
BRIGHTON

PLANNING

BOARD

February 21, 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 |
| DAVID FADER |) | |
| PETER GRISEWOOD |) | |
| JASON BABCOCK-STINER |) | |

LAUREN BARON, ESQ.
Attorney for the Town

ABSENT:

KAREN ALTMAN

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

1 CHAIRPERSON PRICE: Good evening, everyone.
2 I'd like to welcome you all to the February 21st,
3 2024, meeting of the Town of Brighton Planning Board.

4 In the unlikely event of an emergency
5 tonight, there are doors behind you and a door to my
6 right, your left. I'd just ask that you exit in an
7 orderly and safe manner.

8 If there are any comments that you care to
9 submit after hearing more details about the
10 applications discussed at tonight's meeting, you may
11 submit those comments in writing to Jason Haremza, who
12 is our executive secretary and a planner for the Town.
13 His email is jason.haremza, H-A-R-E-M-Z-A,
14 @townofbrighton.org.

15 At this time I will call the meeting to
16 order and ask the executive secretary to call the
17 roll, please.

18 (Whereupon the roll was called.)

19 MR. HAREMZA: Altman is absent.

20 CHAIRPERSON PRICE: Thank you. All right.
21 At this time we do take a few minutes with the Board
22 and staff and our consulting legal advisor to talk
23 about the applications that we'll be hearing tonight.

24 Jason, our first one is application
25 1P-01-24. Additional information has been submitted

1 for the Talmudical Institute of Upstate.

2 This is for a series of approvals, site plan
3 modification to an existing approved site plan, EPOD
4 permit and -- let's see -- preliminary, final plan --
5 sorry. Going through all of these.

6 Are we approving conditional use as well?
7 Yup? Okay.

8 MR. HAREMZA: No. Sorry.

9 CHAIRPERSON PRICE: There was mention of
10 conditional use in some of the correspondence. And I
11 didn't think that was relevant.

12 MR. HAREMZA: No. Sorry. Yeah. The
13 description of the agenda item does not include
14 conditional use. And that's not under consideration.

15 CHAIRPERSON PRICE: Thank you. Okay. Does
16 this --

17 MR. HAREMZA: Just a point of, I guess,
18 logistical order. Some of the applicants have
19 discussed changing the order of the agenda.

20 So I will defer to you as Chair and the
21 Board to entertain that request to hear 1666 South
22 Winton Road last.

23 CHAIRPERSON PRICE: All right. Other than
24 order of agenda, is there anything about that
25 application that sticks out to you?

1 MR. HAREMZA: No. Just a quick recap.
2 You'll recall last month there was testimony and you
3 deferred on the environmental determination. We had
4 just received the revised long environmental
5 assessment form. Because this was a Type I action, we
6 performed a coordinated review.

7 And last month, again, you declared your
8 intent to be lead agency as Planning Board. All the
9 other involved agencies signed off on that. So
10 tonight you're free to adopt the draft negative
11 declaration if you see fit.

12 As far as the project itself, the applicant
13 has responded to the issues raised preliminarily by
14 the town engineer. There's a few outstanding issues
15 that our town engineer is still working on with them.
16 But none of them rise to the level of -- they're
17 mostly technical in nature and can be resolved with
18 staff.

19 Lauren?

20 MS. BARON: No. That was good.

21 CHAIRPERSON PRICE: All right. Okay. Do we
22 have any questions? Okay.

23 That will take us to our second application.
24 This is 2P-01-24. This is an application on the
25 Jewish Senior Life for an extension of final site plan

1 approval. This was granted, I assume, just under a
2 year ago.

3 MR. HAREMZA: Just over a year ago actually.
4 January 18th, 2023.

5 CHAIRPERSON PRICE: Okay. And all
6 conditions and everything is the same. There's no --

7 MR. HAREMZA: Nothing's changed.

8 You have a site plan in your packet just to
9 reference to refresh your memory as to what you
10 reviewed last year.

11 But this is simply an extension of the
12 approved timeline to the maximum allowed, which is two
13 years from the original approval. So this would go to
14 January 18th, 2025.

15 MS. BARON: And also in terms of the SEQRA
16 review, the SEQRA was conducted at -- during the first
17 approval. And you would just be relying on that
18 previous SEQRA determination in granting the
19 extension.

20 CHAIRPERSON PRICE: All right. Any
21 questions? All right.

22 Application 2P-02-24. This is Twelve
23 Corners Presbyterian Church, owner, and Kids First
24 Childcare. This is a conditional use permit
25 application.

1 MR. HAREMZA: Pretty straightforward. Some
2 of the pretty typical questions are included in the
3 staff report you may wish to ask the applicant
4 tonight.

5 They have provided a written authorization
6 from the property owner. So we're all set on that.

7 There were no big concerns raised by staff,
8 but just some clarification, on, you know, how is this
9 going to function with the other uses on the site and
10 interaction with the driveway to the north, which is
11 now shared with the Brighton Central School District.

12 I have distributed -- you have a copy of an
13 email from the -- sorry. An email from Brighton
14 Central to the applicant describing some of their
15 future plans for that driveway and parking I believe.
16 And the applicant can speak to that.

17 CHAIRPERSON PRICE: Okay. Did that
18 correspondence just end up getting to us tonight?

19 MR. HAREMZA: Yes.

20 CHAIRPERSON PRICE: Okay.

21 MR. HAREMZA: Just one other note on that.
22 The application tonight does not include any outdoor
23 changes or exterior changes, including signage.

24 So just to reiterate what's in the staff
25 report, those would require separate review in the

1 future.

2 CHAIRPERSON PRICE: Okay. All right. Thank
3 you. What do we have in the way of signs tonight?
4 There's one postponed and one to review?

5 MR. HAREMZA: No. Actually, two. The
6 postponement was from last month.

7 So 150 Sawgrass was postponed to January.
8 And tonight that it is up for approval. They received
9 the variances needed from the Zoning Board. It had
10 already been reviewed by ARB. Recommended approval by
11 them.

12 And one new sign, 2750 Monroe Avenue, sign
13 for Crumbl Cookies in the Whole Foods Plaza.

14 CHAIRPERSON PRICE: All right. All right.
15 So the Board has been asked to modify the agenda
16 order. Basically three items plus signs.

17 How about we start with the Jewish Senior
18 Life expansion of the site plan approval. Move on to
19 Twelve Corners Presbyterian. And then we'll take on
20 the Talmudical Institute at 1666 South Winton Road.
21 All right.

22 So let me see if there's any other business
23 here to attend to. I don't -- I did not see the
24 January 17th meeting minutes. Did those come out?
25 Did you receive them? I looked online. I didn't see

1 them.

2 MR. OSOWSKI: Came out a few weeks ago.

3 CHAIRPERSON PRICE: Few weeks ago. The
4 meeting minutes I saw were from 2015 on the website,
5 but -- okay. So you found them. I did not find them.

6 MR. HAREMZA: John, was that email or on the
7 website?

8 MR. OSOWSKI: I got an email with them.

9 CHAIRPERSON PRICE: Anybody else not get
10 them? Did you get them?

11 MR. FADER: I don't remember.

12 CHAIRPERSON PRICE: Okay. We'll put that
13 off to March. We'll postpone approving the January
14 meeting minutes.

15 Mr. Secretary, were tonight's public
16 hearings properly advertised?

17 MR. HAREMZA: Tonight's public hearings were
18 advertised in the Daily Record of February 15th, 2024.

19 CHAIRPERSON PRICE: Okay. So we will change
20 the order. We're going to ask for the applicant for
21 2P-01-24.

22 **Application 2P-01-24**

23 Application of Jewish Senior Life, owner,
24 for extension of Final Site Plan Approval (Phase I,
25 1P-01-23) allowing for the construction of a

1 four-story building containing 35 Independent Living
2 dwelling units, a 5,500 +/- square foot multipurpose
3 room/theater addition, a 2,000 +/- square foot fitness
4 addition and one 1,400 +/- square foot maintenance and
5 storage building on property located at 2000 Summit
6 Circle Drive. All as described on application and
7 plans on file.

8 MR. INGALSBE: Good evening, everyone.
9 Barry Ingalsbe. I'm the development consultant for
10 the Jewish Senior Life. I'm representing them tonight
11 for the application.

12 CHAIRPERSON PRICE: And you're asking for --
13 we grant these typically for a year. I take it this
14 was just waiting for construction season or
15 is there --

16 MR. INGALSBE: No. The Jewish Home had all
17 intents and purposes to start last year. And this
18 project was under the purview of New York State
19 Department of Financial Services Review. And they've
20 received an extraordinary delay from the State and
21 their approval. And so that's the reason for the
22 extension request.

23 We do expect that approval this -- this year
24 to be able to start by the end of the summer.

25 CHAIRPERSON PRICE: Okay. And that's all

1 for site plan extension. Had you submitted for a
2 building permit yet or not?

3 MR. INGALSBE: Yes. Yup.

4 CHAIRPERSON PRICE: So this is pretty far
5 along.

6 MR. INGALSBE: Yeah. It's a phase
7 permitting process. And having gone out to -- I think
8 the first two pages are permit review. We got to pick
9 that back up again.

10 CHAIRPERSON PRICE: Everything associated
11 with this is, it remains the same. Was there
12 incentive zoning involved with this as well?

13 MR. INGALSBE: Yes, there was.

14 CHAIRPERSON PRICE: All those conditions --

15 MR. INGALSBE: Yup. Everything remains the
16 same. We'll be building according to the first site
17 plan.

18 CHAIRPERSON PRICE: Very good. Any
19 questions?

20 MR. OSOWSKI: Was there any other State
21 approvals that you received that you needed to get
22 before this could proceed?

23 MR. INGALSBE: Nope. That's the only
24 approval.

25 MR. OSOWSKI: Okay.

1 CHAIRPERSON PRICE: Jason or David? All
2 set? Okay.

3 Lauren? Jason, all set?

4 Thank you.

5 MR. INGALSBE: Thank you very much.

6 CHAIRPERSON PRICE: Is there anyone in the
7 audience that cares to address this application? All
8 right. Thank you. Going to move on.

9 Our second application is 2P-02-24.

10 **Application 2P-02-24**

11 Application of 12 Corners Presbyterian
12 Church, owner, and Kids First Childcare, Inc., lessee,
13 for conditional use permit approval to allow for a
14 daycare facility on property located at 1200 Winton
15 Road South. All as described on application and
16 plans on file.

17 MR. MIETZ: Good evening. Dennis Mietz,
18 1850 South Clinton, representing Twelve Corners
19 Presbyterian. Thank you for hearing our application
20 tonight.

21 So just as a matter of background, the
22 church about three years ago embarked on a plan to try
23 to create use for some of the idle space that was
24 there in the church. Obviously, like most all other
25 religious communities, membership has fallen. And

1 obviously, the pressure on funds is significant.

2 So there was idle space here that was
3 previously used for educational purposes probably
4 eight to ten years ago. So we began, you know,
5 marketing that space on behalf of the church. We
6 handle all the facilities management for the church.

7 And we were successful to find Kids First
8 daycare, who's currently over in the Baptist temple
9 over on Highland and Clover. And we've worked on a
10 lease agreement to have them come to Twelve Corners
11 and liven up the space that's been pretty much unused
12 for a number of years.

13 It's about 7,319 square feet. It's on the
14 north side of the campus. The building is about
15 26,000 square feet on 6-plus acres. And this
16 represents about a little less than 30 percent of it.

17 There is currently a preschool that's in the
18 lower level of that north wing that operates in the
19 mornings. And that will remain. That is run and
20 operated by the church.

21 And so I have tonight with me Ron Little
22 from Twelve Corners and Diana Singer from Kids First.
23 So if we have specific questions that I can't answer,
24 they can answer.

25 But basically, there's very little change

1 involved. We have an entrance. There's a floor plan
2 up here. We'll be just making an alcove at the north
3 entrance so kids will go to the preschool, will go
4 down. And kids who are going to the daycare will turn
5 left. So it will be like a little lobby.

6 And then we just have to demise one spot on
7 the south side of the leased property. The rest of it
8 will be interior, simple remodeling. Any of the rooms
9 will be used as they are.

10 We're adding a couple bathrooms. Obviously,
11 we'll be coming for a separate building permit for all
12 of that work. But materially when you walk in now and
13 walk in later, there won't be much change at all.

14 As Jason mentioned earlier, there is a
15 common road now that exists between the school
16 district and Twelve Corners Presbyterian, which we
17 have easements through.

18 And I submitted a letter from Lou Alaimo,
19 the deputy superintendent, about some of their plans
20 there. They just got their bond issue, you know,
21 passed by the State. So now they're in the state
22 approvals. So it's possible that by the end of the
23 next year, they may start working over there.

24 But the spirit of it is that they're going
25 to expand the school parking lot. However, the

1 entrance to the school parking lot will remain off of
2 Winton Road. And the cars will basically go left into
3 that parking lot and will not get up as far as where
4 our point is here in the north wing of the church.

5 So the only use of that road probably in the
6 plan will be to access the new athletic diamonds that
7 they're putting in the back, which would be in
8 the late, mid-afternoons. But there won't be any
9 daily high school parking back there. It will all be
10 contained in the high school parking lot, which is
11 being expanded.

12 So we're pretty comfortable that there won't
13 be any traffic issues. In the mornings, the preschool
14 doesn't operate until a little bit later. And Diana's
15 folks come between 7 and 8, the majority of them. The
16 preschool kids come between 8:30 and 9. And there's a
17 lot less of them in the preschool. There's less than
18 40. This new daycare is licensed for 98.

19 So we don't think there will be any
20 conflicts there. And the preschool gets out at 1
21 o'clock, while Diana's program, of course, for daycare
22 runs the whole day. So there really shouldn't be any
23 conflicts there of mass traffic or dropping people
24 off.

25 We also have the ability to use the spaces

1 that are all there now until the school district
2 project starts.

3 And then we will be probably creating a
4 sidewalk that goes east and west to connect on our
5 back parking lot when those other spaces go away
6 because we have 119 spaces on the site, which is ample
7 for any of the day-use as well as no conflict with the
8 church, who really uses it on Sundays. During the
9 week there's a few administrative people, the pastor,
10 and we have parking at the Winton Road side for that.

11 So we feel like this will work out fine. It
12 will help the church greatly in their mission to keep
13 providing, you know, service to the community.

14 CHAIRPERSON PRICE: Dennis, thanks. What
15 was this historically built for? This was always a
16 school; right?

17 MR. MIETZ: Well, it was built in three
18 different pieces. But this wing was educational.

19 Ron, maybe -- Ron, you got to come up so the
20 court reporter can hear you. Since I do that at my
21 meetings, please come up.

22 MR. LITTLE: Hello. Ron Little 305 Weymouth
23 Drive. He said I had to say that.

24 MR. MIETZ: See. He even follows me.

25 MR. LITTLE: Twelve Corners Church is 75

1 years old this year. It started at Howard Johnson's
2 and then moved to Allendale Columbia and Sunday school
3 in the firehouse. And it just kept growing at the
4 time in the '50s and '60s.

5 And they were able to build the very
6 beautiful sanctuary. It's quite an asset to the Town
7 in its appearance.

8 And the mission of ministry continues. It's
9 never been interrupted by anything that I'm aware of
10 in 75 years. It does a lot of ministries with other
11 people that don't have a place to meet, which is part
12 of our mission to accept the love of Christ in action.

13 Does that -- you --

14 CHAIRPERSON PRICE: Yeah. Yeah. I just
15 wanted to get a sense historically this had -- you
16 know, when it was -- had been fully occupied and
17 operational. This isn't terribly different than when
18 the facility was up and running.

19 MR. LITTLE: Yeah.

20 CHAIRPERSON PRICE: So we're not seeing
21 something that we haven't seen before.

22 MR. LITTLE: Yeah. We have the notion of
23 stewardship. And the building part -- the educational
24 wing being empty didn't make sense from a stewardship
25 perspective.

1 CHAIRPERSON PRICE: So when the kids come,
2 they were coming between 7 and 8, being picked up by 1
3 o'clock.

4 Some of the typical questions for
5 conditional use is around pickup and drop-off, number
6 of employees, how many parking spots, you know, is
7 there adequate parking that you have access to.

8 I suspect the number of students and the
9 ratio of teachers or care providers is not that large.
10 So you're not -- you're not -- this operation isn't
11 going to fill that parking lot.

12 MR. MIETZ: No. The maximum -- Diana can
13 come if you wish. But 20 employees is the maximum
14 there.

15 And then kids, obviously, are being dropped
16 off. There's no consumption of parking for them.

17 And again, we have the 119 spaces. So
18 there's adequate parking.

19 And just to clarify, the preschool hours are
20 9 to 1. Her hours are 7 in the morning until 5 to 6
21 p.m.

22 CHAIRPERSON PRICE: Okay.

23 MR. MIETZ: I just wanted to suggest there's
24 no conflict between our existing use, that's there in
25 the basement and this new use.

1 CHAIRPERSON PRICE: Okay. The kids have
2 access to all the outdoor facilities and able to go
3 outside.

4 And then things like garbage, there's --

5 MR. MIETZ: Dumpster on site.

6 CHAIRPERSON PRICE: -- dumpsters off to the
7 side there.

8 And no -- at this time no planned
9 architectural or site improvements.

10 MR. MIETZ: No. We will have to put a fence
11 up at the east side, which will come with the building
12 permit, just to enclose that area for the safety for
13 the -- for Diana's students to keep it different than
14 the preschool side. Because, you know, neighbors let
15 you go back there for years, you know, walked to the
16 ball diamonds, use the playground equipment. So with
17 this use, we have to protect that, you know, by
18 regulation from the State.

19 Then signage, she'll come in separately for.

20 CHAIRPERSON PRICE: All the questions I got.

21 MR. OSOWSKI: There's a one -- small like
22 one-story frame building, like a two-car garage.

23 MR. MIETZ: Lean-to or whatever you'd like
24 to call it.

25 MR. OSOWSKI: Is that now owned by the

1 school district?

2 MR. MIETZ: Right.

3 MR. OSOWSKI: And they're planning to
4 demolish it?

5 MR. MIETZ: Yeah. I think they're going --
6 that's during the staging for the work.

7 They've allowed the fire department to go in
8 and practice on it and all that. But it's -- I think
9 what Lou's going to do is stage some -- like use it
10 for a meeting area for construction or whatever. And
11 then once that's done it will come down.

12 MR. OSOWSKI: Thank you.

13 CHAIRPERSON PRICE: Peter, all set?

14 MR. GRISEWOOD: Good. Thank you.

15 MS. BARON: I just had one question. In
16 terms of the school's work on their parking lot, you
17 don't think that will have an impact on your parking
18 lot or impact any spaces that are on that parcel?

19 MR. MIETZ: No. I mean, what we've already
20 determined is ours and there's is established.

21 And I -- again, as I mentioned, the mutual
22 road will really only be used for the expanded parking
23 that they're going to put at the back for the athletic
24 fields. But it's going to be segregated from the high
25 school parking lot.

1 So no one will be parking back there until
2 afternoons whenever the games are or whatever, the
3 weekends. This operation does not operate on Saturday
4 or Sunday. So there'll be no conflicts with that.

5 CHAIRPERSON PRICE: All right.

6 MR. MIETZ: All set?

7 CHAIRPERSON PRICE: Thank you, Dennis.

8 MR. MIETZ: You're welcome. Thank you.

9 CHAIRPERSON PRICE: This is a public
10 hearing. Is there anyone in the audience that cares
11 to address this application? All right. Thank you.

12 That brings us back to 1P-01-24. Jerry,
13 I'll let you describe the application a little bit for
14 everybody.

15 **Application 1P-01-24**

16 Application of the Talmudical Institute of
17 Upstate New York, owner, and Betsy Brugg, Woods Oviatt
18 Gilman, agent, for Site Plan Modification to modify an
19 Approved Site Plan (10P-01-22) and EPOD Permit
20 (watercourse) which allowed for a 23,000 +/- square
21 foot school building addition (with an additional
22 8,700 square foot future phase) and Preliminary/Final
23 Site Plan Approval to construct an additional
24 24,300 +/- square foot school building addition all in
25 one phase on property located at 1666 South Winton

1 Road. All as described on application and plans on
2 file. **TABLED 1-17-2024; PUBLIC HEARING REMAINS OPEN**

3 MR. GOLDMAN: Thank you, Mr. Chairman,
4 members of the Board.

5 For the record, my name is Jerry Goldman.
6 I'm the attorney and agent for Talmudical Institute of
7 Upstate New York.

8 With us this evening on the application are
9 Matt Tomlinson for the planned project engineer. In
10 addition, we have Dave Hanlon and Blair Benson, who
11 are the architectural consultants, as well as Rabbi
12 Noble who is the executive vice president of the
13 Talmudical Institute.

14 What we are here for this evening is for
15 basically a site plan re-approval for the -- for that
16 which was approved in November of 2022.

17 We have been able to expand our footprint
18 subsequent to our initial approval to make this a
19 one-phase project. And we intend to construct an
20 additional 22,000 square feet roughly, which required
21 formerly a full site plan approval.

22 In addition to that, we have an EPOD permit,
23 which is basically unchanged from what we had it
24 before. But we are essentially looking to reinstitute
25 that EPOD permit for the floodplain.

1 That is the general description of the
2 application that we have here this evening. As
3 pointed out during the initial discussion, conditional
4 use permit has been granted for both the Talmudical
5 Institute as well as the daycare, which is located on
6 the east side of the site. So that is not before the
7 Board this evening. So we're here considering site
8 plan considerations.

9 We do have the staff comments, which are
10 here. We have taken a look at all the staff comments
11 and believe they all can be addressed subsequent to
12 approval. We are good with the draft resolution or --
13 excuse me -- draft conditions of approval, which could
14 be considered by this Board.

15 And in addition to that, there's a SEQRA
16 negative declaration, which is in your packets, which
17 needs to be adopted prior to any approvals being
18 granted.

19 We had a full presentation at the last
20 meeting. I don't know if you want us to go much
21 further than that.

22 I don't know if, Matt, you want to just talk
23 a little bit about the site. And then we'll leave it
24 to any questions the Board may have.

25 CHAIRPERSON PRICE: Matt, if you could, just

1 the difference -- any differences between the last
2 time you were here and any conditions that you've
3 responded to from the town engineer's comments.

4 MR. TOMLINSON: Yup. Thanks, Bill. Matt
5 Tomlinson, Marathon Engineering.

6 Yeah. I just briefly wanted to touch on the
7 town engineer's comments. I did have an opportunity
8 to sit down with Mike Guyon, the former town engineer,
9 as well as Ken, who's the new town engineer, and
10 talked through the comments received to date that
11 really helped narrow down the amount of comments that
12 Jason had to include in this last version that this
13 Board has in front of them.

14 But I did want to touch on a couple items
15 that, in discussion with the town engineer, he asked
16 that we explain to the Board to make sure that you
17 were comfortable with those.

18 So relative to changes, they're really not
19 changes. But they were brought up by Ken as the new
20 town engineer.

21 So primarily, that's related to the berm in
22 the southeast corner of the parcel and trying to
23 define that a little bit more for the Board's
24 consideration relative to the size and the height of
25 it. And so the way it's on the plans as resubmitted

1 was about final shaping and height of that was to be
2 driven by the excess materials from the stormwater
3 management facility.

4 In our response to comments and for
5 consideration, we'd like to just provide a maximum
6 height for that so that it can't be shaped larger than
7 that by the contractor in the field. So we're
8 proposing to leave that as shown on the grading plan
9 as a maximum height of 7 feet from existing grade.

10 The residences at this area on Hunters Lane
11 sit up and the backyard slopes down. We're providing
12 swales around both sides of that to ensure that
13 drainage is provided. And provided the max height can
14 give the Board, neighbors, comfort level that it won't
15 be a mountain of dirt.

16 We're providing in the grading plan a
17 1-on-5, 1-on-6 slope on that. So easily mowable. So
18 I think that's a good resolution and will not leave it
19 open-ended as far as the size and mass of that berm.

20 Secondly, the dumpster location, there was
21 comment or concern relating to the potential runoff
22 from the paved area to the dumpster. Just for the
23 Board's consideration, that dumpster location is the
24 same as the original location towards the front -- or
25 Winton Road side, excuse me, of the building.

1 The kitchen area is directly opposite that
2 along the drive aisle. And that's where deliveries
3 are as well. So both from a separation from the
4 residential portion of the school from neighbors,
5 removed and screened by the building. So that backup
6 noise early in the morning or later in the evening
7 when that's picked up. We do believe that that's the
8 best location and, again, consistent with the original
9 site plan approval.

10 We discussed with the town engineer and I'm
11 sure we can come up with a satisfactory detail
12 providing a screen -- or screened opening on the
13 dumpster enclosure to catch any type of floatables or
14 loose trash that might be conveyed by runoff there.
15 So we'll work with the town engineer to resolve that.
16 But the location did want to be mentioned.

17 And then fencing and guide rails. This was
18 a discussion that we had with the town engineer. The
19 field or the recreational lawn area to the south side
20 is not a game field. It's just simply a delineation
21 of some open area that will be used by students and
22 residents of the school.

23 A fence, especially if used for soccer
24 balls, that kind of thing, especially at the limit
25 that's permitted within a front yard at 3 and a half

1 feet, is not really going to stop any balls or
2 cause -- provide protection, I'll say, for that. And
3 I think it would be more of a hassle mowing around,
4 jumping over the fence to get at. So that was a
5 discussion item.

6 If in the future, the school finds that
7 that's a large nuisance, they could always come in for
8 a building permit for a fence later on. And then the
9 last -- so we proposed to leave it off unless the
10 Board has a strong desire to see it.

11 The last question or condition was relative
12 to the top of bank separation from the drive aisle.
13 The original comment was to provide a guide rail along
14 that drive aisle. But what's being proposed is a
15 1-on-4 slope as required by DEC for the interior of
16 that stormwater management facility. And that's a
17 recoverable slope, anything more than a 1-on-3 for
18 driving. That's the first response.

19 The second response is really from the entry
20 drive, which is where the slope starts back. It's
21 only for emergency vehicles and delivery vehicles. It
22 is not for vehicular traffic for anyone coming.

23 The suggestion was to add a fence,
24 deliveries only, emergency vehicles only, fire lane,
25 something of that nature to discourage any vehicles

1 from going back there.

2 But the intent is not to have any passenger
3 vehicles past that point where a guide rail or
4 something of that nature may be necessary and also
5 will impact or infringe on snowplowing. So
6 respectfully, we would like to leave that off as we
7 don't believe that it's warranted by the design.

8 These are really the items that are kind of
9 outstanding that were any different than the
10 stormwater management comments or other technical
11 items that we discussed with the town engineer that
12 we're confident that we can or have addressed already.

13 CHAIRPERSON PRICE: Please just mention the
14 EPOD again.

15 MR. TOMLINSON: Yup. Sure. So we had
16 applied originally for a watercourse and floodplain
17 EPOD, which is primarily located along Allens Creek as
18 well as along the north side of the parking lot.

19 That area of the site plan and design
20 substantially has remained unchanged. The additional
21 impervious area that we're adding as part of the
22 approval with the expansion of the building and
23 rearranging some of the drive aisles, the original
24 plan, the stormwater management facility was really
25 only the northern portion of this. And subsequent,

1 due to the changes, we've provided additional storage
2 within the hundred-year floodplain above the
3 hundred-year elevation required by our stormwater.

4 So this actually is creating more storage
5 within the floodplain in order to assist with
6 mitigation of the EPOD impacts.

7 CHAIRPERSON PRICE: Okay. Jason? David?
8 No? John.

9 MR. OSOWSKI: You stated in your letter that
10 during construction all construction vehicles would
11 access the site from Winton Road and that tenants
12 would be accessing the site from Idlewood.

13 So is that implying that all tenants,
14 including Park and Recreation patrons, staff,
15 everybody would be coming through Idlewood during the
16 construction period?

17 MR. TOMLINSON: Not for the duration of
18 construction.

19 And that's one of the items or comments that
20 were within the town engineer -- that we replied in
21 the affirmative. That would only be during the
22 construction sequence where we have to mill and
23 reconstruct a portion of the parking lot and drive
24 aisle here.

25 That is intended to be as short-term as

1 possible. I think it will take a little bit less than
2 two weeks with good weather to box that, re-stone it,
3 repave it.

4 But while that's being ripped up, that would
5 not be -- so that could go to binder I think within 10
6 days, two weeks. But that's why we need to have the
7 contractor's sequence and phasing as part of the
8 pre-construction meeting in order to define that time
9 limit.

10 So during that time this area would not be
11 open for vehicular traffic for tenants. And that
12 would require a short-term usage of the parking on the
13 Idlewood side.

14 But that's only for that duration. After
15 that, whoever is the contractor would be required to
16 maintain access at all times for tenants to use that,
17 which I think would be in substantial conformance with
18 the requirements of the Board and the previous
19 approvals.

20 MR. OSOWSKI: Thank you.

21 MR. GOLDMAN: What we are doing, as you
22 know, on the site is increasing the size of the
23 parking lot on the west side of the building to
24 accommodate all the tenants. So we're working on
25 that.

1 We're also engaging in discussion -- our
2 architect is engaged in the discussion right now with
3 Brighton Parks and Rec to coordinate all of these
4 efforts at the same time.

5 So we will be working through the
6 engineering side, the design side, the coordination
7 side and everything else. And as Matt pointed out,
8 that will all be worked through during the
9 pre-construction phase.

10 CHAIRPERSON PRICE: Matt, do you see that as
11 an early task or late task?

12 MR. TOMLINSON: Because of the existing
13 condition of the site, I believe it could be very
14 early on in the construction process.

15 They're going to want to stabilize that
16 access point for construction vehicles, go to binder
17 as quickly as they can. So I think that could be done
18 relatively early on.

19 It's somewhat isolated. It'll give a good
20 staging area for material for the lay down for the
21 building construction as well.

22 CHAIRPERSON PRICE: I could see either first
23 thing or next to last thing.

24 MR. TOMLINSON: Yeah. I anticipate it will
25 be early. But again, we'll get that confirmed once

1 the contractor is selected.

2 CHAIRPERSON PRICE: Anything else, John?

3 MR. OSOWSKI: No.

4 MS. BARON: This came up last time and I
5 thought that I heard somebody -- it might have been
6 Jerry -- mention this. There currently is a sign on
7 the Idlewood side saying that the traffic back there
8 is just limited to the daycare; correct?

9 MR. GOLDMAN: Correct. I don't know if the
10 sign is up. I have not been --

11 UNIDENTIFIED SPEAKER: The sign is not up.

12 MS. BARON: I wanted to check on that and
13 verify whether that was put up yet or not.

14 MR. HAREMZA: According to Google as of
15 September 2023, the sign still says traffic for
16 Montessori. We may need to address -- update that.

17 MR. GOLDMAN: We can address that.

18 CHAIRPERSON PRICE: Thank you. Everybody's
19 questions out? Okay. Thank you.

20 This is a public hearing. Is there anyone
21 that cares to address this application? Welcome.
22 Come on up.

23 MR. HOLMES: I'll set myself a three-minute
24 timer, how's that? I only have one page.

25 CHAIRPERSON PRICE: You're not limited, not

1 tonight. Just introduce yourself.

2 MR. HOLMES: Hello. My name is Seth Holmes.
3 I live at 182 Idlewood Road.

4 I'm here to represent the majority of the
5 Evans Farm neighborhood that requested more than two
6 years ago that the Idlewood vehicular entrance be
7 closed as part of this building development.

8 During the initial site plan and conditional
9 use permit review in 2022, we provided our own report
10 about traffic in our neighborhood and a petition with
11 278 signatures asking for the closure of the entrance.

12 When the conditional use permit was granted
13 to the Talmudical Institute in November 2022, the
14 Idlewood entrance was allowed to remain open as long
15 as there was a sign that said only the daycare could
16 use that entrance. However, that 2022 conditional use
17 permit was based upon the final site plan of 2022 that
18 had a two-phase 31,000-square-foot addition, as well
19 as 13,000 square feet of tenant space and 15,000
20 square feet of daycare space in the existing building.

21 Though this new proposal does not increase
22 student head counts for the Institute or the daycare,
23 it does nearly double the square footage of the tenant
24 space in the existing structure. And it adds at least
25 10,000 -- 20,000 square feet of square footage to the

1 new addition.

2 I'm concerned that any traffic associated to
3 this project has not been assessed for this
4 significantly larger tenant space as the project
5 documents I read recently still use the 2022 SRF
6 traffic study. It does not include the increased
7 tenant space size.

8 We are concerned about potential future
9 traffic issues in our neighborhood from the daycare
10 and the tenant space. Since 2022, we've already seen
11 one daycare move out and a new one move in.

12 We do like the reduced traffic we are seeing
13 from the current daycare. But who's to say a new one
14 won't move in next year and increase traffic?

15 We appreciate that a sign will go up saying
16 "daycare traffic only." But who will police this
17 rule, particularly if a much larger tenant space is
18 allowed to exist there that is easily accessible from
19 that side of the lot? What would be the repercussions
20 for any violation? Who is watching any of this?

21 When the Board asked TIUNY in 2022 about why
22 they wanted to keep the entrance open instead of
23 connecting the parking lot with a on-site driveway,
24 TIUNY's lawyers indicated that it was a financial
25 burden and referenced RLUIPA legislation. If it was

1 such a large financial burden to extend their southern
2 access driveway 400 feet back then, two years ago, why
3 are we now seeing an expensive add-on such as a
4 swimming pool, 20,000 square feet more of a building
5 addition, even without them increasing their revenue
6 stream of student head counts? I find this akin to
7 crying poor in one meeting just to express wealth in
8 the next. In my opinion, it's a bait and switch, it's
9 disingenuous and it's very disappointing to see.

10 As for RLUIPA, I'm unclear on how closing
11 the Idlewood entrance and directing their daycare
12 tenant traffic to Winton Road constitutes an undue
13 hardship or impediment on their religious liberties.
14 I recognize that the conditional use permit was
15 already issued; however, the language of that
16 conditional use permit includes the square footage of
17 a much smaller building addition, which is no longer
18 accurate based on these new changes that we're seeing.

19 I request that the Board ask TIUNY to close
20 the Idlewood entrance to the daily vehicular traffic
21 as part of this revision. If they are unwilling to do
22 so, I request that the Board deny this revision and
23 require TIUNY to use the original approved final site
24 plan from November 2022. Thank you.

25 CHAIRPERSON PRICE: Anyone else care to

1 address this application? Okay.

2 I don't remember some of those comments, but
3 I was not part of those hearings. All right.

4 Let's -- everybody okay? We'll continue on.
5 (Public hearings concluded at 7:46 p.m.)
6 (Begin deliberations and decisions.)

7 CHAIRPERSON PRICE: Let's take them up in
8 the order we reviewed them. 2P-01-24.

9 **Application 2P-01-24**

10 Application of Jewish Senior Life, owner,
11 for extension of Final Site Plan Approval (Phase I,
12 1P-01-23) allowing for the construction of a
13 four-story building containing 35 Independent Living
14 dwelling units, a 5,500 +/- square foot multipurpose
15 room/theater addition, a 2,000 +/- square foot fitness
16 addition and one 1,400 +/- square foot maintenance and
17 storage building on property located at 2000 Summit
18 Circle Drive. All as described on application and
19 plans on file.

20 MR. BABCOCK-STIENER: I move we close the
21 public hearing.

22 MR. FADER: I'll second that.

23 CHAIRPERSON PRICE: Moved and seconded to
24 close the hearing. Any discussion? Jason, please
25 call the roll.

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

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

6 CHAIRPERSON PRICE: Can I have a motion?

7 MR. FADER: I move that the Planning Board
8 approves application 2P-01-24 for an extension of the
9 final site plan approval for Phase I of application
10 1P-01-23 based on the testimony given, plans submitted
11 and with the two conditions outlined in the Planning
12 Board report.

13 MR. BABCOCK-STIENER: I'll second.

14 CHAIRPERSON PRICE: Thank you. Moved and
15 seconded for approval of the extension. Is there any
16 further discussion?

17 Jason, please call the roll.

18 **Conditions:**

- 19 1. Maintain the conditions associated with the
20 initial approval 1P-01-23.
21 2. The approval is valid until 1/18/2025.

22 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
23 Mr. Price, aye; Mr. Grisewood, aye;
24 Mr. Osowski, aye.)

25 (Upon roll motion to approve with conditions

1 carries.)

2 CHAIRPERSON PRICE: Next application is
3 2P-02-24.

4 **Application 2P-02-24**

5 Application of 12 Corners Presbyterian
6 Church, owner, and Kids First Childcare, Inc., lessee,
7 for conditional use permit approval to allow for a
8 daycare facility on property located at 1200 Winton
9 Road South. All as described on application and
10 plans on file.

11 MR. BABCOCK-STIENER: I move we close the
12 public hearing.

13 MR. FADER: I'll second that.

14 CHAIRPERSON PRICE: Moved and second to
15 close the public hearing. Any discussion?

16 Jason, please call the roll.

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

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

22 CHAIRPERSON PRICE: Anybody care to make a
23 motion?

24 MR. FADER: I move that the Planning Board
25 finds that the proposed action will not have a

1 significant impact on the environment and adopts the
2 negative declaration prepared by town staff and the
3 Planning Board grants conditional use permit approval
4 and adopts the eight findings outlined in the Planning
5 Board report and that the Planning Board grants a
6 conditional use permit for application 2P-02-24 based
7 on the testimony given, plans submitted and the three
8 conditions outlined in the Planning Board report.

9 CHAIRPERSON PRICE: Thank you.

10 MS. BARON: I want to clarify for the
11 record, there was no negative declaration prepared for
12 this application. This is a Type II action under
13 SEQRA according to the staff report.

14 MR. FADER: That's why I included it.

15 MR. BABCOCK-STIENER: I'll second.

16 CHAIRPERSON PRICE: All right. Moved and
17 seconded. Any further discussion?

18 Jason, please call the roll.

19 **Conditional Use Permit Findings:**

20 1. The Planning Board finds that the proposed daycare
21 facility complies with the standards of the Low
22 Density Residential - B (RLB).

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 daycare facility, the
2 intensity, size of the site and access have all been
3 considered in the Board's review.

4 3. The Planning Board finds that the establishment of
5 a daycare facility in this location, will not be
6 detrimental to persons, detrimental or injurious to
7 the property and improvements in the neighborhood, or
8 to the general welfare of the Town.

9 4. The daycare facility will be developed within an
10 existing structure on a developed site and not result
11 in the destruction, loss or damage of any natural,
12 scenic or significant historical resource.

13 5. The Planning Board finds that the establishment of
14 a daycare facility will not create excessive
15 additional requirements for public facilities and
16 services and will not be detrimental to the economic
17 welfare of the community.

18 6. The Planning Board finds that the establishment of
19 a daycare facility will be adequately served by
20 essential public facilities.

21 7. The Planning Board finds that the establishment of
22 a daycare facility will not result in the loss or
23 damage to trees.

24 8. The Planning Board finds that the establishment of
25 a school in this location essentially conforms to the

1 Town's Comprehensive Plan: Envision Brighton 2028.
2 Specifically, the Sense of community Statement and
3 Objective: Objective F: Maintain the attributes of
4 the community that support our world-class educational
5 system, diverse cultural and religious history, and
6 inclusive community environment.

7 **Conditions:**

8 1. Applicant shall respond in writing to all comments
9 of the Planning Board, Department of Public Works,
10 Town Engineer, Building and Planning Department, and
11 Fire Marshal.

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

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

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

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

22 CHAIRPERSON PRICE: Okay. Let's get a
23 motion on the public hearing for 1P-01-24.

24 MR. BABCOCK-STIENER: I move we close the
25 public hearing.

1 MR. FADER: I'll second that.

2 CHAIRPERSON PRICE: Moved and seconded. Any
3 discussion?

4 Jason, please call the roll.

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

6 Mr. Price, aye; Mr. Grisewood, aye;

7 Mr. Osowski, aye.)

8 (Upon roll motion to close the public
9 hearing carries.)

10 CHAIRPERSON PRICE: I should probably have a
11 motion prior to the discussion on this. Do you care
12 to do this one?

13 MR. FADER: Well, I can do it in two pieces
14 or one long one.

15 CHAIRPERSON PRICE: Well --

16 MR. FADER: The first one is the EPOD and
17 the neg dec. And then my second motion would be -- so
18 either way.

19 MR. OSOWSKI: Can you do it in two? Because
20 I have an additional condition that I'd like to
21 propose.

22 MR. FADER: All right.

23 CHAIRPERSON PRICE: On the site plan?

24 MR. OSOWSKI: Yes.

25 MR. FADER: So --

1 MR. HAREMZA: Hang on. Sorry, David. Would
2 it be better to do just the neg dec in part one and
3 then all the approvals in part two?

4 CHAIRPERSON PRICE: That works. Either way.

5 MS. BARON: You have to make your SEQRA.

6 MR. FADER: Any of those options are fine.

7 MR. HAREMZA: Okay. I didn't know if you
8 had a method to the madness including the EPOD in the
9 part one.

10 MR. BABCOCK-STIENER: Just madness.

11 MR. FADER: There you go.

12 **Application 1P-01-24**

13 Application of the Talmudical Institute of
14 Upstate New York, owner, and Betsy Brugg, Woods Oviatt
15 Gilman, agent, for Site Plan Modification to modify an
16 Approved Site Plan (10P-01-22) and EPOD Permit
17 (watercourse) which allowed for a 23,000 +/- square
18 foot school building addition (with an additional
19 8,700 square foot future phase) and Preliminary/Final
20 Site Plan Approval to construct an additional
21 24,300 +/- square foot school building addition all in
22 one phase on property located at 1666 South Winton
23 Road. All as described on application and plans on
24 file.

25 MR. FADER: I move that the Planning Board

1 finds the proposed action will not have a significant
2 impact on the environment and adopts the negative
3 declaration prepared by Town of Brighton Planning
4 Board as lead agency.

5 MR. BABCOCK-STIENER: I would second.

6 CHAIRPERSON PRICE: Moved and second on
7 SEQRA. Any discussion?

8 Okay, Jason.

9 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
10 Mr. Price, aye; Mr. Grisewood, aye;
11 Mr. Osowski, aye.)

12 (Upon roll motion to adopt negative
13 declaration carries.)

14 MR. FADER: I move that the Planning Board
15 approve the watercourse EPOD permit and that the
16 Planning Board approves site plan modification
17 approval for application 10P-01-22 and that the
18 Planning Board grants preliminary and final site plan
19 approval for application 1P-01-24 based on the
20 testimony given, plans submitted and with the seven
21 conditions outlined in the Planning Board report.

22 MR. BABCOCK-STIENER: I'll second.

23 CHAIRPERSON PRICE: Moved and seconded.

24 I would like to have just a little
25 discussion. So you have to --

1 MR. OSOWSKI: Yeah. I have a proposed
2 eighth condition. I'll pass them out. I'll read it.
3 This is similar to what we had before when we asked
4 for a sign that required only the daycare staff and
5 visitors use the Idlewood Road entrance. Take it a
6 little bit further on visiting the site.

7 So anyway, again, I'm proposing a condition
8 number 8. The Idlewood entrance shall be designated
9 for use by staff and visitors to the daycare center
10 only. As such, a sign shall be installed near the
11 entrance at Idlewood Road stating "This entrance is
12 for use by daycare staff and visitors only. All
13 others use South Winton Road entrance."

14 Additionally, I'd like to add all signage
15 along the east face of the present building which
16 references tenants and occupants other than the
17 daycare center shall be removed. Signage referring to
18 Montessori School shall be removed immediately.

19 Also, the signs attached to the stop sign at
20 Idlewood Road referencing Brighton Parks and Rec and
21 Brookside School shall be removed immediately.

22 There's a lot of superfluous signage out
23 there that should have been taken down years ago.
24 It's just been left. I mean, Brookside -- that hasn't
25 been Brookside in how long? 30, 40 years? I don't

1 know. It was Norman Howard School at one point.

2 MR. FADER: I like it.

3 MR. OSOWSKI: So anyway, that's taking the
4 sign that's required and taking it a step further to
5 clean things up at the Idlewood entrance.

6 MR. FADER: I agree with the addition.

7 MR. BABCOCK-STIENER: Yeah. I second.

8 MR. GRISEWOOD: Is there any concern that
9 maybe someone -- is there any concern that some of the
10 things we're asking for to be done here are not
11 physically located on the subject property maybe
12 they're not going to be able to do that? Like kind of
13 with the stop sign, is that something we can ask them
14 to do?

15 MR. OSOWSKI: I guess the DPW could take
16 that off. Those attachments should never have been
17 done in the first place, to be honest with you.

18 MS. BARON: Yeah. I think in terms of the
19 signage that's located on the stop sign, that would
20 be -- we should potentially add a qualifier in there
21 that they be removed by the appropriate entity,
22 whether that's DPW or perhaps even the County,
23 whoever's in charge.

24 MR. OSOWSKI: It's a Brighton street. I'm
25 sure it's not county. So why don't we just say

1 Brighton DPW go out and remove that stuff.

2 MR. HAREMZA: Yeah. Technically all signage
3 is done by the County.

4 MR. BABCOCK-STIENER: If you leave
5 appropriate agency like you said, I think that covers
6 enough.

7 MR. HAREMZA: I was also going to suggest
8 more general language like not necessarily dictating
9 the content of the sign because it's not -- my
10 understanding, it's not just a daycare. It's also a
11 nursery school.

12 So I guess could we leave the wordsmithing
13 to the Commissioner of Public Works? Like signage
14 shall be installed to the satisfaction of the
15 Commissioner of Public Works.

16 MR. BABCOCK-STIENER: Do we need to change
17 in here that it says something to the effect to ensure
18 that it's clear that these are the words used?

19 If we're not going to dictate what that
20 language is, I want to make sure that we are dictating
21 what we want it to -- we want to guide what it says.

22 MR. HAREMZA: Sure. Yeah. I don't think
23 there's any question about that.

24 MS. BARON: Sure. Instead of just using the
25 words "a sign shall be installed stating," you can say

1 something along the lines of "A sign shall be
2 installed limiting the traffic to only the daycare and
3 nursery school use at that entrance," rather than the
4 specific language on the sign itself.

5 MR. BABCOCK-STIENER: I do like the
6 inclusion of something that says that "all other use,"
7 because I think there's -- you know, would you tell
8 somebody this is only for this, and they're like, well
9 I'm not really part of that but I'm only here once.
10 You add that other language in, you're not going to
11 get everyone, but you're going to get more.

12 MR. GRISEWOOD: Maybe we want it to say
13 something -- all signage along this face shall be
14 removed by a certain time like prior to the first
15 meeting or something like that.

16 MS. BARON: I don't want it -- I think it
17 should be a little bit more firm than that if it's a
18 condition that you're adding, rather than it being
19 modified by town staff.

20 But I think maybe during our break I can
21 draft up a little something on the back that
22 incorporates most of the language and we can reassess
23 that. If you don't mind me marking that up.

24 MR. OSOWSKI: Not at all.

25 So people know, there's a sign on the east

1 face that says Brighton Ambulance Training Center that
2 needs to be removed because -- if it's there, that's
3 fine, that access to the ambulance center from Winton
4 Road. But the sign says Brighton Parks and
5 Recreation. Yes, we know they're located there. You
6 can access them from South Winton Road.

7 There are two signs still up that say
8 Montessori School. Montessori School is gone. Those
9 signs should be removed from the building.

10 CHAIRPERSON PRICE: Jason, I have -- thanks,
11 John -- I have a question. There's a lot in some of
12 the correspondence from -- Mr. Holmes is the author of
13 some of it and not the author of others. Of all the
14 correspondence -- this project is not doubling the
15 square footage of tenant space.

16 I can see how this could be perceived, but
17 we're not creating more space in the existing
18 building. Tenants are moving out. Tenants are moving
19 into spaces that they don't currently occupy.

20 But is that a fair way to look at it? I
21 don't want there to be a perception that that existing
22 building is being doubled in size.

23 MR. HAREMZA: Go ahead. I don't have these
24 numbers off the top of my head. I do not
25 understand -- I did not understand those numbers in

1 the correspondence.

2 So my understanding is that -- my
3 understanding is the only space that's increasing is
4 the space for the Talmudical Institute. That's my
5 understanding.

6 CHAIRPERSON PRICE: Correct. So that's
7 22,000. It's increasing the size of previously
8 proposed and approved uses, whether that's a kitchen,
9 that's a gymnasium. We're not increasing the number
10 of residents here. Not increasing the amount of staff
11 here.

12 MR. HAREMZA: Correct. And the number of
13 children in the nursery school daycare is limited by
14 the conditional use permit.

15 CHAIRPERSON PRICE: Right. But the question
16 comes back, okay, say the daycare -- Talmudical
17 Institute is functioning but the daycare leaves and,
18 you know, Brighton goes to a new rec center someday,
19 who knows. So we've got a building and what's to say
20 that's not going to become a -- you know, another
21 daycare or tool shop or, you know. What does another
22 use -- if it happens, what does another use have to go
23 through for approvals?

24 MR. HAREMZA: Depends on the use.

25 CHAIRPERSON PRICE: Sure. There's uses in

1 the code that if they were proposed would be permitted
2 by right. Therefore --

3 MR. HAREMZA: Very few as I recall because
4 it's a residential zoning direct.

5 CHAIRPERSON PRICE: I want to give the
6 residents some understanding of what by-right use
7 could go in there.

8 MR. HAREMZA: I think a single-family house
9 is about it.

10 CHAIRPERSON PRICE: Okay. So anything else
11 it would have to come back.

12 MS. BARON: Not only that, but you also have
13 the power through the code as the Planning Board if
14 there's a significant change -- for example, say
15 everything's built and begins to be used and there is
16 some type of traffic issue from the Idlewood entrance,
17 the residents bring that to your attention. You can
18 revisit if there is a substantial change to the
19 conditional use, that would warrant revisiting the
20 conditional, you're allowed to do that under the code.

21 CHAIRPERSON PRICE: But I guess we could
22 have a look at the conditions of the conditional use
23 permit to know whether we've been able to head that
24 off.

25 MS. BARON: Yup. And that's essentially an

1 enforcement issue, right, where staff would be
2 fielding those types of concerns and determining
3 whether the conditional use permits are being complied
4 with and could bring that to your attention if
5 necessary.

6 CHAIRPERSON PRICE: All right. But the
7 residents should be comfortable that, you know, you're
8 not going to get something radically different that's
9 going to generate radically different traffic than
10 what is in there today without due process of review.

11 MR. HAREMZA: Correct.

12 And for the record, the permitted use of the
13 things that could go without any kind of public
14 hearing or public meeting are a single-family detached
15 dwelling, family daycare homes, which means a daycare
16 operating, you know, in someone's house, building
17 structures that are owned or operated by the Town of
18 Brighton for municipal use. That's it. Anything else
19 would require a conditional use permit or use
20 variance.

21 CHAIRPERSON PRICE: Anybody have other
22 questions? Comments?

23 MR. FADER: No.

24 CHAIRPERSON PRICE: Okay John? Peter?
25 Lauren?

1 CHAIRPERSON PRICE: We have a motion.

2 MR. FADER: Want to wait for Lauren's
3 submission? I assume it's going to be good.

4 CHAIRPERSON PRICE: You're under pressure.
5 I'm trying to get out of here by 8:15 p.m.

6 (There was a pause in the proceedings.)

7 MR. OSOWSKI: Want me to read it?

8 MS. BARON: Sure.

9 MR. OSOWSKI: So this can be condition 8.
10 The Idlewood Road entrance shall be designated for use
11 by staff and visitors to the daycare center only. As
12 such, signage shall be installed near the entrance at
13 Idlewood Road limiting traffic at the Idlewood Road
14 entrance to daycare staff and visitors only and
15 directing all others to use the South Winton Road
16 entrance.

17 Additionally, all signage along the east
18 face of the building which references tenants and
19 occupants other than the daycare center shall be
20 removed. On-site signage referencing the Montessori
21 School shall be removed as soon as possible.

22 Any signage attached to the stop sign at the
23 Idlewood Road referencing Brighton Parks and
24 Recreation and Brookside School shall be removed as
25 soon as possible by the appropriate entity.

1 MR. FADER: That's awesome. You deserve a
2 treat.

3 CHAIRPERSON PRICE: All right. We have an
4 additional condition number 8 as was just read. Moved
5 and seconded. You agree?

6 MR. FADER: I agree.

7 MR. BABCOCK-STIENER: Yup.

8 MS. BARON: Both agree, Jason. Any further
9 discussion? Okay. Moved and seconded.

10 Please call the roll.

11 **Conditions:**

12 1. Applicant shall respond in writing to all comments
13 of the Planning Board, Department of Public Works,
14 Town Engineer, Building and Planning Department, and
15 Fire Marshal.

16 2. The applicant shall satisfy the requirements of
17 the Town Engineer. For a complete list of specific
18 requirements, please refer to the attached memo dated
19 2-16-2024.

20 3. The applicant shall obtain the necessary area
21 variances or delete the pool and basketball court from
22 the project.

23 4. Monroe County comments, if any, shall be
24 addressed.

25 5. The entire project shall comply with the most

1 current New York State Fire Prevention and Building
2 Code and the Town of Brighton sprinkler requirements.

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

5 7. The project shall be constructed in accordance
6 with the drawings submitted to date or any subsequent
7 revisions to reflect final town staff requirements.

8 8. The Idlewood Road entrance shall be designated for
9 use by staff and visitors to the daycare center only.

10 As such, signage shall be installed near the entrance
11 at Idlewood Road limiting traffic at the Idlewood Road
12 entrance to daycare staff and visitors only and
13 directing all others to use the South Winton Road
14 entrance.

15 Additionally, all signage along the east
16 face of the building which references tenants and
17 occupants other than the daycare center shall be
18 removed. On-site signage referencing the Montessori
19 School shall be removed as soon as possible.

20 Any signage attached to the stop sign at the
21 Idlewood Road referencing Brighton Parks and
22 Recreation and Brookside School shall be removed as
23 soon as possible by the appropriate entity.

24 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;
25 Mr. Price, aye; Mr. Grisewood, aye;

1 Mr. Osowski, aye.)
2 (Upon roll motion to approve with conditions
3 carries.)

4 CHAIRPERSON PRICE: All right. We have
5 signs.

6 **Signs:**

7 **1713** 2750 Monroe Avenue for a building face sign
8 for Crumbl Cookies

9 CHAIRPERSON PRICE: 1713, I'll recommend
10 approval as recommended by ARB. All in favor.

11 ALL BOARD MEMBERS: Aye.

12 **1711** 150 Sawgrass Drive for a freestanding sign
13 for Golisano Institute for Business and
14 Entrepreneurship

15 CHAIRPERSON PRICE: 1711, move approval as
16 recommended by ARB. All in favor?

17 ALL BOARD MEMBERS: Aye.

18 (Proceedings concluded at 8:16 p.m.)
19
20
21
22
23
24
25

* * * *

REPORTER CERTIFICATE

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

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

Dated this 21st day of February, 2024
at Brighton, New York.



Holly E. Castleman ACR,
Official Court Reporter