERSON PRICE: When do they go
9 swimming?

10 MR. GOLDMAN: The recreation period.

11 RABBI NOBLE: They're off Fridays and
12 they're off Sundays. I mean, not from religious
13 studies, but secular studies.

14 We're actually very proud of their
15 standardized testing scores. And our alumni occupy
16 some of the most prestigious universities in the
17 country.

18 So our students really have gone on to --
19 when I was a student, we used to -- I don't even know
20 if we have it anymore, but we used to participate in a
21 math league. There were times we came in second
22 against schools with thousands of students. We have
23 pretty good kids.

24 Since 1973, you can check with the Rochester
25 Police Department how many cases have the Rochester

1 Police Department responded to our school due to
2 violence. I'm not talking knives and things, but
3 fistfights and stuff like that. And the answer is a
4 resounding zero. And we're very proud of that.

5 So we have really great kids. We're very
6 proud of them. And like I told the neighborhood
7 association or the neighborhood group that I spoke to
8 the very first time, everybody living in that
9 neighborhood is going to love our kids.

10 And when we thought we were staying on Park
11 Avenue, we went to the Architectural Review Board to
12 build a gymnasium, a few of them said we live in that
13 neighborhood. We know those kids. We have to get
14 them this gym. They deserve it.

15 Our kids are very well known in the
16 neighborhood and by and large, very loved. Not that
17 this has anything to do with anything. Don't ever
18 give me a podium.

19 CHAIRPERSON PRICE: Thank you. All right.
20 Are we all good for questions of the applicant?

21 MR. HAREMZA: One more question for Jerry or
22 Pete maybe. The playground at the southeast corner of
23 the site is to remain. And I guess one of my
24 questions is, is that playground typically used by the
25 folks in the neighborhood walking there? Or would it

1 attract parents to drive there?

2 And the reason I ask is there's a large
3 asphalt area right next to it used for emergency
4 vehicle turnaround. That could become a de facto
5 parking area.

6 MR. GOLDMAN: It won't be. I can assure you
7 that.

8 But let me -- in terms of the actual usage,
9 I don't know that any of our group have the exact
10 answer you're looking for. So that's one we will take
11 a note on and we'll respond to it.

12 CHAIRPERSON PRICE: All set?

13 All right. Thank you, Jerry.

14 MR. GOLDMAN: Thank you.

15 CHAIRPERSON PRICE: This is a public
16 hearing. Is there anyone in the audience that cares
17 to address this application? Please come up.

18 MS. WARRICK: I'm Peg Warrick. I live at
19 215 Idlewood, straight across from the school.

20 I'm going to hold a second and answer your
21 question about the playground area. It's a very
22 narrow sidewalk that leads to that. I'm in the
23 schoolyard a decent amount with my dog and I've never
24 seen anyone drive over to that spot. It's such a
25 sharp turn at the sidewalk, you couldn't do it without

1 running on the lawn. I think I've seen plow trucks,
2 but that's it.

3 Anyway, I said enough the other day, but I
4 just thought of a few more things. So I'd like a few
5 more minutes.

6 I do appreciate how much the traffic has
7 already decreased on Idlewood. It's very nice. And I
8 look forward to it staying that way since the
9 Montessori School was in there.

10 The extra space that's being removed on the
11 Idlewood side, that parking area, I'm hoping that's a
12 sign of continued low traffic, which is great.

13 I was concerned about the berms, but I don't
14 totally understand all of the discussion. So I'm
15 going to let you and the engineers make sure that my
16 neighbors don't get even wetter yards, which those of
17 us on Idlewood have pretty wet yards to begin with.
18 So hopefully that will work out.

19 The newly proposed addition, at least I was
20 comfortable. And then as I looked closer, I realized
21 it's double the square footage of what was originally
22 proposed. And I say double because a couple of the
23 line drawings still show the 8,700-square-foot
24 possible second addition that was in the original
25 proposal. So I don't know if that's a mistake or if

1 that's still a possibility. But if you include that,
2 it's definitely twice the size of the original
3 addition.

4 And it seems to be a lot more land coverage
5 because from what I can tell from the drawings, it's a
6 one-story and it needs to be a multi-story. So that's
7 my thought on that. But again the engineer's, the
8 environmental people know more about it.

9 The original proposal called for 120, 125
10 students. The way I look at the drawing now, all of
11 the student dorm rooms are the same size. So I was
12 thinking 36 rooms times four kids is 144 students
13 potentially.

14 But based on one of Mr. Goldman's comments,
15 now I think I realize why some of them are labeled
16 quad and some don't have a label. So that must be a
17 distinction between triples and quads. I guess I hope
18 you can confirm that. Because otherwise, it appears
19 that there could be an increase to 144 students given
20 the rooms are the same size. But again, I don't quite
21 know how to interpret that.

22 I don't remember that many staff apartments
23 in the original proposal, the four. But I've looked
24 through it a couple of times and can't tell if that's
25 an increase of staff or if it's the same. So again, I

1 have to defer to you for that.

2 During the construction, will there be --
3 can we make sure that there's -- the parking lot's not
4 all blocked off at once so Brighton Rec doesn't have
5 to temporarily come through Idlewood for a year or
6 two? Hopefully the parking lot can be done in
7 segments so they can continue -- would be nice
8 because, you know, the agreement's been no new
9 traffic, no new tenants.

10 And along with the no new traffic, no new
11 tenants that would come on the Idlewood side, I'd just
12 hope that with the three conditions related to that in
13 the original proposal stick and that is that they'll
14 direct all their traffic, including Montessori, and
15 therefore Torah Loving Care, to the Winton Road side,
16 that all construction vehicles will strictly use the
17 Winton Road side. That's number 34 and number 35,
18 that everyone's business address, except Montessori,
19 TLC, will stick with the South Winton side.

20 CHAIRPERSON PRICE: I'm sorry, Peg. Could
21 you say that one again?

22 MS. WARRICK: Yes. I'm sorry. Number 35 of
23 the original was that Talmudical Institute will use
24 its business address and prior to issuing a
25 certificate of occupancy will require all tenants,

1 other than Montessori School, to change their address
2 to 1666 South Winton.

3 CHAIRPERSON PRICE: I see. Okay.

4 MS. WARRICK: And everything I've seen says
5 that. I'm just kind of worried if Brighton Rec ever
6 moves out, who might come in after. So I just want to
7 make sure that that condition is still in for this
8 proposal.

9 That's everything I had. Thank you very
10 much.

11 CHAIRPERSON PRICE: Thank you for your time.

12 Anyone else care to address this
13 application? Please come up.

14 MR. REINA: Aron Reina, A-R-O-N, R-E-I-N-A,
15 62 Poplar Way.

16 I submitted my questions and comments in
17 writing. So I just really want to reinforce that.

18 There's -- on the Town's attorney's webpage
19 through the Town, it indicates very clearly that the
20 attorneys cannot provide us with legal advice and
21 legal counsel pertaining to the proceedings.

22 So those questions that my neighbors and I
23 are submitting, we're counting on you to ask those
24 questions of your counsel through the Town because
25 they can give you the answers.

1 What Peg's alluded to and some other
2 questions that we have pertain to scale and what could
3 be in the future through enablement of some of these
4 opportunities.

5 It's wonderful to see the small parking area
6 removed. If it's not going to be used, that's great.
7 Parking is not necessarily a function of a daycare or
8 a nursery school. And that side of the parking was
9 never really part of that process.

10 So if your intention as a board is to
11 restrict the amount of parking space on the Idlewood
12 side, I implore you to ask counsel how to word that
13 restriction so that it defends the neighborhood from
14 future changes and tenancy.

15 We already know that Brighton Rec may or may
16 not be there. There's public discussions out there
17 about a rec center at some point being created. It's
18 only reasonable to believe that they will at some
19 point, not today, but at some point will move.

20 That implies there will be a vacancy.
21 Someone will take that up. Or for example, if Torah
22 Loving Care expands -- and you'll note in my thing I
23 have questions about that. But if they choose to
24 expand and your intention is not to allow that to
25 happen without another hearing, I implore you, again,

1 ask counsel how to word that restriction because they
2 can't tell me. They can only tell you. And I know as
3 a board you would never require us to bring our own
4 individual attorneys to the meeting to interpret how
5 to say what I'm saying. It's just not what would
6 happen.

7 So I'm asking you to think about scale and
8 what happens 10 years from now, what happens 5 years
9 from now.

10 We're two years in. We're already seeing
11 major changes. And that's great. That's absolutely a
12 property owner's right to do that. They can ask for
13 all of that, just as we can ask for our neighborhood
14 to be guarded for additional traffic. And that has
15 really been the crux of a lot of this for the last
16 three years as we started discussing with the school
17 board.

18 The other one thing I really want you to
19 consider -- and this has nothing to do with
20 Talmudical -- RG&E came in through and cleared a lot
21 of trees along that property line during the last
22 discussion in 2022. And it's a source of contention.

23 There's a property space between the back of
24 the neighbors on Idlewood and the edge of the property
25 on the east side of what's now the Talmudical

1 Institute's property. We can't plant trees because
2 RG&E, whatever power structure is doing the
3 engineering and electric, will cut them down.

4 But a lot of very mature, very
5 well-established shade trees were removed. So when
6 you're looking at the site plan, it would be really
7 wonderful if you could encourage some kind of
8 screening.

9 The school will be beautiful. No one
10 disputes that. No one. But we really would
11 appreciate if if the neighbors could at least enjoy
12 something as a courtesy when we're doing this kind of
13 a construction and when that's within the purview of
14 the Planning Board.

15 If you want, I'm available and happy to walk
16 with any individual members or whoever wants to walk
17 the property lines, introduce you to the neighbors,
18 even talk to you about what trees were removed. I've
19 been communicating with the Town's Department of
20 Public Works and RG&E and the Supervisor and town
21 councilmembers to try and see if we rectify some of
22 that and come up with a better process.

23 But while we're talking about this, if there
24 isn't a screening, we really -- it would be a really
25 nice courtesy to see that happen.

1 But again, I hope that you'll consider the
2 questions that are there. And please, if you're not
3 sure how to word the restrictions, please ask counsel.

4 And if my questions don't make sense, I'm
5 happy to be approached by any individual member to
6 discuss this further outside the meeting. I'm happy
7 to report back too if you need me to report back and
8 do that. Thank you.

9 CHAIRPERSON PRICE: Thanks for coming.

10 MR. REINA: Can I just get one clarification
11 question?

12 CHAIRPERSON PRICE: Yeah.

13 MR. REINA: I don't know if I can ask
14 counsel or if I have to ask you first.

15 CHAIRPERSON PRICE: No. Ask me and I will
16 decide what to do with it.

17 MR. REINA: I'm not trying to call anybody
18 out, but if anybody had to recuse themselves during
19 prior proceedings and doesn't need to do so now, is it
20 reasonable to ask that the reasons for the difference
21 could be disclosed?

22 CHAIRPERSON PRICE: Sure. Yes.

23 MR. REINA: Thank you.

24 CHAIRPERSON PRICE: I assume you're pointing
25 to me?

1 MR. REINA: Whoever it applies to.

2 CHAIRPERSON PRICE: It would apply to me.

3 At the time I was employed by an architecture firm
4 that provided a -- I'm going to say a very minor
5 service to the Talmudical Institute.

6 My firm did the study that was -- we were
7 retained by the Brighton Central School District to
8 study reopening Council Rock School -- I'm sorry. I'm
9 sorry. Brookside School. Or what we ended up
10 recommending was to make improvements to Council Rock
11 and to leave the existing Brookside closed.

12 So that study we had electronic copies of
13 all the footprints of the building. And we made a
14 copy of that and we gave it to the Talmudical
15 Institute. That constituted a service that my firm
16 provided. I recused myself because I was a
17 stockholder in the firm.

18 I have retired as of August 4th. I no
19 longer work at that firm.

20 MR. REINA: Thank you for sharing that. And
21 to be honest, we were whispering back there and
22 saying, "Bill's doing a really nice job." Not a
23 criticism, just a concern as to why --

24 CHAIRPERSON PRICE: It was never brought up
25 before why it had to happen, but there it is.

1 MR. GORMAN: Thank you. Appreciate it.

2 CHAIRPERSON PRICE: Thanks for coming out.

3 Welcome.

4 MS. MASSARE: Hello. My name is Judy
5 Massare. I live at 126 Idlewood Road.

6 I share with my neighbors the approval of
7 the idea of reducing a lot of what's going on from the
8 Idlewood Road entrance. And especially I like that
9 that face of the building is essentially going to be
10 unused for evenings and weekends, which will make
11 things a little bit easier on the neighborhood.

12 The comment that I have today has to do with
13 the staff report from the building and planning
14 department, specifically item 6D on page 10. It says
15 in part and I quote, "The specific development of the
16 grocery store will not result in the destruction, loss
17 or damage of any natural, scenic, significant or
18 historical resource."

19 Okay. And I did not find any reference to a
20 grocery store in the plans that were posted online,
21 but I assume that the Planning Board has additional
22 documents that might indicate that there's something
23 along those lines.

24 CHAIRPERSON PRICE: They didn't tell you
25 there was going to be a grocery store?

1 MR. HAREMZA: Getting a second Whole Foods.

2 MS. MASSARE: We can cut this really short
3 if it's not going to happen, but if that's something
4 that's seriously --

5 CHAIRPERSON PRICE: Absolutely not going to
6 happen.

7 MS. MASSARE: Okay. That's fine then.

8 Then the second thing that I want to mention
9 is that it's particularly troublesome that the
10 Talmudical Institute or their legal advisors have
11 assumed an unusual amount of flexibility, or so it
12 seems to me, with the permits that are issued by the
13 Town.

14 And specifically in 2022, the Planning Board
15 issued a conditional use permit to the school district
16 and to the Talmudical Institute for the Montessori
17 School of Rochester to operate on their property. It
18 was not a permit for a daycare to operate on the
19 property, but specifically for Montessori.

20 And a large part of that rationale was that
21 Montessori had been there for two years. So their
22 impact on the neighborhood would be the same as it had
23 been, even though they had never previously obtained a
24 conditional use permit. Now, it seems --

25 CHAIRPERSON PRICE: They never applied.

1 MS. MASSARE: Never applied --

2 CHAIRPERSON PRICE: They never applied.

3 MS. MASSARE: Never applied for a permit,
4 right.

5 Now the permit that Montessori had has
6 seemingly been transferred to another daycare. And as
7 far as I know, it was without going through the
8 Planning Board in order to do it.

9 Now, I don't have any complaints with the
10 daycare being there. It's actually less traffic than
11 Montessori, which is a real plus.

12 But my concern is how much flexibility is
13 allowed when a conditional use permit or a site plan
14 has been approved? And that's something that I would
15 like the Planning Board to consider as they're
16 approving a site plan is how much flexibility are you
17 going to allow.

18 For example, can they put a second story on
19 that dorm building? That would double the 120
20 students and start making it look more like an
21 apartment complex than a school dormitory.

22 CHAIRPERSON PRICE: Okay. I'm gathering
23 your -- I'm getting your theme between yourself and
24 Aron on, you know, not just what is this today as
25 proposed, but what could potentially happen.

1 MS. MASSARE: And I acknowledge things can
2 happen in the future that should come through the
3 Planning Board.

4 CHAIRPERSON PRICE: They do.

5 MS. MASSARE: It shouldn't be, well, it's
6 almost the same. So we're going to do it.

7 CHAIRPERSON PRICE: Yeah. Okay.

8 MS. MASSARE: That's the gist of what I have
9 to present.

10 CHAIRPERSON PRICE: Very, very valid. And
11 thank you for coming out.

12 Let me just ask counsel, Montessori came
13 before us for a conditional use permit at their new
14 location.

15 MR. HAREMZA: Yes.

16 CHAIRPERSON PRICE: And then they came back
17 and asked for an EPOD permit because the fence
18 enclosing the play yard was within the EPOD. It was
19 the watercourse EPOD.

20 So they secured the permits at the new
21 location that they were required to. They weren't
22 required at this location for a conditional use. And
23 they were required for a conditional use -- I'm sorry.
24 They were not required to do an EPOD permit at this
25 location. That was not associated with their

1 conditional use application.

2 I guess the question is does a conditional
3 use permit go with the applicant or with the location?

4 MS. BARON: So I would have to look at what
5 the conditional use permit states in terms of whether
6 one of the conditions of the conditional use permit
7 was specifically for that use.

8 Generally speaking, if there is a change in
9 use, I would say that somebody would need to come back
10 for a different conditional use permit. But based on
11 the information that has been provided, it seems like
12 it's essentially the same use, if not a less intensive
13 use than the Montessori School.

14 CHAIRPERSON PRICE: So any substantive
15 change in the use as well as applicant.

16 MS. BARON: Yes.

17 CHAIRPERSON PRICE: Okay.

18 MR. HAREMZA: And my understanding is --
19 Mr. DiStefano's provided some background into this
20 process. Again, before my time -- just before my time
21 with the Planning Board. And I think that the point
22 is well taken that some explanatory verbiage should be
23 included in updated versions of the staff report to
24 provide that background.

25 CHAIRPERSON PRICE: Thank you. Okay. Are

1 there others? Good evening.

2 MR. BEACH: Good evening my name is Tim. My
3 last name is Beach. First name, T-I-M, last name
4 B-E-A-C-H. I live at 200 Idlewood. That's right
5 there on the corner.

6 And like my fellow neighbors had mentioned,
7 I do appreciate the work that all of you do up here on
8 the Board and also the changes within the -- losing
9 the parking lot.

10 But what I would like to bring -- two
11 different things to the Board's attention tonight is
12 that the Talmudical Institute keeps on committing this
13 to being a community space. And that's still yet
14 defined as it's now a private property that the Town
15 of Brighton puts forth -- pays lease space on. So it
16 does not necessarily feel very community-like.

17 The second thing I'd like to bring up is
18 more the concern about security. With the 144 kids,
19 teenagers, young adults in my backyard, what is their
20 recourse for activities outside of the school when
21 they're not in class?

22 There are no sidewalks that exist going into
23 the Idlewood, Evans Farm neighborhood. And there's no
24 sidewalk to get onto Winton Road as well.

25 So if we're thinking about children's

1 safety, we have 144 kids that have no way to go
2 anywhere else but into --

3 CHAIRPERSON PRICE: How many kids did you
4 say?

5 MR. BEACH: 144.

6 CHAIRPERSON PRICE: Where'd you come up with
7 that number?

8 MR. BEACH: I'm sorry. How many kids are in
9 the --

10 CHAIRPERSON PRICE: It's not 144.

11 MR. BEACH: I'm sorry.

12 CHAIRPERSON PRICE: It's 120.

13 MR. BEACH: 120. So 120 students that now
14 have nowhere else to go except our neighborhood and do
15 what they may.

16 So I'd like the Board to think of other
17 options available for them to find ways to get into
18 the community that's safe for them and also safe for
19 our community in Evans Farm.

20 CHAIRPERSON PRICE: You have a sidewalk in
21 your community now?

22 MR. BEACH: There is one sidewalk on the
23 south side of the side road that connects to Idlewood.
24 And that ends at Idlewood. There are no sidewalks on
25 the south side of that street.

1 CHAIRPERSON PRICE: I'm not sure I get what
2 you're getting at, but --

3 MR. BEACH: I'm bringing up the concern of
4 if they would like to go into downtown -- or into
5 Twelve Corners, there's no safe way for them to get
6 there.

7 CHAIRPERSON PRICE: We'll talk with staff
8 about getting a sidewalk in your neighborhood.

9 MR. BEACH: Okay. I do appreciate your
10 time.

11 CHAIRPERSON PRICE: Thanks for coming out.
12 Next, please? Okay. One more call? I don't want
13 anybody to say there was not an opportunity to speak.
14 You sure nobody back there wants to speak? Don't
15 start writing us nasty letters saying we didn't give
16 you a chance to talk. Okay. Thank you very much.

17 I will be asking during -- if you'd like to
18 stick around, we will be having deliberations on this
19 application. And some of the questions that Aron
20 brought up I will be asking counsel and our executive
21 secretary. Those are some good points. Okay.

22 And we will discuss this whole-scale issue
23 and what are some of the implications of potential
24 future uses that -- should the tenant mix change in
25 the future. So appreciate your forethought on that.

1 Okay. We're moving on.

2 MR. GOLDMAN: Before you go, thank you very
3 much first of all.

4 In fact, if there is a change in the tenant
5 mix, that's something that has to be considered as to
6 whether it requires a further conditional use permit
7 or a different mode of relief. If it's governmental
8 in nature, it's a permitted use in the RLB district.

9 So we have to really consider all of what
10 the code has to offer. Thank you.

11 CHAIRPERSON PRICE: Okay. Thank you.

12 **Application 1P-02-24**

13 Application of Robert Hurlbut, owner, and
14 Thomas Fitzgerald, MRB Group, agent, for
15 Preliminary/Final Site Plan approval to construct a
16 4,870 +/- square foot nursing home addition on
17 property located at 1919 Elmwood Avenue. All as
18 described on application and plans on file.

19 MR. FITZGERALD: Good evening.

20 CHAIRPERSON PRICE: Introduce yourself.

21 MR. FITZGERALD: Thomas Fitzgerald. I'm
22 with MRB group, 145 Culver Road.

23 So we are seeking a preliminary and final
24 approval for the site plan at 1919 Elmwood Avenue for
25 the building addition. As mentioned from the agenda

1 review, this is a building addition. It's here for a
2 variance for the nursing home facility to expand for
3 additional room.

4 Existing right now is 54 patient bedrooms.
5 It'd be more spread out that way allowing more space
6 from two to three to two patient beds to two to one
7 patient beds per room.

8 As stated before in the agenda review, we
9 did grant a 50-foot setback variance for this side
10 setback over here. Main reason why we had to go over
11 here was because there was a 100-year floodplain south
12 of the site. So that was probably the best location
13 that we can go for.

14 As stated, this is an identical building,
15 same elevation, same architectural finish, everything
16 else.

17 Did meet with the Conservation Board last
18 week. There was some comments about the landscaping.
19 And actually gave Jason copies of the landscaping
20 plan. We just updated them the other day.

21 And also there was a -- some from the town
22 engineer for -- here was asking for an engineering
23 report. We did send that to them on Monday just
24 giving them the rundown of what's being provided.

25 I will say the one thing that we did add to

1 the updated plans, we did add mowing filler strips to
2 help reduce the runoff for the building. So we're
3 going to have downspouts located around, put splash
4 blocks around it so it'll help reduce the runoff when
5 it goes in and ties into the catch basin over here.
6 So when it goes into the creek, it'll reduce it.

7 And it's the same mowing strip, similar to
8 what was done in 2004 with the building addition along
9 over here.

10 And I think for the most part that's all we
11 got so far. And if there's any questions --

12 CHAIRPERSON PRICE: I think the -- when we
13 were discussing amongst ourselves, the capacity of
14 this facility is not increasing.

15 MR. FITZGERALD: Correct.

16 CHAIRPERSON PRICE: This addition is to
17 split up double rooms and turn them into single rooms
18 and go back and renovate other rooms in the facility.

19 MR. FITZGERALD: That's correct, yes.

20 MS. BARON: All right. And no parking
21 increase, no increase in the impervious surface, I
22 mean, other than the building, not looking at any new
23 asphalt.

24 MR. FITZGERALD: No.

25 CHAIRPERSON PRICE: Little bit of concrete

1 for the sidewalk there.

2 MR. FITZGERALD: Yes. Just new sidewalk
3 just to tie into the existing building and then just
4 the exit for this building over here, tie in -- and
5 then just -- because there's a step-out over here and
6 then a basement located on the other side.

7 CHAIRPERSON PRICE: I would like to see the
8 revised landscape plan. The plan was -- wasn't the
9 best in the way of selection of materials. There was
10 nothing flowery and a bunch of stuff appeared to be --
11 yeah. Okay.

12 This is -- so you're going to put a mow
13 strip in front of the plants.

14 MR. FITZGERALD: Are you talking about over
15 on this part?

16 CHAIRPERSON PRICE: A mow strip -- is that
17 the dotted hatch line that's in the middle of this
18 lawn area?

19 MR. FITZGERALD: Yeah. That's the dotted
20 line, yes.

21 CHAIRPERSON PRICE: I'm not sure I
22 understand why that's necessary.

23 And the stairs go both directions. The
24 rendering kind of showed it going -- just coming up in
25 one direction. But the stairs are split and going in

1 two directions out of the entrance.

2 MR. FITZGERALD: Right. Yeah. The step
3 goes up into the building. And this one goes down
4 towards the basement.

5 CHAIRPERSON PRICE: Okay. That's all I
6 have.

7 You guys have any questions?

8 MR. OSOWSKI: The Town mentioned there's a
9 bus stop on Elmwood Avenue close to this and mentioned
10 a sidewalk connection from the main entrance of the
11 building to the public sidewalk.

12 Does that sound like a possibility on the
13 site plan somewhere? I'm not sure exactly what they
14 were referring to, but people ride a bus to work --

15 MR. HAREMZA: As you all know, Brighton's
16 comprehensive plan and the walk/bike component of it
17 is -- you know, the Town's certainly urging multimodal
18 transportation. And part of that is ensuring you can
19 reach the front door of any facility without having to
20 pick your way across wet grass or dodging vehicles in
21 a driveway. So providing that sidewalk from the
22 public sidewalk on Elmwood to the front door of the
23 building for anyone arriving on foot, whether they be
24 bus riders or anyone walking from the neighborhood is
25 seen as a small but important part of the update in

1 the site plan.

2 MR. OSOWSKI: You understand that?

3 MR. FITZGERALD: So it's -- so the bus
4 stop -- so you're just trying to say to connect it
5 this way?

6 MR. HAREMZA: Yeah. Actually, you want
7 to -- the main entrance I believe is here. So
8 basically just extend that to --

9 MR. FITZGERALD: Oh, I see. I think the
10 only thing I can think of is just the signage would
11 just have moved.

12 MR. HAREMZA: I think you can avoid the
13 sign. You know, you can bend the sidewalk so you
14 don't impact the sign.

15 MR. FITZGERALD: Okay.

16 MR. OSOWSKI: Thank you.

17 MR. FITZGERALD: All right. Thank you.

18 CHAIRPERSON PRICE: Peter, any questions?

19 MR. GRISEWOOD: I don't have any questions.

20 CHAIRPERSON PRICE: Lauren or Jason?

21 MS. BARON: I will just note that this was
22 identified as an unlisted action for purposes of
23 SEQRA.

24 CHAIRPERSON PRICE: Unlisted?

25 MS. BARON: Yes. Because it's greater than

1 the 4,000-square-foot addition.

2 CHAIRPERSON PRICE: Gotcha. Okay. Unlisted
3 makes sense. Yeah.

4 I'm sorry. Thank you.

5 MR. FITZGERALD: Thank you.

6 CHAIRPERSON PRICE: Is there anyone in the
7 audience that cares to address this application? All
8 right. Thanks.

9 Let's do our last public hearing.

10 **Application 1P-03-24**

11 Application of Canal View Holdings LLC,
12 owner, and Kenneth Bracker, agent, for Conditional Use
13 Permit Approval to allow for a general office with a
14 light duty electrical laboratory facility on property
15 located at 500 Canal View Boulevard. All as described
16 on application and plans on file.

17 MR. BRACKER: Good evening. My name is
18 Kenneth Bracker and I'm representing the owner
19 tonight, Canal View Holdings LLC.

20 Within the 500 Canal View building,
21 Panasonic is looking to rent around 11,000 square feet
22 within it. And in reviewing the plans, we discovered
23 that it requires a conditional use permit. And that
24 is why we are here tonight.

25 In terms of the -- going through this little

1 checklist here that I saw of the Town, was emailed to
2 me, I don't think I -- it's -- 1, 2 and 3 are pretty
3 self-explanatory. 4, we did go to Architectural
4 Review Board. I think it was either December or
5 November of last year. And we obtained approval for
6 putting an overhead door and a man door in the rear of
7 the building.

8 At the time when we made that application,
9 we did not know we needed to come to this Board. So
10 when we found this out in mid-December, we made the
11 application. And that's why we're here tonight.

12 There is no proposed outside storage
13 associated with this use. A representative is here
14 from Panasonic. And he has reviewed the criteria and
15 associated section 203-168D. And he is right here.

16 CHAIRPERSON PRICE: Name, please.

17 MR. BUONACCORSO: Michael Buonaccorso, last
18 name, B-U-O-N-A-C-C-O-R-S-O, from Panasonic.

19 I reviewed this code and no concerns.

20 CHAIRPERSON PRICE: So, yes. We typically
21 just want to know what's coming in, going out, any raw
22 materials, anything toxic, anything, you know, if it
23 spilled would it be a problem. No, you know, odors or
24 fumes.

25 MR. BUONACCORSO: Nothing like that. It's

1 half of an office space, half of a lab. That lab is
2 testing office shelf materials, hardware. And we are
3 developing software. So testing hardware, software,
4 nothing that you couldn't purchase off of the internet
5 and ship normally. Maybe have some lithium batteries,
6 but nothing with chemicals or hazardous, explosives.
7 I reviewed this and nothing like that.

8 CHAIRPERSON PRICE: There's no -- it's not
9 any kind of a retail operation?

10 MR. BUONACCORSO: Nope. No. I mean, it's
11 possible a customer could visit us. It's not typical.
12 We typically go to the customers. Maybe visitors from
13 other Panasonic offices occasionally, but about 15 to
14 20 of us in the office that would come in every day.

15 CHAIRPERSON PRICE: Normal business hours?

16 MR. BUONACCORSO: Yeah. 8 to 5, Monday
17 through Friday type of thing. Yeah.

18 CHAIRPERSON PRICE: Okay. No -- nothing
19 that creates a lot of paper or garbage that are going
20 to go flying out the door?

21 MR. BUONACCORSO: Not that would be unusual
22 for an office.

23 CHAIRPERSON PRICE: So your office trash is
24 just in a Totter kind of thing?

25 MR. FITZGERALD: Yup.

1 CHAIRPERSON PRICE: Does that get cleaned up
2 by the landlord or do you hire a service and they
3 bring it to a loading dock or something?

4 MR. BUONACCORSO: So right now we're
5 downtown in a skyscraper. So, you know, cleaners come
6 around. They take the trash and presumably put it
7 into a central location. But there's no special
8 considerations for us.

9 CHAIRPERSON PRICE: Okay. Adding any
10 exterior lighting to the building or --

11 MR. BRACKER: No.

12 CHAIRPERSON PRICE: All right. That's all I
13 can think of.

14 MR. OSOWSKI: If I heard you right, the main
15 line of business is software development.

16 MR. BUONACCORSO: Yes. Yup. We're --
17 services to manufacturing companies outside of
18 Rochester, but most of their employees are software
19 developers.

20 Some are field-support-type people. And
21 those ones would work in the lab.

22 MR. OSOWSKI: Do you have other people who
23 work, you know, remotely who are tied to you?

24 MR. BUONACCORSO: A couple. One person in
25 Florida and one person in Japan. But other than that,

1 we're pretty centrally located in Rochester.

2 We have some corporate support in New
3 Jersey. But the majority of the operations are
4 Rochester.

5 MR. OSOWSKI: Thank you.

6 MS. ALTMAN: I think that all the questions
7 I had were touched upon.

8 MS. BARON: I had one additional question.
9 You might have already mentioned. There's not going
10 to be any outdoor storage located with the operations;
11 correct?

12 MR. BRACKER: Correct.

13 MR. BUONACCORSO: Correct.

14 CHAIRPERSON PRICE: Okay. All right. Thank
15 you.

16 MR. BRACKER: Thank you very much.

17 MR. BUONACCORSO: Thank you.

18 CHAIRPERSON PRICE: This is a public
19 hearing. Is there anyone that cares to address this
20 application? All right. Thank you. All right.

21 Let's reconvene right around quarter of.

22 (The proceeding recessed at 8:37 p.m.)

23 (Begin deliberations and decisions.)

24 **Application 12P-02-23**

25 Application of Vision Hyundai, owner, and

1 Andrew Spencer, BME Associates, agent, for
2 Preliminary/Final Site Plan Approval to construct a
3 1,244-square-foot service department building addition
4 along with other minor site improvements on property
5 located at 2525 West Henrietta Road. All as described
6 on application and plans on file.

7 MR. FADER: I'll move we close the public
8 hearing.

9 MS. ALTMAN: Second.

10 CHAIRPERSON PRICE: Closing the public
11 hearing, a motion and a second. Any discussion?

12 Jason, please call the roll.

13 (Ms. Altman, yes; Mr. Fader, yes;
14 Mr. Grisewood, yes; Mr. Osowski, yes;
15 Mr. Price, yes.)

16 (Upon roll motion to close the public
17 hearing carries.)

18 MR. FADER: I move the Planning Board finds
19 the proposed action requires no further environmental
20 review based on the staff review of submitted
21 documents and consideration of state and town code and
22 the Planning Board grants preliminary and final site
23 plan approval for 12P-02-23 based on the testimony
24 given, plans submitted and the four conditions
25 outlined in the Planning Board report.

1 MS. ALTMAN: I would second.

2 CHAIRPERSON PRICE: All right. Motion to
3 approve has been made and seconded.

4 I have just one question for staff. There
5 is an easement on the adjacent property for access to
6 the Vision building; is that correct? That south --
7 that southerly curb cut off of West Henrietta. I
8 think the site plan showed an easement that runs down
9 that south side. It looks like the drive lane is
10 actually on the adjacent property.

11 MS. BARON: Yes.

12 CHAIRPERSON PRICE: And then they were
13 parking on the gravel adjacent to the driveway.

14 MS. BARON: Yes. Yeah. That is accurate.
15 Beyond the drive lane on the other side of the drive
16 lane.

17 I believe that there is a private agreement.
18 The applicant has represented there was a private
19 easement agreement associated with that property in
20 terms of access.

21 CHAIRPERSON PRICE: Okay.

22 MS. BARON: It's not delineated on the
23 plans. We can clarify that with the applicant.

24 CHAIRPERSON PRICE: All right. We have a
25 motion and a second. Does anybody else have any other

1 questions? Okay.

2 Jason, please call the roll.

3 **Conditions:**

4 1. Applicant shall respond in writing to all comments
5 of the Planning Board, Department of Public Works,
6 Assistant Town Engineer, Building and Planning
7 Department, and Fire Marshall.

8 2. The entire project shall comply with the most
9 current New York State Fire Prevention and Building
10 Code and the Town of Brighton sprinkler requirements.

11 3. All Town codes shall be met that relate directly
12 or indirectly to the applicant's request.

13 4. Monroe County comments shall be addressed.

14 (Ms. Altman, yes; Mr. Fader, yes;
15 Mr. Grisewood, yes; Mr. Osowski, yes;
16 Mr. Price, yes.)

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

19 **Application 1P-01-24**

20 Application of the Talmudical Institute of
21 Upstate New York, owner, and Betsy Brugg, Woods Oviatt
22 Gilman, agent, for Site Plan Modification to modify an
23 Approved Site Plan (10P-01-22) and EPOD Permit
24 (watercourse) which allowed for a 23,000 +/- square
25 foot school building addition (with an additional

1 8,700 square foot future phase) and Preliminary/Final
2 Site Plan Approval to construct an additional 24,300
3 +/- square foot school building addition all in one
4 phase on property located at 1666 South Winton Road.
5 All as described on application and plans on file.

6 CHAIRPERSON PRICE: Motion to table this
7 application?

8 MR. FADER: I move that application 1P-01-24
9 be tabled based on testimony given and plans
10 submitted. Additional information is required to make
11 a determination of significance and to have a complete
12 application. The two items outlined in the Planning
13 Board report are required to be submitted no later
14 than two weeks prior to the next Planning Board
15 meeting.

16 MS. BARON: Sorry if I could interrupt. If
17 you would also add a declaration of lead agency to
18 that tabling motion as well and directing Jason to
19 send out notice of lead agency to any involved
20 agencies for SEQRA.

21 MR. FADER: Can I amend it to this?

22 MS. BARON: Yes.

23 MR. FADER: And I move that we add what she
24 just said because I couldn't remember it all.

25 MR. HAREMZA: That doesn't help my voice

1 memo, but Lauren and I know and can get what we need
2 to get.

3 CHAIRPERSON PRICE: Motion includes the
4 intent of the Planning Board to assume lead agency and
5 directs the executive secretary to circulate notice of
6 that intent to other interested and involved agencies.

7 MR. FADER: Exactly.

8 CHAIRPERSON PRICE: That's moved. We got a
9 second?

10 MR. GRISEWOOD: Second.

11 CHAIRPERSON PRICE: Second by Peter. When
12 you're ready Jason, go ahead and call the roll.

13 (Ms. Altman, yes; Mr. Fader, yes;
14 Mr. Grisewood, yes; Mr. Osowski, yes;
15 Mr. Price, yes.)

16 (Upon roll motion to table and keep the
17 public hearing open carries.)

18 **Application 1P-02-24**

19 Application of Robert Hurlbut, owner, and
20 Thomas Fitzgerald, MRB Group, agent, for
21 Preliminary/Final Site Plan approval to construct a
22 4,870 +/- square foot nursing home addition on
23 property located at 1919 Elmwood Avenue. All as
24 described on application and plans on file.

25 MR. FADER: I move we close the public

1 hearing.

2 MS. ALTMAN: I would second.

3 CHAIRPERSON PRICE: Moved and seconded.

4 Please call the roll.

5 (Ms. Altman, yes; Mr. Fader, yes;

6 Mr. Grisewood, yes; Mr. Osowski, yes;

7 Mr. Price, yes.)

8 (Upon roll motion to close the public

9 hearing carries.)

10 MS. ALTMAN: I move that the Planning Board finds that
11 the proposed action for application 1P-02-24 will not
12 have a significant impact on the environment, the
13 Planning Board adopts the negative declaration
14 prepared by the town staff. I move that the Planning
15 Board approves application 1P-02-24 based on the
16 testimony given, plans submitted and with the five
17 conditions outlined in the Planning Board report.

18 CHAIRPERSON PRICE: I'll second.

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

21 **Conditions:**

22 1. Applicant shall respond in writing to all comments
23 of the Planning Board, Department of Public Works,
24 Assistant Town Engineer, Building and Planning
25 Department, and Fire Marshal.

1 2. The applicant shall satisfy the requirements of
2 the Assistant Town Engineer including, but not limited
3 to, the following issues:

4 a. Stormwater runoff
5 b. Water service
6 c. Construction sequencing
7 d. A physical barrier along the east
8 property line
9 e. A sidewalk connection

10 For a complete list of specific requirements, please
11 refer to the attached memo dated 1-16-2024.

12 3. Monroe County comments, if any, shall be
13 addressed.

14 4. The entire project shall comply with the most
15 current New York State Fire Prevention and Building
16 Code and the Town of Brighton sprinkler requirements.

17 5. All Town codes shall be met that relate directly
18 or indirectly to the applicant's request.

19 (Ms. Altman, yes; Mr. Fader, yes;
20 Mr. Grisewood, yes; Mr. Osowski, yes;
21 Mr. Price, yes.)

22 (AUpon roll motion to approve with conditions
23 carries.)

24 **Application 1P-03-24**

25 Application of Canal View Holdings LLC,

1 owner, and Kenneth Bracker, agent, for Conditional Use
2 Permit approval to allow for a general office with a
3 light duty electrical laboratory facility on property
4 located at 500 Canal View Boulevard. All as described
5 on application and plans on file.

6 MR. FADER: I move we close the public
7 hearing.

8 MS. ALTMAN: I'll second.

9 CHAIRPERSON PRICE: Altman seconds it. Any
10 discussion? Please call the roll.

11 (Ms. Altman, yes; Mr. Fader, yes;
12 Mr. Grisewood, yes; Mr. Osowski, yes;
13 Mr. Price, yes.)

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

16 MR. FADER: I move the Planning Board finds
17 the proposed action will not have a significant impact
18 on the environment and adopts the negative declaration
19 prepared by town staff and the Planning Board grants
20 conditional use approval and adopts the eight findings
21 in the Planning Board report and that the Planning
22 Board grants conditional use approval for application
23 1P-03-24 based on the testimony given, plans submitted
24 and with the three conditions outlined in the Planning
25 Board report.

1 MR. OSOWSKI: Question. Do we want to add a
2 ninth condition that if the tenant moves out, changes,
3 whatever, that we want to review this, that they can't
4 just bring somebody else in we don't know about? This
5 has some pretty specific conditions regarding
6 the laboratory facility and so and so forth. So maybe
7 it's superfluous, but maybe a belt and suspenders
8 isn't a bad idea.

9 CHAIRPERSON PRICE: Jason, this is the TOP
10 district; right?

11 MR. HAREMZA: Correct.

12 CHAIRPERSON PRICE: So --

13 MR. HAREMZA: Technology and office park.

14 CHAIRPERSON PRICE: Yeah. Does that
15 everything come in -- it seems like everything comes
16 in there for a use permit. We've seen a lot.

17 MR. HAREMZA: As with most zoning districts
18 in Brighton, there's a lot of things that require
19 conditional use permits.

20 Off the top of my head, I don't recall,
21 but -- you know, like I do remember light industrial,
22 like the only thing allowed is an office space
23 actually. So even light industrial is not
24 permitted --

25 MR. OSOWSKI: Maybe we say the conditional

1 use permit expires when the tenant moves out,
2 something like that. Keep it simple. I don't know.

3 MR. GRISEWOOD: I would disagree with that.
4 I think that the use goes with the conditional use
5 permit for that property. So like if I own a property
6 and I'm leasing this out to -- I've gone through the
7 hassle of coming to the Planning Board and getting my
8 conditional use permit, I want to be able to lease
9 that out to the next, you know, person that can do the
10 same or similar thing without having to feel like I
11 have the burden of coming back here.

12 CHAIRPERSON PRICE: Knowing it has to be a
13 pretty exact match.

14 MR. GRISEWOOD: Yeah. It's pretty
15 significant time and expense to come before this Board
16 that a property owner of a business has to bear. So I
17 would think about that a little bit.

18 MR. FADER: The eight conditions are clear
19 enough. We don't have to do anything else.

20 MR. HAREMZA: I think it is something to --
21 to John's point, to keep in mind. And maybe Lauren
22 and I need to do a little bit of research because
23 somewhere in the recesses of my brain there is a
24 vacancy period. So if a tenant space was vacant for 9
25 months, 12 months --

1 MS. BARON: Yeah, I think it's a year in the
2 code.

3 MR. HAREMZA: -- then the new tenant has to
4 come back.

5 So it's only if you reoccupy the space
6 within a short period of time do you avoid coming back
7 to the Board.

8 MR. OSOWSKI: All right. Thank you.

9 CHAIRPERSON PRICE: Okay. Did we get a
10 second?

11 MR. HAREMZA: If there was, I did not record
12 it.

13 MS. ALTMAN: I would second it.

14 MR. HAREMZA: Thank you.

15 CHAIRPERSON PRICE: All right. Motion to
16 approve made and seconded. We had some discussion.
17 Everybody good? Please call the roll.

18 **Conditional Use Findings:**

19 1. The Planning Board finds that the proposed office
20 with electrical laboratory facility complies with the
21 standards of the Technology and Office Park (TOP)
22 District.

23 2. The Planning Board finds that the proposed use is
24 in harmony with the purpose and intent of Code
25 Sections 217-3 through 217-7.2 (Conditional Uses).

1 The location and size of the office with electrical
2 laboratory facility, the intensity, size of the site
3 and access have all been considered in the Board's
4 review.

5 3. The Planning Board finds that the establishment of
6 an office with electrical laboratory facility in this
7 location, will not be detrimental to persons,
8 detrimental or injurious to the property and
9 improvements in the neighborhood, or to the general
10 welfare of the Town.

11 4. The office with electrical laboratory facility
12 will be developed within an existing structure on a
13 developed site and not result in the destruction, loss
14 or damage of any natural, scenic or significant
15 historical resource.

16 5. The Planning Board finds that the establishment of
17 an office with electrical laboratory facility will not
18 create excessive additional requirements for public
19 facilities and services and will not be detrimental to
20 the economic welfare of the community.

21 6. The Planning Board finds that the establishment of
22 an office with electrical laboratory facility will be
23 adequately served by essential public facilities.

24 7. The Planning Board finds that the establishment of
25 an office with electrical laboratory facility will not

1 result in the loss or damage to trees.

2 8. The proposed finds that the establishment of an
3 office with electrical laboratory facility in this
4 location essentially conforms to the Town's
5 Comprehensive Plan: Envision Brighton
6 2028. Specifically Volume 2, Pages 16, the Economic
7 Vitality Policy Objectives [emphasis added]:

8 A. Attract and promote the sustainable
9 development of quality office, retail, commercial,
10 medical, light industrial, and residential uses in
11 areas with existing critical infrastructure, in an
12 effort to expand the Town's local tax base while
13 providing needed and desired goods and services, and
14 without compromising other community goals.

15 E. Provide support for local businesses,
16 entrepreneurs, institutions, and enterprises to
17 attract and retain local talent and increase access to
18 local goods.

19 **Conditions:**

20 1. Applicant shall respond in writing to all comments
21 of the Planning Board, Department of Public Works,
22 Town Engineer, Building and Planning Department, and
23 Fire Marshal.

24 2. The entire project shall comply with the most
25 current New York State Fire Prevention and Building

1 Code and the Town of Brighton sprinkler requirements.

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

4 (Ms. Altman, yes; Mr. Fader, yes;

5 Mr. Grisewood, yes; Mr. Osowski, yes;

6 Mr. Price, yes.)

7 (Upon roll motion to approve with conditions
8 carries.)

9 **Signs:**

10 **1708** 2090 South Clinton Avenue, Jessica Costa,

11 Freestanding sign (variance required) for
12 Northridge Church/Gastroenterology Group of
13 Rochester

14 CHAIRPERSON PRICE: I make a motion to
15 approve as recommended by the ARB.

16 MR. FADER: I second.

17 CHAIRPERSON PRICE: Moved and seconded. All
18 in favor?

19 ALL BOARD MEMBERS: Aye.

20 **1709** 1655 Monroe Avenue, Jessica Costa, Building
21 face sign for High Falls/Sotheby's
22 International Realty

23 CHAIRPERSON PRICE: I make a motion to
24 approve as recommended by the ARB.

25 MR. FADER: Second that.

1 CHAIRPERSON PRICE: Moved and seconded. All
2 in favor?

3 ALL BOARD MEMBERS: Aye.

9 MR. FADER: I would second.

10 CHAIRPERSON PRICE: Moved and seconded. All
11 in favor?

12 | ALL BOARD MEMBERS: Aye.

13 1711 150 Sawgrass Drive, Ryan Kelly, Freestanding
14 sign for Golisano Institute for Business and
15 Entrepreneurship

16 CHAIRPERSON PRICE: 1711 is postponed.

21 MR. FADER: I'll second that.

22 | CHAIRPERSON PRICE: All in favor?

23 | ALL BOARD MEMBERS: Aye.

24 | (Proceedings concluded at 9:26 p.m.)

* * *

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REPORTER CERTIFICATE

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

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

13 Dated this 17th day of January, 2024
14 at Brighton, New York.

Holly E. Costain

Holly E. Castleman ACR,
Official Court Reporter