
BRIGHTON

PLANNING

BOARD

November 19, 2025
At approximately 7 p.m.
Empire State University
680 Westfall Road, Room 159
Rochester, New York 14620

PRESENT:

ANTHONY VALLONE, SENIOR PLANNER

WILLIAM PRICE, CHAIRPERSON

JOHN OSOWSKI)	BOARD MEMBERS
KAREN ALTMAN)	
DAVID FADER)	
JASON BABCOCK-STINER)	
SERGE TVASMAN)	
GRANT DIMBLEBY)	

LAUREN BARON, ESQ.
Attorney for the Town

ABSENT:

CLARA SANGUINETTI

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 Welcome to the November 19th, 2025, meeting of the
3 Town of Brighton Planning Board.

4 In the unlikely event of an emergency
5 tonight, there are exits behind you and to your right,
6 our left.

7 Tonight if you do happen to hear anything
8 during our public hearings that you wish to comment
9 on, you're welcome to do so, either tonight or after
10 the fact, via email to Anthony Vallone,
11 Anthony.vallone, V-A-L-L-O-N-E, @townofbrighton.org.

12 First of all, what we're going to do tonight
13 is just have a meeting with the Board and staff about
14 tonight's agenda.

15 MR. VALLONE: Good evening, Chair Price and
16 Planning Board members. It's going to take me a long
17 time to get board commission out of my vocabulary.
18 I've done it so many times. Glen over here just had
19 to tell me just about 20 minutes ago. It's a board,
20 not a commission.

21 For this evening, I've changed the format
22 back to having PB number 25, dash whatever. I think
23 that's a little --

24 CHAIRPERSON PRICE: It's an actual
25 application number.

1 MR. VALLONE: Actual application number.
2 And that's true with anything that comes through
3 building and planning. We'll even have a special
4 number for incentive zoning. So when this becomes one
5 of the items on the agenda, it becomes a real
6 application for it.

7 So as far as this particular agenda is
8 concerned, we had a couple changes. So PB-25-16 and
9 25-17 are both being withdrawn at the request of the
10 applicant. And you have a record of that in your
11 packet here. It was an email correspondence with the
12 applicant.

13 We also have 1803 Monroe Avenue has
14 requested to be tabled as well. So we have a email
15 correspondence in your packet for that.

16 And I believe that is all I have at the
17 moment. We have one sign application at the end of
18 hearing. I wasn't really sure how you guys did this
19 since this is my second meeting.

20 CHAIRPERSON PRICE: What we'll do is we'll
21 go through each of the -- we'll review each
22 application. Once we've made a determination on
23 those, we'll look at signs.

24 MR. VALLONE: And Chair Price, did you like
25 to do presentations before you go through cases or do

1 you like them after?

2 CHAIRPERSON PRICE: Presentations of --

3 MS. BARON: So yeah. We have two
4 presentations on the agenda today; a concept sketch
5 plan for a subdivision and then an incentive zoning
6 presentation.

7 MR. VALLONE: Then your presentation --

8 CHAIRPERSON PRICE: Right.

9 MR. VALLONE: -- that you wanted to do.

10 CHAIRPERSON PRICE: Let's do them after the
11 actual applications.

12 MR. VALLONE: So from now on, we'll keep --

13 CHAIRPERSON PRICE: Yeah. What we typically
14 do is we'll -- it will be more conversational. And
15 I'll go through how we do it when we are looking at
16 those.

17 MR. VALLONE: Thank you.

18 CHAIRPERSON PRICE: Thank you. So on
19 tonight's agenda, the first application will be
20 PB-25-9. Now, is that also tabled?

21 MS. BARON: Nope. So that has not been
22 tabled. If you recall, last time we tabled it because
23 of the SEQRA. So that -- you should have an updated
24 SEQRA documentation for that. But that is an unlisted
25 action. That will need to be considered as -- when

1 that comes up.

2 But I'm not sure if anybody's here since
3 they did present last time pretty significantly on
4 that application.

5 CHAIRPERSON PRICE: All right. Okay. We'll
6 see if there's anyone here.

7 Okay. I do note that 25-16 and 25-17 are
8 tabled. Let's leave a little bit of time at the end
9 to talk about why.

10 MS. BARON: So actually, Anthony indicated
11 that those are withdrawn. So the applicant has
12 decided --

13 CHAIRPERSON PRICE: Withdrawn.

14 MS. BARON: -- to withdraw them.

15 CHAIRPERSON PRICE: I think I know why, but
16 I'd like to talk a little bit about it.

17 And then 1803, that has been tabled. Is
18 there any -- is there reasons? They didn't submit in
19 time or --

20 MS. BARON: We've asked --

21 MR. VALLONE: They have a lot -- yeah.
22 We've asked for a lot of -- they really needed to
23 engage their engineer. That's basically the root of
24 things.

25 So now that Ian's gotten his hands around

1 this thing, he's gonna take off with it and cross all
2 the Ts and dot all the Is. I thinks there's quite a
3 bit with this.

4 CHAIRPERSON PRICE: Yeah. Okay. I see at
5 the gas station -- we're -- not just yet. Sorry.
6 We're not taking public comment and questions at this
7 point.

8 Okay. 25 -- wait a minute. Are you here
9 for that application?

10 UNIDENTIFIED SPEAKER: I was here for that.
11 You passed by, but you didn't see me waving my hand.
12 16 and 17.

13 A group of us here are interested in 16 and
14 17, but they've been withdrawn? And so I was
15 wondering if the applicant indicated if their
16 withdrawal --

17 CHAIRPERSON PRICE: That's why -- what I
18 wanted to know.

19 UNIDENTIFIED SPEAKER: What their intent is
20 going forward.

21 CHAIRPERSON PRICE: I want to know why they
22 withdrew. I don't know about --

23 UNIDENTIFIED SPEAKER: It's not known at
24 this point? They just said, we withdraw?

25 CHAIRPERSON PRICE: We know that there was

1 an issue with wetlands delineations on there.

2 I remember you guys. Steve, I went to your
3 house. Okay. I do want to talk about that, but I'm
4 going to have to ask you to wait until we hear
5 everything. There's reasons I want talk about it.
6 Thank you.

7 Okay. So 25-27, 447 French Road.

8 MS. BARON: So this one was tabled at the
9 last meeting, if you recall, because they were going
10 in front of the Zoning Board for the variance for
11 their garage because of the size of the garage space,
12 which they did receive from the Zoning Board at their
13 November meeting.

14 So that's up for your consideration. And
15 this is a Type II action under SEQRA because it's
16 construction of a single-family home.

17 CHAIRPERSON PRICE: Okay. 25-32. This is
18 2253 South Clinton Avenue.

19 Is this as simple as it looks? This is just
20 a subdivision of an office park.

21 MS. BARON: Yeah. Maybe you can speak a
22 little bit to that.

23 MR. VALLONE: Yeah. This is Planned
24 Parenthood. And they are subdividing this piece out
25 of that existing -- so it's got parking already. It's

1 got parking agreements with it. It has a few
2 variances that it needs. But other than that, it's
3 pretty benign.

4 CHAIRPERSON PRICE: Okay.

5 MS. BARON: And this is also an unlisted
6 action under SEQRA.

7 CHAIRPERSON PRICE: Okay. Then we have
8 two -- one sketch plan and one incentive zoning sketch
9 plan also. Will the incentive zoning be a referral to
10 the Town Board?

11 MS. BARON: Yup. So this is just the
12 kickoff process. They're going to give their
13 presentation to you all and then you can make a
14 determination to -- a recommendation to the Town
15 Board.

16 CHAIRPERSON PRICE: Very good. Then there
17 will be the one sign we have.

18 Okay. Any questions anybody have on
19 tonight's agenda? Okay. Lets start the meeting.

20 Anthony, will you please call the roll
21 tonight?

22 (Roll was called.)

23 MR. VALLONE: Fader, not present.
24 Sanguinetti, not present.

25 CHAIRPERSON PRICE: Okay. I was not aware

1 that -- did we get meeting minutes from last month?

2 MR. VALLONE: No, we did not. I contacted
3 them today and they promised by Monday they'll be
4 done, which doesn't really help us.

5 They've been really slow lately.

6 CHAIRPERSON PRICE: Okay. Next month.

7 Mr. Secretary, were tonight's public
8 hearings properly advertised in the Daily Record?

9 MR. VALLONE: It was advertised in the
10 November 13th Daily Record.

11 CHAIRPERSON PRICE: Thank you. All right.
12 So let's call the first applicant, Planning Board
13 application 25-9.

14 **Application PB-25-9:**

15 TABLED - PUBLIC HEARING REMAINS OPEN

16 Address/Location: 1285 East Henrietta Road (Tax ID
17 #149.18-2-2)

18 Type: Site Plan Review (Preliminary)

19 Zoning: Light Industrial (IG)

20 Applicant: Loyal Group REM, LLC

21 Application of Thomas Fitzgerald, MRB Group, agent,
22 and Loyal Group REM LLC, owner, Birnbaum Companies,
23 contract vendee, for Preliminary Site Plan Approval to
24 construct a 3,200 +/- square foot commercial building
25 for use as a cannabis dispensary on property located

1 at 1285 East Henrietta Road, known as Tax ID
2 #149.18-2-2.

3 CHAIRPERSON PRICE: Nobody here to present
4 that. We might come back to that, but let's -- I want
5 to ask is there is anyone in the audience that was
6 here to address that application? All right.

7 Steve and Joe, I'm going to wait until the
8 end to talk about the next two.

9 Okay. Application PB-25-27, application for
10 447 French Road. This is Edward and Patricia Hall.
11 Welcome back.

12 **Application PB-25-27:**

13 TABLED - PUBLIC HEARING REMAINS OPEN

14 Address/Location: 447 French Road

15 Type: Subdivision/Site Plan, EPOD Permit Approval

16 Zoning: Technology and Office Park (TOP)

17 Applicant: Edward & Patricia Hall

18 Application of Edward & Patricia Hall (owner) for
19 Subdivision/Resubdivision Review, Site Plan Review,
20 EPOD (Environmental Protection Overlay District)
21 Permit allowing for subdivision from one to two lots
22 and new residential home on newly created lot at 447
23 French Road, known as Tax ID parcel 150.14-1-44.21.

24 MR. HALL: Thank you.

25 CHAIRPERSON PRICE: Come up and let us know

1 what's happened in the last month.

2 MS. HALL: So we got Zoning Board approval.

3 CHAIRPERSON PRICE: That's the way to start.

4 MS. HALL: We got Architectural Review Board
5 approval. Yes. We met with you before that.

6 MR. VALLONE: This is the end of the line
7 for them, Chair Price. It's been a long road for
8 them.

9 CHAIRPERSON PRICE: There's been others
10 through your pain.

11 Yeah. That's typically what we do is we do
12 hold on, specifically, your variances because it could
13 affect your site plan. ARB -- sometimes we'll approve
14 without ARB approval. But you did get both?

15 MS. HALL: Yes.

16 MR. HALL: Yes.

17 CHAIRPERSON PRICE: And as presented; right?

18 MR. HALL: Yes.

19 MS. HALL: Yes. Well, Architectural Review
20 Board had some conditions, but we met those on our
21 plans. Like they wanted us to change the deck in the
22 back and we did. So it's approved with conditions, I
23 think. Right?

24 MR. VALLONE: And then they had -- I just so
25 happened to go to that meeting and there were small

1 things like the lighting of the -- if you can see
2 this -- these fake windows.

3 MS. HALL: They're fake windows, yes.

4 MR. VALLONE: Fake windows. So they wanted
5 them to be blackened.

6 MS. HALL: They're blackened. They will be
7 blackened.

8 MR. VALLONE: So things of that nature, but
9 nothing that would affect the site plan.

10 And I don't know why, but when I speak into
11 this, it makes a loud noise. I hate these.

12 MS. HALL: But the Zoning Board was just the
13 garages and we're goods with that.

14 CHAIRPERSON PRICE: Okay. So just out of
15 curiosity, there's no space above your garage? You
16 don't have any usable space?

17 MS. HALL: No.

18 MR. HALL: No.

19 CHAIRPERSON PRICE: Okay. You were just
20 asking for the square footage --

21 MS. HALL: More than 900 square feet. Yup.

22 CHAIRPERSON PRICE: Okay.

23 MR. VALLONE: For the record, Chair Price,
24 we do have comments from the Conservation Board last
25 night, their meeting, which I was required to tell

1 them about and show them the site plan and -- don't
2 worry. You got that look on your face. They just had
3 a suggestion --

4 MS. HALL: Yeah.

5 MR. VALLONE: -- which was that the trees
6 that are coming out, which I showed them on the
7 landscape plan, they were wondering if you guys could
8 put trees somewhere else for the ones that you were
9 taking out like for light.

10 MR. HALL: Yeah. They're --

11 MS. HALL: Didn't you show them -- well, you
12 probably didn't have it because I don't think --

13 MR. VALLONE: No, I didn't have that.

14 MS. HALL: So yeah. So there's gonna be
15 like -- there's gonna be a lot of shrubbery and stuff
16 replaced.

17 MR. VALLONE: They wanted trees.

18 MR. HALL: I mean, we --

19 MS. HALL: We picked --

20 MR. HALL: -- have a 10-acre property with
21 about a thousand trees. I mean, we're removing five.

22 MR. VALLONE: This was -- I mean this
23 wasn't --

24 MR. HALL: We actually probably will plant
25 additional trees between this home and the current

1 home we live in just for privacy purposes. We
2 probably --

3 MS. HALL: Along the back.

4 MR. HALL: Along the back because the JCC
5 owns the property behind us. And there's potentially
6 some plan to develop back there possibly. So we may
7 plant trees just, again, for privacy purposes.

8 MS. HALL: But the choice of where we're
9 putting the house, honestly, it's where there
10 aren't -- the clearest part of the lot.

11 MR. HALL: It's in a clearing.

12 And I think of the five trees that are being
13 removed, three of them are dead.

14 MS. HALL: Yeah. There's a lot of trees.
15 And I think I showed you those pictures. There were a
16 bunch of trees that were dead.

17 MR. VALLONE: I told them about that.

18 MS. HALL: That's why there's not much grass
19 there.

20 MR. VALLONE: I don't think they're
21 expecting large caliper --

22 MR. HALL: Yeah. It would be difficult,
23 obviously, to plant mature trees. And most of the
24 hundreds of trees on this 10-acre lot are mature
25 trees.

1 But there is a definitely a plan to beautify
2 the lot and try to make it as, you know, quite and as
3 private as possible.

4 MR. VALLONE: Thank you.

5 CHAIRPERSON PRICE: Lauren, how are we doing
6 on this? You said this is Type II.

7 MS. BARON: Yup.

8 CHAIRPERSON PRICE: Is SEQRA required.

9 MS. BARON: Yeah. It's the construction of
10 a single-family home, so Type II action.

11 CHAIRPERSON PRICE: Good evening. Please
12 note that David Fader has joined us.

13 MR. VALLONE: I've made that note in the
14 record. Thank you.

15 CHAIRPERSON PRICE: I don't have any
16 questions. Anyone else, any questions? Karen?

17 MS. ALTMAN: No questions.

18 CHAIRPERSON PRICE: Anthony, any other
19 questions?

20 MR. VALLONE: No.

21 MR. HALL: Thank you.

22 MR. VALLONE: Thank you for getting through
23 this.

24 MR. HALL: Yeah. We've been through more
25 difficult scenarios. Thank you.

1 CHAIRPERSON PRICE: Okay. This is a public
2 hearing. Is there anyone in the audience that cares
3 to address this application?

4 We're going to move on to application
5 PB-25-32. This is 2253 South Clinton Avenue.

6 **Application PB-25-32:**

7 Address/Location: 2253 South Clinton Avenue
8 Type: Preliminary/Final Subdivision
9 Zoning: BE-1, Office & Office Park.
10 Applicant: Abigail D'Angelo
11 Application of Abigail D'Angelo (agent) for
12 Preliminary/Final Subdivision Application review to
13 subdivide a ±0.46-acre parcel (lot R-2A) out of the
14 ±7.65-acre property located at 2253 South Clinton
15 Avenue. The purpose of the subdivision is for PPCWNY
16 to purchase the existing ±6,520 square foot one-story
17 Medical building and surrounding lawn. All as
18 described on application and plans on file.

19 CHAIRPERSON PRICE: You don't look like
20 Abigail, but good evening.

21 MR. VARS: Good evening. My name is Peter
22 Vars with BME Associates. We're appearing this
23 evening on behalf of the property owner, West Fall
24 Medical Realty LLC, and also the applicant, which is
25 PPCWNY. And with me this evening is Christian Olek

1 from PPCWNY.

2 As advertised, what we are here this evening
3 for is to request preliminary and final subdivision
4 approval for an existing building that's located
5 within the Westfall Medical Center. The overall
6 office park is located at the southwest corner of
7 Westfall Road and South Clinton Avenue. It totals
8 7.65 acres. And the property is zoned BE-1 office,
9 office park.

10 The proposal is to create a 0.46-acre or
11 just about a 20,000-square-foot interior lot within
12 the office, which will encompass what is known as
13 Building Number 1 or which has the street address 2253
14 South Clinton Avenue. And that is represented by the
15 yellow rectangle up on the picture on the screen.

16 This building was reconstructed in 2024, per
17 site plan approval granted by this Planning Board back
18 on October 18th of 2023. As such, there is no
19 building or site modifications proposed. This really
20 is just a simple subdivision such that the tenant can
21 purchase the building.

22 However, because it is an interior lot, it
23 does create the need for variances. Applications have
24 been submitted to the Zoning Board of Appeals and we
25 are scheduled to appear before them on December 3rd to

1 request four variances. And I'll just briefly go over
2 those for you so that you're aware of them.

3 The first one is the relief from Code
4 Section 205-22, which is relief from the Code
5 requirement that parking for an office building is to
6 be contained on the actual building's lot. In this
7 case as we show on the picture, the proposed lot line
8 is really just going to encompass the building and its
9 surrounding lawn area.

10 The parking is on the remaining lot, but the
11 property is the beneficiary of a reciprocal parking
12 and access easement. So they have legal rights to the
13 use of all of the parking within the office park.

14 The next two variances are from 205.06 and
15 it's regarding setbacks. The front of the building is
16 considered the south wall and as such, its proposed
17 setback from the proposed lot line is 17.8 feet, where
18 a 50-foot front setback is required in the BE-1
19 district.

20 The second setback is along the west wall of
21 the building, where the building is setback 19.6 feet
22 from the proposed lot line, where 20 feet is required.

23 The fourth variance we're requesting is from
24 section 205-06 also, which states that the density
25 within the BE-1 district shall not exceed 10,000

1 square feet of building per acre. As we mentioned,
2 this is a 0.46-acre lot to be created. The building
3 is existing. It's around 6500 square feet. So
4 actually it's proposing a density of 14,200 square
5 feet per acre.

6 So while these variances are requested as a
7 result of the lot configuration, it is very important
8 to understand, though, that the overall park, medical
9 park, continues to comply with all of the bulk area
10 requirements, specifically as it relates to setbacks
11 to South Clinton Avenue, to West Fall Road.

12 Parking in the overall park exceeds the
13 standard lot coverage density. We comply with all
14 those lot standards. And that was reemphasized and
15 reinforced back in 2023 when we did the site plan
16 approval process for this building.

17 So in essence, what we're really just trying
18 to achieve here is to create this lot so that a real
19 property transaction can take place.

20 We did prepare the short form environmental
21 assessment form, as we do believe it's an unlisted
22 action as a result of the proposed subdivision only.
23 And therefore, we could answer any questions you have
24 at this time.

25 CHAIRPERSON PRICE: Thank you. I'm going to

1 ask Peter this, but you might chime in on this.
2 Peter, could you label on -- will this be the map
3 filed?

4 MR. VARS: Correct. Yes.

5 CHAIRPERSON PRICE: Just so we all remember,
6 which is the front setback? Just so we know --

7 MR. VARS: Sure.

8 CHAIRPERSON PRICE: -- in the future,
9 somebody picks this up and says, which line is this?

10 MR. VARS: Now, that's a good point because
11 we actually had asked staff that question. When we
12 did the pre-application meeting, it was, are we
13 measuring the setbacks from Clinton and Westfall or
14 the actual front door, which is the south wall? So,
15 yes. We will clarify that.

16 CHAIRPERSON PRICE: And the second question
17 is what does this do for -- let's say somebody came in
18 and wanted to do another building on the parking lot
19 next to it. Does this throw that site into
20 noncompliance? Or could it set it into a compliance
21 issue for future development?

22 MR. VARS: It could in the fact -- because
23 you've created interior lot lines. So I would
24 believe if -- let's suppose one of those parking lots
25 were to become a building, it would have to meet

1 setback requirements to that interior lot line. It
2 would be a side setback maybe, but, yes, it would have
3 to comply. Let alone the overall parking requirements
4 of lot coverage and parking demand and all that.

5 But, yes. You are creating interior lot
6 lines, thus, where future structures would have to
7 comply.

8 MS. BARON: So --

9 MR. VARS: In our opinion.

10 MS. BARON: My question for that would be
11 your -- I haven't seen the text of your parking
12 easement. Does it guarantee a certain amount of
13 parking spaces for this building?

14 MR. VARS: Yes, it does. Yeah. I
15 appreciate you bringing that up because, as would be
16 standard practice, that reciprocal easement agreement
17 would be provided to the Town for review prior to
18 obtaining Planning Board Chair signatures. And we
19 have been in consult with Monroe County Real Property
20 that they are -- that this subdivision can occur as
21 long as that reciprocal easement agreement is filed
22 prior to filing the subdivision. So we would have to
23 provide that deed. So there is that checks and
24 balances.

25 MR. VALLONE: That's because it's a

1 subdivision. It's what I'm used to as well.

2 MR. VARS: Correct. Yes.

3 MR. VALLONE: That's why we check at the
4 end, not in the beginning.

5 CHAIRPERSON PRICE: Pete, this may not have
6 much to do with your site, but the overall -- the
7 parking here that's labelled on your site data table,
8 that's for the entire campus; right? What -- how many
9 spaces are out there? Is it that -- because -- I'm
10 sorry, but your labelling says "proposed parking
11 required" versus -- you know, required versus
12 provided. 246 is required by the Code and 271 are
13 existing.

14 MR. VARS: Correct.

15 CHAIRPERSON PRICE: So it's not, you know,
16 way off. You're not way over the requirement.

17 MR. VARS: Correct. That's correct.

18 CHAIRPERSON PRICE: You never see anybody
19 park there. There's nobody there.

20 That's all the questions I had. Karen, do
21 you have any questions?

22 MS. ALTMAN: No, thank you.

23 CHAIRPERSON PRICE: David? Serge?

24 MR. TVASMAN: No.

25 CHAIRPERSON PRICE: All good? Anthony, you

1 all set?

2 MR. VALLONE: No, I am good.

3 CHAIRPERSON PRICE: Lauren?

4 MS. BARON: I'm good. My question was on
5 the parking easement.

6 CHAIRPERSON PRICE: Our ability to approve
7 this, Peter, would be limited until we know you
8 have --

9 MR. VARS: The variances. Understood. Yes,
10 we understood that.

11 CHAIRPERSON PRICE: I think the only -- if
12 you could just label up the -- which lines are front,
13 sides and --

14 MR. VARS: Right.

15 CHAIRPERSON PRICE: Appreciate it.

16 MR. VARS: So I do have a question then,
17 procedurally. So our intent is to, obviously, go to
18 the Zoning Board on the 3rd of December. Hopefully we
19 are successful there. Would we be automatically
20 placed on the next December Planning Board agenda?

21 MR. VALLONE: Yeah. We carry you over.

22 MR. VARS: Would we need to submit anything
23 or --

24 MS. BARON: Yeah. If they table it tonight
25 for that reason --

1 MR. VARS: Just want to make sure we weren't
2 -- we had to do anything to ensure that.

3 MR. VALLONE: This is new to me as well, how
4 we do things.

5 CHAIRPERSON PRICE: You'll be automatically
6 on the agenda.

7 MR. VARS: Very good. Thank you.

8 CHAIRPERSON PRICE: This is a public
9 hearing. Is there anyone that cares to address this
10 application? Okay. Let's move on.

11 At this point we have the presentations, am
12 I right, Anthony? All right. We have several
13 residents here that wanted to know a little bit more
14 about application -- applications 25-16 and 25-17.
15 This is Zero South Winton Road.

16 MS. BARON: So I can speak a little bit to
17 that. So the background of this, this has been
18 tabled -- this has been on your agenda for many, many
19 months now.

20 An issue was raised because of existing
21 wetlands within the area that -- this is a
22 three-parcel subdivision to construct single-family
23 homes. And there was an issue with wetlands existing
24 on the site and what the scope of those wetlands are
25 because, under our code, if the project would disturb

1 one acre or more of wetlands, it's considered a Type I
2 action under SEQRA. And also DEC did update their
3 wetlands regulations last year. So we had asked the
4 applicants to get a wetlands delineation to figure
5 out -- from DEC to figure out where the wetlands are
6 and what the scope of them are.

7 And they've determined that they'd like to
8 withdraw the application at this time. So we did not
9 receive any follow-up information regarding the
10 wetlands.

11 MR. VALLONE: No. And unless a miracle has
12 happened for them between now and then, it's -- I knew
13 this was going to happen.

14 CHAIRPERSON PRICE: I did too.

15 So I don't know if we can answer the
16 residents' questions as to the intent moving forward,
17 but in January of 2025, DEC issued new regulations on
18 wetlands, essentially adding a lot of areas of
19 wetlands that are not consistent or not shown on the
20 national wetlands inventory maps, requiring,
21 particularly in urban and suburban areas, to be
22 delineated.

23 The applicant probably filed the desktop
24 survey jurisdictional determination. My guess is they
25 came back and said you must do a delineation.

1 Next thing is, when can you -- how much is
2 the delineation? When can you do it? We're here in
3 November. You cannot do them now. Even if it was a
4 month ago, it would probably be a challenge. And then
5 if you determine what the size is -- that's really not
6 even dependent on size anymore. You have to go for an
7 individual permit.

8 Now, that particular wetland is probably not
9 a federal wetland, under the definition of federal
10 wetlands under the Army Corps of Engineers, because
11 it's not associated with Waters of the US. However,
12 it could take you nine months to get them to tell you
13 that, if you're lucky.

14 So my guess is this was just -- got to be
15 too much for them to proceed.

16 So to answer the question of what did they
17 tell us, I don't know they could tell us anything
18 other than there are wetlands and it's extremely
19 unpredictable the success that they would have filing
20 an application with the DEC and securing any approvals
21 to build anything that they had requested.

22 UNIDENTIFIED SPEAKER: It's technically --
23 could be refiled. I mean, they can come back --

24 CHAIRPERSON PRICE: Technically --

25 UNIDENTIFIED SPEAKER: -- if they wanted to.

1 CHAIRPERSON PRICE: I mean, if you can find
2 some square footage outside -- now remember, with
3 DEC -- well, you don't remember, but what the DEC puts
4 on a wetland includes a hundred-foot buffer that the
5 Army Corps of Engineers does not do.

6 So once you determine the actual boundary of
7 the wetland and you get that agreed to by the DEC,
8 they agree with the delineation, that gets mapped and
9 then you add a hundred feet to that. So finding
10 enough real estate out there to build a house might be
11 getting extremely challenging, let alone two or three.

12 UNIDENTIFIED SPEAKER: So a hundred feet
13 perimeter all the way around the wetland?

14 CHAIRPERSON PRICE: Yeah. The border of
15 this building --

16 UNIDENTIFIED SPEAKER: That building or --
17 that's the actual structure --

18 CHAIRPERSON PRICE: That's driveways.
19 That's any disturbance of the buffer.

20 Now, disturbance usually means fill. You
21 know, so filling it in, cutting, filling, putting a
22 road in, a driveway. Utilities, sometimes you can get
23 through as long as you're not filling again. That's a
24 challenge though too. So it's pretty restrictive.

25 UNIDENTIFIED SPEAKER: Now, is it viable in

1 the sense that -- I mean, I can remember a time when
2 somebody wanted to build on a wetland, they could get
3 permission to just fill it in and we'll make -- we'll
4 make -- expand another wetland somewhere else.

5 MS. BARON: We can't really speak to what
6 DEC would decide if they went to DEC for permission.

7 CHAIRPERSON PRICE: Yeah. So what's
8 happened is really that new DEC regulations has caught
9 up with them. Yup. That's my interpretation of
10 what's happened.

11 MR. VALLONE: And they aren't really
12 required to give me a reason if all they say is I want
13 to withdraw it. But what that means is they have
14 to -- this is closed. Everything has been closed.
15 They have -- they're starting over from fresh. We
16 charge them another fee.

17 CHAIRPERSON PRICE: That's the best we can
18 tell you, guys.

19 UNIDENTIFIED SPEAKER: On behalf of our
20 fourth neighbor that's apparently still en route --
21 you are here. Say you're little thing. If they come
22 back --

23 UNIDENTIFIED SPEAKER: Yeah. We just want
24 to make sure because a lot of the -- we appreciate all
25 this. I understand. Just part of the application we

1 were looking at was there was a lot of outdated maps.
2 I just want to make sure, you know, if they come back,
3 that their landscaping is --

4 CHAIRPERSON PRICE: Yeah. I believe we had
5 asked for at least the survey to be updated. We had
6 some conditions that after that first round that we
7 had. And we haven't seen them since, just so you
8 know.

9 UNIDENTIFIED SPEAKER: Appreciate it. Thank
10 you.

11 CHAIRPERSON PRICE: Thank you for coming
12 out. Okay.

13 Do we want to go back and talk about these
14 applications before the presentations? Or the
15 presentations then --

16 MR. VALLONE: It's up to you guys.

17 CHAIRPERSON PRICE: Just take care of them?

18 MS. ALTMAN: Yeah.

19 CHAIRPERSON PRICE: We're going to go back
20 and go through it.

21 (Public Hearings concluded at 7:34 p.m.)

22 (Beginning of Deliberations and Decisions.)

23 CHAIRPERSON PRICE: Anthony, help me out.
24 Is there a -- I see a staff report for one.

25 MR. VALLONE: Well, the two staff reports.

1 For 1285, we're using the old staff report. And
2 honestly, it's the same conditions. You're just
3 basically yay or nay.

4 The other two are the Planned Parenthood.
5 And then I did a staff report for Planned Parenthood,
6 but I guess you're going to probably table that
7 anyway.

8 CHAIRPERSON PRICE: We have to table it.

9 MR. VALLONE: The only one that we really
10 need is 447, which is there. So these folks can go
11 home.

12 (Beginning of Deliberations and Decisions.)

13 **Application PB-25-9:**

14 TABLED - PUBLIC HEARING REMAINS OPEN

15 Address/Location: 1285 East Henrietta Road (Tax ID
16 #149.18-2-2)

17 Type: Site Plan Review (Preliminary)

18 Zoning: Light Industrial (IG)

19 Applicant: Loyal Group REM, LLC

20 Application of Thomas Fitzgerald, MRB Group, agent,
21 and Loyal Group REM LLC, owner, Birnbaum Companies,
22 contract vendee, for Preliminary Site Plan Approval to
23 construct a 3,200 +/- square foot commercial building
24 for use as a cannabis dispensary on property located
25 at 1285 East Henrietta Road, known as Tax ID

1 #149.18-2-2.

2 CHAIRPERSON PRICE: The first one we're
3 going to act on is 25-9. This is 1285 East Henrietta
4 Road. We did have a staff report last time. We just
5 don't have the SEQRA determination.

6 MS. BARON: Yup. And that is in the packet.
7 I would also add two conditions to the staff report as
8 well, just general conditions, because right now
9 there's just one condition in there. I would add that
10 the applicant shall address the comments and comply
11 with all requirements, if any, of the Fire Marshal,
12 the Town Engineer, the Building and Planning Office,
13 the attorney for the Town and Monroe County Planning
14 and Development.

15 I would also add a third condition that the
16 applicant shall follow all Town Codes that relate
17 directly or indirectly to the applicant's request.

18 CHAIRPERSON PRICE: All right.

19 MS. BARON: And this is, again, an unlisted
20 action. So you do have a SEQRA negative declaration
21 to consider.

22 MR. VALLONE: Yeah. So you got to vote on
23 that too. I am going to put it on the screen for you.

24 CHAIRPERSON PRICE: This is 25-9, 1285 East
25 Henrietta Road.

1 MR. TVASMAN: Were you going to address the
2 parking on the side? Because the building increased
3 in size and -- do you recall that?

4 CHAIRPERSON PRICE: We wanted that to be
5 land banked. We want some of it to bank, I recall.

6 MR. TVASMAN: Well, the larger parking lot
7 was to accommodate the larger building that's not
8 there anymore.

9 CHAIRPERSON PRICE: And they reduce it
10 there --

11 MS. TVASMAN: But not the parking
12 accordingly.

13 CHAIRPERSON PRICE: Okay. Is there a chance
14 you have the plan?

15 MR. VALLONE: Yes, I do. I have the plan.
16 That's the one nice thing about -- one moment. Bear
17 with me, guys.

18 CHAIRPERSON PRICE: That's fine.

19 MR. VALLONE: Here's the site plan. Sorry
20 about that. Nope. That's not it either. I don't
21 have it --

22 CHAIRPERSON PRICE: Okay.

23 MR. VALLONE: -- handy. But I think you
24 guys talked about the parking. What they showed you
25 was not supposed to change. The building footprint

1 was going to remain the way it was, if I recall. And
2 the parking was not supposed to change.

3 MS. BARON: No. But they're saying because
4 the building footprint was reduced slightly with the
5 iteration that they chose.

6 So I guess the question is whether or not
7 you want a specific number of parking spaces to be
8 land banked. Let me pull up --

9 CHAIRPERSON PRICE: Why don't we put a
10 condition in that the parking be reduced to the
11 minimum that the Code requires. Just a minimum the
12 Code requires, not -- and land bank anything that they
13 proposed over the minimum parking requirements.

14 This is light industrial?

15 MS. BARON: This district is light
16 industrial, yes.

17 MR. VALLONE: I have those records here.
18 One moment. I can go right to it.

19 MS. BARON: Light industrial is the only
20 district that permits this type of use.

21 CHAIRPERSON PRICE: Okay.

22 MR. VALLONE: This is what they showed you.

23 CHAIRPERSON PRICE: That was the original
24 plan.

25 MR. VALLONE: There we go. Here's the

1 revised. Bam. Yeah this is it. Sorry about that.

2 CHAIRPERSON PRICE: That looks familiar.

3 MR. VALLONE: Because you guys had the hard
4 copies to this.

5 CHAIRPERSON PRICE: Now, this application is
6 for preliminary approval; isn't it? That's what we're
7 approving.

8 MR. VALLONE: It's preliminary.

9 CHAIRPERSON PRICE: They were only asking
10 for preliminary --

11 MS. BARON: Yeah.

12 CHAIRPERSON PRICE: So that they could work
13 on --

14 MR. VALLONE: So they could work on the
15 sewer.

16 CHAIRPERSON PRICE: We'll -- for final
17 we'll -- we can take care of the parking.

18 MS. BARON: But you can still include a
19 condition that they -- because it is preliminary, you
20 could still include a condition about parking, you
21 know, that they explore, you know, parking reduction
22 in their final plans or depict parking reduction.

23 CHAIRPERSON PRICE: Okay. Let's do that.

24 Anthony, can you zoom in on the site table
25 and see if that --

1 MR. VALLONE: How did you guys do this
2 without this before?

3 CHAIRPERSON PRICE: Whole lot of paper.
4 Does it say required parking and provided
5 parking?

6 MR. VALLONE: There it is.

7 So it's one space for each 300 square foot
8 of gross floor area and it's a 1200 square foot
9 building. So four.

10 MS. BARON: Four spaces.

11 MS. VALLONE: It's over parked. We over
12 park everything, so...

13 MS. BARON: So they have 23 spaces total.

14 CHAIRPERSON PRICE: We'll start with this,
15 to reduce it. Okay. Maybe we don't cut them back to
16 four, but let's say something closer to what the Code
17 requires.

18 MS. BARON: Okay. So how about this for a
19 condition: So for final site plan, the applicant
20 shall provide plans that depict the reduced amount of
21 parking spaces to not the minimum --

22 CHAIRPERSON PRICE: To not exceed.

23 MS. BARON: To not exceed 10?

24 CHAIRPERSON PRICE: Not significantly exceed
25 the Code.

1 MR. VALLONE: Yes. Not to significantly
2 exceed.

3 MS. BARON: Okay. That's fine. The
4 required spaces required by Code. That's fine.

5 CHAIRPERSON PRICE: Any takers on a motion?

6 MR. FADER: I have one question. I should
7 know the answer. It's an unlisted action. So do I
8 have to say anything about a negative dec?

9 MS. BARON: Yup. Yup. There's a negative
10 declaration in your package.

11 MR. FADER: Okay. Then let give this a try.

12 I move the Planning Board accepts the
13 negative dec prepared by the Planning Board -- not by
14 Planning Board -- by town staff. I'm sorry -- and
15 grants preliminary site plan approval based on the
16 testimony given and plans submitted and with the
17 two --

18 MS. BARON: It's four conditions.

19 MR. FADER: Four conditions -- well, not
20 outlined. The four conditions for file PB-25-9 at
21 1285 East Henrietta Road.

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

23 CHAIRPERSON PRICE: Moved and seconded. Any
24 discussion? Anthony, please call the roll.

25 **Conditions:**

1 1. The applicant shall address the comments and
2 comply with all requirements, if any, of the Fire
3 Marshal, the Town Engineer, the Building and Planning
4 Office, the attorney for the Town and Monroe County
5 Planning and Development.

6 2. The applicant shall follow all Town Codes that
7 relate directly or indirectly to the applicant's
8 request.

9 3. The applicant shall provide plans that depict the
10 reduced amount of parking spaces to not significantly
11 exceed the required spaces required by Code.

12 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;
13 Mr. Fader, aye; Mr. Price, aye;
14 Mr. Tsvasman, aye; Mr. Dimbleby, aye.)

15 (Motion to approve application with
16 conditions carries.)

17 CHAIRPERSON PRICE: Okay. Next application
18 is PB-25-27, 447 French Road.

19 MR. BABCOCK-STINER: Do we have to table --

20 MS. BARON: You do have to table 26.

21 CHAIRPERSON PRICE: My apologies.

22 **Application PB-25-26:**

23 TABLED - PUBLIC HEARING REMAINS OPEN

24 Address/Location: 1803 Monroe Avenue

25 Type: Site Plan Modification

1 Zoning: Neighborhood Commercial District (BF-1)
2 Applicant: Robert Wolfe
3 Application of Robert Wolfe (agent) and Rob Coriale,
4 BC Properties of Rochester LLC (owner) for Site Plan
5 Modification allowing for the removal of fuel pumps
6 and tanks, pave new parking lot area, add pipe bumper
7 rails and landscaping on property located at 1803
8 Monroe Ave., known as Tax ID parcel 137.09-3-5.

9 MR. BABCOCK-STINER: I move that the
10 Planning Board tables PB-25-26 at the applicant's
11 request.

12 MS. ALTMAN: Second.

13 CHAIRPERSON PRICE: Moved and seconded.

14 MR. VALLONE: Hold on, guys. You're going
15 too fast for me here. Moved. And Karen, you
16 seconded?

17 MS. ALTMAN: Yes.

18 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;
19 Mr. Fader, aye; Mr. Price, aye;
20 Mr. Tsvasman, aye; Mr. Dimbleby, aye.)
21 (Motion to table carries.)

22 CHAIRPERSON PRICE: Now we go to application
23 25-27, 447 French Road.

24 **Application PB-25-27:**

25 TABLED - PUBLIC HEARING REMAINS OPEN

1 Address/Location: 447 French Road
2 Type: Subdivision/Site Plan, EPOD Permit Approval
3 Zoning: Technology and Office Park (TOP)
4 Applicant: Edward & Patricia Hall
5 Application of Edward & Patricia Hall (owner) for
6 Subdivision/Resubdivision Review, Site Plan Review,
7 EPOD (Environmental Protection Overlay District)
8 Permit allowing for subdivision from one to two lots
9 and new residential home on newly created lot at 447
10 French Road, known as Tax ID parcel 150.14-1-44.21.

11 CHAIRPERSON PRICE: All variances have been
12 secured. ARB approval. You guys ready to make a
13 motion?

14 MR. BABCOCK-STIENER: Is there a --

15 CHAIRPERSON PRICE: This is a Type II
16 action.

17 MR. BABCOCK-STIENER: So I move that the
18 Planning Board approves application PB-25-27 for
19 preliminary site plan approval and adopts the prepared
20 negative declaration based on the testimony given,
21 plans submitted and one condition outlined in the
22 Planning Board Report.

23 MS. BARON: So there is no negative
24 declaration for this one. This is 447 French Road.
25 It's just a Type II action.

1 CHAIRPERSON PRICE: Yeah.

2 MS. BARON: So there should be --

3 CHAIRPERSON PRICE: We'll strike that.

4 MR. BABCOCK-STIENER: Strike that then.

5 CHAIRPERSON PRICE: Just the neg dec part.

6 What was the condition? I'm sorry. Did we
7 add an eighth condition?

8 MS. BARON: There's just seven. The first
9 condition from -- so you should have in your packet --

10 MR. BABCOCK-STIENER: I'm looking at the
11 online one.

12 MS. BARON: The hard copy one is the updated
13 one. And it's recommended approval with seven
14 conditions.

15 MR. VALLONE: Sorry, Jason.

16 MR. TSVASMAN: Second.

17 CHAIRPERSON PRICE: You said seven
18 conditions. You seconded.

19 Were you able to strike the neg dec part?

20 MS. BARON: Yes. That won't be included.
21 There is no negative declaration.

22 MR. VALLONE: Who's second?

23 CHAIRPERSON PRICE: Serge.

24 MR. VALLONE: Thank you.

25 CHAIRPERSON PRICE: Any further discussion?

1 **Conditions:**

2 1. The entire project shall comply with the most
3 current New York State Fire Prevention and Building
4 Code.

5 2. The applicant shall comply with all Monroe County
6 Department of Transportation and Department of Health
7 requirements.

8 3. Monroe County comments, if any, shall be
9 addressed.

10 4. The applicant shall comply with the requirements
11 of the Fire Marshal.

12 5. The applicant shall comply with any requirements
13 of the Sewer Department.

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

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

19 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;
20 Mr. Fader, aye; Mr. Price, aye;
21 Mr. Tsvasman, aye; Mr. Dimbleby, aye.)

22 (Motion to approve with conditions carries.)

23 CHAIRPERSON PRICE: Okay. That should leave
24 us 25-32.

25 **Application PB-25-32:**

1 Address/Location: 2253 South Clinton Avenue
2 Type: Preliminary/Final Subdivision
3 Zoning: BE-1, Office & Office Park.
4 Applicant: Abigail D'Angelo
5 Application of Abigail D'Angelo (agent) for
6 Preliminary/Final Subdivision Application review to
7 subdivide a ±0.46-acre parcel (lot R-2A) out of the
8 ±7.65-acre property located at 2253 South Clinton
9 Avenue. The purpose of the subdivision is for PPCWNY
10 to purchase the existing ±6,520 square foot one-story
11 Medical building and surrounding lawn. All as
12 described on application and plans on file.

13 CHAIRPERSON PRICE: I'll make a motion to
14 table application PB-25-32, 2253 South Clinton Avenue.
15 That's all I have to say.

16 MR. FADER: I'll second.

17 CHAIRPERSON PRICE: Moved and seconded. Any
18 discussion? Please call the roll.

19 MR. VALLONE: Who seconded? I'm sorry.
20 Karen?

21 MS. BARON: David Fader did.

22 CHAIRPERSON PRICE: David.

23 MR. VALLONE: Thank you.

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

1 Mr. Tsvasman, aye; Mr. Dimbleby, aye.)

2 (Motion to table carries.)

3 CHAIRPERSON PRICE: Okay. Move on to new
4 business on the agenda, presentations. First is Zero
5 Powell Road. This is a concept plan review. Dale
6 Turner.

7 MR. VALLONE: Is this what you wanted up?

8 MR. VARS: Yes, please. Thank you. All
9 set.

10 CHAIRPERSON PRICE: Please.

11 MR. VARS: Okay. Good evening, again. My
12 name is Peter Vars with BME Associates appearing
13 tonight on behalf of the property owner and applicant,
14 Grove Underhill Properties. With me is Mr. Mitch
15 Brodsky and Jeff Bell from Grove Underhill.

16 What we're here this evening for is to have
17 a discussion or present a concept plan, subdivision
18 plan, to the Board for an informal discussion as we've
19 opted to go through this sketch plan review step
20 before we submit a formal preliminary subdivision
21 application because we are looking to receive input
22 from the Board on the proposal and, as I'll get into
23 it, there's a couple of unique circumstances
24 concerning this property.

25 The proposal is to subdivide 9.8 acres of

1 property, which is currently vacant, into 23
2 single-family for-sale residential lots. The property
3 that is subject is at the north end of the overall
4 vacant property.

5 As shown on the screen here, it is west of
6 Schilling Lane and then it's connected via Havens Road
7 out to South Clinton Avenue. To the north is
8 St. John's Meadows. And to the west is this property.
9 And the Highland Crossing Trail runs on town land just
10 to the west of the subject property.

11 The property is zoned residential medium
12 density.

13 This property has a long history. It's a --
14 it was actually the subject of what we have called a
15 paper subdivision, meaning that several decades ago,
16 there was filing done to create a paper subdivision,
17 which created individual tax parcels throughout the
18 parcel -- or throughout the overall property and
19 future street rights-of-way.

20 Grove Underhill over time has acquired or
21 owns 14 of those tax parcels, which are represented in
22 the rendered area there. Basically, it's everything
23 kind of north of what would be if you were to extend
24 Duffield Circle out.

25 The Town of Brighton, right in the center

1 there, owns six of the tax parcels that they've just
2 been acquired over years as a result of tax issues and
3 whatnot.

4 All the remaining tax parcels are owned by
5 other independent third parties and that really
6 consists of all the lot -- the tax parcels that extend
7 south to Westfall Road.

8 Couple of things on the property itself.
9 The property does contain a woodlot EPOD. We have
10 completed a tree survey per the criteria laid out in
11 Chapter 203-125A of the Town Code. We would submit
12 that tree survey along with addressing the EPOD
13 requirements as part of our formal preliminary
14 subdivision application.

15 The property also includes wetland areas,
16 which is pretty much in that center area there that
17 you see. The wetlands bifurcate this property between
18 the north and the south such that there is really no
19 way to extend that road, proposed road that you see
20 here, south to Westfall Road because of the presence
21 of the wetlands.

22 Those wetlands were delineated in 2023 and a
23 jurisdictional determination was issued by the Army
24 Corps of Engineers at that time. And as discussed on
25 the previous application, as a result of the New York

1 State regulation changes in 2025, a project
2 jurisdictional determination has been submitted to the
3 New York State DEC.

4 We suspect that the DEC will claim
5 jurisdiction of these wetlands also because of being
6 classified as a wetland of unusual importance because
7 of its location in what is considered an urban area.
8 As such, on our concept plan we show the delineated
9 wetland area, but we've also add the 100-foot buffer
10 to that in anticipation of the likely DEC
11 determination, which we'll likely receive in the
12 spring of 2026.

13 The proposed subdivision, as you see it, is
14 proposed to be a conventional subdivision prepared per
15 the bulk lot standards and area requirements of the RM
16 zoning district. All lots will be a minimum of 7,000
17 square feet with a minimum lot width of 55 feet and a
18 minimum front setback of 35 feet.

19 These lot standards are very consistent with
20 what you can see in the aerial photo here of the
21 Schilling Lane neighborhood that was constructed about
22 30 years ago in the same zoning district. So it's
23 very consistent with that.

24 All the lots proposed will be served by
25 public water and public sewer, which will -- be

1 extended from the roundabout area there that you see
2 where Schilling Lane and Havens Road intersect.
3 Access will be provided by extending that road stub
4 that terminates at the Schilling Lane west property
5 line or our property's east property line, extend that
6 dedicated road in, turn it south and end in a
7 turnaround that meets the fire code standards.

8 We will be going to the Public Works
9 Committee to request a modification to the Town road
10 standard. This is proposed as a 22 foot wide road
11 with 30 inch gutters. And we are proposing a 6 foot
12 concrete sidewalk on one side of the road.

13 Once we get to that point -- and there will
14 be further information provided on this, but just in
15 general, the -- we'll be requesting relief for the
16 second side sidewalk. In return, the applicant does
17 intend -- as that road comes down, is constructing a
18 trail just to the south of the last lot, westward to
19 connect to the Highland Crossing Trail, such that what
20 this will do -- it gives direct access from these
21 residences to the Highland Crossing Trail, but it also
22 provides access from the existing residences in
23 Schilling Lane from their sidewalk network a direct
24 connection to that trail and, in theory, all the way
25 out to South Clinton Avenue itself.

1 Also the applicant will propose to the
2 Public Works Committee and the Town Board creating a
3 pocket park or passive recreation area, accentuating
4 the wetland areas and its natural environment as
5 possible -- a pocket park off of the Highland Crossing
6 Trail. But again, that will all be something we'll
7 engage in as we move forward with the preliminary plan
8 application.

9 The plan will include a comprehensive
10 stormwater management plan. Storm sewers and
11 management plans will be designed per the Town and the
12 New York State DEC stormwater management requirements.
13 They will be conveyed to an onsite management facility
14 for water quality and water quantity treatment prior
15 to its discharge. The natural run off pattern is
16 north to south, draining into the wetland areas.

17 The last thing I would like to cover is that
18 this -- there is also another unique component to this
19 project. The applicant has been meeting with the Town
20 for over the last two years, including appearing
21 before the Public Works Committee and appearing before
22 the Town Board. And what that has centered around is
23 a proposed land swap and because of the way the
24 existing tax parcels are configured.

25 What you see up on this exhibit -- to the

1 left you see the area highlighted in red or dashed
2 red. Thank you, Anthony.

3 Those -- that land currently is about 0.7
4 acres. And those are tax parcels that today are owned
5 by the Town of Brighton.

6 Okay. Then if you go to the east side, you
7 see three parcels in blue. Those are tax parcels
8 currently owned by Grove Underhill, the applicant.
9 Those total 1.7 acres. And as you see can, those
10 three parcels, those are part of that paper
11 subdivision. You can see where it's labelled Duffield
12 Road. That is the paper right-of-way where, in
13 theory, I guess, Duffield Road was to extend at some
14 point. Obviously, that's no longer an issue.

15 So these three lots, kind of a little bit on
16 an island. So what the conversations have been is
17 that Grove Underhill would convey that 1.7 acres to
18 the Town of Brighton. In return, the Town of Brighton
19 would convey the 0.7 acres to Grove Underhill.

20 I think, as you can see with this layout, it
21 creates a much more uniform proposed subdivision
22 layout. But also, more importantly, it consolidates
23 all of the Town of Brighton lots into one larger
24 continuous piece that then the applicant wants to work
25 with the Town about possibly creating some passive

1 recreation opportunities and/or a pocket park in that
2 area.

3 As mentioned, this concept plan, it's really
4 just to show our intent of how we believe we can
5 subdivide this property in conformance with the zoning
6 district of the property, address the unique component
7 of this with its paper subdivision history, but also
8 it will be our intent to comply with the EPOD
9 requirements.

10 We acknowledge that a preliminary
11 application would include a -- all the necessary
12 documentation to, what we will assume, the Planning
13 Board being lead agency to conduct the SEQRA process.
14 We will have completed the environmental assessment
15 form. As we mentioned, we will address the woodlot
16 EPOD. We will provide the engineering report with
17 traffic counts, stormwater management, everything we
18 need to do to support the EAF. And it would be our
19 intent to submit a complete preliminary subdivision
20 application for formal review.

21 So as I mentioned, we're here to hopefully
22 get some initial feedback that we can take in that
23 would help us when it comes time to preparing the
24 overall preliminary application.

25 CHAIRPERSON PRICE: Thank you. For members

1 that have not been through a concept review like this,
2 what we typically do is just ask questions and then we
3 do go around individually and give some thoughts on
4 the application and the applicant's proposal prior to
5 them, you know, getting a preliminary/final
6 application.

7 I believe I'm the oldest one here and I
8 remember Schilling from the early-ish '90s when that
9 went in. And something was contemplated at that time.
10 That's why the rotary is there. And this is -- we've
11 seen iterations of this. This is probably the third
12 one in the last 25, 30 years.

13 So I guess one question -- maybe it's not
14 for you, Peter, but for Grove, what is the price point
15 on -- anticipated price point on these units?

16 MR. VARS: You're going to have to stand up
17 and introduce yourself.

18 MR. BRODSKY: Mitchell Brodsky, Grove
19 Underhill. So we were advised that we can't go too
20 high because of the Deerfield neighborhood being more
21 modest. So we're probably going to be looking at
22 homes under 2,000 square feet.

23 And today the cost of a house, a new
24 construction, is -- on the lower end of the scale is
25 200 to \$250 a square foot. So depending on the size

1 of the house and depending on how much it cost to
2 develop these lots, we could be looking at north of
3 500,000. And I think that's realistic.

4 CHAIRPERSON PRICE: Yeah. I guess,
5 unfortunately today that's probably a moderate income
6 price point.

7 MR. BRODSKY: Yup. So this would be middle
8 income, two paycheck family, you know, looking for a
9 new house.

10 CHAIRPERSON PRICE: Okay. Market rate. But
11 certainly --

12 MR. BRODSKY: Market rate.

13 CHAIRPERSON PRICE: Okay.

14 MR. BRODSKY: If we could get some state
15 help, we could probably lower the price. And there is
16 a program --

17 CHAIRPERSON PRICE: There's a need, as you
18 know. So I guess, anything that -- even if some of
19 them could be considered subsidized. I know that's a
20 dangerous word to use.

21 I guess on the configuration side, I see why
22 it is what it is. I would actually, Peter, encourage
23 you to go to the 20 foot with 10 foot lanes and then
24 gutters. That's what you're proposing is 11s, 11 foot
25 lanes, and then the gutters.

1 MR. VARS: Uh-huh.

2 CHAIRPERSON PRICE: If you stomach it, I
3 think -- you know, really just from a sustainability
4 standpoint, managing traffic speeds, it's a
5 neighborhood. Monroe Avenue -- just so everybody
6 understands, Monroe Avenue is 10 foot wide lanes. We
7 have four of them, but they're 10 foot wide.

8 MR. VARS: Yeah. We would be good with
9 that. The one thing we'll need is for the Fire
10 Marshal to sign off on it because then you're at 25
11 feet wide of drivable surface versus the 26. But I
12 know a lot of fire marshals do sign off on that.

13 CHAIRPERSON PRICE: Ask the Fire Marshal to
14 come here. Point him to me.

15 MR. VARS: Yup.

16 CHAIRPERSON PRICE: Okay. Anything at all
17 on front setbacks? Can those -- I know you're
18 consistent with Schilling. Even some of them, you
19 know, without variances, without throwing you into
20 more approvals.

21 MR. VARS: Yeah. Actually, because Mitch
22 has discussed that with us. Because as you can see,
23 some of these lots are very deep. And so he
24 definitely does want -- has mentioned about staggering
25 the setbacks. You know, we have just shown the

1 minimum, but it is his intent. But -- go ahead.

2 MR. BRODSKY: Actually, I think that the
3 lots are wider than 55. I think they're 60 foot. And
4 some of the lots are even wider than that. The ones
5 on the bend on the inside are wider than that. So
6 we're not trying to jam them in there.

7 And for the purposes of the concept, we went
8 with what is standard setback on this zoning.

9 CHAIRPERSON PRICE: Right. I think what
10 we're -- some of the urban design principals of
11 bringing the home -- just the home. Not asking you to
12 change the lot size or how much yard people get. It's
13 just what are we doing with the front yard.

14 MR. BRODSKY: Well, we don't want a canyon.
15 We'll probably have the houses set back further.

16 CHAIRPERSON PRICE: I'm sorry?

17 MR. BRODSKY: We'll probably have the houses
18 set back further.

19 CHAIRPERSON PRICE: That's the opposite of
20 what I'm saying.

21 MR. BRODSKY: Oh. You want them closer?

22 CHAIRPERSON PRICE: I would -- if you
23 started talking like that, I would set a maximum that
24 you could set it back, you know, not to let you do
25 that.

1 MR. BRODSKY: So I'm just a little curious.
2 If I might ask, what would be the purpose of bringing
3 the houses closer to the road?

4 CHAIRPERSON PRICE: Do I really have to
5 answer that?

6 MR. BRODSKY: I'm just curious.

7 CHAIRPERSON PRICE: Because you -- we have
8 front yards that are way too big. All of our front
9 yards are too big. Homes are set back too far. What
10 do you do with the front yard? Nothing.

11 You put porches on the homes. You bring
12 people closer to the street so they can socialize
13 more. That's what you do.

14 And that is a direction that, I'm telling
15 you right now, if you want the support of me on this
16 Board, that is something you will do.

17 MR. VARS: Can I ask a question? So
18 around -- I know where you're coming from, Bill. So
19 these are a 35 foot minimum. So is it a staggered
20 setback?

21 CHAIRPERSON PRICE: No. I'm just saying if
22 you get to the point where you have corners, where
23 you're turning the corner, you need to stagger those
24 so that you're not running -- the buildings getting
25 too close on that. And you can -- you know, I would

1 think that 35 foot should be the maximum that you do.

2 And now, if they wanted to go closer, do
3 they need a variance?

4 MS. BARON: Yes.

5 MR. VARS: However --

6 CHAIRPERSON PRICE: I don't want do that
7 either.

8 MR. VARS: Now, hold on. But I think we can
9 get there if we do a cluster subdivision, if we do a
10 278, because I think we could justify that the relief
11 in setback is because of -- you could use neighborhood
12 character or whatever. You know, the Brighton
13 clustering provision, if I remember correctly off the
14 top of my head, doesn't speak just to open space. It
15 talks about, you know, community benefit. And
16 community in the State Law is defined as -- not
17 townwide Brighton. It is the neighborhood.

18 I think we could probably get there through
19 278. I could maybe discuss it or give Lauren and
20 Anthony like a memo of how we could get that there.
21 And without a doubt, we could get there just because
22 of how we intend to incorporate the blue shaped
23 town -- future town landscape as to some type of open
24 space component with the pedestrian trail. So I think
25 we probably could get there through clustering. And

1 therefore, we could establish some setback relief.

2 CHAIRPERSON PRICE: Okay. Okay. Yeah.
3 Just a little bit of variety. You can have some that
4 are, you know, 30 to 35.

5 I'm looking at, you know, some of the older
6 neighborhoods in town, Meadowbrook, Roselawn, some
7 that, you know, the sidewalks are close enough to the
8 front of the home that people -- there's more
9 socializing that goes on in those neighborhoods, in
10 those parts of the neighborhood.

11 I should probably shut up and let everybody
12 else talk.

13 Peter, if there could be any separation
14 between the sidewalk and the gutter, give us -- I
15 think we have minor tree lawns in all of the adjacent
16 neighborhoods. Just a quick thing that I'm noting.

17 And let us know if you need any support on
18 any aspect of this with the Town. Thank you.

19 Karen, do you have some questions or
20 thoughts?

21 MS. ALTMAN: You know, I didn't have a
22 chance to go out and look at the site, which I almost
23 always do before these meetings. And I really -- I'm
24 having a hard time placing it in context without going
25 out there this week. So I'd actually like -- even

1 though I've lived in Brighton almost my entire life, I
2 need to go see it. So I will wait with comments until
3 I do that. It makes --

4 CHAIRPERSON PRICE: You can't see the site.
5 You can't actually really go in. But the streets
6 around it --

7 MS. ALTMAN: Right. I just -- I need a
8 better sense of the context of the whole thing.

9 MR. VARS: Yeah. Because you can get in off
10 of the little roundabout, park on that street and walk
11 in there. And then up at the north end, St. John's,
12 they kind of got their dumpster and stuff back in
13 there, tucked in that other corner too.

14 MS. ALTMAN: So I will save my turn.

15 CHAIRPERSON PRICE: Grant, do you have any
16 questions or comments?

17 MR. DIMBLEBY: What's the reasoning for the
18 sidewalk on just one side? Did it cost --

19 MR. VARS: It is a cost situation, putting
20 it in on two sides. But that's -- as we mentioned,
21 what our goal is with that is given the compactness of
22 this neighborhood -- it is a small neighborhood,
23 likely not to have through-traffic because the
24 wetlands are prohibitive of that road being
25 constructed out to Westfall Road.

1 What Mitch and Grove Underhill want to do
2 though is they do want to enhance the Town -- the
3 landscape the Town will get into a pocket park and
4 like -- we talked about the trail connection. This
5 was something we detailed on the preliminary
6 application, but, obviously, with the Public Works
7 Committee -- in other words, take that money that
8 would be spent on a second sidewalk and in our -- I
9 guess, in our opinion, use it a little bit more
10 productively. So that would be the justification.

11 MR. DIMBLEBY: Okay.

12 CHAIRPERSON PRICE: Serge?

13 MR. TSVASMAN: I don't have anything.

14 CHAIRPERSON PRICE: Jason?

15 MR. BABCOCK-STIENER: Yeah. I don't think I
16 do either. I was little concerned -- I'm a little
17 concerned. I like to have sidewalks on both sides of
18 the street, but it is a smaller area. It's not
19 through-traffic. So I'm probably leaning towards, you
20 know, one side being okay with me just because of
21 that.

22 You know, I think staggering the setbacks a
23 little bit will help with that -- that kind of feeling
24 that Bill was talking about. I think that's all I got
25 right now.

1 CHAIRPERSON PRICE: David?

2 MR. FADER: My concern is more environmental
3 and natural. I mean, you're taking out an awful lot
4 of trees and pretty big woodlots.

5 So I have two thoughts. One is on the
6 western side, there's a little strip of woods around
7 the trail. If that could -- I would like to see that
8 as wide as possible to provide a wildlife corridor.

9 And the other thing is I kind of like how
10 you would do the rearrangement of the land and you'd
11 have stuff below going to the Town. But I think it's
12 a horrible idea to jam in a pocket park because that's
13 the one open space, natural woodlot you saved. And
14 then go in there cut those trees down and put a field,
15 I think just to me is a terrible idea.

16 MR. VARS: Yeah. And as I mentioned --
17 what's the best way to put it -- we definitely see it
18 as a passive recreational opportunity. And whether
19 it's a spur of the trail that somebody -- to go view
20 the wetlands and whether there's educational stuff,
21 that's some stuff we talked about.

22 But we would work with the Public Works
23 Committee. That's just a town lot there. What is the
24 right intensity? Because we're not looking at
25 something of high intensity, is the point, either.

1 MR. FADER: And Brighton may agree with me.
2 I would say like a nice trail through the woods would
3 be a better thing there then like -- you know, I often
4 hear, oh, a field. People are throwing Frisbees. No.
5 We --

6 CHAIRPERSON PRICE: That's an interesting
7 point.

8 MR. BABCOCK-STINER: I like the idea of the
9 trail. Like a trail as opposed to --

10 CHAIRPERSON PRICE: As opposed to a
11 gathering spot.

12 MR. BABCOCK-STIENER: Right. Right.
13 Keeping the --

14 CHAIRPERSON PRICE: Kind of feels like it's
15 in a bunch of people's backyards.

16 One thing about the setbacks also is you
17 remember there's -- in this -- at least on one side,
18 you probably got 15 feet of lawn from the gutter just
19 to the right-of-way line.

20 MR. VARS: Yup.

21 CHAIRPERSON PRICE: If you're asking for a
22 reduced pavement or road width, would you ask for a
23 reduced right-of-way width?

24 MR. VARS: We hadn't thought about that
25 because, I guess -- probably what we'd do is we would

1 just check -- because there's some -- there's some
2 validity to that. And not to get too technical
3 here -- into the weeds I should say -- because if we
4 reduce the road and whatnot but we keep the
5 right-of-way, then RG&E goes outside 10 feet and then
6 they have a requirement how far the structure has to
7 be off that easement for meters and whatnot, such
8 that -- because actually what we've learned in
9 industry, 30 feet is the absolute minimum that you can
10 do it to meet RG&E requirements.

11 But if we want to go shorter, then we do
12 need to shrink that right-of-way because that pulls
13 RG&E --

14 CHAIRPERSON PRICE: Closer.

15 MR. VARS: So I think there is some
16 legitimacy to that. We can definitely -- I think we
17 can definitely do it on the water main side because we
18 won't need the additional area for easements.

19 Sanitary and storm sewer side might get a
20 little tight, but we can look at that.

21 CHAIRPERSON PRICE: Look at offsets.

22 MR. VARS: Exactly.

23 CHAIRPERSON PRICE: It's our first
24 subdivision in a while. And we're -- we encourage it.
25 Housing's needed everywhere.

1 MR. BRODSKY: We've done four or five plans
2 so far. And this is the one that -- we're trying to
3 keep it simple. We're still going to own land to the
4 north and we're not using it, but we're also trying to
5 keep it marketable.

6 CHAIRPERSON PRICE: We worked a lot -- it
7 was a long time ago, but I know we worked a lot with
8 the developers of Schilling Lane. And you'll notice
9 that those are all significantly narrower lots and
10 they all have -- if they have them, they have detached
11 garages.

12 MR. VARS: In the rear. Right.

13 CHAIRPERSON PRICE: In the rear. And I
14 think as you approach preliminary, we'd like to know
15 kind of, you know, driveways and if you have some
16 tentative footprints at that time, proposed models.

17 Now, would you build the homes as well? Or
18 sell the lots?

19 MR. BRODSKY: So I plan on selling many of
20 the lots. We're going to put conditions on the lots
21 before they're sold so that we can have a certain
22 amount of continuity and we don't have someone messing
23 up the work, so to speak, and preserve the value of
24 the other lots. But we plan on having builders come
25 in and build lots for us.

1 CHAIRPERSON PRICE: Okay. That's a pretty
2 typical way to go about it.

3 MR. BRODSKY: So I see this in my mind like
4 Eastland -- or Westland a little bit, is that we had
5 more than one builder so that there's some diversity
6 in the architecture.

7 And I went to Brighton High School and I
8 work in Brighton and --

9 CHAIRPERSON PRICE: You know the
10 neighborhood.

11 MR. BRODSKY: Yeah. I've been here a long
12 time. Decades. Many decades.

13 CHAIRPERSON PRICE: So you'll know in a lot
14 of our older neighborhoods, we do have a lot of
15 detached garages and --

16 MR. BRODSKY: I lived on Avalon Drive.

17 CHAIRPERSON PRICE: But even some of the
18 newer homes that we've had, you'll see on Antlers, on
19 the north side of Elmwood, we've had some newer homes
20 built. And even though the garages are attached, they
21 are setback. And some -- well, one in particular has
22 a porch to it. So as you drive by it, it doesn't look
23 any different from the rest of the street. But they
24 still have an attached garage. But it's setback from
25 the main side.

1 I think the whole snout house where the
2 garage jumps out in front would be something we
3 encourage you to find alternatives for. But doesn't
4 sound like you're going to do that.

5 General comments in favor? You're hearing
6 conversation go the right direction?

7 MR. BABCOCK-STIENER: Yeah.

8 CHAIRPERSON PRICE: David?

9 MR. FADER: Yeah.

10 CHAIRPERSON PRICE: Karen?

11 MS. ALTMAN: Yes.

12 CHAIRPERSON PRICE: Grant, you good?

13 MR. DIMBLEBY: Yup.

14 MR. VARS: Great. Thank you for your time.

15 MS. BARON: Sorry. I had a couple
16 questions.

17 MR. VALLONE: So do I.

18 MS. BARON: It's not that easy.

19 One thing to think about just for the
20 future -- and you don't have to have an answer
21 tonight. So as part of the land swap, we -- the Town
22 would be taking over the parcel that contains the
23 pond, the stormwater drainage area. So I guess my
24 question to talk about in the future is who's
25 maintaining that area? What's -- is there going to be

1 some type of agreement between, you know, you guys and
2 the Town in terms of a maintenance agreement.

3 And then if you could get over -- you
4 mentioned doing a valuation of a cluster subdivision.
5 If you want to send that to me and Anthony, that would
6 be good.

7 And then I just want to talk about process
8 in terms of like next steps after the concept, after
9 this wonderful presentation. So this is a Type I
10 action under SEQRA because of the size of the
11 subdivision and because it's so close to Lehigh Valley
12 Trail. So just so you know, for purposes of SEQRA
13 review, because there's this land swap component, the
14 way that I thought this would work is you would
15 declare lead action and simultaneously, the Town Board
16 would be looking at the land swap. And then once you
17 issue your -- if you issue a negative declaration
18 under SEQRA, you can do your preliminary subdivision
19 and site plan approval. The Town Board can approve
20 the land swap and then you'd come back for final. So
21 that's kind of how I imagined the process working in
22 terms of how it would flow best. We can talk more
23 about that too.

24 MR. VARS: Yeah. And I think that's roughly
25 how it was worked out about five or six months ago.

1 MS. BARON: Okay.

2 MR. VALLONE: So I have a question about you
3 guys going to -- the relief for the second sidewalk.
4 I don't have an opinion on that. I'm staff. I'm
5 supposed to be Switzerland I thought.

6 But I can tell you if you're going to look
7 for relief from that, you'd have to go to ZBA. And I
8 don't think you're going to get that from vetting that
9 through the Public Works Committee. It is in code and
10 that -- I mean you're going to need relief from code.

11 MR. VARS: Correct. And that -- then I
12 apologize. Because I know in previous times we went
13 to the Public Works Committee to get their
14 recommendation and then to the ZBA. But if we skip
15 that step, I'm okay with that.

16 But I understand what you're saying in the
17 fact that we're actually requesting relief from the
18 Town Code, which is variance issue. But typically, I
19 think Public Works has been the driving factor on that
20 because of it being a public street and whatnot but --
21 because it's --

22 MR. VALLONE: With the ZBA, I'm little bit
23 more conservative with that.

24 MR. VARS: Yeah. Because part of where the
25 debate comes down -- and I've seen it interpreted in

1 so many different ways in so many different
2 communities -- is it a code issue or is it the design
3 standard? And thus the Town Board has to modify --

4 MR. VALLONE: I mean, obviously, I will
5 probably disagree on very few things, but on this one,
6 Peter, we're going to disagree. Because I floated
7 this and I didn't expect to see that sidewalk gone in
8 this iteration. It keeps coming up.

9 MR. VARS: I don't think we're disagreeing.
10 I just need to make sure what board to go to. That's
11 all. So if it's Zoning Board, I believe you without a
12 doubt. And that's, thus, the path we'll take.

13 CHAIRPERSON PRICE: Okay.

14 MR. VARS: Great. Thank you for your time
15 and the info. We do appreciate it.

16 CHAIRPERSON PRICE: Okay. Next presentation
17 is Zero Mortimer for incentive zoning proposed.

18 How're you doing?

19 MR. BAUER: Doing well. If we might just
20 have a minute here to set up some exhibits that we
21 brought.

22 CHAIRPERSON PRICE: Please. Take your time.

23 MR. VALLONE: I can put this up on the
24 screen.

25 MR. BAUER: We got a couple that were not in

1 the initial submission that I think is helpful to be
2 able to point at, but we also -- you can also put the
3 stuff from our submission up.

4 MR. VALLONE: Anything in particular --

5 MR. BAUER: I will go through the
6 application. And I have some additional copies. I
7 know you may have some versions in front of you, but I
8 have some versions that might be a little easier to
9 look through, since it's voluminous.

10 I also have some extra copies of the site
11 plan on 11 by 17. I don't know if you guys have these
12 in front of you as well, but we will hand these out as
13 well.

14 MR. VALLONE: Has the sketch changed?

15 MR. BAUER: It has not.

16 I'll introduce myself real quick while Dan
17 is handing stuff out because I'm going make him do all
18 the talking. So I'll get my part out of the way.

19 Mitch Bauer, president and founder of GCI.
20 We're a company that strictly does standalone energy
21 storage. Rochester native. Been in the energy space
22 since 2013. We've done a lot of these project at
23 previous employers out west. And we were really
24 exited in 2020 to be able to leave one of those large
25 independent power producers and start GCI in New York.

1 Where we are today is we have about 15 of
2 these projects. Only two are in New York State; the
3 rest are throughout the US. But it's the only thing
4 we do. We try to do it well by it being the only
5 thing we do.

6 Pass it to Dan.

7 MR. BRENNAN: Dan thanks, Mitch. I
8 appreciate it. And I'm Daniel Brennan. I'm the
9 counsel and director of permitting for grid-connected
10 infrastructure. Lifelong Rochester resident myself.

11 Also here with us tonight is Dan Murray from
12 the emergency safety response group. He's a fire
13 safety expert and he's going to give you just a short
14 overview of some of the fire safety systems that will
15 be included in our energy storage system and to answer
16 any questions that you have.

17 Also I have a couple extra copies here.
18 There's probably not really members of the public, but
19 if anyone's interested in that, wants additional
20 copies, we have them.

21 So we'll start tonight -- I just like to go
22 through a general background of the project itself,
23 talk about the incentive zoning process that I'm sure
24 you guys know better than we do. We want to touch on
25 a few of the benefits of the project and why we think

1 that we should have your support. And then at the
2 end, we'll ask for a formal recommendation of
3 approval.

4 And so to start with the project background,
5 we have up on the projector and right here a copy of
6 our concept plan. So we'll have a final full site
7 plan, obviously, as we get through the incentive
8 zoning process.

9 But what you're looking at here is a
10 standalone battery energy storage system that's
11 connected to the transmission grid. It's located at
12 the end of Mortimer Avenue, which sits in between
13 Crittenden and Townline Road. Townline Road -- it's
14 not really visible on this map -- but to the south and
15 Crittenden is up here.

16 Our site -- the total site, which is this
17 boarder here, is a little over 18 acres. And our
18 development area, which is in color, is a little less
19 than 5 acres. So we have a fairly large site with
20 some room to work with. As we go through the site
21 plan review process, obviously, we may be able to make
22 some changes, but I think that the concept plan that
23 we're showing now is fairly well designed.

24 What you're looking at on the concept plan
25 are a series of small orange rectangles and these are

1 battery energy storage containers. They're
2 essentially the size of a standard -- a standard
3 shipping container, which is very convenient and
4 allows us to put them on the back of trucks and ship
5 them to the site. They'll be loaded onto concrete
6 pads, bolted down, connected with conduit and
7 connected to the transmission grid.

8 This energy storage system will be operated
9 remotely. And what it will do is it will charge
10 from the grid -- will essentially charge from solar
11 farms, maybe out in Wyoming County, wind farms, at
12 times of peak production. As you know, the sun's only
13 shining during the day. So solar energy is only being
14 generated during the day. And wind energy is being
15 generated during intermittent times of peak wind.

16 It's more efficient then to take that excess
17 energy that's being generated during the day by solar,
18 store it in a battery and then deploy it exactly when
19 it's needed at times of peak energy demand, which is
20 usually sometime in the late afternoon when people
21 arrive home from work.

22 One sort of interesting fact about this
23 region's energy grid is that it's operated by a
24 quasi-governmental agency called the New York
25 Independent System Operator. And they have several

1 zones. Sort of Buffalo area to the west is Zone A.
2 The Genesee region is called Zone B.

3 And within Zone B, we consume more
4 electricity than we generate. So there's more demand
5 for electricity in the Rochester area than there is
6 production of energy, which means, in a sense, we're
7 importing energy from outside of our region and we're
8 relying on other regions to be able to supply us with
9 the energy that our metro area needs to continue to
10 turn the lights on and to grow in the future.

11 This project will let us use the electricity
12 that we're generating in our region more effectively
13 and will allow us to, essentially, stop relying on
14 importing energy from other parts of the energy grid.

15 That is the general -- that is the basic
16 benefit of the project. It provides reliability to
17 the grid, but it also allows us to use our energy more
18 efficiently. It allows us to use that energy that's
19 being generated by solar and wind at times when it's
20 not needed. And then it can be deployed when it is
21 needed.

22 The capacity of the system is 100 megawatts
23 and 400 megawatt-hours. Some context on that, that
24 hundred megawatts is approximately enough to power
25 100,000 homes -- so maybe somewhere a little less than

1 a third of Monroe County -- for four hours. And we
2 can do that on the site that is less than 5 acres.
3 It's pretty impressive. Because if you were to build
4 a similar sized solar farm with a hundred -- or a
5 similar capacity solar farm with a hundred megawatts,
6 it would be around -- probably around a thousand
7 acres. So you get a lot of bang for your buck with
8 these energy storage -- with these energy storage
9 projects.

10 Our location, I think, is particularly well
11 suited to energy storage. We're located on this site
12 because we're at the intersection of New York's
13 transmission grid. To the south of the project you
14 have a large transmission line that essentially goes
15 east and west. And to the west of the project you
16 have another large transmission line that goes
17 north/south into the City of Rochester and the
18 substation, which, my understanding sort of steps down
19 the energy so that it can be sent to the local
20 distribution grid.

21 It's almost like -- if you want to use the
22 analogy of the interstate highway system is that
23 you're located near the intersection of the Thruway
24 and 390. So you have access to electricity that's
25 coming east/west, long distances, but also you have

1 access to the electricity going north/south into the
2 City. And then also you have access to the exits off
3 of 390. So you can get onto the local roads.

4 That is the driving reason for locating this
5 project where it is. It's that proximity to the
6 transmission lines and the substations. It allows us
7 to bring in energy from wherever its excess capacity
8 or excess generation is being produced and then to
9 send it where it's needed efficiently.

10 But also the site is well suited, I think,
11 for energy storage. We're set back approximately a
12 thousand feet from Townline Road. There is one
13 residence within -- I'm not sure if we're showing the
14 exact number of feet here. About 800 to a thousand
15 feet. So even that's not close.

16 MR. BAUER: The three closest neighbors are
17 all industrial. It's a commercial roofing, Antonelli
18 Self-Storage and then a flooring business.

19 MR. BRENNAN: And so we'll get into that a
20 little bit more as we talk about the sort of legal
21 standard or the Code's suggestion of how you should be
22 looking at this project. But before we get to that, I
23 just want to go through a brief timeline of the
24 process.

25 This is just me explaining where we started

1 back in May 2023. We made our initial proposal to the
2 Town planning staff and we've been work with the Town
3 of Brighton ever since. It's a really important
4 project and, you know, our relationship with the Town
5 is important to us.

6 We've met with both the town attorney and
7 the Town Supervisor. We've met with planning staff on
8 multiple occasions. We've attended a meeting of the
9 Public Safety Committee. We've attended multiple
10 meetings of the Town Board. We attended a meeting of
11 the West Brighton Neighborhood Association.

12 And on October 8th, the Town Board voted
13 unanimously that this incentive zoning application was
14 worthy of further consideration. They declared their
15 intent to serve as lead agency and they referred the
16 matter for advisory recommendation to this Board and
17 to the County Planning Board.

18 So that's where we are on the process.
19 We're about a little over sort of two years into the
20 planning process.

21 So now I want to get into a little bit more
22 on the benefits of our project and battery energy
23 storage. I think we can sort of put it in three
24 buckets. You have benefits to the electric grid,
25 which I talked about a minute ago. That's the most

1 important one. Benefits to the environment and
2 economic benefits.

3 So the most important reason to have this
4 project is for benefits to the energy grid. And you
5 don't have to take my word for it. NYSERDA has
6 adopted a program where they are going to require the
7 procurement of 6 gigawatts of energy storage on New
8 York's energy grid in the coming years. They made
9 that determination because they deem energy storage
10 assets to be absolutely essential to the continuing
11 functioning of the energy grid. That's to make sure
12 that we don't have blackouts. That's to make sure we
13 don't have brownouts. But it's also to make sure that
14 the energy grid is resilient and it can continue to
15 provide reliability as we know the demand for
16 electricity in the state will continue to increase.

17 So the second one is the environment. And,
18 you know, this project is directly in line with the
19 State's energy goals and the CLCPA, which is a state
20 climate statute that essentially says we want to
21 transition from fossil fuel generation to renewable
22 energy, as well as the Town of Brighton's energy
23 policy, which is in the comprehensive plan.

24 While energy storage is not renewable energy
25 generation in and of itself, it facilitates the

1 efficient use of renewable energy resources. Because
2 our main renewable energy resource, which is solar,
3 that's being added to the grid is intermittent. So
4 this project will facilitate the deployment of
5 intermittent renewable energy resources and will,
6 therefore, further the State's and the Town's goals
7 for transitioning to green energy.

8 And the third and final benefit is to the
9 economy. And this is sort of a broad one. We'll talk
10 about the direct financial benefits, but I think it's
11 also worth mentioning that there are some secondary
12 economic benefits. This -- all other things being
13 equal, this type of project is absolutely intended to
14 reduce the price of energy to consumers. We don't
15 control the price of energy, but by procuring these
16 resources, that should result in reduced energy
17 prices.

18 But also I think that companies that are
19 looking to expand in the region will be looking for
20 reliable sources of renewable energy. This project is
21 exactly the type of thing that economic development
22 companies are looking at is these types of assets on
23 the grid.

24 But then, of course, there's the financial
25 benefits, which is part of our incentive zoning

1 proposal. That includes a pilot of \$2 million in
2 direct incentive zoning -- incentive payments of
3 \$300,000.

4 So those are things to be negotiated. This
5 is our proposal. Obviously, the Town Board will have
6 final say on what those incentives need to be. But we
7 think based on some of the prior precedent of
8 incentive zoning that has been approved in the Town of
9 Brighton that that's a fair -- those are some fair
10 numbers.

11 And so now we have that -- so this is sort
12 of a distilled version of Town Code Section 209-5C.
13 I'm sure you all are familiar with it, but this was
14 helpful for me because that's just sort of -- 209-5C
15 is just a long paragraph. And I thought by sort of
16 breaking it down it might be easier to understand how
17 we're looking at this problem.

18 First, we're sort of weighing both the
19 proposed amenities and proposed incentives. The
20 incentives are fairly simple. We really only have
21 two. One is the use of the property for battery
22 energy storage. So we're currently in the residential
23 large lot district. This is not a permitted use in
24 that district. So that would be incentive number one.

25 And incentive number two is that we're

1 proposing a barbed wire top security fence. This is
2 critical grid infrastructure that's necessary for
3 safety. And so that's not allowed in the Code. So
4 that's our second incentive.

5 The proposed amenities, sort of things I've
6 already been talking about, but they are a bit more
7 numerous. Improved grid reliability and resilience,
8 under the incentive zoning statute, I think that's
9 clearly considered an amenity. Advancing the green
10 energy transition, that's an amenity. Those economic
11 development benefits and the ability of this region to
12 attract more industrial development and other types of
13 development, because of the additional reliability,
14 that is an amenity. The financial benefits of the
15 pilot is an amenity.

16 One other thing that I haven't talked about
17 yet is that on our site plan, everything that's not in
18 the development area will be covered by the
19 conservation easement for the benefit of the Town of
20 Brighton. The conservation easement directly abuts
21 the Lynch Woods Nature Park.

22 So in a sense, we're expanding that nature
23 park by approximately 12 acres. So that will remain
24 forever wild and it's really the expansion of the park
25 in a lot of ways. So I think you can consider that to

1 be a proposed amenity.

2 And another one that I don't have here is
3 we're -- Dan is going to give you a short description
4 of some of the resources that his organization is
5 going to provide to the Town of Brighton and emergency
6 responders, which we view as an amenity as well.

7 So Dan, if you want --

8 MR. MURRAY: Good evening. Dan Murray with
9 the Energy Safety Response Group. Our company is
10 focused on assisting industry for the primary goal of
11 safety. We do help with permitting and code
12 compliance. We also do testing of these batteries,
13 where we do the destructive testing under the UL9540A
14 standard. We do training of the fire department,
15 which I'm going to talk about when we -- as part of
16 the New York State Fire Law, among other things,
17 there's a peer review, which we do, and a training,
18 which we do.

19 So about myself, I was -- I just retired.
20 32 years in the New York City Fire Department. My
21 last five years I was a chief in charge of hazmat
22 operations. And everything with batteries fell under
23 my command. So I helped write the fire code and do
24 the firefighter procedures for these types of fires.

25 We have these systems in New York City

1 without the benefit of as much open space as we do up
2 here in upper New York and we haven't had any
3 incidents. But our firefighters are well-trained if
4 there ever were one.

5 So the training we deliver is we come up and
6 as the system is getting close to being put online, we
7 will do a classroom session with the local fire
8 department or fire departments. It's usually a
9 conversation we have with the fire chief in the town.
10 He'll determine who he wants to attend the training
11 from the first response community.

12 And then we'll do a site walk-through where
13 the firefighters actually go into the site. They get
14 to see the technology firsthand. The technicians who
15 did the installation of the technology will be there,
16 as well as our people, to discuss firefighter response
17 and firefighter safety on these sites.

18 So if there's any questions anybody has
19 about fire safety at these sites, I'm happy to answer.

20 MS. BARON: Can you speak -- because during
21 the Town Board meeting, Dan, you talked about like the
22 closed -- how they would shut off if a fire started in
23 one of the cells. Can you speak a little bit to that?

24 MR. MURRAY: So there's -- in the modern --
25 so the technology's improved tremendously over the

1 last couple years. And a lot of that was learned from
2 fires that happened. So the newer systems that are
3 following updated codes and standards, such as NFPA
4 855, require smoke and heat detection, deflagration
5 prevention, which involves ventilation and
6 deflagration panels, and remote monitoring operations.

7 So these systems are controlled and
8 monitored 24/7 at a remote operations center, as well
9 as by the manufacturer. And in this case I believe
10 it's a Tesla Megapack 2. So they can not only monitor
11 the systems, but control, shut down systems. And if
12 there's ever an incident, the responding incident
13 commander from the fire department is gonna pick up
14 the phone outside of the gate and speak directly to
15 those people and they can tell them what's going on.

16 MR. BRENNAN: And, you know, I think it's
17 worth pointing out that one of the reasons why we
18 would consider this to be an amenity is that the fire
19 safety -- battery fire safety training that the fire
20 department is going to receive is beneficial not just
21 for our project, but for other potential battery fires
22 that they may be responding to in the Town, which --

23 MR. MURRAY: Yeah. I tend to expand on the
24 training and we cover everything from the e-bike fire
25 to the home energy storage fire to electric vehicle

1 fires because we learn -- we kind of learned all this
2 stuff the hard way in New York and we deliver that
3 training as well. It's good stuff.

4 And pretty much, I can say without
5 exception, after this training is delivered, the fire
6 department's reaction is that they feel like they have
7 the tools they need and the knowledge they need to
8 have this within their jurisdiction.

9 MR. BRENNAN: So the last amenity is the
10 cash amenity, right, which is \$250,000 to the Town and
11 50,000, which is for the benefit of the adjacent trail
12 system for planning or construction activities. And
13 we haven't finalized exactly how that would work, but
14 \$250,000 is intended to be general to the Town and
15 50,000 for the trail system. So that's the final
16 amenity.

17 And our request tonight is, obviously, that
18 you provide us with a recommendation to the Town Board
19 that they approve or accept our incentive zoning
20 request. And so the lens that you should look at
21 these proposed amenities and incentives are -- as set
22 out in 209-5C, are these three questions:

23 How the project fits the site. So I think,
24 you know, looking back to our -- it's actually on this
25 one. Looking back to the site plan, there's a couple

1 components that are important. One, you can see we do
2 have marked here with these horizontal lines a
3 delineated state wetland. We were able to -- we're
4 not encroaching on it at all. We've got our wetland
5 delineation verified by DEC.

6 But also the battery storage containers are
7 pushed as far back to the west, which is as close to
8 the existing critical grid infrastructure, the
9 transmission lines, as possible. So even though it's
10 a large site, we've kept the equipment as far away
11 from the surrounding uses that are not energy
12 infrastructure as possible, as well as stayed away
13 from the wetlands, which is obviously important.

14 The second one here, how the project fits
15 the structures around the site. And it's sort of the
16 same concept that the structures -- the closest
17 structures to our site are the transmission line and
18 also the existing National Grid substation.

19 And so we thought it was helpful to include
20 this picture -- these two pictures. These were -- are
21 part of the visual impact assessment we submitted for
22 our environmental assessment form for SEQRA. There's
23 more pictures in your package, if you want to see
24 them.

25 But this first one that I'm showing here is

1 that view from the Lehigh Valley Trail looking west
2 towards the existing conditions adjacent to the
3 proposed site. As you can see, this trail system is
4 already characterized by very large critical grid
5 infrastructure. You have both the east/west
6 transmission lines, the north/south transmission
7 lines, as well as a very large substation.

8 So what we're proposing is consistent with
9 that. You can look at this project in a sense as
10 being an extension of the existing transmission grid
11 and substation.

12 There's another one here, simulation view,
13 that shows because we have the existing vegetation on
14 the -- both transmission easements and the varying
15 edges of our site, the -- our project likely won't be
16 visible anyway. The storage containers -- the battery
17 storage containers are approximately 12 feet tall.

18 I actually happen to think they look pretty
19 cool, especially given what they represent, but even
20 if you did find them to be offensive to look at,
21 you're probably not going to see them from the trail
22 or at least they'll be mostly screened by the existing
23 vegetation.

24 As part of your SEQRA we've also done a
25 sound study, which determined that, essentially, we

1 will not be producing any audible noises above the
2 ambient sounds at the property line and that's because
3 the only sound coming from the battery storage
4 containers is from fans. It's HVAC equipment that
5 cools the batteries down. That's the only sound that
6 it makes.

7 And there's no smell. And most importantly,
8 there are no emissions.

9 So for the most part, I don't think that
10 people will know that this project is here. You know,
11 we're tucked back so far on the property. We're not
12 making any noise. The containers are about 12 feet
13 tall. And there's no emissions. So most people won't
14 know it's there. In fact, the transmission lines,
15 probably they have a buzzing sound. They probably
16 make more noise than our project will.

17 And the final criteria under 209-5C is how
18 the project or how these proposed amenities and
19 incentives fit in with the existing land use.

20 So this is just from the comprehensive plan.
21 It's a map of the existing land uses. It's a little
22 bit hard to see. Our project is this gray property
23 right here next to the Lynch Woods Nature Park. And
24 this light blue area is the transmission line and the
25 substation.

1 So what we have to the east is commercial.
2 There is a little bit -- the yellow pieces are
3 existing residential uses. But if you look at the
4 area as a whole, we are directly adjacent to the
5 existing public utility, electrical infrastructure,
6 vacant land and a park, which, because we're granting
7 the conservation easement, we're sort of consistent
8 with that. I would argue that we're gonna benefit the
9 Lynch Woods Nature Park.

10 Looking at that existing land use map, and
11 aside from the fact that there really is nowhere else
12 to put this project from an interconnection
13 standpoint, from a land use perspective, I don't see a
14 better spot in the Town of Brighton for a battery
15 energy storage project. I think that in the context
16 of how the project fits with the land use in the
17 region, in the Town of Brighton, I think that that's
18 pretty -- our mix of incentives and amenities fit in
19 pretty well.

20 And so now, I'll do what's hardest for me to
21 do and stop talking. I know you guys probably would
22 like to ask some questions and talk yourselves. So
23 appreciate your attention.

24 CHAIRPERSON PRICE: Thank you.

25 MR. FADER: I have some questions. I live

1 very, very close -- I live very, very close to that
2 location. I was involved in getting that park put in.
3 And I like the outdoors and I wander around out there.
4 So I'm very familiar with them.

5 So having said that, I think you're right.
6 There's nothing wrong with that site right now. It's
7 used by ATVs to drive up and down the tip of the
8 glacial deposit that's there.

9 But I did have a couple questions. One you
10 answered, which made me very happy because in my house
11 throughout the winter, when the leaves drop, I can
12 hear this like whining and humming sound coming from
13 the existing substation. So you said yours is going
14 to be silent. So that's good.

15 And my other comment is I don't -- I don't
16 think I'd be concerned about appearance back there
17 with what's back there and what you can see. That's
18 not going to be a game changer, given it's going to be
19 sitting there next to the substation.

20 The question I do have though or the one
21 that does concern me is drainage. I'm wondering --
22 because the substation itself has crushed stone
23 between their different components and it works really
24 well. They don't shed any water.

25 So I just wondered, the green areas on your

1 diagram of where you show the power pods, I'll call
2 them, is that going to be pervious or impervious?

3 MR. BRENNAN: I think this is intended to be
4 pervious. I apologize. We are -- one of our civil
5 engineers from SWBR was planning to be with us here
6 tonight.

7 MS. RAMSEY: I'm here.

8 MR. BRENNAN: Oh, sorry.

9 MS. RAMSEY: No, you're good.

10 Yes. That's intended to be pervious.

11 MR. FADER: Can you make it impervious like
12 crushed stone like they do at the --

13 MS. RAMSEY: We certainly could see the
14 impacts to the proposed retention area.

15 MR. FADER: Well, I think if you made it
16 crushed stone, the impact would be less.

17 MS. RAMSEY: Fair. No, that's --

18 MR. FADER: So that was my suggestion. If
19 you could do that, then it would -- water would be
20 absorbed like it always is. And it seems to work in
21 the same soil condition where you are over in the
22 power station.

23 MS. RAMSEY: Bethany Ramsey, SWBR.

24 MR. FADER: And I can see it won't be a
25 trouble to make the access road impervious. At least

1 it looks like on the plan.

2 MS. RAMSEY: It's gravel, yes.

3 MR. FADER: Yeah. So if you're going to
4 make that gravel, you could have it coming in between
5 the pods. That'd be awesome. And other than that, it
6 probably works. It looks like you're dumping your
7 water in the wetland, in the creek. So that works.

8 MR. BRENNAN: Just wanted to add one thing.
9 To clarify, the project won't be silent. It will make
10 noise. But what our study shows is that at the sound
11 receptors on the other side of the property, that
12 sound will not be above the ambient existing --

13 MR. FADER: Yeah. I know it's not going to
14 be silent. But the point is, sitting in -- when I go
15 out and stand in my front yard, I'm not going to hear
16 it.

17 MR. BRENNAN: You will not.

18 MR. FADER: And I can't say that about the
19 existing one.

20 CHAIRPERSON PRICE: Jason.

21 MR. BABCOCK-STIENER: I don't have anything.

22 CHAIRPERSON PRICE: Serge?

23 MR. TSVASMAN: Is this a long-term lease on
24 this property? Because it looks like it's owned by
25 Antonelli Self-Storage.

1 MR. BAUER: Yeah. It's currently owned by
2 Antonelli, who I believe used incentive zoning to put
3 the storage on this parcel, which still shows vacant
4 on the zoning map. Just wanted to note that. But it
5 is industrial now. So we have an option to purchase
6 it from Antonelli and we'll be the land owner.

7 MR. TSVASMAN: Once you get approved.

8 MR. BAUER: Yeah. Basically, we're not
9 going to purchase it until we have to, but we have a
10 long-term option that carries us another year or two
11 before we have to close on it.

12 MR. TSVASMAN: I mean, I don't know how
13 critical this is to us, but just wondering, there's no
14 other utilities coming in like water or anything like
15 that to the site.

16 MS. RAMSEY: There is a waterline that runs
17 to the hydrant.

18 MR. TVASMAN: That's for fire protection.
19 Okay. But the units themselves, they're
20 self-contained and they cool themselves with whatever
21 fluids are in them?

22 MR. BRENNAN: That's right. Yeah. So the
23 project itself doesn't need water or sewer. The
24 batteries are cooled by the fans and by a coolant. I
25 believe it's ethylene glycol, the same thing that's in

1 your car.

2 And our systems can actually cool the
3 individual -- each individual cell within the system.
4 And so they're monitoring each cell for both
5 temperature and voltage. And when we see that one of
6 the cells is operating outside of its normal
7 temperature or voltage range, not only can that
8 individual cell be cooled, but the cells in that area,
9 the cells surrounding it, can also be cooled or
10 discharged of their energy to make sure we don't have
11 an incident.

12 MR. BAUER: And then just to add on to the
13 fire line and hydrant, I'm assuming we added that at
14 the behest of planning somewhere and maybe the input
15 of local fire. Not every project ends up with a line.
16 Some have a tank. Some have nothing. But I'm
17 basically saying, we can consider a tank. It might be
18 more cost-effective. Maybe there's tradeoffs. You
19 can speak to Dan.

20 But having the line and hydrant is throwing
21 in the bells the whistles. So I assume that it was
22 asked for is why it's there. We wouldn't have put it
23 on by default.

24 MR. FADER: I just have a question out of
25 curiosity. I assume that when you build this, you

1 want the site to be level.

2 MR. BAUER: Yes.

3 MR. FADER: So I'm just curious. There's
4 some interesting grading there, given the giant pile
5 of gravel there on your site.

6 MR. BAUER: Yeah. I'm not the grading
7 expert, but we'll make our water person help on that.

8 MR. FADER: It's just going to be
9 interesting to watch.

10 MS. ALTMAN: What's the estimated useful
11 life of those units that are going to be sitting out
12 there?

13 MR. BAUER: Yeah. So we're contemplating
14 Tesla Megapacks. Those will come with a 15-year
15 warranty for each unit. We would likely extend that
16 and do 20 years, but that's the range, 15 to 20 years.

17 And just related to that, the operations and
18 maintenance would be contracted with the vendor, with
19 Tesla. Like we don't -- you don't want me and Dan
20 doing O and M. You want Tesla.

21 So we'd sign a long-term lease with Tesla to
22 maintain those units and to extend that warranty a
23 minimum of 15, possibly 20 years.

24 MS. ALTMAN: I have another question. How
25 does it work -- maybe this is a question for Lauren or

1 maybe you guys. We're talking about a 15-year pilot
2 and there are multiple jurisdictions involved in that
3 site. There's a different school district. There's
4 the Town of Brighton. But there's Rush-Henrietta
5 School. How does that pilot work when there are
6 multiple entities being served at this one site?

7 MS. BARON: So generally speaking, everyone
8 would have to sign to the pilot agreement. If there's
9 multiple entities involved, you have everyone --

10 MS. ALTMAN: That's this case; right?

11 MR. BRENNAN: So it's complicated. Battery
12 energy storage is generally considered to be exempt
13 from property taxes under New York State Tax Law, but
14 the taxing jurisdictions can opt out of that
15 exemption. The Town of Brighton has not opted out.
16 And I don't recall off the top of my head if the
17 County and the school district had. I don't believe
18 they have.

19 That being said, we do expect that we would
20 apply for tax incentives from the IDA. And so we'd be
21 looking for sales tax and mortgage recording tax as
22 well.

23 So we don't know exactly what the shape of
24 this pilot would be, whether it would come just from
25 the Town of Brighton or whether it would also come

1 from the IDA and include the other taxing
2 jurisdictions as well.

3 What we are promising is that this is the
4 minimum that that pilot could look like.

5 MS. ALTMAN: That would flow to Brighton.

6 MR. BRENNAN: Not necessarily. So we
7 haven't --

8 MS. ALTMAN: That would flow to the project.

9 MR. BRENNAN: Yes. So what the full shape
10 of it is is still sort of up in the air. And I think
11 that's, properly, the Town Board's discretion is
12 decide what they want from us.

13 MS. ALTMAN: Sure. Sure.

14 MR. BRENNAN: To be negotiated.

15 MS. ALTMAN: Thank you.

16 MR. FADER: I don't think they get a lot of
17 tax from that spot anyways.

18 CHAIRPERSON PRICE: Nothing today.

19 MS. ALTMAN: Definitely not.

20 CHAIRPERSON PRICE: I think this is
21 fascinating. I have more questions, but it has
22 nothing to do with the site plan.

23 MR. BRENNAN: We love talking batteries.

24 CHAIRPERSON PRICE: So what do you do? You
25 buy the energy that you then store and then sell it

1 back on the way out?

2 MR. BAUER: Yeah. So technically that's one
3 of the things that happens. So the way everything
4 works in New York is it's controlled by the New York
5 Independent System Operator. So in reality, like
6 every power plant in New York is bidding every minute,
7 hour, in five-minute intervals to sell power. And New
8 York is deciding which units to turn on and off.

9 So the battery will sit there and offer a
10 number of services. Charging and discharging are the
11 main ones. So that's the idea is -- you know, I'll
12 talk about California because a lot of this happened
13 faster out there. They built so much solar that it
14 had a negative price. So then you add batteries they
15 charge for a negative price because the alternative is
16 curtailing it or giving it to another state. And then
17 you discharge when it's needed later.

18 So that's one piece, charging and
19 discharging, but it also does other services.
20 Frequency regulation is one that I will not adequately
21 describe, but, basically, if the frequency of the grid
22 is too fast, your clock would move too fast.
23 Batteries can act as a buffer and they're better at
24 that than a gas plant or anything.

25 And then the third piece is just being

1 there. And that's being there when it's needed to
2 meet load. That's a service to the State. And when
3 they need to meet a load -- say it's Thanksgiving.
4 Everybody's turning on their ovens. They're going to
5 tell all the units to discharge. Us being there,
6 having a contract with the State, we have to be there
7 and ready to discharge. We can't just be offline and
8 not available.

9 MS. ALTMAN: So the State is your customer
10 then?

11 MR. BAUER: Essentially, yeah. Well, the
12 New York State Independent System Operator. So
13 it's not -- it's a quasi --

14 MS. ALTMAN: I understand. Okay.

15 MR. BAUER: And then it actually gets
16 slightly more complicated, if you want, because these
17 projects don't pencil in New York today -- nothing
18 does in New York today, but that's a separate story.
19 So NYSERDA has contracts which basically add revenue
20 on top or set a revenue floor.

21 So NYSERDA is going to tender contracts for
22 6,000 megawatts of these projects to meet the State
23 law. So our project goal is to get one of these
24 NYSERDA projects.

25 So 90 percent of the revenue coming from

1 NYSIO; maybe 10 percent from NYSERDA. I know that was
2 a complicated answer. Probably not satisfying.

3 CHAIRPERSON PRICE: Are you able to -- this
4 might sound really stupid, but if all the energy on
5 the grid, are you able -- you're talking about storing
6 energy generated by wind and solar. Are you able
7 to -- is that -- are you actually able to know what --

8 MR. FADER: No.

9 MR. BAUER: No.

10 CHAIRPERSON PRICE: You can't. You're just
11 throwing everything into the system.

12 MR. BRENNAN: They're just electrons.

13 MR. BAUER: Yeah. It's whatever -- the
14 point of least resistance.

15 (Simultaneous conversation.)

16 MR. BABCOCK-STIENER: So even if it's not, I
17 mean, it's great.

18 CHAIRPERSON PRICE: I think it's
19 fascinating. I mean, we hear about -- now I know
20 nothing about this New York independent energy --
21 what?

22 MR. BAUER: Independent system operator.

23 CHAIRPERSON PRICE: System operator.

24 MR. BAUER: So they look kind of like a
25 stock market if you go there to the trading floor.

1 And basically, the way your grid works is
2 there's a day-ahead market. So they're bidding a day
3 ahead. I'm gonna sell energy for an hour. And then
4 there's a day -- a daily market that I think New York
5 probably clears in 5 and 15-minute intervals. So then
6 every day everybody's bidding to change because we
7 made an estimate yesterday and it was wrong. So we
8 have to have somebody charge or discharge because
9 generation and load have to match always.

10 So that's where batteries really add value
11 is -- you know, a gas plant -- a new gas plant can
12 ramp up in a few minutes. An old one can take a day.
13 A battery can do everything in a second.

14 CHAIRPERSON PRICE: So more questions.

15 MR. FADER: I can explain. They're going to
16 run a giant extension cord up the trail to the
17 batteries.

18 CHAIRPERSON PRICE: Don't tell me he's
19 right.

20 MR. VALLONE: They're coming back to you
21 guys again.

22 MS. ALTMAN: Yes. They'll be back.

23 CHAIRPERSON PRICE: Okay. I just have
24 questions. Okay.

25 We're hearing, you know, stories, you know,

1 from developers all across the region, Upstate, that
2 there isn't enough power here. You know, we've got
3 projects on Brighton Henrietta Town Line Road that
4 have been sitting around for maybe 15 years because
5 RG&E wants to charge, you know, ridiculous rates to
6 put enough energy in the area. I don't know what this
7 kind of thing does to that situation. It contributes
8 to helping it I assume.

9 MR. BAUER: It definitely contributes to
10 helping it. I mean, it's -- you're essentially adding
11 a generator with another hundred megawatts.

12 However, we can't control what RG&E does.
13 You'd think it would help it. My mom called me two
14 weeks ago. She had brownouts in Canandaigua. Can you
15 call RG&E and see if you can get them a fast battery?
16 I said, it's not that simple. We've been trying to
17 since 2018.

18 If you look at the history, the State
19 actually told RG&E and all the utilities to procure
20 and they designed procurements that didn't result in
21 that happening. So that's why the State is behind on
22 its goals and that's why NYSERDA is stepping in to do
23 these contracts because the utilities weren't getting
24 the storage done that they were asked to get done.

25 So I can't imagine a world where your

1 problem is you don't have enough generation and you
2 add another generator and it doesn't help. But I
3 don't control RG&E. But it should help.

4 MR. FADER: Well, you're not -- you don't
5 actually generate it. You just save it and then give
6 it out. So you're making it more reliable and --

7 MR. BAUER: Exactly. But the way the grid
8 operators will look at it is the same as a generator.
9 Basically because if you tell it to discharge, it will
10 discharge. So their tools are, you know, gas, nuc,
11 coal, battery, for the most part.

12 CHAIRPERSON PRICE: Okay. All right. The
13 question before us is can we -- are we sufficiently
14 encouraged by this proposal to send a letter of
15 recommendation via Anthony, the Executive Secretary,
16 to the Town Board concurring with the application as
17 proposed, with the incentives requested and amenities
18 proposed. Anybody have a problem sending a letter
19 stating that?

20 MS. ALTMAN: No.

21 MR. FADER: Can we add in the part we prefer
22 impervious?

23 CHAIRPERSON PRICE: We can add that as a
24 condition in there. I suspect it was going to be
25 grass or gravel. Do you want --

1 (Simultaneous conversation.)

2 MR. FADER: They were going to have
3 impervious inside.

4 MR. BABCOCK-STIENER: No. The green stuff
5 was grass.

6 CHAIRPERSON PRICE: The green is grass.

7 MS. RAMSEY: The green stuff is pervious.

8 MR. FADER: She said it's pervious. Not
9 grass.

10 MR. BABCOCK-STINER: No, no.

11 MS. RAMSEY: Grass is pervious.

12 MR. FADER: Oh, it's pervious grass. Oh,
13 I'm sorry.

14 MR. BAUER: I think when you asked --

15 MR. FADER: The green is grass. Okay.

16 MR. VALLONE: So I guess we don't have to
17 worry about that.

18 CHAIRPERSON PRICE: Just label it next time.

19 MR. FADER: No wonder you looked at me
20 strange and said that the storage would change. I
21 didn't understand that.

22 CHAIRPERSON PRICE: You knew it was grass;
23 right?

24 MS. ALTMAN: Yes.

25 MS. BARON: We can just add that in the

1 letter that you recommended that it remain pervious
2 grass.

3 CHAIRPERSON PRICE: Just out of curiosity,
4 how high is this fence that you want? How high is the
5 fence?

6 MR. BRENNAN: That's a good question.

7 CHAIRPERSON PRICE: With the barbed wire.
8 If you don't know, it'll come up again.

9 MR. BRENNAN: We should know. I know it's
10 in the plan.

11 CHAIRPERSON PRICE: I mean, it's not 16 --
12 is it prison high?

13 MR. MURRAY: There is a requirement. I
14 think it's 12 feet. I'm not sure.

15 MR. BAUER: It might be 14. We can follow
16 up.

17 CHAIRPERSON PRICE: So it's not 30 foot
18 with --

19 MR. BRENNAN: And that will definitely be on
20 final site plan.

21 CHAIRPERSON PRICE: Okay. I'll make a
22 motion the Executive Secretary -- what?

23 MR. TSVASMAN: It says it's 6 feet high, top
24 of the barbed wire.

25 MR. BAUER: We need to update that.

1 MR. TVASMAN: Little short for barbed wire.

2 MR. BRENNAN: That does sound incorrect.

3 CHAIRPERSON PRICE: Who regulates battery
4 energy storage systems?

5 MR. BAUER: That's a good question. So I
6 mean, one, it's the building code. So now building
7 code, after there was incidents in New York -- and Dan
8 can probably speak about it more, but they did a
9 massive root cause analysis and they updated the
10 building code. So the building code is the primary
11 piece.

12 MR. MURRAY: The fire code. The New York --
13 we had -- there were three fires in New York State.
14 So the Governor created a working group to update
15 state fire code. That's been completed and approved
16 and is going into effect on January 1st.

17 CHAIRPERSON PRICE: Okay.

18 MR. MURRAY: It's likely --

19 CHAIRPERSON PRICE: There's no federal
20 agency that oversees this. There's no state agency
21 that oversees --

22 MR. BAUER: No. Ultimately, there will be a
23 permit from the PSC. Right, Dan? The certificate of
24 public use and necessities. So they will have to
25 issue a permit.

1 And along with the NYSERDA contract, in
2 addition to meeting all the requirements in the Code,
3 there's a peer review process where like different --
4 like an entity like Dan's will have to be involved so
5 that the site plan doesn't just meet the building code
6 and the fire code, but a board of peers in New York
7 gets to poke holes in it, which is good.

8 And in the past, these things didn't exist.
9 When storage first started, it wasn't UL listed. So
10 it wasn't tested like our cell phone. There weren't
11 fire codes. And the reason -- one of the reasons it
12 moved into containers is because of that loophole.

13 So when you look at previous systems, they
14 were -- it was the wild west. They were building them
15 without having to be UL listed or NFP tested, in some
16 cases, without any building codes. So it's changed
17 immensely in the past 15 years.

18 MS. ALTMAN: You were going to make the
19 recommendation?

20 CHAIRPERSON PRICE: Yeah. I'll move that
21 the Planning Board directs the Executive Secretary to
22 draft and ultimately send a letter to the Town Board
23 encouraging them to proceed with the application of
24 CGI Eastwater LLC as proposed.

25 MS. ALTMAN: I would second. We don't

1 really vote.

2 CHAIRPERSON PRICE: Moved and second. All
3 in favor?

4 ALL BOARD MEMBERS: Aye.

5 CHAIRPERSON PRICE: All right. Good luck.
6 We will see you back here for site plan approval once
7 you've got your incentive zoning.

8 MR. FADER: I'm impressed because I've seen
9 stuff come into West Brighton and usually the drainage
10 is ridiculous. And your guys' is well thought out.
11 So like --

12 MR. BRENNAN: Glad to hear that.

13 MR. VALLONE: You have a sign to vote on.

14 **Signs:**

15 Application Number: SN-25-24

16 2320 Monroe Ave

17 Type of sign: Building face, internally illuminated
18 translucent vinyl sign printed on a 3/16" solar grade
19 lexan.

20 CHAIRPERSON PRICE: So I'll make a motion.
21 Now, this -- we don't know if this went to ARB?

22 MS. BARON: Yeah. I would condition it on
23 receiving ARB approval if it hasn't been received yet.

24 CHAIRPERSON PRICE: They can even skip ARB.
25 We're the final say.

1 MS. BARON: That's true.

2 CHAIRPERSON PRICE: Because if ARB had
3 approved this, I'd still have the same concern.

4 I make a motion to approve the sign with the
5 removal of the words "commercial" and "luxury" and the
6 graphic symbols above each word, leaving just the
7 legal name of the company.

8 I mean, they can have the little house
9 triangle there, and green ivy, but just that center
10 piece -- center portion. Anybody second that?

11 MS. ALTMAN: I would second.

12 CHAIRPERSON PRICE: Moved and seconded. All
13 in favor?

14 ALL BOARD MEMBERS: Aye.

15 (Proceedings concluded at 9:27 p.m.)

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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 19th day of November, 2025
at Rochester, New York.



Holly E. Castleman ACR,
Official Court Reporter