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**B R I G H T O N**  
**P L A N N I N G**  
**B O A R D**

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March 17th, 2021  
At approximately 7:00 **p.m.**  
Brighton Town Hall, Zoom meeting  
2300 Elmwood Avenue  
Rochester, New York 14618

**PRESENT:**

WILLIAM PRICE, CHAIRPERSON

KAREN ALTMAN	)	
JOHN J. OSOWSKI	)	
LAURA CIVILETTI	)	BOARD MEMBERS
DAVID FADER	)	
JASON BABCOCK-STINER	)	

KEN GORDON, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

NOT PRESENT:  
PAMELA DELANEY

REPORTED BY: RHODA COLLINS, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive  
Batavia, New York 14020

BRIGHTON PLANNING BOARD 03/17/2021

CHAIRPERSON PRICE: Good evening, everyone.  
Welcome to the March 17th, St. Patrick's Day meeting of the  
Town of Brighton Planning Board.

Tonight we have one Public Hearing and we have  
a concept plan review, as well as signage applications for  
the Board to review.

So I'm going to call this meeting to order and  
ask the secretary to call the roll please.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Here.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Here.

MR. BOEHNER: Mr. Fader?

MR. FADER: Here.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Here.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Here.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Here.

MR. BOEHNER: Delaney is absent.

CHAIRPERSON PRICE: Okay, thank you.

Our first order of business is to approve the

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meeting minutes from our February 17th meeting. Has everybody received and had an opportunity to review those meeting minutes?

I see head nods. Is there a motion to approve?

MS. CIVILETTI: I'll move to approve.

MR. BOEHNER: Civiletti moves.

CHAIRPERSON PRICE: Second?

MR. OSOWSKI: I'll second.

MR. BOEHNER: I think I heard Osowski, I'll give him the second.

CHAIRPERSON PRICE: Karen is saying something.

MR. BOEHNER: Karen, we can't hear you.

MS. ALTMAN: I'm sitting as close as I can, so let me know if you can't hear me.

MR. BOEHNER: No, we were having trouble hearing you. Karen, you're right, so you do need to be close it sounds like.

So, I have second, Osowski, to approve the minutes.

CHAIRPERSON PRICE: All right, thank you.

Moved and seconded, is there any other comments or edits that anybody has? All right, please call the roll.

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MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Yes, Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Karen, we're still having trouble hearing you, so we'll keep our eyes on you.

MS. ALTMAN: Okay.

CHAIRPERSON PRICE: Thank you.

So we have mentioned we do have a Public Hearing tonight. Mr. Secretary, can you confirm that the Public Hearing was properly advertised?

MR. BOEHNER: The Public Hearing was properly advertised in the Brighton-Pittsford Post of March 11, 2021.

CHAIRPERSON PRICE: We will hear that application now.

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APPLICATION 9P-NB1-20

9P-NB1-20 Application of Baptist Bible Temple, owner, and Clover Park Properties, LLC, Revised Plans contract vendee, for Preliminary Site Plan Approval to convert an existing church building into high end office space (construction of a 2 story, 10,000 sf building addition has been eliminated) on property located at 1075 Clover Street. All as described on application and plans on file.

TABLED AT THE NOVEMBER 18, 2020 MEETING - PUBLIC HEARING REMAINS OPEN - ADJOURNED TO THE MARCH 17, 2021 MEETING AT APPLICANTS REQUEST.

CHAIRPERSON PRICE: I believe I heard Mr. Goldman is going to represent the applicant. You can let Mr. Goldman in please.

MR. GOLDMAN: As soon as I'm unmuted, here I am.

CHAIRPERSON PRICE: There you are.

MR. GOLDMAN: Good evening, Mr. Chairman, Members of the Board. My name is Jerry Goldman, I'm the agent for Clover Park Properties, LLC. This is a contract vendee of the Baptist Temple property located at the southwest corner of Highland Avenue and Clover Street.

With me tonight on the application are John

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August, who is a principal of Clover Park Properties, and the immediately adjacent neighbor to the south of the subject property on Clover Street, and Matt Tomlinson who is a project engineer from Marathon Engineering.

This property is located in RLA zoning district and has been utilized for the Baptist Temple Church since its construction in 1964. The Baptist Temple Church has been attempting to downsize and sell the property, and Mr. August and his group have entered into a contract to acquire the property contingent on their being able to redevelop the property for an office use.

We are here this evening to talk about changes from the site plan, changes from the original site plan submission, I should say. When last we were before the Board it was in November of last year, and since that time we have been actively engaged in reviewing the site plan, talking to neighbors, getting input relative to the site.

And there are a couple of major site plan -- well, there is a basic major site plan change on the site. The major site plan change is the removal of a 10,000 square foot addition to the building which was to be located on the northwest section of the building as depicted on the sheet, or on your screens right now.

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After review financially and after review and consultation of the neighbors, the site plan now eliminates that building. The net result is that we have made additional site plan changes with regard to the overall site, which enhance the green space on the site and which also are in a scale as depicted on the site plan.

We are back before the Planning Board, the Planning Board did make a determination that they would seek lead agency status for a coordinated review of this action under SEQRA. There's no objection, so the Planning Board is the body who will be conducting the SEQRA review on this matter.

As indicated, this is an RLA district and we will need a use variance from the Zoning Board of Appeals, but the Zoning Board in their normal consideration, does approve plans -- or approve variances based on the plans before them. So we want to more thoroughly vet the site plan with this Board before we move forward with the Zoning Board.

We understand tonight that this is a reintroduction of the project. We have no desire, no intention -- well, we have no intention of or expectation that there will be any decisions tonight by this Board on any aspect of this application.

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We are here tonight to explain the site plan changes, that we have to obtain input from this Board, and hopefully come back for a Board review at the April Planning Board meeting.

With that introduction, I would like to turn it over to Matt Tomlinson who will talk about the site plan changes, and John August will share his perspective primarily on landscaping-type issues, and other issues. All of us will be available of course, for Board questions at the end of the presentation.

So with that, Matt.

MATT TOMLINSON: Great, thanks, Jerry. Matt Tomlinson, Marathon Engineering. I'm just going to walk through quickly the changes. I know that the Board had seen both plans and in our letter we stepped through several of the changes, but I wanted to just discuss them here. And then, as Jerry mentioned, we can answer any questions.

So, primarily we have removed the building addition. And as part of that reduction of 10,000 square feet on the project site, that has affected the necessary parking that is required, as well as impacting the traffic and trip generation, because that's another piece that we have spent some time coordinating in the interim since the



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last time we appeared before you, and I will circle back to that in just a little bit.

So, from a parking changes standpoint driven by the reduction in the building square footage and the removal of the addition, we have removed the parking within the playground area to the south and west of the site that was shown as bank parking.

We are no longer -- yep, great, thanks -- we are no longer modifying the parking lot there along the west edge, which we were purposing to change as well. That existing parking will remain. We have also removed the parking spaces out to the front, being the Clover Street side of the parcel along the entrance loop, as the main focus has been to place the parking proximate to the south and west entrances that now will function as the main entry points to the building.

And then, if you can go back to the new plan there, Jeff? Yeah, great, thanks.

The intention would be to limit or minimize the amount of dollars spent on that south-most parking lot. And while the intention is to essentially bank those spaces, that is all existing impervious parking right now. So, we have some further discussion that we will do relative to

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banking parking. But essentially, what is shown on the plan here, building the parking within the middle of the site in that green space essentially fills out what is required for the site, and ultimately all of that parking or paved surface will be constructed once that's completed.

We have incorporated several landscape islands. We did appear before the Conservation Board last Tuesday to discuss these plan changes with them and received a couple of comments, but generally the Board was in favor.

The big piece of that is, we've significantly reduced the amount of plant material that was proposing to be removed, because essentially we are leaving all of the existing pavements in place. We are just removing a couple of pines that are in relatively poor condition internal to the site within the existing parking area, and replacing that material with several trees throughout the new islands that we are incorporating, as well as some additional plant materials along the south property line.

John's going to speak on that in just a minute, as soon as I finish through. We also have reduced the amount of lighting to be more commensurate with the existing levels of lighting within the parking field. Similar in spacing, dark sky compliant, very low levels of

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3 light. That was definitely something we received comment  
4 from the neighbors. The intention is not to have this open  
5 much after dark, if at all. And the lighting levels have  
6 been significantly reduced in an effort to mimic what's out  
7 there, versus lighting it up like a typical office parking  
8 lot.

9 And then, from a traffic standpoint, removal  
10 of that 10,000 square feet does demonstrate a reduction in  
11 overall density, although there are some mitigating items  
12 that we had included in the traffic study relative to, while  
13 there is a square footage reduction, John is interested in  
14 pursuing not a medical -- or a medical office, nonpatient  
15 driven, as well as enabling the daycare to stay there for the  
16 foreseeable future.

17 So, one of the items that we discussed with  
18 staff was capturing that information and ensuring that  
19 sending to County DOT and State DOT a traffic impact study  
20 that captured the intended use of the building was critical  
21 to ensuring that there was no impact.

22 And we have submitted a draft of that TIS to  
23 town staff for their review and also subsequently submitted  
24 it to the County and State DOTs. And just recently within  
25 the last day or so got letters stating that there was no

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3 impact and no mitigation necessary from both of those  
4 agencies, which is what we expected. But we wanted to go  
5 through that process in order to satisfy any concerns from  
6 the neighbors and/or the Town relative to the proposed reuse  
7 of this building.

8 So with that, I'll turn it over to John just  
9 to speak a little bit and then we can take questions.

10 JOHN AUGUST: Thank you, Matt. If I could  
11 just, I only wanted to make one comment, really, regarding  
12 the landscaping, but as Matt said, we've tried very hard on  
13 the lighting to be dimmable, and where we've located the  
14 parking, where the entrance of the building will be, to try  
15 to mitigate any impact to the neighbors.

16 But, I have been called by neighbors, many of  
17 which are my friends, back when to tell me that a letter was  
18 circulated back when, telling the neighborhood by some in the  
19 neighborhood that we were going to be removing many of the  
20 signature trees around the corner. And we would like this  
21 opportunity to publicly state that there are, I think, a  
22 total of six trees coming down, only one hardwood. And you  
23 can see the new ones that are being added.

24 And I just want to get that out because it  
25 still lingers in our neighborhood that we are taking all of

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the trees down. We have been very careful with the immediate neighbors to work with them, to find out what their wishes were. I think we've got those met and I think we're very close with the neighbors agreeing that this plan looks like one that all could live with and to serve the neighborhood well.

I want to thank the Planning Board. That's all, I wanted to make a point, was, we would like to clarify what's rumored out there about our intention about trees.

Matt, of course, you've added screening in a lot of the areas that wasn't in as well. I will let you go through the plan. That's all I wanted to mention.

MATT TOMLINSON: Yeah, absolutely. We have added some screening material up near the Dumpster and the front parking lot, which is now no longer screened by that building addition. Some additional materials along the south, and then as I've mentioned, throughout the parking.

One other point before I turn it over to Jerry to kind of M-C questions, I did forget to mention that the rear yard which is defined as kind of the south and western portions of the site, we originally, in our original submission were going to be required to obtain a rear yard lot coverage variance. That will no longer be required as we

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reduced the impervious in that rear yard by removing quite a bit of the southern impervious surface. It's less than what is existing, so we have been able to eliminate one area variance as part of this modification to the plan.

MR. GOLDMAN: Okay. I will pick it up from here and just make a couple additional comments. Just dovetailing on what Matt just said, this is a plan which requires no area variances, other, at all. The only variance which is necessary is the use variance for which we have made an initial submission and will be modifying that submission before the Zoning Board of Appeals.

The major signature aspect of this development in addition to not having any additional structures on the site, is the maintenance of the corner of Highland and Clover. It's a corner that a lot of us who live in Brighton have learned to really love in terms of having its green space out there. We are able to, with this plan, keep that setting in place throughout.

Matt made reference to a daycare. There is an existing daycare in the building. That daycare, I believe, is approximately 7,000 square feet of the building itself. We have been asked by a number of people not to be disruptive to the daycare because people have to relocate and daycare

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spaces are tough to find. So, it's the intention of the owner to maintain the daycare in place for a period of time. And our traffic analysis takes that into account, because it will be there at the onset or the beginning of any redevelopment of this property. Ultimately, that space would be converted to office space when the daycare leaves.

So that pretty much is our presentation, relative to this. I believe the Board received the Conservation Board comments, and we basically had a good reception in front of that Board, so we're now prepared to answer any questions the Board may have.

CHAIRPERSON PRICE: Thank you, Jerry, Matt, and John.

MR. OSOWSKI: I don't have any additional comments.

CHAIRPERSON PRICE: I was thanking John August.

So, Matt Tomlinson, I just wanted to ask you, are the light fixtures that are proposed all new, or are they just retrofits of the existing poles there, the lampposts that are there?

JOHN AUGUST: I can answer that, I think. I worked on the lighting with one of our partners who is the

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lighting distributor. These are all new poles and lights, getting rid of the stainless to match the dark color throughout. They'll be dimmable down to 25 percent after dark and they'll all be photocelled so they will react to light to come on after dark, and of course, there will be a single or two night lights left on after 11:00.

CHAIRPERSON PRICE: Okay. We can talk about pole base heights when we get into more detail on the site, I just wanted to know if those were going to be new.

And are you -- does the fact the -- there's no longer parking on the Clover side of the building mean you're leaving the current sidewalk that is on that radius and up to the front door?

JOHN AUGUST: That is the intention, yes. An ingress and use for egress as needed.

CHAIRPERSON PRICE: All right. And Matt Tomlinson, the storm water management area, now has that been changed in size as a result of the reduction in the building and the building footprint and paved area?

MATT TOMLINSON: Yes. So, I believe we submitted a green space figure with the plan set. We are essentially right at maybe just under the 20,000 square foot limit that Brighton has in their code for requiring a storm



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water pollution prevention plan.

Our amount of pavement added is approximately 7,500 square feet. Now we're taking some out and adding some, right? So, those limits are very close -- yeah, perfect, thank you -- so, the blue on that screen is the new green as what is existing pavement that's going to be turned back into green space.

So, we're trying to balance out that site, Bill. The front infiltration area that we were originally showing was intended mostly to handle the new roof, which now isn't there. Generally, this site slopes north to south and the tree planting is really going to be our mitigating factor from a green infrastructure or storm water treatment given that there's no storm utility connection points to the south along Clover, there's no system out there.

CHAIRPERSON PRICE: All right. That's my initial questions. I will call on folks.

Laura, do you have any questions or comments?

MS. CIVILETTI: No. I appreciate the reduction intensity and the preservation of the existing trees. I did notice on the landscaping plan the Norway maple -- or, I'm sorry, the Norway spruce is on the plant list. I would strongly encourage finding a substitute for

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that.

MATT TOMLINSON: We can look at that for sure.

CHAIRPERSON PRICE: Okay. Karen, do you have any questions?

MS. ALTMAN: Not at this time. I appreciate the presentation, thank you.

CHAIRPERSON PRICE: John Osowski?

MR. OSOWSKI: Yeah, I noticed that the water service is being upgraded. Is that being done with the intent to provide a sprinkler protection for the building?

MATT TOMLINSON: Yeah. We still need to go through the building code process, but we do anticipate, that's in anticipation that they may be necessary. That is correct, John.

MR. OSOWSKI: All right, thank you. And is there any intention to put an emergency backup electric generator somewhere?

JOHN AUGUST: I don't know that yet. I think it's likely, but it hasn't been yet decided, John.

MR. OSOWSKI: All right, thank you.

CHAIRPERSON PRICE: Jason?

MR. BABCOCK-STINER: No, I'm all set.

CHAIRPERSON PRICE: All right. Who am I --

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David Fader?

MR. FADER: No, I'm all set.

CHAIRPERSON PRICE: Okay. John August, we saw some renderings previously of the architecture and elevations of the proposal. Is there any difference to what you were proposing relative to the existing building?

JOHN AUGUST: Not at all. It's carving windows as needed into the existing structure and a straight replacement of the existing doors and windows on a building, same openings which are just energy efficient glass. I thought we had sent, Matt, a new rendering in, maybe we didn't, I'm sorry. We'd just taken that last sketch that we'd given you and formalized it a little more. I'll make certain that is sent over to the Planning Board to review.

MATT TOMLINSON: I believe it was sent, but I am not sure is in the package. I don't know if you guys saw that, Bill.

CHAIRPERSON PRICE: You're not proposing any major substantive changes to what you'd originally submitted?

JOHN AUGUST: Existing building windows as needed, that would be all.

CHAIRPERSON PRICE: Okay.

MR. GOLDMAN: We still need the Architectural

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Review Board, so we will be doing that as well as part of this process.

CHAIRPERSON PRICE: Jerry, FYI, your camera is pointing somewhere we can't see you.

MR. GOLDMAN: Uh-oh.

JOHN AUGUST: Just for the Planning Board's review, the main entrance will be the center entrance, where the two sidewalks come together. We picked that, it's central. We have to install an elevator, doing that was the best way to hide the entrance. There might be some outside seating. People are talking, coming out of the building together, they are hidden from Clover and Highland back in that corner of the building.

I've also agreed not to put any ingress into this building on Highland Avenue. We may be required to put an out egress door only, but there would be no entrances along Highland Avenue or Clover Street used as an entrance to the building, egress only.

CHAIRPERSON PRICE: Okay, very good.

Ramsey, do you have any questions?

MR. BOEHNER: Yes. Could you talk about the parking? Are you planning for that area to be lawn area?

MATT TOMLINSON: John's been having some

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discussions with neighbors relative to that. We are trying to minimize disturbance to the site, so the intention would be -- and it's kind of not really banked being that it's paved already, Ramsey. But the intention would be to code it not necessarily use it, not improve on it unless and until it's necessary.

So that's something that we still have up in the air right now, but it is paved area already over there. So, it would seem a little bit backwards to remove it and then pave it back in again if it's needed later.

MR. BOEHNER: I think you have to do one or the other. If you are calling banked, you may want to do it a little bit more properly. I don't know the condition of that area. If I remember, I thought it was a little warm, I don't know what it's longevity would be especially if you're thinking you don't need the parking.

I am leaving that to you, John, you know what you need and do not need. But obviously, when you come back you can clarify that.

MATT TOMLINSON: Sure.

MR. BOEHNER: And I'm still confused. How much medical space are you proposing right now?

JOHN AUGUST: It's 8,000 feet is what the

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parking accommodates.

MR. BOEHNER: Okay. That is what you did say. And the last thing is, are you proposing any additional screening along the western boundary?

MATT TOMLINSON: Yeah. I did see that that comment did come back in from Conservation Board. I don't know if the Board has seen the property, but it is -- there's solid fencing along the entirety of the west property line. And to put up another fence to create a couple foot wide alley that's difficult to maintain, did not seem to make much sense to us.

I think that there's a way we can make a commitment that a fence would be put in if a neighbor's fence came down to provide that screening that John would be happy to do so. And, especially given that we are no longer proposing any improvements or extension of that parking lot along the west property line, we wanted to leave that the way that it is today.

So, that's our proposal, but willing to have a discussion about it if there's comment.

MR. BOEHNER: Are there any type of plantings you could put along that edge as opposed to the fence? I am having trouble seeing how wide it is or --

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3 MATT TOMLINSON: It's about three and a half  
4 to four feet --

5 MR. BOEHNER: Oh, is that all it is?

6 CHAIRPERSON PRICE: There's not enough room  
7 there.

8 MATT TOMLINSON: Very well shaded by mature  
9 shade trees along the rear of the neighbor's property.

10 MR. BOEHNER: I think the next thing is you go  
11 with the condition that the property line needs to have a  
12 fence maintained.

13 JOHN AUGUST: We would do that. The existing  
14 fence is nearly seven feet from our side, as it sits on a,  
15 the elevation on those Council Rock backyards are about a  
16 foot higher. And there's about 40 feet of it that was just  
17 installed a few -- last year, I think, by Luke Dutton on the  
18 corner. It is brand new fencing. But we would be willing to  
19 maintain and guarantee its replacement should it ever be  
20 needed, when it's needed.

21 CHAIRPERSON PRICE: All set, Ramsey?

22 MR. BOEHNER: Yes.

23 CHAIRPERSON PRICE: Questions from the Board?

24 Okay. This is a Public Hearing and like to  
25 open it up to questions, people interested in this

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application. Would you please, Jeff Frisch is monitoring this. If you have a comment or a question first of all, everything is directed to the Planning Board and not to the applicant. We will in turn ask the applicant questions as we see fit. But there's a raise hand feature on Zoom here or you can wave your arms frantically and hopefully --

MR. BOEHNER: We'll try to see you. But I do see an Allison Bartlett with her hand raised, I believe.

CHAIRPERSON PRICE: Okay, Allison.

ALLISON BARTLETT: Yes, hi, can you hear me okay?

CHAIRPERSON PRICE: Yes, we can.

ALLISON BARTLETT: Okay, thank you. Good evening, ladies and gentlemen. My name is Allison Bartlett from Harter Secrest & Emery. We represent neighbors who live along Clover Street and Marvin Park across the street from the proposed projects.

My comments tonight are going to be brief. We understand that Mr. August has been having discussions with neighbors and that the parties are working towards a settlement to resolve issues related to this project. We are hopeful that a resolution will be reached, but any such resolution has not yet been finalized.



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2  
3 So, as a result, at this time we request that  
4 the Public Hearing remain open and no final actions,  
5 including any SEQRA determinations of significance are made  
6 by the Board tonight in relation to this project. Thank you  
7 for your time and consideration.

8 CHAIRPERSON PRICE: Thank you, Allison,  
9 appreciate you coming out.

10 Anyone else?

11 Nick Wood is waving his arm around.

12 MR. BOEHNER: Do you see him, Jeff?

13 MR. WOOD: I think I am unmuted now.

14 MR. BOEHNER: Okay. Can you a --

15 MR. WOOD: Can you hear me?

16 MR. BOEHNER: Yes, we can.

17 MR. WOOD: Sorry about that, thank you. My  
18 name is Nick Wood, I'm an attorney with the law firm Boylan  
19 Code. We represent Country Club Condominiums, which is  
20 located directly across Highland Avenue from the property, as  
21 I'm sure the Board knows.

22 I believe at least one member of the board of  
23 managers of Country Club Condominiums is in attendance at  
24 this meeting as well. I will also be brief. We submitted a  
25 letter to the Board which is included in the communications

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with the final agenda and which sets out our comments.

At this point, to just briefly reiterate, the proposed project obviously calls for a commercial use, you know, low density residential district. Then, therefore really is inconsistent with the surrounding neighborhood which is residential on all sides of the property and isn't consistent with the Town's master plan, and is obviously going to have some impact on the surrounding neighborhood.

As the Board knows, the change in use requires a use variance from the Zoning Board of Appeals. So, at this point we're requesting -- and I don't think that this is inconsistent with what the applicant has indicated at the beginning of the meeting -- but we are requesting that the Planning Board table the application at this point, hold off on any determinations until at least the Zoning Board addresses it so we can see if, in fact, a use variance is issued at all and what restrictions are associated with it so we can be in a better position to make comments about the specific details of the plan.

I will also acknowledge that there has been discussions with the neighbors and it does seem like progress has been made towards addressing concerns of the neighbors, at least to the extent that those can be addressed, and so

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for that reason we ask that those discussions, which as I indicated there has been progress on, which I don't think are complete. That those discussions be allowed to conclude before the Planning Board makes any determinations.

So, we're also requesting the application be tabled, the Public Hearing remain open so that additional comments can be submitted if necessary. Thank you.

CHAIRPERSON PRICE: Thank you. Other questions or comments?

MR. BOEHNER: I'm not seeing anyone with their hand raised. Let me look. If you want to be heard, raise your hand if you could.

MR. GORDON: Ramsey, this is Ken Gordon, Town Attorney. I just want to ask you a question actually, Ramsey, as part of this Public Hearing.

So, I just heard Mr. Wood and the presentation, and I read his letter, in which he say that this property is completely surrounded by residential uses only. And, I'm wondering if that is entirely accurate? It was my recollection that there is, in fact, medical office space directly across Highland Avenue from this property; is that correct?

MR. BOEHNER: Yeah. There's also the

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allowance to have restaurant uses in the, what was the Old Renaissance Apartment Complex. That is true, yes.

MR. GORDON: I just wanted to make sure that was part of the Public Hearing.

MR. BOEHNER: Yeah, they're multi-use.

MR. GORDON: And I did have a question for Marathon and/or Mr. August, relative to the daycare use of this property. Is there a durational limit on how long the daycare is going to be allowed to operate in the property?

JOHN AUGUST: No, sir. No limit's been set. I have promised a number of people it would at least, if it was ever not allowed to continue, they would have a number of years notice so that those Brighton residents would have an opportunity to relocate their children in a proper manner, and we will abide by that. But there's no timetable set at this point.

Ultimately, when the building's filled, it probably will not be the best use. And how long it takes to fill it remains to be seen, but foreseeable future, they will stay.

MR. GORDON: Thank you. That's all I have, thank you.

CHAIRPERSON PRICE: Ken, I have a question for

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you. Two attorneys have implied that they represent resident groups, they somehow seem like they're not a part of the negotiations with neighbors. What is the -- what could be being negotiated that would affect the site plan as we are obligated to review it? I'm concerned, you know --

MR. GORDON: I think Mr. August or Marathon could speak to that better. I don't know what issues are being discussed. I'm not party to those negotiations. I mean, for example, I believe those negotiations led to the removal of a 10,000 square foot addition. That's a significant site plan change of --

CHAIRPERSON PRICE: I'm just wondering, this is essentially the same site that exists out there today. What else are we negotiating?

MR. GORDON: I don't know.

MR. BOEHNER: We have no idea. We are not a party to the negotiations, Bill.

CHAIRPERSON PRICE: Understood, but I don't want our authority, you know, being usurped to some other entity.

MR. GORDON: I agree. It is ultimately the Planning Board's responsibility to give site plan approval or not give site plan approval, absolutely. But, I think -- and

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please, Mr. August, or folks from Marathon or whoever, Jerry, maybe you can jump in on this -- I believe that what I am hearing is that we're maybe not looking at the final site plan. We are maybe not looking at the final project. That there may be changes that are yet to come. And that those negotiations are ongoing in a sense that may result in minor or major modifications to what we are looking at at this point in time.

We certainly don't want to go forward with having a deliberation over a proposed site plan and/or whether this project has the potential of having a significant impact on the environment under SEQRA without knowing the full parameters of the project.

In fact, it would be contrary to SEQRA for us to review only some portions of the project, and not review the entire project as the developer is proposing.

Jerry Goldman, you have to --

MR. GOLDMAN: I am prepared to speak to that. I appreciate your introducing me into the discussion on this, Ken.

I tried to be very careful at the beginning to say these are discussions with the neighbors that are ongoing. We want to be able to address issues of concern. I

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would not term it to be negotiations because as rightfully pointed out by the Chairman and by Ken, the ultimate determination of the site plan to be approved is to be made by the Planning Board.

The input that we have received by the neighbors has resulted in changes to the site plan. In particular, the removal of the 10,000 square foot building, the removal of parking along Highland Avenue, some changes with regard to some of the landscaping and the like. We think that we have received some valued input from those neighbors. I would venture to say that the discussions, which are ongoing, do not necessarily affect the site plan itself, in terms of the physical site plan, but are more involved in the issues relating to the Zoning Board and the use variance.

So, we're hopeful to be able to conclude our decisions and hopefully reach common grounds with the neighbors. But, what is being reviewed by the Planning Board here is not something that we consider to be schematic or raw at that level. We think, as far as the site plans are concerned, we are well along in those discussions.

MR. GORDON: Well, let me, let me put Bill's question to you. So, Mr. Wood and Ms. Bartlett have told us

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what their ask is. Their ask is that the Planning Board not make a determination this evening. What are you asking of the Planning Board tonight?

MR. GOLDMAN: I said at the beginning, and now reiterate: I have no expectation. We aren't asking this Board to act. The Board has to complete their SEQRA review. As Matt pointed out, a traffic report has been prepared. There has been input received as recently as earlier this week from State DOT and County DOT. I know it's currently in draft form and under review by the Town as well. That certainly would be a key element in coming to a conclusion on determination of significance under SEQRA.

So, we have no anticipation that that would be done tonight, in any event. So our --

MR. GORDON: You're not requesting that we make a SEQRA determination tonight? You're not requesting that we make a site plan determination?

MR. GOLDMAN: That is correct.

MR. BOEHNER: The purpose of tonight's meeting was to bring the Planning Board up to date to let them know what they're proposing to -- what changes they are proposing. And they are hoping we can do a determination of significance at our next meeting.



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3 We just got the traffic stuff, we're still  
4 reviewing it. We just got the letters from DOT and Monroe  
5 County just the other day, so we do need to complete that.  
6 And we need to complete that before the Zoning Board can make  
7 a decision.

8 MR. GORDON: And, Ramsey, have all of the  
9 issues set forth in the town engineer's letter been  
10 addressed?

11 MR. BOEHNER: No, they have not.

12 CHAIRPERSON PRICE: We have to make a  
13 determination of significance before the Zoning Board of  
14 Appeals can act?

15 MR. BOEHNER: Yes.

16 MR. GORDON: The SEQRA determination needs to  
17 be made before any Board can take final action of any sort,  
18 sure. So, whether it's a use variance or [inaudible] that  
19 SEQRA determination needs to be made.

20 CHAIRPERSON PRICE: Okay. Has the application  
21 to the Zoning Board been made?

22 MR. GOLDMAN: It has been made. It is  
23 currently in the same fashion that we have been engaged in  
24 refinements before this Board, we have also had our  
25 application tabled in front of the Zoning Board.

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3 Our desire is to complete the environmental  
4 review portion of this before going back to the Zoning Board  
5 and finalizing the use variance so that they are clear on how  
6 the Planning Board feels relative to the environmental  
7 factors.

8 CHAIRPERSON PRICE: Okay. Ramsey, I guess  
9 this would be for Matt, Jerry and Ramsey. Do you believe  
10 that there is now that this is sufficiently tied down from a  
11 site plan standpoint and a building square footage standpoint  
12 and a use standpoint that you can -- we can complete part two  
13 of SEQRA and move forward to a determination?

14 MR. BOEHNER: I think they need to address  
15 some of the outstanding comments of the town engineer, and we  
16 also need to conclude our review of the traffic study. But,  
17 from what I'm seeing, I think we have everything. We just  
18 haven't completed our review yet.

19 I would -- we don't have that much more work  
20 to complete that review, but we need to get a resubmission to  
21 the outstanding comments that addresses the comments that we  
22 can use to determine the significance of the project.

23 CHAIRPERSON PRICE: And --

24 MR. BOEHNER: Oh, yes, we do need additional  
25 information, Bill.

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3 CHAIRPERSON PRICE: Okay. But it's not like  
4 you are just starting from scratch and, you know, letters  
5 haven't been sent off to DOT, this is fairly -- this is  
6 further along, as far as having received responses from  
7 involved or interested agencies.

8 MR. BOEHNER: Yeah, no, we -- they gave us  
9 their blessing to be lead agency. One of the things I'm  
10 going to ask the Planning Board to do this evening is just  
11 declare themselves as lead agent. The other involved  
12 agencies have concurred with the Planning Board to be the  
13 lead agency. And I would recommend that the Planning Board  
14 consider designating themselves lead agency along with  
15 considering maybe tabling the application for additional  
16 information for us to make a determination of significance  
17 and to wrap up the site planning process.

18 MR. GORDON: That makes good sense to me as  
19 well, Ramsey.

20 Jerry, you're expecting to present before the  
21 Zoning Board at the April 7th meeting then on this project?

22 MR. GOLDMAN: We are not proposing to appear  
23 before April 7th. The issues that we still have left in  
24 discussion with the neighbors are issues which bear on the  
25 use issues. We do want to lock that down. We also want to

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get the determination of significance under our belt so that when we appear before the Zoning Board we have a clear application before them in terms of what relief we are asking for.

MR. GORDON: Okay, thank you.

MATT TOMLINSON: Bill and Ramsey, the outstanding comments from the town engineer primarily were issued with the old plan, so had --

MR. BOEHNER: They issued new comments based on your recent submission, Matt.

MATT TOMLINSON: Okay. I have not seen those yet.

MR. BOEHNER: Yes, you have not seen them yet.

MATT TOMLINSON: Okay, then yes, we can --

MR. BOEHNER: They're similar comments, Matt, by the way.

MATT TOMLINSON: I'm sorry?

MR. BOEHNER: They're some of them are similar comments.

MATT TOMLINSON: Yes. So, we can address those as soon as we receive and I don't anticipate any major issues here.

MR. BOEHNER: A lot of it is clarification.

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3 CHAIRPERSON PRICE: Thank you, all. All right  
4 any other -- I'm just going to ask my Board one more time:  
5 Any other questions from the Board?

6 I can see no hands raising.

7 MS. CIVILETTI: No, I'm all set.

8 MR. GORDON: Anyone else out there, Bill, who  
9 wants to make any other comments or wants to make --

10 CHAIRPERSON PRICE: I think Nick wanted to ask  
11 a question.

12 MR. WOOD: Yes, just a question. Has the  
13 updated traffic study been posted to the website? I don't  
14 think I've seen --

15 MR. BOEHNER: No, they have not. They haven't  
16 submitted the final traffic study. They are waiting from  
17 reviews from the DOTs, which just issued their letters, to  
18 see if there are any additional comments that they needed to  
19 address before they would submit the final. We are expecting  
20 that that will be coming in with their next submission. And  
21 that will expected to be in before any determination of  
22 significance is made by the Planning Board and will be posted  
23 to the web once we receive it.

24 MR. WOOD: Okay, yes. That was my point. You  
25 really can't do a SEQRA determination until that has been

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addressed.

MR. BOEHNER: Yes, that's right.

CHAIRPERSON PRICE: Thank you.

All right, at this point we will move on in the agenda. That was our only Public Hearing for the evening.

We have another application for concept review.

APPLICATION 3P-NB1-21

3P-NB1-21 Application of 1950-1966 Monroe Avenue LLC, owner, for Concept Review to redevelop an existing non-conforming gas station and auto repair facility into a convenience store with gasoline sales on properties located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file.

CHAIRPERSON PRICE: I don't know who is representing the applicant tonight.

MR. BOEHNER: Yeah, I can help there, Bill. We have, I believe, Jerry Goldman again.

MR. GOLDMAN: Yes, double header night for Jerry. It's now that the sun has gone down, I guess it's a day/night double header.

MR. BOEHNER: Jerry, is there anyone else that

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you want to join?

MR. GOLDMAN: Yes. I was going to do the introduction, if we're ready to move on that application.

My name is Jerry Goldman and I'm the attorney and agent for PEMM, LLC, who is the owner of Quicklee's which develops gas station, convenience store, and similar types of operations throughout the Western New York area.

With me tonight on the application, the primary presenter of the concept plans is going to John Sciarabba from LandTech Engineering.

In addition with us this evening is Ken Perelli and Louis Terragnoli from Quicklee's who can address questions which may come up relative to operational issues, if those are issues which the Board wants to address.

The property in question is located at what I would consider to be the southeast corner of Monroe and Elmwood. It's occupied by what was traditionally called the Mobil station on that corner. The property at 1950 Monroe Avenue is the gas station property. The property immediately to the east of it, and to the right, the darker shaded area on the plan that was there, is currently occupied by a two-story building that has a hairdresser on the site.

Both properties have been acquired by PEMM and

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their desire is to redevelop the property into a modern gasoline station and convenience store location. The current repair use of the property is -- would be discontinued. Depending on the concept plan we are talking about, we could be maintaining the same building but two of the concept plans talk about a new building on the site.

The subject site will require relief from the Zoning Board as well. The relief required from the Zoning Board is a little bit different than what we see for other things like a use variance, because we have an interesting pre-existing nonconforming situation right now with the repair facility and the gas station, which is not a permitted use in the BF1 district. The BF1 district does allow convenience stores on the site, but the definition under the town code says gasoline shall not be sold.

So, our proceedings in front of the Zoning Board is basically to go before them to receive approval for a more conforming nonconforming use, if you will, as provided for under the town code. Because basically what we are doing as far as uses are concerned are taking the repair facility which is clearly a non-permitted use, and replacing it with a permitted use, being the convenience store. Although it does require relief because gas station -- because gasoline sales



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will also occur on the site.

The intention is to combine the two properties. There are three concept plans, which John is going to present. The first one is basically keeping the same buildings, the building and canopy as we have. The two are alternatives which we think probably are going to be more desirable from the Planning Board's point of view, placing the building either at the site where the current building housing the hairdresser is located, or the third alternative would place that building on more near the corner of Monroe Avenue and Elmwood Avenue.

The developer's preference is to go with option number two, the building as currently shown by Jeff. Thank you, Jeff. And I hope I haven't totally usurped all of John's presentation, but now I'm going to turn it over to John to carry this forward.

JOHN SCIARABBA: Good evening, everybody. Can everybody hear me? My name is John Sciarabba with LandTech, as Jerry has said. And I think he did steal a lot of my thunder.

MR. GOLDMAN: Sorry.

JOHN SCIARABBA: Yes, that's fine, Jerry, that's fine. The plans you see before you are, you know,

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kind of simplistic in nature and really just to guide us this evening on the intent of the Board and to gauge your feelings on what you would like to see here.

The conversation with my client, is that they want to make this an asset to the Brighton community and whatever means they have to go through, as long as their business operation can work there, they will do. I am sure Ken will speak to that in a little while.

Last week we went to the Conservation Board and showed the Conservation Board the same three concepts. They really did not like concept one, which is the keeping the existing building, remodeling that building, razing the house to the south and proposing a new parking lot. They really didn't think that was going to work out too well.

They wanted to see a revitalization of the corner and they were happy with the fact that, you know, the owner is willing to spend a lot of money on the new building.

So that's really where we are with that. I don't know if you want me to stay on this or you guys want to talk about it. But, again, this is a very basic site plan. We're proposing to keep everything as it is and totally remodel the building, put outdoor seating facing Monroe Avenue and having a new entrance on the south side of the

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building.

CHAIRPERSON PRICE: John, could I ask you to go through, walk through all three alternatives and then we'll take them up and if Ken and the gentleman talk a little bit about operations.

JOHN SCIARABBA: Sure. So, if we move on to concept two, and this is our preferred option, this would propose a brand new building, 2,500 square foot in size, this building would be set back approximately 11 feet from our southern property line, generally where the existing hair salon building is.

We would have access to Monroe Avenue via a sidewalk and access from an existing curb cut. This proposal shows a closing of two curb cuts which are closer to Monroe Avenue. I believe right now we have a total of three curb cuts on the total holdings, which would be kind of a nightmare.

So we are planning on working with the Monroe County DOT, the State DOT to come up with the best option. But option two would allow a canopy towards the intersection and an area for landscaping beyond that to dress up the corner. This works well for traffic flow for cars and pedestrians.

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We also propose an outdoor eating area, seating area to the east of the building, more like in the back and provided other opportunities and Dumpsters and things like that, which we could get into the nit-and-gritty of that in the future.

The reason why we think this works pretty well, is the operation of the building, the convenience store having one main entrance in and entrance out for security reasons, operationally, coolers and things such as that.

Also, the canopy is elevated so the site distance as you drive down Monroe or Elmwood Avenue, you can see through the corner. Yes, there might be cars there, there might be landscaping there, but you can see as you drive down the road.

So that's really the elements of this plan. It works well, it flows well, and, you know, obviously future plans will be dressed up a little bit more to show more detail.

Option three is taking a same 2,500 square foot building, pushing it into the intersection creating a landscaped corner with outdoor seating projected towards the corner. We will have a sidewalk for pedestrians along the south side of the building that will access both from Monroe

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and Elmwood Avenue.

We would have a new canopy to the rear of the property, and parking associated with that. This, the issues we have operationally are the two front doors, a fairly dramatic increase in costs of the building. You can imagine now we have created a building that we want to be an asset to the community, now we have to do that on both sides, so extensive architectural features on that.

We are blocking possibly the site distance as you traverse Monroe and Elmwood Avenue. So, that's the issue. And also, within the building having areas where you can't have coolers and things like that. So that's the main issue.

So, we're really looking at those three issues. We'd like to discuss openly and hopefully after discussions this evening, we can move forward in a direction in one of these two options and prepare more detailed plans in the future. So, I guess, that's where we are. I don't know if Louis or Ken want to say a few words.

CHAIRPERSON PRICE: Please go ahead.

KEN PERELLI: Thank you to the Board for taking our concept review this evening. I'm Ken Perelli, I'm with PEMM LLC, Quicklee's gas station. My role is operations

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3 and development, so, you know, when it comes to questions  
4 specifically pertaining to the building and the operation,  
5 I'm happy to answer those.

6 I think John and Jerry have both done an  
7 excellent job introducing our three concepts, and really  
8 looking for direction of the Board for one of those concepts  
9 so that we can continue to develop that plan, per the Board's  
10 direction.

11 Some of the things I wanted to point out, with  
12 both concept two and concept three, we're really addressing  
13 the walkability, access and safety; reducing three curb cuts  
14 on Monroe Avenue down to one; and two curb cuts on Elmwood  
15 down to one. We have direct sidewalk connection to existing  
16 sidewalks on Monroe Avenue and Elmwood, as well as increasing  
17 impervious lot coverage between asphalt and sidewalk, which  
18 currently doesn't exist.

19 You know, the existing conditions have asphalt  
20 directly abutting the sidewalk, and I think those are huge  
21 safety concerns for any high traffic operation such as what  
22 exists currently.

23 So, obviously, we, in both of these plans we  
24 have taken into consideration in at least showing that our  
25 thoughts are towards electric charging stations, outdoor

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seating, bike racks, walkability, and safety. All which are proposed in option two and three, and we did our best even in option one where we leave the existing building, but there are limitations as to what can be accomplished given the current footprint.

LOUIS TERRAGNOLI: Good evening, everyone. I am Louis Terragnoli, I am director of real estate with Quicklee's. I just wanted to add with regard to the landscaping where the existing site really does not have any. Whether it's option two or option three, the amount of landscaping has been dramatically increased both in the quantity and what we will have as the quality of the landscaping to dress up that corner. And even with our outdoor seating, that will be dressed up appropriately for both aesthetics, and both safety for the customers and the residents of the neighborhood.

MR. GOLDMAN: I'd like to add a couple more comments, also, if I can. This is Jerry. Because the Monroe and Elmwood intersection is not a 90-degree intersection, It does create some interesting lot lines, if you will, taking a look at this.

One of the issues we would have to deal with if we were in option number three is that the variances that

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we would be seeking from the Zoning Board would be pretty extensive and pretty extreme. We are not far off property lines because we would have no choice. No matter what we did, we would be pretty close to property lines over there.

So, in essence, if we're going to an option three, I think we would need some pretty very solid support from the Planning Board on the concept itself.

Also, obviously, as we progress further, we will be presenting the architectural work and Quicklee's does a really nice job of their architecture on all of their locations and they understand that this is a high profile intersection for the Town of Brighton. It's one that I personally have hoped would be redeveloped in the way to bring some good modernity, if you will, and some good design to all of the uses on the 12 Corners.

So, with that, I guess we would be looking for the Board's input, unless anyone on the team has anything else to offer, I think we're good.

CHAIRPERSON PRICE: Okay, thank you, Jerry.

Does -- all right, so, we have three options before us. Is there anyone that -- usually with concept review, Ken and Louis and John, we tend to go around Board member by Board member just to get thoughts and ideas so that



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3 you get a sense of where we are coming from. We do not  
4 rehearse this, so this is, you know, everybody's individual  
5 opinions and then I would try to wrap it up at the end and  
6 see if I could tell you if there were some, you know, overall  
7 ideas of where we're giving you guidance, that we're able to  
8 give you.

9 Laura, do you have any thoughts or comments?

10 MS. CIVILETTI: I think my concern about  
11 option three with moving the building up to the corner would  
12 definitely be the site lines through the intersection. Since  
13 it is on an acute angle, I think there's an opportunity for  
14 the proposed building location to obstruct, you know, the  
15 view of people who are approaching the intersection, making a  
16 decision about whether they should, you know, try to proceed  
17 through the intersection, especially on a yellow light, which  
18 is when people tend to make bad decisions any way.

19 The other options, you know, I think if the  
20 existing building is useful, obviously it would be good to  
21 try to utilize it versus demolishing and building new. But I  
22 don't really have a strong opinion one way or the other, you  
23 know, between the existing building or the new building in a  
24 similar location.

25 CHAIRPERSON PRICE: Thank you.

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3 Karen?

4 MS. ALTMAN: I would like to know a little bit  
5 more about -- can you hear me? I know I'm --

6 CHAIRPERSON PRICE: Yes.

7 MR. BOEHNER: Yes, we can hear you, Karen.

8 MS. ALTMAN: Okay, good. I'd like to know a  
9 little bit more about Quicklee's operations in terms of  
10 what's in the store, how the store, you know, what are the  
11 uses in the store in that 2,500 square foot building to  
12 understanding a little more about your business model there?

13 KEN PERELLI: Yeah, I think so I can speak to  
14 that. Thank you for that question.

15 So, Quicklee's, I'll just give a little bit of  
16 an overview. We are a family owned and locally operated gas  
17 station convenience store chain. We're based out of Avon,  
18 New York. We have 23 locations in the surrounding area. We  
19 do extend as far north as Watertown and as far south as  
20 Belmont in Allegany County, with the majority of our stores  
21 being in Monroe County and Livingston County.

22 We're kind of eclectic, in that we acquire  
23 existing stations and rehab them as well as build ground up  
24 from, you know, through land acquisitions. We have a large  
25 variety of offerings, this would be one of the smaller raze

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and rebuilding opportunities, in that we don't have a lot of, you know, -- on our sites, on our bigger sites we develop car washes, we have drive-thru's with quick serve restaurants.

We do utilize local family -- other family owned and operated restaurants or food offering. Mozzeroni's Pizza are in some of our locations, Calabresella's Subs and Delis are in some of our other locations. So, it's not just QSR, we partner with whatever the site calls for.

In this case we are actually not proposing any of those additional uses. This would be more strictly a traditional convenience store with gas services. Our convenience items are pretty typical; snacks, chips, drinks, sodas, beer. There's lottery, there are cigarettes and tobacco products, those are all part of our traditional C store offerings. We are responsible retailers, in that we strictly adhere to all state regulations and controls for all of those offerings.

This would not be a 24-hour location. This would be -- you know, some of our locations are 24-hours, typically ones that are more highway oriented for late travelers. Our community ones are more of a typical 5:00 to 10:00. 5:00 to 11:00, whatever, you know, might be part of the town's limitations.

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A good example of a site that we recently purchased and remodelled and added to is in the Village of Fairport, so we are familiar with working within villages and walking communities. This, we acquired a gas station, an existing gas station convenience store, we added on square footage, added Calabresella's Deli, put outdoor seating, sidewalks, bike racks, refurbished the whole site.

We met with the architectural committee of the village, as well as the Village Planning Boards, Zoning Boards, went through all the due process. Utilized architects to help bring in the historical look of the village into our development. So, that's something we are accustomed to.

We don't have kind of like a box prototype that has to go on every site. We really do try to work within the framework of the community. Obviously, we want our building to fit in with the surrounding, but also stand out in that it, you know, is essential to our business to have a certain draw.

We do also, part of our program, we develop a customer loyalty program. We work with the local manufacturers. We feature what we call a go local section, which is an opportunity for start up convenience items, maybe

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3 like a popcorn or a beef jerky, or a hot sauce or a pasta  
4 that maybe are trying to break into the retail market that  
5 don't have a good distribution stream or marketing stream.  
6 And we let them join what we call our Go Local program where  
7 we feature them for a period of time, give them floor space,  
8 give them opportunity to introduce their products to the  
9 communities over 24 locations, which is sometimes really hard  
10 start up retailers to do.

11 So, we are really proud of that. It is one of  
12 our distinguishing features. We help them advertise, we tie  
13 them into our advertisements and promotions. And it's  
14 something we take a lot of pride in, obviously as family  
15 owned and locally, you know, residing in the communities that  
16 we operate we take a lot of pride in helping our neighbors be  
17 successful as well.

18 MS. ALTMAN: Second question, is there a  
19 proposed electric charging station on both of the new  
20 building alternatives or just this alternative three?

21 KEN PERELLI: There is electric charging  
22 proposed on both option two and option three. They're in  
23 different locations relative to the building, but they are  
24 both included, yes.

25 MS. ALTMAN: Okay, thank you.

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3 CHAIRPERSON PRICE: Thank you, Karen.

4 John Osowski, do you have questions, comments?

5 MR. OSOWSKI: Sure. You know, as much as  
6 we're all fans of mid-century modern architectural gas  
7 stations, I wouldn't mind seeing this one get torn down and  
8 being replaced. However, that does bring up a question, just  
9 to make sure that there is no historic significance of the  
10 Mobil station that's there now. And if the architectural,  
11 you know, the review board needs to, you know, pass judgment  
12 on it not having historic significance, I don't want to see  
13 that trip up this development, that's all. So, I'm just  
14 throwing it out there.

15 MR. BOEHNER: It's the Historic Preservation  
16 Commission.

17 MR. GORDON: It would be presented to the HPC  
18 to see if they had an interest in designating this property  
19 as a historic landmark. That's something that we do any time  
20 a building is intended to be demolished.

21 MR. OSOWSKI: Okay, good, thank you. And I'm  
22 curious, would this remain as a Mobil station or an EXXON  
23 Mobil, or is that not determined yet?

24 KEN PERELLI: We have not determined that yet.  
25 We primarily do brand our convenience -- or our gas canopies

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1 Mobil. I think out of our 23, 15 of them are branded Mobil,  
2  
3 six of them are branded Marathon. And we have started  
4  
5 introducing a proprietary brand, which is a Quicklee's  
6  
7 branded canopy. It gives us a little more flexibility with  
8  
9 the canopy, where some of the other brands have higher  
10  
11 demands for signage.  
12

13 And sometimes, to be quite honest, that can  
14  
15 become quite overwhelming these days with additional signage  
16  
17 when it's required by the brand and we don't have control  
18  
19 over that through those brand agreements.  
20

21 And there are ways to mitigate that or reduce  
22  
23 that through, you know, town restrictions, but for the most  
24  
25 part we have a lot more flexibility and design with it being  
26  
27 proprietary.  
28

29 So, and what I mean by that is, it's unbranded  
30  
31 fuel. It could actually be Mobil fuel on the ground, it  
32  
33 could be Sunoco fuel on the ground, it's whenever is  
34  
35 available at the rack that day. You don't designate a  
36  
37 certain brand. And then your canopy would indicate, you  
38  
39 know, Quicklee's instead of a national fuel brand. And  
40  
41 equivalent to, like, a Fastrac or a Byrne Dairy, a Delta  
42  
43 Sonic, for example, just some of the other proprietary fuel  
44  
45 that's in our community.  
46

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2  
3 MR. OSOWSKI: Okay. Because Mobil does have a  
4 cool app that lets you use your cell phone to log in to a  
5 particular pump and fuel up your car without having to use a  
6 credit card or anything like that. So, anyway I'm sure  
7 you're totally aware of that.

8 Is that 2,500 square foot, that be typical for  
9 what might be called your plain Jane type of convenience  
10 store?

11 KEN PERELLI: Yes. I would say that's fairly  
12 typical. Without a food partner, that's a pretty average  
13 sized convenience store. Currently, a lot of operations are  
14 building them bigger, but that's not necessarily critical for  
15 carrying the basic items. I would say, 2,500 square foot  
16 building is just about the smallest that we would build  
17 currently.

18 MR. OSOWSKI: All right, thank you very much.

19 CHAIRPERSON PRICE: David Fader, questions or  
20 comments? David, are you there?

21 MR. BOEHNER: David? I don't know if he hears  
22 us.

23 MR. FADER: Can you hear me?

24 CHAIRPERSON PRICE: Now we can.

25 MR. FADER: Okay. Yeah, my -- I'm getting an



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you're internet connection is unstable, message. Whatever that means.

So, my thought was that concept three, although it's kind of futuristic and trendy, seems to not be quite as practical, for both the reason Laura said, it's sticking out almost in the intersection, plus, the building has two doors. So, I kind of liked concept two, and I thought you could make a couple tweaks to it that would make it almost as good as three. I mean, you have some landscaping out at the point of the intersection, and you can stick, like, a table out there for somebody to sit if they wanted. So you still have, like, a little area to hang out.

And also, not as important but just a thought, you could extend the sidewalk on through to Elmwood so you have a path kind of like in three, to take a shortcut around the intersection and get to the store easier. So, those are the things that jumped out at me.

CHAIRPERSON PRICE: Okay, thank you.

Jason.

MR. BABCOCK-STINER: Yeah, I prefer three. I think that it fits in better with some of the [inaudible] for that area. I'm less concerned about the site distance. They are all no turn on reds, if I remember correctly. So, you're

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not going to have, you know, folks should not be turning there anyway. But, I think this one does a better job of putting a good foot forward in a pretty location. And to get, you know, this opportunity isn't going to come around again. So, that's all I have.

CHAIRPERSON PRICE: All right.

Well, I'm not sure we're giving you guys a clear direction.

MR. GOLDMAN: To tell the truth, this is number one, number two, and number three, right?

CHAIRPERSON PRICE: I'm in complete agreement with Jason, number three is the preferred alternative for me for a lot of reasons. I don't personally care, we've given the automobile a lot of consideration and worrying about site distances for people in cars is not my priority.

And 12 Corners, we have tried in the past to do what we can as a Board to make it as pedestrian friendly as we can, with some success. A little bit of success over across the street at 12 Corners Plaza when that was updated. A little bit back when Rite Aid came in, but again, we weren't able to get the parking to the back and the building moved up front. That was probably 20 years ago now.

But Ken Perelli is clearly in tune with urban

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design principles, and terms of walkability and bike/ped access, and this accomplishes this.

Another thing to think about is, you know, yeah, gas stations are going to be here for a good 20 years, but I don't think any of us are going to say after 20 years this gas station is going to operate on fossil fuel. I've waited 35 years in this community for this parcel to be modified, always hoping something real would happen. We had some canopy improvements on the Sunoco station, and we ran into that branding issue with their signage, but we got no opportunity relative to anything with the canopy.

So, this is an opportunity, as Jason mentioned, that I would really hate us to miss. This kind of layout and design would actually put you in the forefront of not only local efforts, but nationally a lot of organizations like the Congress for New Urbanism and APA, and Urban Land Institute, are all developing standards where gas stations are putting the building up front, the fuel canopies and pumps to the back. A lot have codes for this, but they're just not seeing them implemented. There's other only a handful in the country.

So, I think we have a real opportunity. Can you find a way to not have to have two fronts? I apologize,

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1  
2  
3 but I can't necessarily see a way, other than a corner  
4 entrance that could serve both sides and just let people deal  
5 with the fact that they have to walk around on the sidewalk  
6 out to your plaza, and, just have that one entrance.

7 I wouldn't -- if that's a significant issue  
8 and affects your operations, I would, you know, ask you to  
9 consider, say, a corner entrance if that does work. But the  
10 fact that the intersection side doesn't have an entrance, I  
11 don't know diminishes.

12 I would like it to have some glazing and  
13 windows, and the ability to see people and activity inside.  
14 But I think people being able just to go outside, have an  
15 opportunity to sit down is accomplished just by having that  
16 patio and plaza space out on that side.

17 But this is, you know, whether you meant to or  
18 not, you're accomplishing very progressive ideas with this  
19 alternative. And I for one would not ask you to consider  
20 anything but that.

21 MR. FADER: That was so good, Bill, that you  
22 caused me to change my mind to three.

23 CHAIRPERSON PRICE: Okay. Well, I mean, it  
24 would put all of us on the radar of good design and good  
25 planning and equal attention to pedestrians, bicyclists, you

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know, fuel vehicles, electric vehicles. You're setting a lot of good precedents of, I guess that's sounds like you have three of us as least that are thinking this would be a good alternative.

MR. GORDON: Hey, Bill, it's Ken Gordon. Could I ask just a couple operational questions, really just to follow up on a couple things Karen raised, which I was interested in as well. And maybe Ken Perelli or whoever can answer these.

So, I think I heard you saying in response to Karen that one of the products you sell regularly is beer. And I see that you are planning to have outdoor dining in both concepts two and three. I'm just wondering if you considered or are familiar with Brighton's open container laws. You are adjacent, your eating areas are adjacent to sidewalks right there, which are public lands.

And I just wondered if you considered whether alcoholic sales, beer sales, directly across from 12 Corners Middle School is appropriate? So just something to think about that perhaps, Ken.

KEN PERELLI: Sure. And if I could address that question?

MR. GORDON: Yeah.

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KEN PERELLI: So, our liquor licenses do not allow for on-site consumption. So, whether we have seating or not, there's no on-site consumption, that is directly against the license that we hold. We would be held to the penalties of the State liquor authority for those.

There are no restrictions on sales of those materials across from schools. So I will say they are a pretty integral part of a convenience store. And point of fact, it's something that the Town of Brighton lacks availability for as it currently stands.

I can speak to the fact that we are extremely responsible retailers. I mean, we have a no ID, no service. All sales require ID, which actually gets us into a lot of hot water with, let's say, you know, a 65-year-old male with white hair and a beard who, you know, is upset about having to --

MR. GORDON: I'm not 65 yet.

KEN PERELLI: That wasn't directed towards you, Ken. You don't have white hair. I'm getting close to no hair, I'll take white hair.

But, yes, I mean, we run into more challenges for those issues and we have not wavered on our policies once. I mean, it's a mandatory ID for sales.

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And, again, if there were any laws that the State liquor authority had, again in terms of distances -- now, we can't advertise it, just like tobacco. We can't have tobacco advertisements in the window across from schools, there are a lot of things to consider, but we don't actually do a lot of window advertising either.

And this is not a bodega, this is going to be an upscale convenience store, interior design, interior decor, highest end materials. Our presentation is going to be, you know, the best around. I mean, and so will our operation, our commitment to the operation will be the same.

MR. GORDON: Well, being a resident of Honeoye Falls, I'm somewhat familiar with your Quicklee's, so.

MR. GOLDMAN: We will raise something, Ken, along the same lines that you've addressed. And that is I'm not sure that Ken Perelli is familiar with it or not, but there won't be any vaping products sold.

MR. GORDON: That was going to be my next question, thanks, Jerry. I know that you sell smoke products, do you sell E-cigarettes or do you sell vape material?

KEN PERELLI: We do sell E-cigarettes. Those are things that are a small part of our business and can

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certainly be eliminated from the set, based on any town policies or town code.

MR. GORDON: We do have a town code that restricts the sales of vape products and E-cigarettes to basically industrial zones, light industrial zones in the town.

KEN PERELLI: Operationally --

MR. GORDON: And does restrict it within 500 feet of schools or residential areas. There'd be a lot of reason why you couldn't sell E-cigarettes or vape materials out of that location.

KEN PERELLI: That's not a problem. I mean, current legislation on those is becoming so restrictive that the categories, it won't be long, you know, even in other stores where there are no restrictions by town policies or code, they are becoming quite diminished as it stands anyhow.

MR. GORDON: Thanks for addressing this.

KEN PERELLI: My pleasure, thank you.

CHAIRPERSON PRICE: Thanks, Ken.

Ramsey, how about you, do you have some questions?

MR. BOEHNER: Well, I think a couple of observations too, our hours of operation in that zone



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1 district is 6:00 a.m. to 12:00, midnight, just for your  
2 information. I think we are going to need to talk a little  
3 bit about what's going on with that outdoor seating. Who's  
4 it intended to serve? Is it community seating, is it seating  
5 for a restaurant? That's a discussion we'll need to have so  
6 I can figure out how the -- what the process would be for the  
7 outdoor eating.  
8

9  
10 The other thing is, Jerry, we're going to need  
11 to talk about the different variances. I haven't looked at  
12 this plan very closely, that you'll need. One of the things  
13 I do have a concern with is at the pumps, and the gasoline  
14 sales are moving to a different lot. So I don't know what  
15 that does to their nonconformance, because you can't move a  
16 nonconformance to another area or another parcel of lands.  
17 So we will need to look at that if you're going with  
18 number three.

19 Number two, a lot of the same comments. If  
20 you're going there we're going to need to figure out if  
21 you're meeting parking and what other variances you need and  
22 figure out the process for you guys to move forward.

23 The other thing is that we're going to need a,  
24 I'd like to have a traffic study of the area, because I am  
25 worried about gapping houses and cars being able to get in

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and out there. That's part of the reason why we didn't allow convenience stores with gas stations. That we were worrying about the traffic congestion and the traffic hazards that could be created by them.

And we've talked about that, so that is something we will certainly want to have a look at and just understand how this is going to operate in relationship to those intersections.

MR. GOLDMAN: Okay. A lot of good points. A lot of things that we really have to take a look at in order to be able to effectuate this plan. It may make some determination on where we're going with two or three, because two clearly doesn't have the problem that you had spoken about, about the location of the gas pumps.

So, you know, we have to balance all of those things and try to figure out how best we get to --

MR. BOEHNER: Yes.

CHAIRPERSON PRICE: I would hope we could overcome those kinds of issues with the benefits that three would offer.

MR. GOLDMAN: Yeah --

CHAIRPERSON PRICE: If we're stuck with this 50 years, and I would hate to think we had an applicant that

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came in with this alternative and we find ways, too many ways for it not to happen.

MR. GOLDMAN: And I know it's not typical for the Planning Board to affirmatively express their opinion to the Zoning Board on issues related to variances. Like I said, three does provide more challenges in terms of just the nature of the variances we would require in terms of the amount of relief, substantiality of the variances and the like, given its location.

So, we would hope, if that's where we wind up with some support from the Planning Board and us going to the Zoning Board.

CHAIRPERSON PRICE: How do we, Ken or Ramsey, how do we show that support in an appropriate manner? Should they --

MR. GORDON: Bill wanted both meetings, so I certainly can express that directly. I'm sure Jerry's going to be presenting at both meetings, as his client, so.

MR. GOLDMAN: They'll believe Ken more than they'll believe me, but the fact of the matter is, is that while it's not in Brighton's tradition it certainly is a lot of other municipalities, so we can figure out the way.

MR. GORDON: I defer to Ramsey on this, but

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1  
2  
3 it's something that we, I think, try to not do is have the  
4 Planning Board give, if you will, advisory opinions to the  
5 Zoning Board.

6 MR. BOEHNER: Yeah, there's also, it's  
7 outlined in our codes what Boards could ask, what advise or  
8 recommendations of what Boards.

9 MR. GORDON: But I think there's a way to  
10 deliver that message, Bill, I really do. You know, and if  
11 Jerry and I are there both saying the same thing, I mean,  
12 that's a rare occasion anyway.

13 MR. GOLDMAN: I'd like to think it's more  
14 common.

15 CHAIRPERSON PRICE: Okay. So, I think we're  
16 actually presenting you a split decision, unless, John,  
17 Karen, or Laura have a change of heart and then I think --

18 MR. OSOWSKI: Well, Bill, I didn't make an  
19 opinion regarding one, two, or three. I defer it to someone  
20 more erudite than me to make that. So, I'm totally on board  
21 with what you said, Bill, so thanks for asking.

22 CHAIRPERSON PRICE: Okay.

23 MS. ALTMAN: I didn't offer a firm opinion  
24 either. I do agree with you about having the building up  
25 front and being most visible from the intersection is

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something that is desirable, so.

CHAIRPERSON PRICE: Okay.

MR. GORDON: Jerry, maybe you can give me a call offline and we can kick around some ideas.

MR. GOLDMAN: Sure.

CHAIRPERSON PRICE: Laura, did you have other thoughts?

MS. CIVILETTI: Well, I appreciate your impassioned advocacy for putting the building up front. I still have concerns about site lines, especially at that intersection. So, sticking with my original opinion.

CHAIRPERSON PRICE: Okay. I never really told you my real desire would be to have a four-story multiuse building over --

MR. BOEHNER: I was wondering if you were going to keep it to yourself.

CHAIRPERSON PRICE: No, that would put the pumps on the other side.

MR. BOEHNER: Certainly would.

CHAIRPERSON PRICE: Okay. Jerry, I hope we gave you some thoughts, John Sciarabba, Lou, and Ken. I know what you've got to do, you've got to go back and weigh everything. But you have been thinking out of the box a bit

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and we appreciate it. And appreciate your presenting these alternatives to us to discuss. Thank you.

JOHN SCIARABBA: Thank you for your time this evening.

MR. GOLDMAN: Thank you very much. We'll be contemplating that. I'll take Ken up on his offer to give him a call, Ken Gordon. Also will be talking to Ken Perelli, but, you know, and we will see where it goes.

CHAIRPERSON PRICE: Thank you guys, appreciate it.

MR. GOLDMAN: Thank you.

CHAIRPERSON PRICE: Okay. Folks, do we want to take care of our first application or Public Hearing, and then move to signs?

MR. BOEHNER: Yes, good idea, Bill.

CHAIRPERSON PRICE: Those applicants, representatives are on the line, so why don't we return back to the first application.

APPLICATION 9P-NB1-20

9P-NB1-20 Application of Baptist Bible Temple, owner, and Clover Park Properties, LLC, Revised Plans contract vendee, for Preliminary Site Plan Approval to convert an existing church building into high end office

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space (construction of a 2 story, 10,000 sf building addition has been eliminated) on property located at 1075 Clover Street. All as described on application and plans on file.

TABLED AT THE NOVEMBER 18, 2020 MEETING - PUBLIC HEARING REMAINS OPEN - ADJOURNED TO THE MARCH 17, 2021 MEETING AT APPLICANTS' REQUEST.

MR. BOEHNER: It should be 21 -- oh, it's 20, that's right.

CHAIRPERSON PRICE: Right. Yes. So, the project has been modified, it appears there are significant, well, there's some other approvals necessary for prior to us making a site plan determination -- or site plan approval.

But, why don't we first start by designating ourselves lead agency?

MR. BOEHNER: Thank you, Bill.

CHAIRPERSON PRICE: Under SEQRA, I move the Planning Board approves taking lead agency under coordinated review for Application 9P-NB1-20. Is there a second?

MS. ALTMAN: Second.

CHAIRPERSON PRICE: Okay. We had moved and seconded Planning Board taking lead agency under coordinated review. Is there any discussion?

Okay, Mr. Secretary, will you please call the

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roll?

MR. BOEHNER: I will. This is to designate the Planning Board as lead agency.

Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Lead agency passes.

CHAIRPERSON PRICE: Okay. With the number of outstanding issues prior to us being able to make a SEQRA determination, and then have the Zoning Board of Appeals make their decisions, do we have a motion to table the application?

MR. FADER: I move the Board tables Application 9P-NB1-20 based on the testimony given and plans



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submitted, and the 23 items of additional information outlined in the Planning Board report. I request it to make a determination of significance and to have a complete application.

1. The TIS shall be reviewed and approved by Town Engineer and the authorities having jurisdiction

2. All required variances shall be obtained.

3. The architectural design and building materials of the proposed building improvements shall be reviewed and approved by the Town of Brighton Architectural Review Board.

4. All parking lot lighting shall be low in height and intensity and directed toward the building.

5. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.

6. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet.

7. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

8. All outstanding Site Plan comments and concerns of the

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Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.

9. All County Development Review Comments shall be addressed.

10. The parking lot lights shall be placed on a timer.

11. The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted with the final application.

12. The location of any proposed generators shall be shown on the site plan.

13. The location of the HVAC shall be shown on the site plan

14. All comments and concerns of the Town Engineer as contained in the attached memo dated March 16, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

15. A letter or memo in response to all Planning Board and Town Engineer comments and requirements shall be submitted.

16. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of

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movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

17. The TIS must be submitted to and approved by the Monroe County Department of Transportation, New State Department of Transportation and the Town of Brighton.

18. A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be submitted.

19. A SWPP will be required if area of disturbance is greater than 20,000 sf.

20. The proposed buffer between the proposed parking and neighboring properties shall be increased.

21. The cut sheets for the proposed light fixtures should highlight the model to be used on site. The proposed fixtures should be full shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.

22. The banked parking area shall be restored as lawn area. The plan shall be revised to show this modification.

23. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line and fencing shall be depicted on the plans.

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2

3

CHAIRPERSON PRICE: Is there a second?

4

MR. BABCOCK-STINER: Second.

5

6

MR. BOEHNER: There may be something in here  
talking about the west property line?

7

8

CHAIRPERSON PRICE: Jason, was that you  
seconding?

9

MR. BABCOCK-STINER: Yes.

10

CHAIRPERSON PRICE: Okay, thank you.

11

MR. BOEHNER: Sorry, just before you --

12

13

MR. FADER: I have a question on my own  
motion. Do we want the determination of significance in  
there since we already decided we were going to be lead  
agency?

14

15

16

MR. BOEHNER: No, you don't need the  
determination of significance. We're not there yet.

17

18

MR. FADER: Okay, then I'll drop that --

19

MR. BOEHNER: Yes, please do.

20

21

MR. FADER: -- and just be requested to have a  
complete application.

22

MR. BOEHNER: That's right.

23

24

Oh, no, I'm sorry, David, and it is to make a  
determination of significance because part of what you're  
asking for is the submittal of the final traffic and approval

25

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of DOT and the Monroe County DOT.

MR. FADER: Okay. Then I'll leave it as it was originally and --

MR. BOEHNER: You had it right the first time.

MR. FADER: Hopefully whoever is taking minutes won't punish me.

MR. BOEHNER: Well, that's, you know, why you have an intern there to learn when we become difficult. Okay.

So, call the order?

CHAIRPERSON PRICE: Yes, moved and seconded, any further discussion? Okay, please call the roll.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

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MS. ALTMAN: Aye.

MR. BOEHNER: Application is tabled.

CHAIRPERSON PRICE: Thank you, everyone, that participated in this application tonight. See you next month, I guess.

All right. Shall we, we don't really do anything else with concept, do we?

MR. BOEHNER: No. I'll give then the Conservation Board comments and Evert Garcia's comments. We just have to talk about process and the best way proceed at this point, Bill. More of a process standpoint.

CHAIRPERSON PRICE: Okay. Well, looks like you've got some signs for us.

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**SIGNS:**

1597 Sunny's Family Diner, for a building face at 2171 West Henrietta Road.

1601 Hurlbut Care Communities - Woodside Manor Nursing and Rehabilitation, for a freestanding sign at 2425 S. Clinton Avenue.

1602 OrthoLazer - Orthopedic Laser Center, for a building face sign at 2210 Monroe Avenue.

1603 RFG Training and Nutrition, for a building face sign at 1900 S. Clinton Avenue, Suite 750.

1604 Upper Cervical Chiropractic of Rochester, for a building face sign and two freestanding signs at 749 E. Henrietta Road.

MR. BOEHNER: Yes, we do. And I don't know if this is actually on the agenda.

Jeff, what sign number is this?

JEFF FRISCH: 1597, it's not on the --

MR. BOEHNER: I'd like to add this to the agenda. They have made an application to the Zoning Board of Appeals. It has not been heard. To move this thing forward, because he is trying to open after a long, long haul to a pandemic. I was thinking we may, if you are okay with the signage, that it is conditioned on getting the necessary

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variances from the Zoning Board.

CHAIRPERSON PRICE: Okay. And ARB did approve as presented, right?

MR. BOEHNER: Yes.

MS. CIVILETTI: I'm good with that.

CHAIRPERSON PRICE: I'm good.

David Fader?

MR. FADER: I'm good. I want to eat there.

CHAIRPERSON PRICE: Okay.

Jason?

MR. BOEHNER: So, it's approved with the condition that all Zoning Board of Appeals variances be obtained.

CHAIRPERSON PRICE: Yes, aye.

MR. BOEHNER: I'll call the order, if that's okay?

CHAIRPERSON PRICE: That's fine.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.



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MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Thank you.

Okay, Jeff, next one. I'll let you handle this one, Jeff.

JEFF FRISCH: This one is also not on the agenda. I don't know if it was approved last time. Did you guys look at this one before? I think it was tabled based on the application from the ARB tabling it.

MR. BOEHNER: Yes, they had the fake brick.

JEFF FRISCH: Yeah. So, they originally had fake brick on the bottom and they changed it.

CHAIRPERSON PRICE: Okay. So, this is 1057 --

JEFF FRISCH: East Avenue.

MR. BOEHNER: And this is sign 1598.

CHAIRPERSON PRICE: East Henrietta.

MR. BOEHNER: 1598.

CHAIRPERSON PRICE: 1598, okay. So now it's

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got -- oh, that's --

JEFF FRISCH: It's for both signs. They needed a variance for this sign, which they did get.

CHAIRPERSON PRICE: Okay. Well, that was tabled pending the --

JEFF FRISCH: There was a change of materials. Originally, you can kind of see it up here, where they had like a faux brick kind of painted on the metal.

CHAIRPERSON PRICE: Right. And has that detail been changed?

JEFF FRISCH: Yes. It's as shown now where it's the same anodized.

CHAIRPERSON PRICE: Okay, all right. So --

MR. BOEHNER: That isn't a -- if you're okay with it, it's approval as resubmitted.

CHAIRPERSON PRICE: I'm good. I think you just have to call the roll. The motion is to approve as resubmitted.

MR. BOEHNER: That is correct, Bill. Did anyone make the motion, I'm sorry?

MR. FADER: I'll make the motion.

CHAIRPERSON PRICE: As resubmitted, Application 1598 for 1057 East Henrietta Road, a freestanding

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sign and directory sign.

MR. BOEHNER: That's correct. Second?

MR. FADER: I'll second it.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

MR. GORDON: Ramsey, this is Ken. Just so I can keep my score sheet straight, who made the motion and the second for Sunny's? I heard Mr. Fader strongly supported, I think that was either the motion or the second.

MR. BOEHNER: Yes, I think it was, I thought it was Price and Fader.

MR. GORDON: Okay.

CHAIRPERSON PRICE: Actually, Jason was in

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there somewhere.

MR. GORDON: As long as the record's got a motioner and a seconder, I don't care.

CHAIRPERSON PRICE: Okay.

JEFF FRISCH: The next -- are we ready to move on to the next one?

MR. BOEHNER: Yes, that would be 1599.

JEFF FRISCH: There's a few of these Hurlbut, they ave signs at three of their properties and they are replacing the ones that are existing. So there's a few of these that look very similar.

MR. BOEHNER: This is 1177 -- or 1117 East Henrietta Road?

JEFF FRISCH: Yes.

MR. BOEHNER: Why don't you go to the next one, Jeff, and we can do maybe one motion for them.

JEFF FRISCH: This one's at 1919 Elmwood Avenue.

MR. BOEHNER: It's right up the road here.

JEFF FRISCH: And then the third one is at 2425 South Clinton Road and that's where the Woodside Manor.

CHAIRPERSON PRICE: All right. Do we want to make a motion to approve -- I will make a motion to approve

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sign Application 1599, 1600, and 1601 for Hurlbut Care Communities as presented.

MR. FADER: I will second it.

MR. BOEHNER: It's Fader.

MR. GORDON: Ramsey, a question from Ken. No variance is needed based on the size or, I'm just having trouble seeing it on my computer.

JEFF FRISCH: No. They're --

MR. BOEHNER: Jeff, go ahead.

JEFF FRISCH: They're replacing them with a similar sized signs and not really changing the lighting or the size and they're going on the same locations.

MR. GORDON: Thank you.

CHAIRPERSON PRICE: We have a motion and a second, so you go ahead.

MR. BOEHNER: Yes, I will, Bill.

CHAIRPERSON PRICE: Okay.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

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2  
3 MR. BOEHNER: Ms. Civiletti?

4 MS. CIVILETTI: Aye.

5 MR. BOEHNER: Mr. Babcock-Stiner?

6 MR. BABCOCK-STINER: Aye.

7 MR. BOEHNER: Mr. Osowski?

8 MR. OSOWSKI: Aye.

9 MR. BOEHNER: Thank you.

10 JEFF FRISCH: The next one is sign 1602, this  
11 is at 2210 Monroe Avenue. They're just replacing the  
12 existing sign cabinet, they're replacing the front of it.

13 MR. BOEHNER: And the plan, what did the  
14 Architectural Review Board do?

15 JEFF FRISCH: They approved it as presented.

16 CHAIRPERSON PRICE: Okay. I will move  
17 approval of Application 1602 for OrthoLazer as presented.

18 MS. ALTMAN: I'll second.

19 MR. FADER: I'll second.

20 MR. BOEHNER: I got Altman on that one.

21 MR. BOEHNER: Mr. Osowski?

22 MR. OSOWSKI: Aye.

23 MR. BOEHNER: Mr. Babcock-Stiner?

24 MR. BABCOCK-STINER: Aye.

25 MR. BOEHNER: Ms. Civiletti?

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MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

JEFF FRISCH: The next sign is 1603 at 1900 South Clinton, it's in the Tops Plaza. It was approved as presented by the Architectural Review Board.

MR. BOEHNER: Jeff, did they have a CFC?

JEFF FRISCH: They haven't applied for it. I mean, they do have the CFC, yes.

MR. BOEHNER: Okay.

CHAIRPERSON PRICE: Are these the same guys that are operating out of the back of the building right now, or?

JEFF FRISCH: I'm not sure. It does go through to the back of the building, so they might be.

MR. BOEHNER: I think it's someone new.

CHAIRPERSON PRICE: Is it?

MR. BOEHNER: I think, unless they are relocating.

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2  
3 CHAIRPERSON PRICE: Now, isn't there a guy on  
4 the back corner that prepares meals?

5 MR. BOEHNER: Yes, and I think this is  
6 different, Bill.

7 MR. GORDON: That's Lean Nation, I think.

8 MR. BOEHNER: Right on the corner.

9 CHAIRPERSON PRICE: Lean --

10 MR. GORDON: Lean Nation.

11 CHAIRPERSON PRICE: Okay. So this is just a  
12 whole new tenant, okay.

13 MR. BOEHNER: I'm surprised he could bring  
14 something.

15 JEFF FRISCH: Right on the corner there.

16 CHAIRPERSON PRICE: Okay. There's really --  
17 this isn't contingent on something else?

18 JEFF FRISCH: No.

19 CHAIRPERSON PRICE: Okay, all right. I'll  
20 move approval of Application 1603 for RFG Training and  
21 Nutrition building face sign as presented.

22 MR. BABCOCK-STINER: Second.

23 MR. BOEHNER: Was that Babcock-Stiner?

24 MR. BABCOCK-STINER: Yes.

25 MR. BOEHNER: Ms. Altman?



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MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Aye.

JEFF FRISCH: The last sign is 1604. They've been in front of the ARB and the Planning Board before, I think. They were tabled, there's three signs, there's a building face, this building face sign, and then two freestanding signs.

And the free set, ARB was okay with the freestanding sign, but they wanted the building face sign to be changed so it doesn't obscure the details of the arches, and so it was tabled for that reason.

CHAIRPERSON PRICE: Okay. So it's all one package, it's not a matter of --

MR. BOEHNER: Yes.

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CHAIRPERSON PRICE: -- approving a freestanding sign versus the building face. Are they taking up the entire building?

JEFF FRISCH: They're going to have different tenants, but they're the main one in the building.

CHAIRPERSON PRICE: Okay, all right. I guess I move to table Application 1604 Upper Cervical Chiropractic of Rochester for both the building face sign and the freestanding signs until they satisfy the conditions of the Architectural Review Board.

MR. BABCOCK-STINER: I'll second that.

MR. BOEHNER: Second's to Babcock.

MR. BOEHNER: Ms. Altman?

MS. ALTMAN: Aye.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Aye.

MR. BOEHNER: Mr. Fader?

MR. FADER: Aye.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Aye.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Aye.

MR. BOEHNER: Mr. Osowski?

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MR. OSOWSKI: Aye.

MR. BOEHNER: That's everything, folks.

CHAIRPERSON PRICE: All right.

MR. GORDON: Just for the record, Bill. So that no one reading these minutes or this record seems to think that Ramsey Boehner unilaterally amended the agenda. Actually, Sunny's Family Diner at 1057 East Henrietta Road did appear on the agenda under old business at the end of the signs. So, they're there, at least they are on my copy.

MR. BOEHNER: Oh, do you know what it was? It wasn't on my cheat sheet.

MR. GORDON: So they are there, they're part of the agenda that was sent out.

MR. BOEHNER: That's what threw me off, I was like, where are they? They were there, I thought I saw them. Thank you, Ken.

CHAIRPERSON PRICE: All right. Well, go enjoy the rest of Saint Patty's Day, everybody.

MR. BOEHNER: Everyone, thank you.

\* \* \*

## REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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 10th day of April, 2021.

At Rochester, New York

*Rhoda Collins*  
Rhoda Collins