

BRIGHTON

PLANNING

BOARD

December 18, 2024
At approximately 7 p.m.
Empire State University
680 Westfall Road, Room 159
Rochester, New York 14620

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

JOHN OSOWSKI (Acting Chair)	BOARD MEMBERS
KAREN ALTMAN)
DAVID FADER)
CLARA SANGUINETTI)
JASON BABCOCK-STINER)

LAUREN BARON, ESQ.
Attorney for the Town

ABSENT:

WILLIAM PRICE, CHAIRPERSON

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

1 MR. OSOWSKI: Good evening, everybody.
2 Welcome to our December 18th, 2024, meeting of the
3 Town of Brighton Planning Board. I'm John Osowski,
4 acting Chair for tonight's meeting.

5 In the unlikely event that there is an
6 emergency, you have exits to your back in that corner
7 of the room and one right behind me also.

8 Okay. In the event you have comments on any
9 of the applications you hear tonight, please feel free
10 to give Jason Haremza, our Executive Secretary, an
11 email if you care to do that. It's Jason.Haremza,
12 H-A-R-E-M-Z-A, at Town of Brighton, dot O-R-G.

13 Jason, you want to call the roll?

14 MR. HAREMZA: Yes, sir.

15 (Whereupon the roll was called.)

16 MR. HAREMZA: Price is absent.

17 MR. OSOWSKI: All right. Thank you, Jason.
18 So we'll take a few minutes now to do an informal
19 review of the applications we have tonight before we
20 get into the public hearing part of our agenda. And
21 we have a very short agenda tonight. Two items,
22 basically, plus signs. Okay.

23 Anything -- any update we need to know about
24 3300 Brighton Henrietta Town Line Road?

25 MR. HAREMZA: Before we get into that, a bit

1 of an experiment here with the layout of the room in
2 our temporary location. And Lauren, feel free to
3 weigh in. The Chair, Bill Price, and I had some
4 discussions about Planning Board operations and trying
5 to return to a pre-meeting that was more
6 conversational in practice. And this is one possible
7 way we could do this in this room. These tables are
8 very easily moveable. Three or four of you would sit
9 there and then the rest, this way. And Lauren and I
10 probably at either end.

11 And we can discuss the legal aspects of
12 this. I know the previous town attorney had concerns
13 about how pre-meeting was done in Town Hall in the old
14 layout, which is why it was changed.

15 And I don't know if pre-meeting needs to be
16 recorded by the stenographer or not.

17 MS. BARON: I think that it would be, just
18 generally, just because it's a conversation that's
19 happening during the open meeting, even though it's
20 not necessarily -- you're not making any decisions
21 during that time, but it is -- it has to be part of
22 the open meeting.

23 MR. HAREMZA: Right. Okay. As you know, in
24 the old days there was pizza. I don't know if that's
25 going to return or not, but Bill thought that this

1 would be more conducive to Q and A and discussions
2 about the agenda.

3 So I think, unless there's any concerns with
4 it -- we'll start in January for real because it's so
5 short an agenda tonight. But I thought it was a good
6 way to sort of test it out and see what the rest of
7 the Board thought on this.

8 With that, 3300 Townline Road. I think the
9 applicant can speak to the changes that were done in
10 response to the Town Engineer's comments. As you may
11 recall from last month, Ken Hurley, the Town Engineer,
12 had concerns about some grading and filling into the
13 floodplain, possibly the floodway, and some of the
14 elevations of stormwater inlets and ponds and things
15 of that nature.

16 I know he's been in discussions with the
17 applicant. I spoke with him today. Many of those
18 have been resolved and he feels the remaining issues
19 are minor, technical in nature and would not prevent
20 the Board from approving tonight if they so choose to.

21 A draft negative declaration has been
22 prepared based on the one that was prepared and
23 adopted five years ago for a very similar project.

24 And keep in mind the key difference between
25 the 2019 proposal and this proposal, when you read the

1 description, it seems like the building is doubling in
2 size from 10,000 square feet to 20,000 square feet.
3 But that's only because of the inclusion of a full
4 basement.

5 So the footprint of the building is
6 essentially staying the same size. And the occupied
7 space is staying the same because one of the
8 conditions of the Zoning Board's approval of the
9 parking variance was that the basement remain
10 unoccupied space for mechanical equipment and storage
11 only.

12 MS. BARON: So I just had a couple of things
13 to add.

14 MR. HAREMZA: Sure.

15 MS. BARON: So historic pres. did approve
16 the demolition of the building. They didn't have any
17 concerns over that as they previously voted years ago
18 when this project was originally approved.

19 And then also you do have an updated
20 negative declaration since the project is changing
21 rather significantly because of the basement addition.
22 So an updated neg dec for SEQRA was prepared by staff
23 for your consideration.

24 MR. OSOWSKI: I think I noticed historic --
25 no. Architectural Review Board approved.

1 MR. HAREMZA: They approved as presented
2 last night.

3 MR. OSOWSKI: Okay. Thank you. Okay. And
4 the other item on the agenda, 1666 South Winton Road,
5 the Talmudical Institute of Upstate New York, looking
6 for a one-year extension on the approval that was
7 given to them a year ago I guess.

8 MR. HAREMZA: Little less than a year ago.
9 They're ahead of the game, which is always nice. But
10 I think -- but Jerry I'm sure will speak to that. And
11 it's pretty straightforward.

12 MS. BARON: And the Zoning Board did approve
13 the extension of their variances at their December 4th
14 meeting.

15 MR. OSOWSKI: Okay. Good. All right.
16 Anybody else have any questions for Jason or Lauren?
17 All right.

18 MR. HAREMZA: Other than that, we're done
19 with pre-meeting. And this I think was where this
20 half of the table would get up and go to the other
21 side of the dais, as it were, and start the formal
22 meeting.

23 MR. OSOWSKI: Thanks, Jason. Then we'll
24 proceed with the agenda.

25 And the first -- there was an item there for

1 approval of the October 16th meeting minutes. And we
2 did that in November.

3 MR. HAREMZA: Okay.

4 MR. OSOWSKI: Yeah. So I hope everybody did
5 receive the November 20th meeting minutes.

6 MR. HAREMZA: Did they?

7 MR. OSOWSKI: No? Really?

8 MR. BABCOCK-STIENER: I don't remember
9 seeing them.

10 MR. OSOWSKI: All right. I got them. Maybe
11 I got them when you did the -- like the pre-agenda
12 email you sent out I believe. But I have them right
13 in front of me. Or part of them.

14 MR. HAREMZA: You obviously got them by
15 email.

16 MS. SANGUINETTI: Yeah. You sent them.

17 MR. HAREMZA: This may be where I was too
18 far ahead and I sent them too early. But I'm also
19 getting myself confused between Planning Board and HPC
20 minutes going out.

21 MS. SANGUINETTI: You sent them on November
22 27th.

23 MR. HAREMZA: Thank you.

24 So yes, I did. It's up to the Board if you
25 want to consider them tonight or wait until January.

1 MR. OSOWSKI: Does anybody care to make a
2 motion to approve? I reviewed them. There was no
3 particular changes.

4 MR. BABCOCK-STIENER: I didn't get a chance
5 to.

6 MS. OSOWSKI: Tell you what, we'll pass on
7 that item and review it in January. Okay. Thank you.

8 Now, let's move right along to our first
9 item for review and that's application number
10 11P-02-24, 3300 Brighton Henrietta Townline Road.

11 **Application 11P-02-24**

12 Application of 3300 BHTL Partners, LLC,
13 owner, and Joshua Saxton, Passero Associates, agent,
14 for Preliminary/Final Site Plan Approval, EPOD
15 (watercourse) Permit Approval and Demolition Review
16 and Approval to raze a single-family home and
17 construct a 20,000 square foot medical office building
18 with associated site improvements on property located
19 at 3300 Brighton Henrietta Town Line Road. All as
20 described on application and plans submitted. TABLED
21 11-20-2024; PUBLIC HEARING REMAINS OPEN.

22 MS. OSOWSKI: Okay. Somebody wishes to
23 address us on this? Please proceed.

24 MR. RITZENTHALER: You guys don't have a
25 podium at this time, but I don't have much to say. So

1 we --

2 MR. OSOWSKI: Can you identify yourself?

3 MR. RITZENTHALER: Yeah. So my name is
4 James Ritzenthaler from Passero Associates. Same
5 project as last month, 3300 Brighton Henrietta Town
6 Line Road.

7 We're looking for a 10,000 square foot, you
8 know, kind of site is what we had mentioned. The --
9 I'm okay. I'm going to be done by the time you get it
10 over here.

11 MR. HAREMZA: Well, the lawyer wanted a
12 podium. So --

13 MR. RITZENTHALER: Yeah. 10,000 square foot
14 pad area, obviously, like I said.

15 Thank you very much.

16 The basement is new this time around from
17 when this originally went in 2019. We got a bunch of
18 engineering comments, as you guys know, on the 20th
19 day of the meeting back in November. So I know there
20 was some question there as to whether you guys could
21 move forward. We understand that.

22 But we got a comment response letter back to
23 the Town and had confirmation this week that sounds
24 like we are good to move forward, that the engineer
25 has not had any critical comments left for the project

1 and anything left is fairly minor and can be reviewed
2 post-meeting.

3 Yeah. As also was mentioned, the ARB
4 approval went through last night. So with that, plus
5 the demo permit being passed as well, I believe we
6 only have our Planning Board approval remaining.

7 So just wanted to open it up to you guys if
8 you have any questions or comments rather than boring
9 you with the long spiel all over again that you heard
10 a month ago. So --

11 MR. HAREMZA: Just a point of clarification
12 for the record. Demolition review was completed, but
13 the actual permit is a separate --

14 MR. RITZENTHALER: Yeah. Review. I
15 apologize.

16 MR. HAREMZA: It's okay.

17 MR. OSOWSKI: I noticed that the
18 Conservation Board suggested the use of a low-mow
19 grass option, especially in the watercourse floodplain
20 areas. Does that look feasible?

21 MR. RITZENTHALER: Yeah. That's already
22 been actually called out in the actual landscaping
23 plans.

24 We have a -- we have a note added in here.
25 So if you look at the building below the proposed

1 10,000 square foot medical office building tag there
2 on the landscaping plan, there is a call out there for
3 all the grass areas to be a low-mow area.

4 MR. OSOWSKI: Okay. Do you have any other
5 questions? Anybody else have any questions? All
6 right. Very good. Thank you.

7 MR. RITZENTHALER: Thank you.

8 MR. OSOWSKI: Okay. Next item on the agenda
9 is application 12P-01-24, 1666 South Winton Road.

10 **Application 12P-01-24**

11 Application of TIUNY Holdings, Inc., owner,
12 and Jerry Goldman, agent, for extension of Site Plan
13 approval (1P-01-24) allowing for the construction of a
14 55,000+/- square foot building/school addition on
15 property located at 1666 Winton Road South. All as
16 described on application and plans on file.

17 MS. OSOWSKI: Thank you, Jerry.

18 MR. GOLDMAN: Good evening, members of the
19 Board. For the record, my name is Jerry Goldman. I
20 am the attorney and agent for the Talmudical Institute
21 of Upstate New York. We're here this evening for an
22 extension of our site plan approval that was granted
23 on February 21st of 2024.

24 Jason pointed out we are a little bit early,
25 but we try to get it in if we can in advance of the

1 year period. The code -- Town Code does provide that
2 a final site plan is good for a one-year period, but
3 it is subject to the extension of the Planning
4 Board -- shall have the right to extend any
5 application for a period of a year. And if the Board
6 were to decide not to do it, they're supposed to give
7 reasons why.

8 But the actual reason for us coming in is
9 that we are finalizing some finer details, if you
10 will, on the site, specialty materials for the school.
11 We want to coordinate with the school year. It would
12 be apparent that we wouldn't be talking about a 2025
13 occupancy. We'd be talking about, at the earliest, a
14 2026 occupancy.

15 We're coordinating details with our design
16 and construction team and following the bouncing
17 interest rates. And hopefully we get that all squared
18 away and stabilized on the financial end.

19 So we do need that period of time. As
20 Lauren pointed out, the Zoning Board granted the
21 extension of the Zoning Board variances, which were
22 for the pool and basketball court along South Winton
23 Avenue. And we're requesting the extension of the
24 site plan approval this evening.

25 If you have any questions -- Rabbi Noble is

1 here with me -- we would be pleased to answer them.

2 MR. OSOWSKI: So I would assume you're
3 hoping that construction would start later this year.

4 MR. GOLDMAN: Yeah.

5 MR. OSOWSKI: And when you say 2026
6 occupancy, would that be January semester or fall of
7 2026? The start --

8 RABBI NOBLE: Yeah, yeah, yeah. We hope.

9 MR. GOLDMAN: Yeah. Likely, since this is a
10 residential school, having the residential portion
11 available at the -- in the summer time to allow for
12 the school to ensue in September.

13 MR. OSOWSKI: Okay. So you're still working
14 out of the facility on Park Avenue; is that right?

15 RABBI NOBLE: Yeah.

16 MR. OSOWSKI: Okay.

17 MR. GOLDMAN: For the benefit of the
18 stenographer, this is Rabbi Shlomo Noble who is the
19 Executive Vice President at the Talmudical Institute
20 of Upstate New York.

21 MR. OSOWSKI: Okay. I don't have any
22 questions. All right. Jason? Lauren?

23 MS. BARON: No. You asked the question I
24 was going to ask.

25 MR. OSOWSKI: Okay. All right.

1 MR. GOLDMAN: Okay. Thank you.

2 MR. OSOWSKI: Jerry, thank you. All right.

3 (Public hearings concluded at 7:21 p.m.)

4 (Deliberations and decisions begin.)

5 MR. OSOWSKI: Okay. Then why don't we
6 proceed with our final review. Do I need to say the
7 public hearing portion is closed?

8 MS. BARON: So yeah. Usually I think a
9 board member --

10 MR. OSOWSKI: I move that we close the
11 public hearing portion of the meeting.

12 MS. ALTMAN: I'll second.

13 MR. OSOWSKI: Okay. Jason, do the roll.

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

17 (AUpon roll motion to close the public
18 hearings carries.)

19 MR. OSOWSKI: All right. Thank you. Okay.
20 Let's move to final review of the first application,
21 11P-02-24, 3300 Brighton Henrietta Town Line Road.

22 **Application 11P-02-24**

23 Application of 3300 BHTL Partners, LLC,
24 owner, and Joshua Saxton, Passero Associates, agent,
25 for Preliminary/Final Site Plan Approval, EPOD

1 (watercourse) Permit Approval and Demolition Review
2 and Approval to raze a single-family home and
3 construct a 20,000 square foot medical office building
4 with associated site improvements on property located
5 at 3300 Brighton Henrietta Town Line Road. All as
6 described on application and plans submitted.

7 MR. BABCOCK-STIENER: I move the public
8 hearings be closed for application 11P-02-24.

9 MR. FADER: I'll second that.

10 MR. HAREMZA: Wait. What did we just vote
11 on?

12 MS. BARON: Yeah. You just voted to close
13 the public hearings. So you don't have to vote again
14 on that unless you really want to.

15 MR. BABCOCK-STIENER: So you --

16 MR. OSOWSKI: You closed them all.

17 MR. BABCOCK-STIENER: I missed that then.

18 MR. OSOWSKI: All right. We'll bypass that.
19 Does anyone want to make a motion regarding the
20 application?

21 MR. BABCOCK-STIENER: I move that the
22 Planning Board adopts the updated negative declaration
23 filed by Town staff and approves application 11P-02-24
24 for preliminary and final site plan approval, EPOD
25 watercourse permit approval and demolition approval

1 based on the testimony given, plans submitted and the
2 seven conditions outlined in the Planning Board
3 report.

4 MS. SANGUINETTI: I second.

5 MR. OSOWSKI: Moved and seconded. Okay.

6 Let's move for a vote.

7 **Conditions:**

8 1. The applicant shall respond in writing to all
9 comments of the Planning Board, Department of Public
10 Works (including the Sewer Department and Town
11 Engineer), Building and Planning Department, and Fire
12 Marshal.

13 2. The applicant shall submit any additional
14 information required by the Town Engineer.

15 3. The applicant shall coordinate a pre-construction
16 meeting with the Town Engineer during the review of
17 the building permit.

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

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

23 6. Monroe County comments, if any, shall be
24 addressed. Any work within the county right-of-way of
25 Brighton Henrietta Town Line Road shall require review

1 and approval of Monroe County Department of
2 Transportation.

3 7. The project shall be constructed in accordance
4 with the design approved by the ARB and the final site
5 plan drawing set. Final site plan drawings and
6 construction drawings submitted for the building
7 permit shall clearly indicate the ZBA condition that
8 the basement be used for mechanical equipment and
9 storage and not be converted into occupied space.
10 This condition shall also be included on the
11 Certificate of Occupancy.

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

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

17 MR. OSOWSKI: All right. Thank you. Okay.
18 Before we move on to the second application,
19 12P-01-24, 1666 South Winton Road, Jason -- so I had
20 asked the Town to remove a couple extraneous signs at
21 the east entrance to the site off Idlewood. It was
22 the sign attached to the stop sign that said Brighton
23 Recreation Department and Brookside School.

24 I was there today and those signs were still
25 there. So if you could just get somebody at the Town

1 to take them off the stop sign.

2 MR. HAREMZA: Recreation is not there any
3 longer?

4 MR. GOLDMAN: It's there, but -- they
5 utilize the driveway.

6 MR. HAREMZA: That's right.

7 MR. GOLDMAN: And the sign is in the Town's
8 right-of-way.

9 MR. OSOWSKI: They're on the stop sign.
10 Yes.

11 MS. BARON: Yeah. I think the discussion
12 was to try to discourage use of that entrance.

13 MR. HAREMZA: That's correct. Yup. It's
14 coming back to me.

15 MR. OSOWSKI: I mean, I don't think that's
16 probably a correct use of a stop sign to put
17 additional signs on it to begin with, but it would --
18 it'd be good for those to be removed.

19 Okay. Thank you. Does anybody care to make
20 a motion to approve the request for site plan approval
21 extension for this application?

22 **Application 12P-01-24**

23 Application of TIUNY Holdings, Inc., owner,
24 and Jerry Goldman, agent, for extension of Site Plan
25 approval (1P-01-24) allowing for the construction of a

1 55,000+/- square foot building/school addition on
2 property located at 1666 Winton Road South. All as
3 described on application and plans on file.

4 MR. BABCOCK-STIENER: I move that the
5 Planning Board approve the extension of application
6 12P-01-24.

7 MS. ALTMAN: Second.

8 MR. OSOWSKI: Moved and seconded. Okay.
9 Jason, call the roll.

10 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;
11 Mr. Fader, aye; Mr. Osowski, aye;
12 Ms. Sanguinetti, aye.)

13 (Upon roll motion to approve carries.)

14 MR. HAREMZA: Extended until December 2025.

15 MR. GOLDMAN: Nope.

16 MS. BARON: It's from -- yeah. We discussed
17 this at the Zoning Board as well. So it's from when
18 the original approval was.

19 MR. HAREMZA: Extended to February 2026?

20 MS. BARON: Yes.

21 MR. GOLDMAN: Yeah. February 21.

22 MR. OSOWSKI: Does that mean you just need
23 to start construction between now and then?

24 MR. GOLDMAN: Yeah. I mean, it's kind of
25 interesting. The Zoning Board has specific standards.

1 You're supposed to start and have substantial
2 construction during the year period. The Planning
3 Board extension just says it's good for a year. It
4 can be extended. So our objective would be to take
5 action within that year period.

6 MR. OSOWSKI: Okay.

7 MR. HAREMZA: I think the rule of thumb we
8 use is the obtaining of a building permit within that
9 year.

10 MR. OSOWSKI: Yeah. Okay. Thank you.

11 RABBI NOBLE: We're going to try to do it
12 fast.

13 MR. GOLDMAN: Thank you very much. Have
14 nice holidays everybody and happy New Year.

15 RABBI NOBLE: Good luck with the rest of
16 your business tonight.

17 **Signs:**

18 **Application Number: SN-24-39 (1741)**

19 2320 Brighton-Henrietta Townline Rd

20 Two signs for Scouting America. One is a 34
21 square foot acrylic letter sign and the other is a 83
22 square foot internally illuminated sign.

23 Note: Signs fall within parameters of
24 previously granted sign variance.

25 **Application Number: SN-24-40 (1742)**

1 1900 S. Clinton Ave

2 Internally illuminated 36.5 square foot
3 channel letter sign for Goose Park Boba & Wings

4 **Application Number: SN-24-41**

5 777 Canal View Blvd

6 175.7 square foot acrylic sign for UR
7 Medicine Gynecology & Childbirth Associates

8 **Application Number: SN-24-43**

9 1925 S Clinton Ave

10 Two 22.5 square foot and 45 square foot LED
11 Channel letters and logos for Vivo Infusion

12 MR. OSOWSKI: I'll move that we approve the
13 signs as presented and as recommended by our
14 Architectural Review Board.

15 MR. BABCOCK-STIENER: Second.

16 MR. OSOWSKI: Moved and seconded. All in
17 favor?

18 ALL BOARD MEMBERS: Aye.

19 MS. OSOWSKI: Opposed? All right.

20 (Proceedings concluded at 7:33 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 18th day of December, 2024
14 at Brighton, New York.

Holly E. Costello

Holly E. Castleman ACR,
Official Court Reporter