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BRIGHTON
PLANNING
BOARD

March 16, 2022
At approximately 7 p.m.
Brighton Town Hall Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

- RAMSEY A. BOEHNER, TOWN PLANNER
- WILLIAM PRICE, CHAIRPERSON
- JOHN OSOWSKI)
- JASON BABCOCK-STINER)
- JULIE FORD)
- PAM DELANEY) BOARD MEMBERS
- DAVID FADER)
- KAREN ALTMAN)
- KENNETH GORDON, ESQ.
Town Attorney
- JEFF FRISCH
- BRENDAN RYAN

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

1 CHAIRPERSON PRICE: Good evening, everyone,
2 and welcome to the March 16th, 2022, meeting of the
3 Town of Brighton Planning Board. Due to the
4 Governor's Executive order, we are having this meeting
5 via Zoom. This is a virtual meeting. You do have the
6 ability to make a comment regarding this application
7 tonight as part of this meeting, but also written
8 comments can be received by the Planning Board's
9 secretary, who's Ramsey Boehner, at Town Hall, 2300
10 Elmwood Avenue, Rochester, 14618, or via email to
11 Ramsey.Boehner, B-O-E-H-N-E-R, @townofbrighton.org.

12 Tonight we will be discussing several
13 applications, which have been advertised in the Daily
14 Record for this virtual meeting tonight. Prior to
15 starting our agenda of the public hearings, we're
16 going to have a staff and Planning Board discussion.

17 I'd like to start by calling the meeting to
18 order and asking the secretary to call the roll,
19 please.

20 (Whereupon the roll was called.)

21 CHAIRPERSON PRICE: You did call everybody,
22 Jeff?

23 MR. FRISCH: Yes.

24 CHAIRPERSON PRICE: I apologize. I was
25 waiting for someone to else to say here.

1 All right. We are going to have an agenda
2 review between staff and the Planning Board at this
3 time. After that we will approve -- or move to
4 approve the meeting minutes for December, January and
5 February meetings. And we will commence the public
6 hearings.

7 Jeff, could you kind of take us through the
8 various applications tonight.

9 MR. FRISCH: Sure. The 2P-01-22, the first
10 one, is an application of the Cortese Properties for
11 Cortese Cycle Sales at 2771 West Henrietta Road. He's
12 looking to do motorcycle sales and service in a
13 bailing adjacent to the building that he's already
14 occupying.

15 CHAIRPERSON PRICE: Okay.

16 MR. FRISCH: We've had a couple
17 communications from people in the neighborhood about
18 the noise that was included in the packet.

19 CHAIRPERSON PRICE: Okay.

20 MR. FRISCH: Do you have any questions about
21 that one? Okay. The next one is 3P-01-22, the
22 application of 1925 South Clinton, LLC, for
23 preliminary/final site plan approval to construct a
24 9,200 square foot building and also site improvements
25 at 1905-1925 South Clinton Avenue.

1 CHAIRPERSON PRICE: Have you received
2 comments and edits to the plans, responses to the
3 engineers questions and comments?

4 MR. FRISCH: Not for the one -- not for the
5 most recent questions and comments. But I think
6 there's still things that we are looking for from them
7 that we'll need to in order to --

8 CHAIRPERSON PRICE: And what is the -- is
9 there any status on the application to the
10 Architectural Review Board?

11 MR. FRISCH: They reapplied for and will be
12 on the Architectural Review Board next month -- or
13 next Thursday.

14 CHAIRPERSON PRICE: Okay. Any other
15 questions about the application? No.

16 MR. FRISCH: The next is 3P-02-22. This is
17 application of Bright Future Realty and Jacob Ouyang
18 for a conditional use permit to allow a sushi
19 restaurant on the property at 2425 West Henrietta
20 Road. I think it'll have a full bar and just like --
21 it's a sushi conveyor belt and all-you-can-eat sushi
22 place. It's also a restaurant use. But it's been
23 vacant for a while.

24 MR. OSOWSKI: Does anyone remember what kind
25 of restaurant it was previously, what it was?

1 MR. FRISCH: I don't know if it was a
2 crab -- crab something in there for a little while. A
3 seafood place. And I don't remember what was before
4 that. Any questions?

5 All right. The next one is 3P-03-22,
6 application of Winton Acquisitions LLC and the Old
7 Farm café, lessee, for a conditional use permit to
8 allow for an interactive café at 3450 Winton Place.

9 This will have a café up front. They'll be
10 doing liquor service at -- on like a per-event basis.
11 They will be doing theaters and performances. And it
12 will kind of like an interactive environment in the
13 café.

14 CHAIRPERSON PRICE: Okay. Ken, I would just
15 like to disclose that I have done work for Winton
16 Acquisitions LLC, not in -- as anything that pertains
17 to this application. I just wanted to disclose that
18 and ask your advice on whether to sit on this
19 application or not.

20 MR. GORDON: Sorry. Just had to unmute.
21 What is your current status with Winton Place LLC? Is
22 your firm currently under contract with them?

23 CHAIRPERSON PRICE: We -- we completed a --
24 a study. And we are awaiting direction from the
25 client on a future commission. So as of this second,

1 no.

2 MR. GORDON: Okay. So currently not doing
3 work. And you were not involved in this particular
4 project. So you've done previous work for the owner
5 of the plaza --

6 CHAIRPERSON PRICE: Yes.

7 MR. GORDON -- but you're not presently doing
8 work for the owner of the plaza. And it had nothing
9 to do with this application?

10 CHAIRPERSON PRICE: That is correct.

11 MR. GORDON: Okay. I'm okay with you
12 sitting on.

13 CHAIRPERSON PRICE: Thank you.

14 MR. GORDON: Thanks for checking.

15 CHAIRPERSON PRICE: Are there any other
16 questions anybody has at this point? Okay. Next one.

17 MR. FRISCH: The next one is 3P-04-22,
18 application of Daniele SPC, LLC, for a conditional use
19 permit for Jersey Mike's Sub Shop to go into one of
20 the buildings at 2750 Monroe Avenue.

21 CHAIRPERSON PRICE: Okay. I think my --
22 this will probably become clear when we hear, but I
23 just wasn't exactly sure which building this was going
24 into.

25 MR. FRISCH: It's going into the back

1 building.

2 CHAIRPERSON PRICE: The long one in the
3 back?

4 MR. FRISCH: Yup. And it's kind of centered
5 on the building.

6 CHAIRPERSON PRICE: Okay. That was the only
7 question I had.

8 MR. FRISCH: Any other questions on that
9 one? All right. The next one is 10P-NB1-21,
10 application 1950-1966 Monroe Avenue for Quicklee's.
11 They -- that one is tabled to -- postponed from this
12 meeting until the next meeting.

13 CHAIRPERSON PRICE: Okay. So this we won't
14 call tonight, Jeff?

15 MR. FRISCH: Yeah. They won't be
16 presenting.

17 CHAIRPERSON PRICE: Okay.

18 MR. FRISCH: Next one is 2P-NB1-22,
19 application of Bristol Valley Homes, LLC, and PEMM,
20 LLC, for a concept review for a gas station located at
21 3108 East Avenue, also for Quicklee's application.

22 CHAIRPERSON PRICE: Okay. But this one --
23 and this will be heard? But this is concept.

24 MR. FRISCH: Yup. This is concept review.

25 CHAIRPERSON PRICE: Okay.

1 MR. GORDON: Hey, Jeff, just to interpose
2 here. I know that she doesn't have her name on the
3 screen, but I want to note that Member Ford has joined
4 the meeting.

5 MR. FRISCH: Okay.

6 MR. GORDON: She's listed as -- I'm not sure
7 what that is, Julie.

8 MS. FORD: I don't know either.

9 MR. GORDON: F-I-S-Z-G, I don't know what
10 you got.

11 MS. FORD: I have no idea. I've tried to
12 fix this -- and here we are.

13 MR. GORDON: Okay. Good. Just wanted to
14 note that you joined the meeting.

15 MS. FORD: Thank you.

16 MR. RAMSEY: Good to see you, Julie.

17 CHAIRPERSON PRICE: Okay.

18 MR. FRISCH: The next and last application
19 is old business. It's application of University of
20 Rochester, owner, for preliminary site plan approval,
21 preliminary EPOD approval and preliminary conditional
22 use permit approval at 250 East River Road.

23 CHAIRPERSON PRICE: Okay.

24 MR. FRISCH: This -- the public hearing is
25 closed for this one. We've been working on drafting a

1 conservation easement with them. So I'm sure that
2 will be discussed.

3 CHAIRPERSON PRICE: All right. Any other
4 questions from Board members regarding the agenda?
5 All right. Well, let's -- let's continue on.

6 Our next item is to review the December 15th
7 meeting minutes. Has everybody had a chance to look
8 at those and does anyone want to make a motion to
9 approve?

10 MS. DELANEY: I'll motion that we approve
11 the minutes.

12 CHAIRPERSON PRICE: Do we have a second?

13 MS. FORD: I'll second.

14 CHAIRPERSON PRICE: Okay. Pam and Julie.
15 Any further discussion? All right. Jeff, do you mind
16 calling the roll please?

17 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
18 aye; Ms. Delaney, aye; Mr. Babcock-Stiner,
19 aye; Mr. Osowski, aye; Ms. Ford.)

20 (Upon roll motion to approve minutes
21 passes.)

22 CHAIRPERSON PRICE: Thank you. I have the
23 January 19th, 2022, minutes to review. Does anyone
24 wish to make a motion to approve those minutes please?

25 MS. FORD: So moved.

1 MR. GORDON: That's Member Ford.

2 MR. FRISCH: Member Ford.

3 CHAIRPERSON PRICE: Member Ford. I'll
4 second --

5 MS. ALTMAN: -- now, Julie.

6 MS. FORD: Pardon?

7 MS. ALTMAN: Your name shows now.

8 MS. FORD: I know. I fixed it.

9 CHAIRPERSON PRICE: Seconded by Price. Any
10 further discussion? All right. Jeff please call the
11 roll.

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

15 (Upon roll motion to approve minutes
16 passes.)

17 CHAIRPERSON PRICE: Okay. Thank you. And
18 the last minutes that we have are our last month's,
19 February 16th.

20 MR. FRISCH: I don't think you received
21 those ones yet.

22 MR. OSOWSKI: No.

23 CHAIRPERSON PRICE: All right. We will be
24 moving on. Mr. Secretary or Jeff, soon to be
25 Mr. Secretary, have the public hearings been properly

1 advertised?

2 MR. FRISCH: The public hearing was properly
3 advertised by the Planning Board in the Daily Record
4 of March 10th, 2022.

5 CHAIRPERSON PRICE: All right. We'll hear
6 those applications now. First one up is 2P-01-22.

7 **Application 2P-01-22**

8 Application of Cortese Properties, owner,
9 and Cortese Cycle Sales, agent, for Conditional Use
10 Permit Approval allowing for a motorcycle sales and
11 service facility on property located at 2771 West
12 Henrietta Road (Tax ID #148.50-2- 20.1). All as
13 described on application and plans on file.

14 CHAIRPERSON PRICE: A saw Cortese's name out
15 there. Could you join us and tell us a little bit
16 about the application. I don't think we heard from
17 you last month.

18 MR. CORTESE: No. I put the wrong date in
19 my calendar or I would have been on the last one. I
20 apologize for that.

21 CHAIRPERSON PRICE: No worries.

22 MR. CORTESE: Yeah. This building is
23 adjacent to the building we're operating in now.

24 MR. GORDON: Mr. Cortese, just for the
25 record, if you would please state your name and your

1 position and your address.

2 MR. CORTESE: Yup. Sorry about that. John
3 P. Cortese, president of Cortese Properties. You want
4 my home address?

5 MR. GORDON: Business.

6 MR. CORTESE: The address of the application
7 is 2771 West Henrietta Road.

8 So right now we're currently operated at
9 2779. The building that's adjacent to it is 2771. We
10 had a dry cleaner in there for about 15 years. He was
11 thinking of selling the business. COVID hit. He had
12 some very, very tough months. I gave him -- I gave
13 him one month -- I gave him 12 free months of rent to
14 try to help the guy succeed, but it just didn't work
15 out.

16 So while that was going on, I had already
17 been looking at possibly developing the land that I
18 owned behind our property. But once I realized he was
19 struggling, I started to look at possibly being able
20 to utilize the building that we currently own.

21 We're simply out of room at the facility
22 that we have now. We're -- nothing's going to really
23 change other than I'll have a little bit more room.
24 We need more room to service the motorcycles.

25 What happens is motorcycles have to be left

1 inside a building. So all the bikes that we're trying
2 to sell are in the showroom. All the ones that we're
3 servicing have to be brought in. But when all the
4 bikes that you're servicing are inside the building,
5 you have no room to work on them.

6 So every morning my guys have to bring all
7 the bikes outside, stage them outside, work on the
8 bikes they're working on. At the end of the night
9 they have to bring them all back in. It's very
10 cumbersome. It probably takes about an hour a day
11 just to do that.

12 But I do need a little bit more room for
13 display and a little bit more room to work on the
14 bikes. We're not really adding any employees. We're
15 just simply sort of busting out of the seams at the
16 place we're at now.

17 So the -- I own the building. It's there.
18 I assume it would make most sense to just use what we
19 already have instead of trying to build something
20 else.

21 CHAIRPERSON PRICE: Okay. So that would
22 have been your alternative was -- you possibly --

23 MR. CORTESE: Yes. Possibly going to look
24 into developing. I've been speaking to Rick about
25 what my options were about. We own that parcel of

1 land right behind the two pieces of property there.

2 CHAIRPERSON PRICE: Gotcha. Okay. Yeah. I
3 think, you know, we might have had a couple of
4 comments from the public last time as, you know, why
5 do we need motorcycle sales places right next to each
6 other?

7 So I think you've explained this is really
8 just an expansion of your existing business, both
9 sales and service and utilizing the building that's
10 already there versus expanding the building that
11 you're currently operating on.

12 MR. CORTESE: Correct.

13 CHAIRPERSON PRICE: This is a conditional
14 use permit application. Is there anything about the
15 operation of the -- like can you just tell us like the
16 hours of operation and --

17 MR. CORTESE: Yeah. The hours are going to
18 be the same as what we have now. So in the wintertime
19 we're open 9 to 5, Monday through Friday. And on
20 Saturdays we're open 9 to 3.

21 And in the summer we're open Monday I --
22 think Monday, Wednesday, Friday, 9 to 6, Tuesday,
23 Thursday 'til 7, Saturday 'til 3. The hours are going
24 to mirror the other building. Again it's just the --
25 it just another -- it's a secondary showroom. It's

1 not a separate business. We're not going to have
2 separate hours.

3 I'm not even really going to man it right
4 now. I'm going to probably -- with the approval I'll
5 probably move a technician over there just to make
6 room because we're just jammed up in the other
7 building.

8 What happens with motorcycles is, is -- it's
9 not like cars. Once they're on a lift and you
10 disassemble them, you have to leave them there. So
11 one technician might have three lifts because he's
12 waiting for parts. So, you know, they tie up these
13 lifts that you can't keep taking them off, lifting
14 them. If you got a front wheel off a guy's bike, you
15 know, you got to leave it in the hoist. You can't
16 just go move it over and stuff like that.

17 So the good thing is is the public's
18 pretty -- you know, the public really likes what we're
19 doing. We do a lot of business there. 90 percent of
20 our business is done between March and October. And
21 then we really die off.

22 So, you know, over the wintertime I may put
23 some four-wheelers in there or side-by-sides just to
24 try to sell some product through the wintertime. But
25 for the most part the majority of the traffic, if you

1 want to call it that, is basically like right about
2 now from when the weather breaks and it starts dying
3 off in September.

4 And after October we're pretty dormant.
5 We're really just servicing customers' bikes. We sell
6 a few bikes here and there. But that's when I really
7 go out and buy a lot of inventory and let the guys
8 work on it through the winter just to keep them busy.

9 CHAIRPERSON PRICE: John, do you see the
10 service side of the business having different hours
11 than the sales side?

12 MR. CORTESE: No. Absolutely not.

13 CHAIRPERSON PRICE: Okay. All right. So
14 you don't have guys revving engines outside at 7 in
15 the morning?

16 MR. CORTESE: No, no, no. We start -- the
17 guys get there I think at 8:30. I think they
18 officially start at 9.

19 So the only issue we had in the very
20 beginning was -- what's the road that I'm on? Am I on
21 Center Drive? Yeah. Center Drive.

22 CHAIRPERSON PRICE: It's Center. Yup.

23 MR. CORTESE: SO when we test drive
24 somebody's bike, it's just safer for my guys to do it
25 on Center Drive than Henrietta Road. Henrietta Road

1 gets a little crazy.

2 So what -- in the very beginning some of
3 these bikes have loud exhausts. The customers like
4 them loud, plus it makes it safer for them. So when
5 they go up and down the road, we got some complaints
6 that the neighbors said it was too loud and blah,
7 blah, blah.

8 So we got with the few technicians we have
9 and said, listen, drive slower. Try to keep the noise
10 down. You know, we got to be friends with these
11 people and -- so for the most part, you know, that was
12 really like in the first month or two we were in
13 business.

14 Also there's a -- Harding's Trucking is at
15 the end of that road. And they driver tractor
16 trailers down that road, up -- up and down all day.
17 So we might be a little louder once in a while, but
18 the bikes don't take up a lot of space. My guys
19 aren't speeding. They're not damaging the road or
20 anything like that. So it's really nothing that they
21 haven't really been used to I guess.

22 CHAIRPERSON PRICE: I'd like to let the
23 Board Members ask some questions. Is there anybody on
24 the Board that has questions or comments for John?

25 MR. OSOWSKI: Tell me what -- is there any

1 particular brand of motorcycle that you sell there
2 new?

3 MR. CORTESE: No. We sell just pre-owned
4 bikes. So we sell -- yeah. Mainly pre-owned. We
5 sill quite a few of pre-owned Harleys. We do quite a
6 few sport bikes. And then anything we can't get on
7 trade or anything I might buy. But we don't do any
8 brand new bikes.

9 MR. OSOWSKI: Okay. So you'll service any
10 brand of bike then?

11 MR. CORTESE: Correct. For the most part.
12 So my technicians are pretty well versed in Harley, in
13 the sport bikes. I don't get into like BMW or Ducati.
14 Those are really high-end bikes. You got to be able
15 to get certified training and stuff like that.

16 But for the most part the Yamahas, the
17 Suzukis, and all that stuff. The, you know, everyday
18 stuff is that most people ride we're able to service.

19 MR. OSOWSKI: Honda? Honda motorcycles?

20 MR. CORTESE: Yup.

21 MR. OSOWSKI: Yup. Okay.

22 CHAIRPERSON PRICE: All right. Karen, do
23 you have any questions?

24 MS. ALTMAN: In the notes that were
25 submitted there was reference to the possibility of

1 holding gatherings. Could you explain in the second
2 space -- could you explain that --

3 MR. CORTESE: So what we do -- and, again,
4 nothing's going to change. This is all approved
5 through the -- through the first -- through what we're
6 doing right now. Once or twice we'll have like -- we
7 have like an event where we invite -- like we usually
8 do it in the spring. We haven't done it during COVID.
9 Where we'll basically, you know, have food and some
10 beverages and we just invite people at the beginning
11 of the year to see the showroom. We do some giveaways
12 and stuff like that. It's all inside. It's all
13 contained.

14 Like last -- when I did it before COVID I
15 had a food truck. So I bought everybody lunch that
16 came in and stuff like that. That kind of stuff. No
17 loud music. No -- you know, no concert or anything
18 like that.

19 MS. ALTMAN: Would you call it a sales event
20 then?

21 MR. CORTESE: It's more of a -- I mean, I
22 want to say we might have sold -- yeah. I think we
23 sold maybe a bike or two last time. But it's really
24 more of just -- you know, we'll go on Facebook and
25 we'll invite people to come and see the showroom and

1 see what we're all about --

2 MS. ALTMAN: General marketing.

3 MR. CORTESE: -- and, you know, we'll have
4 discounts on parts and stuff like that. Nothing --
5 nothing crazy, you know, no like rock concerts on the
6 outside or anything like that.

7 MS. ALTMAN: Thank you.

8 MR. CORTESE: No problem.

9 CHAIRPERSON PRICE: Anything else, Karen?

10 MS. ALTMAN: No. Not at the moment.

11 Thanks.

12 CHAIRPERSON PRICE: Thank you. Jason, any
13 questions?

14 MR. BABCOCK-STINER: I'm good.

15 CHAIRPERSON PRICE: All right. John
16 anything else?

17 MR. OSOWSKI: Yeah --

18 MR. CORTESE: You know -- oh, I'm sorry. Go
19 ahead.

20 MR. OSOWSKI: Yeah. Regarding the situation
21 with the neighbors complaining about noise, are you --
22 is there any kind of silencer, if you want to call it
23 that, something could be temporarily like clamped onto
24 the -- the tailpipe to help cut down on the noise when
25 your technicians are taking the bike out for, you

1 know, a little test drive?

2 MR. CORTESE: You know, I'm not aware of it.
3 But it's worth looking into.

4 Again, these aren't long rides. I mean this
5 is a ride down the street that lasts -- the whole ride
6 probably lasts 25 or 30 seconds. But I will
7 definitely look into that. If that's something we can
8 do, I'm sure it's not a big deal. But I don't know of
9 one.

10 MR. FRISCH: Yeah. John, we did receive --
11 I know you kind of talked about receiving complaints
12 in the first couple of months, but we received a
13 lot -- we received a few from a lot of people in the
14 neighborhood about excessive noise, motorcycles
15 driving without helmets and just a lot of like engine
16 revving and stuff outside of the building and it seems
17 to be that it's still kind of an issue for the
18 neighbors.

19 MR. CORTESE: Again, I can't -- I can't make
20 it perfect for them. We have to -- when we're working
21 on a bike and we're trying to fix it or, you know,
22 repair it, or whatever, that sort of what has to
23 happen. And in the summertime my guys will work
24 probably and leave the doors open when they can.

25 Again, the other building's not going to

1 make it any worse are change anything. But I don't
2 really know what else -- what I could do. Because
3 that's sort of what we're doing. And unfortunately
4 some of these people have loud mufflers on them.

5 But, again, we're doing it between the hours
6 of 9 and 5 usually. It's not at 6 in the morning.
7 It's not at 10 o'clock at night.

8 There's really not -- there's not I don't
9 want to mislead and tell you there's a perfect
10 solution for that other than we try to do the best we
11 can not to be -- you know, to be respectful to the
12 people around there. And we're not going to make
13 everybody happy. But I don't know what else we can do
14 there.

15 It's not -- it's not really safe for me to
16 have my guys test drive these bikes down Henrietta
17 Road. You know, I -- I just want them to do that. I
18 mean, even if we -- if we ride them in my parking lot,
19 they're not going to get like it. You know what I
20 mean? So that's unfortunately the -- I would imagine
21 the few people that are complaining, they're probably
22 not going to like much of what we do.

23 But, again, we have to fix the bikes that's
24 there. And the whole reason these people put these
25 loud exhausts on them is so that they can be heard on

1 the road. So we can try to minimize it as best we
2 can, but I can't -- I can't lie to you and tell you
3 that I can make that go away a hundred percent because
4 there's no way to do that.

5 MR. GORDON: If I -- Bill, if I could step
6 in here maybe.

7 CHAIRPERSON PRICE: Sure.

8 MR. GORDON: Maybe, Mr. Cortese, you're not
9 aware of the standards for getting a conditional use
10 permit under the Town code. But the standards imposed
11 on the Planning Board before it can grant a
12 conditional use permit are that it finds the proposed
13 use that you're seeking conditional approval for is in
14 harmony with the neighborhood, is in harmony the use
15 of the street surrounding the property, is not going
16 to be detrimental to the neighborhood.

17 And so when I hear you say there's not much
18 you can do, it sounds to me like you're making an
19 argument that is not an appropriate place for your
20 motorcycle repair shop and that the Planning Board
21 should not grant your application.

22 MR. CORTESE: That's not what I'm --

23 MR. GORDON: So -- that's what -- I'm
24 telling you what I'm hearing you say.

25 MR. CORTESE: Okay. Well --

1 MR. GORDON: And I'd like to finish my
2 comments before you interrupt me because you've
3 interrupted just about every one of our Board members,
4 Mr. Cortese. So I think listening is a good skill you
5 need to work on.

6 So what I want to tell is this. As
7 Mr. Frisch has indicated, we have received a number of
8 recent complaints about your operations.

9 Can you tell us in a typical day how many
10 times your technicians are driving motorcycles up and
11 down Center Drive?

12 MR. CORTESE: Okay. Well, first of all, I
13 apologize if I've interrupted anybody. I haven't done
14 that intentionally.

15 And secondly, I do not believe that we're
16 not compatible with the neighborhood, or whatever.
17 And to answer your question, again, through months of
18 March and September I would probably say that they're
19 going up and down the road four to six times a day,
20 probably working on four to six bikes a day.

21 After October it's going to drop quite a
22 bit. It's -- you know, once it snows we're not going
23 up and down the road really at all.

24 So, again, it's not -- let's put -- if you
25 guys are getting -- I'm not personally getting those

1 complaints. So in the beginning I heard of a couple
2 of them. I haven't heard of much since. So I
3 apologize for being ignorant to that.

4 But, again, that road that my -- that we're
5 taking the bikes down has tractor trailers going get
6 up and down it more than I have motorcycles going up
7 and down it. And the reason I know that is because
8 they drive on my property every day. So -- and those
9 guys drive fast. And I haven't -- I haven't done one
10 complaint on those guys.

11 But the point is, is I don't know -- other
12 than the bikes are louder than the trucks, the reason
13 I was saying that I don't know how much I can do about
14 it is because I can't make the bike any quieter.

15 Now, the one gentleman asked me if there's
16 a -- like a sound deadener on it. I'd be more than
17 happy to look into that. And, you know, I don't know
18 have a problem buying them if they're available.

19 But all I was trying to say was is we've
20 been doing a very good job -- I've been there four
21 years. Okay? And we provide a very good service to
22 the community. We work with the school down the
23 street at MCC. I sell a lot of motorcycles and we
24 take care of people. We do all the right things.
25 We've been in business since 1975. So I'm -- we're

1 all about customer service. I made the building look
2 really nice. I repaved the pavement, the front and
3 back. So I've improved that property tremendously.

4 So if you got any more advice as to how I
5 could better serve that -- neighbors, I'm open to it,
6 but I can't -- I can't make it -- you know, it's not a
7 park. I can't make it perfect. So that's what I was
8 trying to say was is I'll do whatever I can do.

9 But the building that I'm asking you to give
10 me -- it's not going to change anything as far as --
11 the amount of business I'm doing is not going to
12 change. I just need a conditional use permit on this
13 building so I can have my employees work in a better
14 environment and have more room and I can have more
15 bikes on display.

16 It's not going -- it's like we're going to
17 go from servicing 8 bikes to 20 bikes. It's -- right
18 now we're just crammed up and it's going to give us
19 more room. But, again, I'm open to looking into
20 whatever I can do. And I'll call my people tomorrow
21 and see what ideas that we have that on what we can --
22 because if it's that much of a problem, I don't want
23 to be a nuisance to the neighborhood. I'll -- I have
24 no problems looking into doing that. But I can't, you
25 know, --

1 MR. GORDON: So if I could just ask another
2 couple questions. First, I want to just invite you to
3 take a look at the Town website under the Planning
4 Board packet and you will see the correspondings that
5 the Planning Board has received on your application
6 from the neighbors who have complaints recently about
7 those activities out of your property. So I'd invite
8 you to do that.

9 You mentioned speed of the trucks. How fast
10 do your technicians need to drive those bikes to
11 properly test them?

12 MR. CORTESE: I think -- I think up and down
13 the street we should be trying to stay 25, 30 miles an
14 hour I would think, 25 miles an hour. You know, if
15 they're going faster than that, I would need to know
16 about so I can tell them not to. And if they needed
17 to go faster, they'd have to go on Henrietta Road.

18 You know, I don't want to mislead -- I'm not
19 at that facility all the time. So I can't vouch for
20 the speed that they are driving every day. But if --
21 if I'm aware that they're driving any faster, I could
22 easily fix that because they work for me.

23 MR. GORDON: Some of the complaints that the
24 Town received did complain about excessive speed and
25 danger to pedestrians and children on Center Drive.

1 Can you tell me are you familiar with the business
2 cold Cycle Stop?

3 MR. CORTESE: Yes. Yup.

4 MR. GORDON: And they're located on West
5 Henrietta Road?

6 MR. CORTESE: Yup.

7 MR. GORDON: And they do cycle repairs as
8 well as sales, yes?

9 MR. CORTESE: Yes, they do. I --

10 MR. GORDON: And they're not next to a local
11 residential street. So they test their bikes and
12 their techs take them out on West Henrietta Road;
13 right?

14 MR. CORTESE: Yup. They also have a --

15 MR. GORDON: But you -- you don't want to do
16 that?

17 MR. CORTESE: No. It's not that I don't
18 want to do it. It's just -- it's -- it's just
19 dangerous. Not to say that we don't ever go down
20 there, but I think having that street there makes it
21 easier for us.

22 Now, if you tell me that you don't want them
23 to do that and we have to go on Henrietta Road, then
24 that's a discussion I'll have with them. But I guess
25 we didn't think it was that big of a deal because,

1 again, that road has 18-wheel trucks that go up and
2 down that road on a regular basis. They're a trucking
3 company.

4 So I didn't -- we didn't think that our
5 motorcycles that weight 3 -- 400, 5 to 600 pounds in
6 relation to what -- those trucks go in and out there
7 pretty good. They're going as fast as my bikes if not
8 more. So I don't know why anyone would think the
9 motorcycle is more dangerous than what's already been
10 going on there.

11 So I never thought that our bikes would be a
12 problem. But if they are, I'll have to -- I'll
13 address it.

14 MR. GORDON: Bill, thanks for indulging me
15 here.

16 CHAIRPERSON PRICE: Let's see. John.
17 Julie, do you have any questions?

18 MS. FORD: I do not. Thank you.

19 CHAIRPERSON PRICE: All right. And David
20 Fader?

21 MR. FADER: No.

22 CHAIRPERSON PRICE: Okay. Pam?

23 MS. DELANEY: No. I don't think so. Not
24 that hasn't been already addressed.

25 CHAIRPERSON PRICE: All right. Okay. Jeff,

1 I wonder if you have any questions?

2 MR. FRISCH: A few more. Are there any
3 improvements that you're going to make to the inside
4 of the building? I mean, like specifically anything
5 that would need a building permit?

6 MR. CORTESE: As of right now, no. What I'm
7 going to do -- if you guys grant me the permit, I'm
8 going to use it for a while, see how it goes. If I
9 feel like I can grow my business, then I would
10 do that. I mean, we own the building. So I
11 definitely would want to update the outside of the
12 building at some point.

13 But if I did have any plans I -- obviously
14 I'd have to come back to you and, you know, I know the
15 drill with that one. I would have to get some
16 drawings made up. Right now I just need more space.
17 I'm really -- it's really going to allow me, if you
18 grant me the permit, it's just going to allow us to
19 work in a more comfortable environment. It's not
20 going to be any more bikes going up and down the road.
21 It's not going to be anything other than we're just
22 busting out of the seams.

23 During our busy -- during our busy times
24 it's -- it's just tough. We got a lot of bikes, you
25 know?

1 MR. FRISCH: Have you -- have you been in
2 contact with the Fire Marshal at all to make sure
3 that -- you meet the standards, the fire safety
4 standards?

5 MR. CORTESE: As far as the second building?

6 MR. FRISCH: Yup.

7 MR. CORTESE: No. I would imagine once --
8 once I got the permit, he'll come in there and look at
9 it. That's what he normally does. He'll do a
10 walk-through and tell me if there's anything I need to
11 do.

12 MR. FRISCH: I see.

13 MR. CORTESE: He comes in all my buildings
14 once a year and does a walk-through. So I'm used to
15 that.

16 And just so you know, I want to just say one
17 thing. I've been operating -- you know, I inherited
18 this stuff from my father. I've been doing this now
19 for over 30 years. I've never had a problem with the
20 Town. You guys know anything I've told you I was
21 going to do I've done. I do -- I think I do a pretty
22 good job of keeping my buildings looking good, the
23 property looking good. We've updated our buildings.

24 Cortese has never been a problem to the Town
25 of Brighton. So, you know, if there is a little bit

1 of a problem with the sounds of the bikes, you know,
2 I'll do what I got -- I'll try to do what I can do to
3 help that out. And if we have to go on Henrietta more
4 often, we'll do that.

5 I just didn't think it was that much of a
6 problem. But if it is, we'll have to address it. I
7 don't want to keep upsetting the neighbors that's for
8 sure. But, you know, if someone would call me, like
9 if somebody from the neighborhood called me, you know,
10 I could have already, you know, maybe addressed it a
11 little bit and a prevented a couple of them.

12 CHAIRPERSON PRICE: All right. Any other
13 questions or comments from the Board?

14 MR. GORDON: Bill, I'm sorry. I just have
15 one more if I may.

16 CHAIRPERSON PRICE: You're fine. Okay.

17 MR. GORDON: Mr. Cortese, is the service
18 that is going to be done from this location the
19 primary function of this location or is it more
20 ancillary to the sales that you do?

21 MR. CORTESE: It's really both. So like the
22 front part of the building I would use for showroom
23 space. And then in the back I'd have room for, you
24 know, a couple more lifts and a technician type of
25 thing.

1 But, again, I'm not adding any more people.
2 I would just take one of the people, one of the
3 technicians out of my other building, give him a
4 couple lifts, just so the guys can spread out. And
5 then at the end of the night instead of us having
6 to -- we'd be able to stage the service bikes in the
7 back of the building over there, which they wouldn't
8 have to be pulled out every night or pulled out every
9 morning, let us work on the bikes, then pull them back
10 in. That's a big inconvenience.

11 You know, if you have -- what happens is if
12 people with their bikes break down, they can't drive
13 them. So we might have 15 bikes in the shop, but, you
14 know -- but it might take us two weeks to get to them
15 or a whole week to get them. And at night they all
16 got to be put in the building because you can't leave
17 them outside. Well, you can't -- in my shop there's
18 not room to have 15 bikes in there while you're
19 working on the bikes.

20 So you got to take all the bikes put in the
21 morning, put them outside. Then you got to worry
22 about it raining. It's just -- we just need the space
23 to be able to move around. That's really the main
24 purpose of it.

25 The front part, I'll have more room for

1 overflow of bikes like if I buy -- if I see bikes I
2 want to buy, I'll have more room to put some over
3 there and store them. And then as we sell them I can
4 bring them over, that type of thing. But it's not
5 going to do anything different from a disruption
6 standpoint.

7 CHAIRPERSON PRICE: All right. Thank you,
8 John. One last call for the Board members and Town
9 staff, any other questions or comments?

10 MR. FRISCH: I'm all set.

11 CHAIRPERSON PRICE: Not seeing anybody. All
12 right. Thank you. Then let us move on to --

13 MR. FRISCH: Should we see if anyone in
14 the --

15 CHAIRPERSON PRICE: Oh, I'm sorry. Sorry.
16 Yeah. Yeah. This is a public hearing. Is there
17 anyone on the meeting tonight that cares to address
18 this application? I forget about that. Sorry. Any
19 raised hands?

20 MR. GORDON: If you -- if you are interested
21 in addressing the Planning Board on this application
22 or as we go through the other applications, please
23 either use the raise hand feature in Zoom or turn your
24 camera on and physically raise your hand and we'll --
25 we'll recognize you when it's your turn.

1 CHAIRPERSON PRICE: Jeff, do you see
2 anybody?

3 MR. FRISCH: Nope. Not seeing anybody.

4 CHAIRPERSON PRICE: Okay. All right. Thank
5 you. We'll move on to the next application, which is
6 3P-01-22.

7 **Application 3P-01-22**

8 Application of 1925 South Clinton, LLC,
9 owner, for Preliminary/Final Site Plan Approval (Phase
10 2) to construct a 9,200 +/- square foot retail
11 building and other associated site improvements, and
12 Conditional Use Permit Approval allowing for the
13 retail building to house a 2,300 +/- square foot
14 Starbucks Café with a drive-through facility on
15 property located at 1905-1925 South Clinton Avenue
16 (Tax ID #136.15-1-18.1, Lot 3). All as described on
17 application and plans on file.

18 CHAIRPERSON PRICE: Paul, I believe I saw
19 your name. Are you here to join us?

20 MR. COLUCCI: Yes, Mr. Chairman. Good
21 evening.

22 CHAIRPERSON PRICE: Good evening.

23 MR. COLUCCI: Paul Colucci on behalf of 1925
24 South Clinton, LLC, agent for the applicant. I'm
25 joined tonight by Evan Gefell with Costich

1 Engineering. Evan may be able to contribute to some
2 portions of this application should questions arise
3 specifically to some of the components of the site
4 plan application we submitted.

5 So the application that was submitted, as
6 was read, we are seeking preliminary/final site plan
7 approval for phase 2 of the 1925 South Clinton Avenue
8 development along with conditional use approval for a
9 Starbucks Café and an associated drive-through with
10 that restaurant use.

11 The plan that you have before you that Jeff
12 is showing us right now is consistent with the concept
13 plan that was reviewed with the Planning Board in
14 January. If you recall we went through a number of
15 alternatives that we came up with through some
16 workshops with Town staff and ran through those in
17 January. And the preferred alternative that came out
18 of those workshops was presented to Planning Board.
19 And we received some comments on the concept plan that
20 we incorporated into this application.

21 The plans that we submitted include phase 2
22 site, phase 2 utility plans, grading plans,
23 landscaping plans and lighting plans. The basis of
24 the overall -- preliminary overall is the previously
25 approved preliminary overall site plan, which is shown

1 in dashed format here. We are 100 percent consistent
2 with the previously approved preliminary overall, with
3 the only exception being the location of the
4 drive-through, which was modified to meet the
5 restaurant use, the Starbucks Café use queue
6 requirements as well as mitigate any site conflicts
7 and avoid any drive-through queue that would back up
8 into circulation movements.

9 Notable components of the site plan is a
10 connection to the southerly adjoiner, which is the
11 Brookdale Senior Living Center. We are proposing to
12 make that connection. We are proposing to complete
13 the signal improvements at the southerly access point,
14 which aligned with the existing signal servicing the
15 shopping center on the east side of South Clinton Ave.

16 We are completing the internal site
17 circulation drive that would connect the existing
18 northerly access opposite Rue De Ville that is
19 currently servicing the Doodle Bugs daycare facility.

20 We are proposing 59 parking spaces, which is
21 in excess of the required five per thousand that is --
22 been adopted under the incentive zoning regulations.
23 When we did the incentive zoning approvals, we used a
24 overall ratio for the entire development at five per
25 thousand rather than look at each specific use in and

1 of itself. We do not need to do that for this
2 application. So currently we're proposing 59 parking
3 spaces, which is in excess of the required amount.

4 We are within the threshold with the
5 previously approved traffic impact study. When we did
6 the traffic impact study in 2016, we took into
7 consideration an 11,600 daycare facility,
8 51,700 square feet of medical office, 9,200 square
9 feet of retail, of which there was a 2,500 square foot
10 coffee/doughnut shop with drive-through. And then in
11 addition, 4,500 square foot high turnover restaurant.

12 So essentially we are -- we are within the
13 threshold of that previously approved traffic impact
14 study. We do not anticipate any negative impacts
15 associated with this specific use, being the Starbucks
16 café and the associated drive-through.

17 When we had the concept review in January,
18 there was a couple minor items that were -- we were
19 asked to consider. One was we were showing a garden
20 wall along the drive-through queue lane that is
21 adjacent to the South Clinton Ave. right-of-way. The
22 consensus from the Board was that they preferred not
23 to have a wall between the right-of-way and the
24 building.

25 So we removed that and we developed the

1 landscaping along that edge of the building. I'll let
2 Evan speak to that should there be any questions
3 relative -- specific to landscaping.

4 In addition, we were asked to model turning
5 movements for the egress movement out of the
6 drive-through egress. And we did submit that along
7 with our application. We modeled a pickup truck with
8 a landscape trailer, just kind of looking at what
9 would potentially be a worst-case vehicle that wanted
10 to navigate through the drive-through queue. And I
11 think we've demonstrated that we can successfully make
12 that egress maneuver without creating any type of
13 conflict or hazard relative to that movement.

14 You can see on the overall site plan we
15 modeled the fire truck apparatus through the site.
16 And it's consistent with the previously approved
17 preliminary overall.

18 So I believe we've submitted a complete
19 application. We hope to be able to move forward. As
20 a note I know you asked a question about the status of
21 the Architectural Review Board. We did submit updated
22 elevations. I anticipate meeting with the
23 Architectural Review Board next week. Those updated
24 elevations are different than what is in your packet
25 that was submitted just giving the timing of us

1 receiving feedback from the Architectural Review Board
2 and having to make this submission deadline.

3 Of note, you know, the biggest concern that
4 ARB had was wanting to have as much vision glass
5 facing the South Clinton Ave. right-of-way. And I
6 think our updated elevations have responded to that.
7 We're ultimately trying to balance the fact that that
8 is the back of the building facing the right-of-way
9 and, you know, given the nature of this inline tenant,
10 most of their back-of-house will be, you know, towards
11 the east side of the building.

12 So we've developed updated elevations we
13 hope meet with approval from them. And, you know, I
14 anticipate that we would likely be able to address any
15 concerns that the Planning Board has and try to wrap
16 up all our approvals in April.

17 We did receive some communication from the
18 Town staff I think as of this morning. We checked
19 online and I pulled the comments to the application.
20 I reviewed those. I don't anticipate needing to go
21 through those in detail. Having read through them I
22 don't see anything that is challenging for us to
23 respond to and work with Town engineer, Town staff
24 and, you know, hopefully respond to any questions you
25 folks have tonight.

1 I know you have a lengthy agenda. So I'll
2 cut it off at that and, you know, answer -- hopefully
3 be able to respond to any questions you have.

4 CHAIRPERSON PRICE: Okay. Thank you. Can I
5 ask, Jeff, could you scroll through the drawings? I
6 think there was one drawing that kind of highlighted
7 the portion of this that would be built as part of the
8 current phase 2.

9 MR. FRISCH: Brendan is controlling the
10 screen share. So he can get it.

11 CHAIRPERSON PRICE: Oh, thank you. Okay. I
12 see. All right. Paul, you -- the connection to the
13 signalized intersection and that -- that southern
14 access will include a drive lane down in front of the
15 new building?

16 MR. COLUCCI: That's correct.

17 CHAIRPERSON PRICE: Okay. And you are going
18 to go ahead and make that connection over to
19 the parcel to your south in this early phase as well?

20 MR. COLUCCI: That's correct. Yup. As
21 shown here we are keeping the previously approved
22 connection and where we have assigned easements for
23 cross access to them.

24 CHAIRPERSON PRICE: Okay. All right. Thank
25 you. And then just for everybody's recollection here,

1 the access drive opposite Rue De Ville and in front of
2 Doodle Bugs, that connection is already completed as
3 is this connection to the west of Doodle Bugs into the
4 adjacent property to the north; correct?

5 MR. COLUCCI: That's correct.

6 CHAIRPERSON PRICE: Yup. All right. I
7 think the only other modification I wanted to point
8 out was you did relocate the dumpsters that were
9 proposed for the front of the building, and the
10 islands to a position on the side of the building.

11 MR. COLUCCI: That's correct.

12 CHAIRPERSON PRICE: I think that's -- and
13 the parking spaces to the front are now parallel
14 versus being perpendicular and you still have
15 enough -- you still have adequate parking that exceeds
16 the code.

17 MR. COLUCCI: That's correct.

18 CHAIRPERSON PRICE: All right. All right.
19 I don't have any further questions. I guess I would
20 ask the Board. Karen, do you have any questions or
21 comments?

22 MS. ALTMAN: Not at this time. Thank you.

23 CHAIRPERSON PRICE: Thanks. David Fader, do
24 you have any questions or comments?

25 MR. FADER: I have one. Isn't it going to

1 be hard for the handicap people to ever get out of
2 those spaces with all the cars going to out that way?
3 I mean, they're going to go past the dumpsters and
4 then out that little passageway to escape. And the
5 two handicapped people are going to be sitting there
6 forever.

7 MR. COLUCCI: Yeah. We -- that's a good
8 comment, Dave. We actually added two additional
9 handicap spaces to the south of the building just
10 given the -- trying to balance for all the tenants.
11 And we had previously shown handicap spaces or
12 accessible spaces on the west parking field where the
13 crosswalk is shown. And we have more than what would
14 be required by code. We did that just with trying to
15 have a little forethought of being able to balance
16 accessible parking for all the tenants that are there.

17 I think that we've tried to do it as best as
18 practical. You know, one of the modifications we made
19 when we went through the different alternatives we
20 reviewed was to try to pull the building a little bit
21 further west. In lieu of nose-in or 90 degree parking
22 we went to parallel parking so that I could give a
23 little bit better pedestrian width, little more ample
24 hardscape on the west side of the building and also be
25 able to pull the building slightly away from the

1 right-of-way to try to improve some landscape features
2 along the drive-through lane.

3 So I think -- I think we've done as
4 responsible a job as we can at providing accessible
5 parking. But if there is, you know, a suggestion the
6 Planning Board had, I'd be happy to --

7 MR. FADER: Could you --

8 MR. COLUCCI: Pardon me, Dave?

9 MR. FADER: Could you -- could you point out
10 the other spots? I don't see them.

11 MR. COLUCCI: I wish I could. I don't think
12 I can have control. But there's -- there are two
13 which are in the western parking field and then two on
14 the southerly parking field.

15 CHAIRPERSON PRICE: There is -- there is a
16 striped crosswalk from the two in the west field
17 across to the -- to the ramp in front of the
18 Starbucks.

19 MR. FADER: Okay. Those are the -- I know
20 about those two. Those are the two that I was
21 thinking of. Where are the other two? Oh. Way over
22 there. Okay.

23 CHAIRPERSON PRICE: South side.

24 MR. FADER: Yeah. So the good ones have a
25 long walk. Okay.

1 CHAIRPERSON PRICE: All right. Thank you,
2 David. Julie, do you have any questions or comments?

3 MS. FORD: I do not. Thank you.

4 CHAIRPERSON PRICE: Okay. Jason, how about
5 you?

6 MR. BABCOCK-STINER: I'm good. Thank you.

7 CHAIRPERSON PRICE: All right. Delaney?

8 MS. DELANEY: I feel like I'm always the
9 trouble maker in this one, but I feel like it's come a
10 long ways. I think last -- or last time you
11 presented, Paul, you talked about Starbucks being a
12 really good anchor tenant and I appreciated that
13 comment about the type of business that this could
14 attract.

15 I guess I still just have one question.
16 With this drive-through, I know I've struggled with
17 the drive-through being parallel to the road. I think
18 I've accepted that's how it's going to be. I know
19 that there's other examples like the Tim Hortons out
20 in Bushnell Basin that has like a brick paver
21 drive-through instead of a blacktop drive-through. I
22 don't know if anything like that is possible, but I
23 think something like that really improves the
24 appearance of that roadway. I don't know if it's --
25 you know, with this length queue if something like

1 that is possible. With the weather, it's, you know --
2 I don't know.

3 But I do think that when you drive-through
4 that Bushnell Basin Tim Hortons and see that
5 drive-through along the road where they've done the
6 brick pavers in it, I think that does make the
7 drive-through look a lot nicer than just a typical
8 drive-through along a road.

9 I guess my other question too, I'm not a
10 traffic engineer, and just making sure that the turn
11 turning right out of that drive-through lane that
12 that's like logistically possibly. Because I know
13 with Whole Foods we thought that that Starbucks
14 drive-through was fine. And it's like the only thing
15 I feel like I hear about on that Brighton Facebook
16 page is how people can't make that turning radius.

17 So just wanting to make sure that if people
18 come out and turn right around that corner that
19 they're not going to have any issues making that turn.
20 I feel like there's been a lot of grief about that --
21 hat other Starbucks drive-through. So just wanted to
22 make sure that we don't find ourselves in the same
23 situation.

24 MR. COLUCCI: Yeah. Those are -- Bill, if I
25 can just respond. I think those are two great

1 comments.

2 The latter one we did submit a turning
3 exhibit of a pickup truck with a landscape trailer
4 that shows that movement, auto turn navigating into
5 the drive-through and making that right turn out.
6 That was a comment that came up in the workshops from
7 Ramsey. And we studied that and that was submitted
8 with this application.

9 The example of a brick paver surface, if we
10 flipped to the landscape plan, you can see the
11 screening that we're proposing, which is, you know, to
12 allow a balance of visibility to the building along
13 with a nice edge of trying to appropriately screen
14 headlights and vehicular queue along the -- you know,
15 from the right-of-way.

16 I don't think you would see the surface of
17 the drive-through from the right-of-way just given --
18 given that it is about 3 or 4 feet elevated from South
19 Clinton Ave. The only time you would see that surface
20 is actually when you're actually driving through the
21 drive-through lane.

22 MS. DELANEY: Sure.

23 MR. COLUCCI: We tried to screen that. If
24 you're interested, Evan can run through, you know,
25 what is proposed and how that was developed.

1 But specifically we tried to pay
2 attention -- we knew that this was a point that the
3 Planning Board felt very strongly about and what could
4 we do to help mitigate the drive-through positions as
5 best as practical. And I think we've come a long way
6 through those workshops. And I really tried to pay
7 attention to appropriate screening and generous
8 landscaping to provide a nice buffer but allow for
9 visibility to the building.

10 MS. DELANEY: Okay. I think I'm -- I think
11 I'm satisfied with that answer.

12 MR. COLUCCI: Thanks.

13 CHAIRPERSON PRICE: Thank you, Pam.

14 MS. DELANEY: Yeah.

15 CHAIRPERSON PRICE: And just trying to
16 figure out -- is -- John, did I get to you?

17 MR. OSOWSKI: No. And just to back up for a
18 minute regarding what David Fader said about the
19 accessible parking. And I wonder if anybody thought
20 about trying -- where you have the parallel parking
21 along the front of the building, if anyone tried
22 considering the diagonal parking and perhaps making
23 some of those diagonal stalls to be accessible ones,
24 to make accessible parking a little more convenient.
25 That's -- maybe it's worth consideration. But that's

1 all I have to say.

2 CHAIRPERSON PRICE: I do recall that, you
3 know, the parking in the front was originally
4 perpendicular. And our concern was that the amount of
5 sidewalk in front was really down to the bare minimum.

6 MR. OSOWSKI: Okay.

7 CHAIRPERSON PRICE: 5 feet wide.

8 MR. OSOWSKI: That's right.

9 CHAIRPERSON PRICE: So maybe another option
10 is whether or not a handicap space could be one of
11 those -- one of those parallel spaces.

12 But, Paul, you are saying that the two that
13 are on the west side are really there to serve, you
14 know, your first two tenants from a location
15 standpoint and then your third tenant or that
16 multi-use tenant space is being served by those
17 handicap spaces on the south side.

18 MR. COLUCCI: Yeah. That's correct. We
19 tried to balance it, you know, just given the reality
20 of where the tenant entries will be. And we felt that
21 adding an additional two on that south side was
22 appropriate to consider even though it's not required
23 by code. We felt that it was appropriate to put them
24 there.

25 CHAIRPERSON PRICE: John I don't know --

1 MR. OSOWSKI: Yeah. That's adequate.
2 Because I know this -- the stalls that are parallel to
3 the front the building, you really can't make them
4 accessible because you'd have the accessible driver,
5 you know, opening their door into traffic. And that's
6 not going to work. So anyway. That's fine. Thank
7 you.

8 MR. COLUCCI: And just one point to note, we
9 thought about eliminating the parking all together
10 along the front of this building. And this was
11 something we discussed in the workshop. But then we
12 get into the reality of people are people. And if I
13 didn't have kind of pull-up lane where someone can do
14 a short-term, you know, grab-and-go, like run in and
15 grab their coffee from the pickup window, people are
16 just going to get park in the drive lane. And we see
17 that all the time.

18 So we kind of balanced that and said, you
19 know what? If we don't give it to them, they're just
20 going to park right in front. And that's going to
21 create more conflict than, you know, then not having
22 it. So that's really where we settled on. And I
23 think I shared this at concept was we intend to stripe
24 those as short-term like, you know, five-minute
25 parking where someone can just run in and grab

1 something and not have to block that drive lane.

2 CHAIRPERSON PRICE: All right. Jeff or Ken,
3 Ramsey, does anybody have any questions or comments
4 for Paul?

5 MR. FRISCH: I have a couple shorter ones
6 than some other ones. But will -- is there going to
7 be a generator for the building?

8 MR. COLUCCI: No.

9 MR. FRISCH: Okay. Something that -- is the
10 seating outside the proposed Starbucks area, is that
11 going impeded the view of people coming out of the
12 drive-through lane? Like are they going to be able
13 see if there's cars coming or not?

14 MR. COLUCCI: Yeah. I saw that comment. I
15 think, you know, ultimately -- my inclination is no.
16 My -- those café seating areas are usually, you know,
17 pretty sparsely populated. There's going to be a
18 fence, which would be an ornamental aluminum, you
19 know, 30 inch high railing just so people are
20 protected from the drive-through egress and the drive
21 lane just to create a small edge. And it's not a
22 barrier that would impede vision.

23 You know, the speeds and the way people
24 travel should be slow. They're all approaching a stop
25 movement. So I don't think that there's going to be

1 any conflict, but we'll think about that. And, you
2 know, if there's something we can do alleviate it,
3 we'll try to adjust.

4 But, you know, the position of the Starbucks
5 on the endcap and the desire to have that type of
6 activity in the plaza, have that outdoor engagement,
7 has always been something that we strive for. So I
8 don't want to lose it. I think it adds to the overall
9 experience. And I think just given the nature that
10 each vehicle is approaching stop movement, I don't
11 foresee a conflict.

12 MR. FRISCH: And are you going to -- is the
13 cross access easement going to be revised with the new
14 alignment of the driveway?

15 MR. COLUCCI: No. It aligns with the
16 previously approved preliminary overall and the filed
17 easement.

18 MR. FRISCH: Okay. And then I think the
19 bigger thing that -- is there -- there's a lot of
20 topsoil left on the property. As it was previously
21 mentioned that that's kind of a big issue since it was
22 supposed to be resolved six months prior to the
23 previous approval or the previous phase 2 approval.
24 So how are you going -- is that going to get removed
25 shortly? Is that going to be removed with this phase?

1 What are you planning to do with all that?

2 MR. COLUCCI: Yeah, Jeff. That's -- I mean
3 that's a hundred percent weather dependent. You know,
4 I did have our contractor go out there and shape the
5 aggregate piles that are there. Just given the time
6 frame, we're in the snow and mud season, to try to do
7 anything with that aggregate at this point is going to
8 create more disturbance than it's going to alleviate
9 anything.

10 And the topsoil, you know, given the
11 conversations we've had, you know, from late October
12 and through into January when we last spoke to this
13 Board, we're approaching the construction season where
14 people need topsoil. I envision that that is going
15 to -- the desire and need for topsoil is going to
16 increase as we get into April, May, when people are
17 looking to place topsoil.

18 I've talked to our site contractor, who is
19 obligated to take that for me. And, you know, we're
20 envisioning that that's going to commence in -- you
21 know, as soon as the weather improves and we can get
22 into a position where we can remove it without
23 creating, you know, mud and a hazard on the roadway
24 and we can place it at locations as we're getting into
25 construction season.

1 MR. FRISCH: I know Ken -- at some of the
2 previous meetings Ken was -- spoke very strongly about
3 the topsoil being moved or spread out, something,
4 before any additional approvals were granted. I don't
5 know if he wants to speak to that, but I think it's
6 kind of -- it's overdue and I think that Ken would
7 certainly like to see it removed sooner than later.

8 MR. RAMSEY: Yeah. I have to echo that
9 sentiment, Paul. It's been going on for a long time
10 and there's been a number of complaints.

11 MR. COLUCCI: Yeah. I'm certainly aware
12 that we've been talking about it. I actually was able
13 to have a conversation with Supervisor Moehle this
14 afternoon and just kind of explain overall where we
15 are with the development and talk specifically about
16 those two items. Gave him, you know, our sincere
17 intentions of how we plan to address it.

18 Clearly, you know, mobilizing and moving
19 forward with phase 2 and being able to bring the
20 entire site into what we're showing on this set of
21 plans including this phase 2 landscaping plan that
22 shows stabilizing the remainder of the site, it shows
23 removing the topsoil. Obviously we're going to use a
24 fair amount of that topsoil on this phase to complete
25 the landscaping as shown here.

1 And it's just -- it's truly -- it's truly
2 just weather dependent. I mean, I wish I could go out
3 there in January and February make productive use of
4 it. It just -- it just -- there's just nothing good
5 that would happen in that time of year.

6 MR. FRISCH: Ken, you jumping on?

7 MR. GORDON: Yes. If I could just -- Paul,
8 I did have a chance to speak with Supervisor Moehle.
9 His impression from the conversation he had with you
10 was that that topsoil was going to be gone by May or
11 in May. So I guess my question -- you indicated that
12 you'd like to come back to this Board in April and get
13 your approvals. Tell me why this Board shouldn't
14 table this out 'till the May meeting and then see how
15 you've done with following through on your commitment?

16 I mean, you've had more than one
17 construction season to remove that topsoil. And it
18 just hasn't happened. And that's very important to
19 the Town to see that topsoil -- those top soil piles
20 removed. So --

21 MR. COLUCCI: I think --

22 MR. GORDON: It makes sense to maybe wait
23 until the May Planning Board meeting and see how
24 you've done. Your thoughts?

25 MR. COLUCCI: My thoughts are that -- that

1 anything that is going to delay the successful
2 mobilization for us to be commence phase 2 is not
3 going to help me move forward with, you know, getting
4 those aggregate piles spread and removing the topsoil.
5 So Ken, I mean, my goal is to try to develop this
6 property, to bring increased businesses to this
7 corridor. We've talked about it. The world
8 experienced a pandemic. We've been fighting to keep
9 tenants alive in our plazas. You just heard from
10 Mr. Cortese that, you know, he gave free rent for
11 someone for a year and they still suffered. I'm
12 losing tenants across the street similarly.

13 I just don't want to ignore the fact that
14 we -- we haven't purposely tried to ignore the
15 requirements that have been placed on us. We've been
16 focusing, trying to keep tenants alive in all of our
17 plazas. And the sooner we can move forward with this
18 phase 2 of the application, the entire property is
19 going to be brought into compliance as it's shown on
20 this set of plans.

21 And, you know, to say you want to hold me
22 off to mobilize to get rid of some topsoil and take
23 half a million dollars of aggregate and spread it over
24 dirt to see how I do, you're going to push me out of a
25 construction season with a tenant delivery date that I

1 have obligations to. And I'm going to lose the
2 Starbucks. And then I'm going to have no new business
3 in the Town. And you're going to be staring at the
4 same empty future development site.

5 So it just doesn't seem like a partnership
6 that, you know, we strive for with the Town of
7 Brighton. It seems like you want to put obstacles up
8 and see if I can, you know, play Russian roulette with
9 you. And I don't want to do that, Ken. I want to --
10 you know, we've been at this approval since October.
11 And I've worked through workshops. I've gone back and
12 forth with Architecture Review Board. It's just been
13 beyond my wildest expectations of trying to get this
14 second phase approved.

15 And I'm just not interested in, you know,
16 looking at more obstacles and ways that you can make
17 things more difficult for us. I just -- don't what
18 else to say other than, you know, it's the same thing
19 we've talked about over and over again. And it's
20 weather dependent and it's hopefully done as part of
21 this phase.

22 MR. GORDON: Paul, with some respect, the
23 word that comes to mind is the Yiddish word "chutzpah"
24 as to your comment that it's the Town that's putting
25 up obstacles. Because from my perspective it's the

1 developer who has created this situation. You've had,
2 as I said, two construction seasons to fulfill your
3 promises. If there's any delay here that is resulting
4 from the developer's failure to remove that topsoil,
5 it is of your own doing, not the Town's doing. You
6 made a promise. You haven't fulfilled it. And it's
7 been I think nearly two years now that you haven't
8 fulfilled it.

9 And so I don't think that your statement
10 that the Town is trying to put up obstacles is
11 anywhere close to reality. I think it's your -- your
12 employer who has caused this obstacle.

13 But where I'm really stuck is with squaring
14 the idea that topsoil cannot about removed from the
15 site and yet the earth will be good enough for you to
16 do all of the site work necessary to construct this
17 particular development, to go into the ground and
18 create your parking and your parking lot and your
19 building and your building pad and all of that. You
20 can do that, but you can't remove the topsoil because
21 it's too wet.

22 So I'm having trouble understanding how
23 those two square up. And I would appreciate more
24 recognition that this is not a problem created by the
25 Town. It's a problem created by you and your client

1 or your employer actually.

2 MR. COLUCCI: Yeah. The -- I guess just to
3 the timing, the -- the overall site work wants to
4 commence as soon as we get into more favorable
5 weather. And that's -- the typical construction
6 season starts in April, weather dependent. We all
7 know we get snow and we get, you know, heavy rains in
8 April and it just might not be conducive to be out
9 there. But certainly May, it is our intention to
10 commence removal of the topsoil as soon as we can
11 avoid making a significant mess with trying to get it
12 out of the site, Ken.

13 The other reason that, you know, the
14 activity has been delayed is, you know, we've had
15 dozens of deals that we've been trying to work with
16 medical. I talked a little bit about this with
17 Supervisor Moehle. You know, we're competing on new
18 build with second generation space that's come vacant
19 in Clinton Crossings. So we just haven't had a good
20 idea of what the medical component could be.

21 And that caused us to pause. And we had an
22 idea of wanting to spread all of that aggregate out.
23 And we thought we knew where we wanted to put all of
24 the underground infrastructure in. And we were ready
25 to do that. And then we had a bunch of different

1 variables come at us. And we said, geez, you know,
2 just let's just kind of pause and not put stuff in the
3 ground that we're going to have to tear up. Let's not
4 spread the aggregate that's going to get contaminated
5 with the subbase that's there and waste, you know, a
6 half a million dollars that it cost us to excavate
7 that and process it. And then let's come in with a
8 piece we know, this -- we have a Starbucks deal. We
9 think that's really going to get help us generate
10 additional interest in this corridor to continue to
11 strengthen the South Clinton corridor.

12 And the timing is lining up that, you know,
13 helpfully we can gain approval in April. I know that
14 this Board wants to have ARB on board with what we're
15 proposing for the exterior features, exterior facades.
16 And, you know, given approvals in April, I anticipate
17 commencing construction in May. And the -- you know,
18 the entire development is going to be back under
19 construction, of which topsoil will be a component
20 where it's removed other than that which we need for
21 the remainder -- for landscape stabilization on all of
22 the areas. And then the aggregate will get placed.

23 So it's really -- it's simply a timing
24 thing. It not a -- you know, ignoring your comments.
25 I know you brought it up from November through

1 January. It just wasn't feasible to be out there
2 doing anything productive in those months. And that
3 was, you know, really more of just a timing thing and
4 we anticipate that we're able to make progress and
5 bring this site into what you would like to see, what
6 we would like to see, you know, in this coming
7 construction season.

8 CHAIRPERSON PRICE: Well, let me ask you a
9 question about your topsoil. You say that your site
10 contractor is obligated to remove it from the site.
11 Were they always intending to take it and restock pile
12 it somewhere else and sell from there? Or are they
13 going -- are they going to just use it themselves? Do
14 you have a sense of that?

15 MR. COLUCCI: Yeah. Obviously, I mean, we
16 have way more topsoil than we ever imagined just given
17 there was a bunch of buried topsoil mixed in with
18 shock rock that was dumped here. And then when we got
19 into processing all of that, we stockpiled it,
20 segregated it and the topsoil ultimately will be
21 placed in projects that are within, you know, a local
22 area. We don't want to haul it, you know, beyond
23 what's reasonable.

24 But they're identifying projects now where
25 there's topsoil needs. And if they can't take off on

1 what we need, they're going to remove it to one of
2 their gravel pits and stockpile it there for future
3 use. So we have a plan. It's simply just a timing
4 thing. I anticipate that we'll make significant
5 progress on this in May and through this construction
6 season where, you know, ultimately when we finish
7 Starbucks, we have a site that is stabilized as shown
8 on this -- this plan.

9 There's -- there's a little bit of grading
10 to do. Most -- all of the mass earth work is done.
11 But there's -- there's some fine grading that wants to
12 be done in, you know, better dryer weather than, you
13 know, during the winter months. And along with that
14 fine grading will be placement of Mirafi fabric and
15 then placement of the aggregate and removal of the
16 topsoil, including that which is shown for
17 stabilization, creation of bioretention areas. And
18 then stockpile that which would be required for the
19 remainder of the site in the back in a much smaller
20 pile.

21 CHAIRPERSON PRICE: All right. Town staff,
22 have you guys had a chance to ask any questions?

23 MR. FRISCH: One more I had. There's -- the
24 whole site has a stormwater plan that was -- that was
25 good for the entire phase. And just wondering what's

1 going to be installed utility-wise and stormwater-wise
2 with this to make sure that it's working with the
3 SWIPP that was previously submitted.

4 MR. COLUCCI: Yeah. If you flip back to the
5 phase 2 utility plan, that will show you utilities
6 that we are proposing.

7 Everything is consistent with the previously
8 approved preliminary overall utility plan. The
9 stormwater management facility that services the
10 entire development was put in and sized for the full
11 build-out. So the utilities that are shown here,
12 Jeff, are what we are proposing.

13 We're proposing to add the bioretention
14 areas that service the parking areas that are proposed
15 as part of phase 2. And those connect as you can see
16 to the storm sewer system that discharges into the
17 stormwater management feature.

18 We're proposing to bring sanitary to service
19 this building. And then we would extend future
20 sanitary across the site. We do have a sanitary sewer
21 easement that was brought up to the right-of-way down
22 the main drive aisle, opposite Rue De Ville as part of
23 phase 1. And we would extend the sewer and easements
24 for future phases.

25 MR. FRISCH: They're going be sized for the

1 future phases or you're putting in what you need now?

2 MR. COLUCCI: Everything is sized to
3 accommodate our full build-out.

4 MR. FRISCH: Okay.

5 CHAIRPERSON PRICE: All right. All set,
6 Jeff?

7 MR. FRISCH: Yeah. All set.

8 CHAIRPERSON PRICE: All right. Other
9 Planning Board members, any other follow-up questions
10 or comments for Paul?

11 MR. OSOWSKI: Yeah. This is John.
12 Regarding the topsoil removal, could it be agreed that
13 it be gone by the end of summer. You know, say late
14 August, early September. Would that about okay?

15 MR. COLUCCI: John, if you're asking me, I
16 would say absolutely. You know, and -- and we don't
17 want to delay it any more than just getting into
18 remobilizing back onto the site, having appropriate
19 BMP's in place, best management practices, so we don't
20 bring silt and mud out onto the roadway. We'd have a
21 stabilized construction entrance. We'd appropriately
22 be able to handled that topsoil so that it isn't
23 creating any type of erosion or sediment controls --
24 or sediment concerns.

25 You know, by -- by the -- through the end of

1 summer, fully anticipate that that is significantly
2 reduced to the point where it's -- the only thing
3 that's left on-site is that which we need for our
4 final stabilization.

5 MR. OSOWSKI: Okay. Thank you.

6 CHAIRPERSON PRICE: Other Board members,
7 other questions? All right. Going to move on to
8 public comments.

9 This is a public hearing. Does anyone in
10 the -- attending tonight that wishes to address this
11 application? I see one hand up. Jeff, do you see --

12 MR. FRISCH: I see Stoffle. And then we'll
13 get RB Cragg after.

14 CHAIRPERSON PRICE: Okay. Thank you. Go
15 ahead please.

16 MS. STOFFLE: Thank you. My name is Caitlyn
17 Stoffle. I'm the executive director over at the
18 Gables of Brighton, a priority life care community.
19 We are a senior care community that would be the one
20 that would receive the driveway that goes to the
21 plaza.

22 I actually have two women here who are a
23 part of our resident council committee. We have our
24 president, Anne, and our secretary, Elise. They did
25 write a letter to the Town and received over 30

1 signatures from our residents. So they are here to
2 advocate for the Board to approve this project for
3 various different reasons. So I am going to pass it
4 to them. They are representing 80-plus senior
5 residents that reside in Brighton. So this is Anne.

6 CHAIRPERSON PRICE: Good evening, Anne.

7 ANNE: Good evening. We are thrilled,
8 number one, that a Starbucks will be our neighbor.
9 Our main concern is the construction of a sidewalk on
10 Clinton Avenue because we have senior citizens who are
11 taking -- going across Clinton Avenue in wheelchairs
12 and risking their lives. We have incline where the
13 stoplight is up to the Gables, which is formally
14 Brookdale. We are now the Gables of Brighton.

15 And the main concern is the sidewalk. We
16 definitely need one. I know years ago there was an
17 accident on a rainy night. Someone -- a car hit a
18 woman who worked in this area. And it was very
19 serious injuries. And I have seen some of our
20 residents cross that road. There's no way they can
21 get down to the traffic signal. It's all -- they have
22 to be in the road. So that is our main concern.

23 We would certainly love to have a
24 construction of a sidewalk. Appreciate it.

25 CHAIRPERSON PRICE: Thank you for your

1 comments, Anne. Anyone else?

2 MS. STOFFLE: And I just have one other
3 comment on behalf of the other residents. And, Paul,
4 I'm so sorry to add to your woes for the topsoil, but
5 when the project first started they added a path
6 from our property to that property that was never
7 completed. So that path right now where my residents
8 walk down it does end at the topsoil pile. So they --
9 you know, we have a beautiful walking group and we
10 have nature trails on our property and new residents
11 might start going down that path and then it's just a
12 mountain of dirt.

13 So I know it's your goal to remove it, you
14 know, throughout the project, but we just want to
15 advocate that that's a priority as well. But, again,
16 our biggest thing is we'd like the sidewalks to be
17 included as part of the project. And we love the idea
18 of being connected and being neighbors.

19 CHAIRPERSON PRICE: Thank you.

20 MS. STOFFLE: Thank you.

21 CHAIRPERSON PRICE: Appreciate you coming
22 out to the meeting. Jeff, do you see anyone else?

23 MR. FRISCH: Yes. There's RB Cragg.

24 CHAIRPERSON PRICE: Good evening.

25 MR. CRAGG: Can you hear me?

1 MR. FRISCH: Yup.

2 CHAIRPERSON PRICE: Yes, we can.

3 MR. CRAGG: Okay. Excuse. I'm standing
4 outside the library for the Wi-Fi. Yeah. My name's
5 Rick Cragg. I live at 1981 South Clinton, directly in
6 front of the Gables. I own the landmark house there
7 where I've lived for 65 years.

8 I have a problem with the driveway
9 connecting the project to the Gables. I'd like to see
10 it moved as far -- let's see -- to the west as
11 possible. Right now it's going through a patch of
12 woods that is part of -- well, let me put it this way.
13 Years ago there was a swamp behind the Gables. It was
14 wetlands. Eventually -- it would sometimes dry up.

15 This is the only patch left and it's --
16 should be considered a wetlands. As far as I know the
17 little woods there has not been changed in 120 when
18 Mr. Proctor bought the land. So it's kind of a
19 bio-niche if you will. It'd be a real shame to
20 destroy it, not to mention all the wildlife and birds.
21 And they destroyed every -- all the other trees on the
22 site, which were grown up since the mid-60s.

23 This particular patch of land that you have
24 the driveway through is kind of special. I mean, like
25 to see the whole things moved, like I say, to the west

1 to connect up.

2 As the person outside the Gables closest to
3 the project, I have no problem with the dirt piles.
4 They don't bother me in the least. The only other
5 problem I have is you guys have a -- about a thousand
6 gallon tank of diesel fuel about a hundred feet from
7 my landmark house. I'm not too happy about that.
8 There's also a big pile of tires there, which you're
9 holding a tarp down with dirt. I'd like to see those
10 removed. Last year they were full of mosquitos.

11 I think a little more investigation into
12 where the road is going would be nice. I have no
13 problem with a sidewalk in front of my house. That's
14 about all I had to say. Any questions?

15 CHAIRPERSON PRICE: No. Thank you. I
16 appreciate you coming out and making the effort to
17 participate. Thank you.

18 MR. CRAGG: Okay.

19 CHAIRPERSON PRICE: Are there other
20 residents interested in speaking, Jeff?

21 MR. FRISCH: I don't see anybody else.

22 CHAIRPERSON PRICE: Paul, let me just ask
23 you if I could, the -- I guess the topsoil is a
24 concern. When that's gone the alignment of this, is
25 this in a -- up the road, the access road over to the

1 Gables, is that in a drive lane for future -- or
2 future drive lane of, you know, the parking and
3 circulation?

4 MR. COLUCCI: Yeah. I think I'm unmuted.

5 CHAIRPERSON PRICE: You are. We can hear
6 you.

7 MR. COLUCCI: Yeah. If you back to -- Jeff
8 could page back one page? You'll see the preliminary
9 overall. And so that is aligning with the future
10 drive lane. We -- we reviewed this location of that
11 connection extensively when we went through the
12 preliminary overall approval and during the incentive
13 zoning process.

14 I would very much like to meet with
15 Ms. Stoffle very soon just to discuss a couple things.
16 One, the connection because we would be on their
17 property doing some construction work. So we'd want
18 to discuss that with them, walk it with her when the
19 weather is appropriate, and look at any particular
20 impediments that they see. We believe -- we've chosen
21 that location just for an appropriate grade for access
22 to them.

23 As you can see on this site we do also -- we
24 have installed the path that borders our western
25 property line. And if there is some way for us to

1 allow your walking path to connect to that walking
2 path, I'm happy to make that connection. We'd love
3 for you and your residents to use that path to access
4 the plaza. I do intend to make a connecting link from
5 the that path to this phase 2 so that, you know, both
6 Doodle Bugs daycare folks can take their strollers out
7 there that they do and access that path, the residents
8 to the west of us and the apartment community can
9 access this site. And then the residents of the
10 Gables could use that.

11 We are -- we are committed too and will be
12 constructing the sidewalk improvements along South
13 Clinton Ave., which hopefully that -- that makes you
14 pleased. We want the residents to have safe access
15 along South Clinton to traffic signal. We -- we
16 completed half of our sidewalk improvements last year
17 along Elmwood and we're committed to committing --
18 completing the rest of them along South Clinton this
19 year.

20 MR. FRISCH: Is there -- is there a time
21 frame for that, Paul?

22 MR. COLUCCI: Yeah. Currently I think it's
23 June 30th is what we -- what we requested and the Town
24 Board approved.

25 MR. FRISCH: Okay.

1 CHAIRPERSON PRICE: Okay. Any other folks
2 who are joining us tonight that wish to address this
3 application?

4 MR. FRISCH: I don't see anybody, Bill.

5 CHAIRPERSON PRICE: All right. Thank you.
6 We might, Paul, during deliberations bring up a couple
7 of the points that Mr. Cragg brought up. So stick
8 around if you can.

9 MR. COLUCCI: Absolutely. Thanks, Bill.

10 CHAIRPERSON PRICE: All right. Let's
11 proceed to our third application, which is 3P-02-22.

12 **Application 3P-02-22**

13 Application of Bright Future Realty Group,
14 LLC, owner, and Jacob Ouyang, agent, for Conditional
15 Use Permit Approval to allow for a sushi restaurant on
16 property located at 2425 West Henrietta Road. All as
17 described on application and plans on file.

18 CHAIRPERSON PRICE: Is -- this is the
19 application here; right?

20 MR. FRISCH: Yup. Yeah. This is it. Is
21 there anybody on? Please raise your hand or turn on
22 your video.

23 CHAIRPERSON PRICE: Is there anybody from
24 the general contractors here, TCT? Jeff, with your
25 concurrence, I'd like to move to the next application

1 and we can certainly come back to this if someone
2 representing this application does join us.

3 MR. FRISCH: That sounds good.

4 MR. GORDON: Before we move on could we just
5 see if there's anyone on the Zoom from the public who
6 wants to make comment on this project?

7 CHAIRPERSON PRICE: Certainly. Yes. This
8 is a public hearing. This is the application of
9 Bright Future Realty Group. This is the sushi
10 restaurant at 2425 West Henrietta Road. Just
11 wondering if there's anybody here interested in
12 commenting on this application?

13 All right. We will ask again later in the
14 meeting if anyone joins us that can hopefully
15 understand a little bit more about the application.

16 All right. We will move on to application
17 3P-03-22.

18 **Application 3P-03-22**

19 Application of Winton Acquisitions LLC,
20 owner, and The Old Farm Café, lessee, for Conditional
21 Use Permit Approval to allow for an interactive café
22 on property located at 3450 Winton Place. All as
23 described on application and plans on file.

24 MS. JOHNSON: Hi. Yes. I'm here.

25 CHAIRPERSON PRICE: Good evening.

1 MS. JOHNSON: Yes. My name is Eric Johnson.
2 Thank you for having me and good evening. I'm the
3 executive director of OFC Creations at 3450 Winton
4 Place, 14623.

5 Just to be clear, OFC Creations, which has a
6 property in the Winton Place Plaza, is going to be the
7 owner and operator of this café. So the café, the Old
8 Farm café is going to be the dba of the business, but
9 it's owned and operated by OFC Creations, which is
10 already a tenant.

11 Just a little background. OFC Creations has
12 been around since 2005. Two years ago we were able to
13 open the OFC Creations Theater Center in Brighton
14 despite the obstacles of the pandemic. Since opening
15 in 2020 we've been able to welcome over 5,000 students
16 through our doors for classes and camps and thousands
17 more as audience members for our shows.

18 The facility has been utilized by outside
19 groups for weddings, dance recitals and business
20 meetings. Even with the pandemic we were able to
21 expand our staff from just me to now 6 full-time
22 employees and 12 part-time employees.

23 Today the purpose of me being here is OFC is
24 sharing our plans for our next big endeavor, which is
25 the Old Farm café and dining experience. The café is

1 next door to the theater in the Winton Place Plaza.
2 The theater is Suite B8. And the café is suite B6.

3 This new suite that we're discussing is B6.
4 And it's a 12,000 square foot building that will be
5 split up into three main segments. The front will be
6 the Old Farm café, which is approximately 3,000 square
7 feet. And I'll come back to that.

8 The middle will be a rehearsal studio and
9 classroom for our ever growing theater programs. And
10 the back will be our seam shop and storage facility
11 for making and storing set pieces and scenic items and
12 making them for our shows.

13 The main part of this proposal is obviously
14 on the café. The café will be serving coffee,
15 handcrafted caffeinated beverages, breakfast and
16 lunch, food. But at this time there are no plans for
17 ongoing alcohol. It would only a per-event basis that
18 we are doing full-time at the theater already.

19 The big difference with this café is -- from
20 like a chain coffee shop is that the entire café is an
21 immersive barnyard experience. Think Rainforest Café
22 theme, feeling like your outdoors, but indoors the
23 whole time. The coffee shop will be a theatrical
24 experience to attract regular customers, but with the
25 unique nature of the café, we expect to attract

1 tourism from visiting groups.

2 In addition to OFC's current employees,
3 we'll be hiring two full-time employees to run the
4 coffee shop along with a wide range of part-time
5 employees. Our most active time will be on weekends
6 when we are closed to the general public and let
7 community groups and individuals rent the facility for
8 events. At that time we would have up to ten
9 employees working.

10 And that being said also our current plans
11 allow for up to 159 individuals in the café and up to
12 79 in the rehearsal studio. We obviously don't expect
13 to have that many people on-site during normal
14 business hours. That would just be for special
15 events.

16 The cafe's open to the general public 8 a.m.
17 to 9 p.m. Monday through Thursday and 8 a.m. to 2 p.m.
18 Fridays through Sundays with those special events on
19 the weekend evenings.

20 There's more than 750 parking spots in
21 Winton Place and although we fill a ton of them during
22 theater events, there's no way we would ever run out
23 of parking.

24 Deliveries we'll send around to the back.
25 We have one of the two -- the only two main loading

1 docks in Winton Place Plaza connected to this
2 facility. So that won't be an issue.

3 And trash is fairly minimal. That would
4 connect through a Waste Management company. There's
5 no chemicals being dumped. And although we'll have
6 weekend events, nothing will be outside that will
7 distract traffic or impact other businesses.

8 That's pretty much my whole presentation
9 unless there's questions I can answer.

10 CHAIRPERSON PRICE: Thank you. Could I ask,
11 Brendan, could you scroll to the floor plan of the
12 business? There. And maybe just enlarge it a bit.
13 Thank you.

14 Eric, could you talk just a little bit
15 about -- so the front portion that is going to get the
16 café is what is hatched on this plan?

17 MR. JOHNSON: Yeah. It's changed a little
18 bit. We have been prepping to submit the building
19 permits once we got through this meeting. Believe it
20 or not the architect that created this form me and did
21 a fabulous job, their -- their business went out of
22 business.

23 So I -- we switched architects to Chris from
24 9 by 30 Design who the same architect who did our
25 theater. And he revised this slightly. It is very,

1 very similar to this.

2 But, yes, that front section is 75 feet away
3 from the entrance for the café. The office has --
4 slightly chipped it a little bit smaller. But that
5 gives us that flex space in the middle. And then the
6 back is the set building and storage facility for all
7 our pieces that we use for the theater.

8 CHAIRPERSON PRICE: And could you just tell
9 us a little bit about the -- what you're serving and
10 how it's prepared.

11 MS. JOHNSON: So the café kitchenette area
12 that you see in the front right-top corner, that is --
13 that's the whole area. So it's -- it's espresso.
14 It's handcrafted, you know, iced drinks. Very much
15 Starbucks, Dunkin Donuts types.

16 In terms of the food. We are using a
17 TurboChef oven. So it is ventless. There's no need
18 for vents or anything like that. That's the only way
19 we're cooking -- cooking things. But it is an
20 industrial size that if we do do a big party with 150
21 people, it can sustain, you know, a large party or it
22 can just do the normal day-to-day operations.

23 CHAIRPERSON PRICE: Okay. Right. And you
24 said that your operation would just use pretty
25 standard totes or dumpster for trash removal and

1 you're not serving outside, you're not looking at this
2 time to expand that to the outdoors?

3 MR. JOHNSON: Nope. There's really not too
4 much room in front of the building. So it would just
5 be an indoor facility.

6 And the idea is that they come inside and
7 they feel like they're immersed in something else. So
8 it wouldn't make sense to bring anything outside.

9 CHAIRPERSON PRICE: Okay. All right. I'm
10 going to ask if other Board members have questions.
11 And I'm going to base it on who I can see. And that's
12 John Osowski. Do you have any questions for Eric?

13 MR. OSOWSKI: No. No, I don't. Not at this
14 time. Thank you.

15 CHAIRPERSON PRICE: All right. Jason, any
16 questions?

17 MR. BABCOCK-STINER: I'm good as well.

18 CHAIRPERSON PRICE: David Fader?

19 MR. FADER: Nope. I don't have any.

20 CHAIRPERSON PRICE: Karen Altman?

21 MS. ALTMAN: No, I don't. Thank you.

22 CHAIRPERSON PRICE: Julie?

23 MS. FORD: I do not.

24 CHAIRPERSON PRICE: Okay. Pam?

25 MS. DELANEY: I don't have any either.

1 CHAIRPERSON PRICE: Okay. Eric, you've got
2 everybody completely educated. All right. Jeff and
3 Ken Gordon, either of you have questions for Eric?

4 MR. FRISCH: Yeah. I have a few. This is
5 not going to be connected to your theater space;
6 right? There's going to be no connection between the
7 spaces?

8 MR. JOHNSON: Correct. There's actually
9 another tenant in between. But we've coordinated with
10 them quite a bit in the past and they're on board with
11 this project.

12 MR. FRISCH: Okay. For food, I mean, you
13 say it's going to be like a small kitchenette. But
14 serving a hundred some odd people that sounds like a
15 lot of work. How are you going to do that from that
16 small space you have there?

17 MR. JOHNSON: So that -- so it will be
18 pre-made items that will be prepared. That's why we
19 also have that flex space and why we called it a flex
20 space in these drawings rather than a rehearsal
21 studio. With the size of that space and even going
22 even farther back we have areas that we can, you know,
23 store items, you know, have extra refrigeration units
24 back there to store the items we need to and use that
25 as kind of overflow space depending on events.

1 We just -- you know, right now we have so
2 many events that we are turning away from the theater.
3 We don't have an open date until January 2023. So
4 we're turning away birthday parties and different
5 things that are looking to come to us. And so we
6 think this will be a popular endeavor. But we just
7 don't know exactly what type of events and what type
8 of food they'll want until we actually get into it.

9 MR. FRISCH: I just imagine that a lot of --
10 a lot of it will be stuff that's prepared off-site and
11 you have it delivered?

12 MS. JOHNSON: Correct. Yes. Prepared that
13 morning or, you know, not at the exact time that
14 people are already there.

15 MR. FRISCH: Okay. Thank you.

16 CHAIRPERSON PRICE: Ken Gordon?

17 MR. GORDON: Just a question about service.
18 Will there also be take away service utilizing paper
19 cups and other disposable products?

20 MS. JOHNSON: Yes, there will.

21 CHAIRPERSON PRICE: Okay. So the -- you
22 know what -- Ken's question gets at the issue of, you
23 know, do paper products or cups or plastic get outside
24 and find their way into the parking lot. You're --
25 you're probably thinking people who come will take

1 this and bring it with them and they're not going
2 outside and eating and not having a place to -- to put
3 it in a refuse container?

4 MS. JOHNSON: You know, that'd a great
5 point. At the theater I can say that, you know,
6 there's so many activities in that plaza. There's a
7 dance school. There's a martial arts facility.
8 There's a bunch of things that are happening.

9 There has been trash that has gone into the
10 parking lot from those different tenants. But I think
11 that the new ownership of the plaza has already put in
12 some new pieces to help alleviate that going forward.
13 There are some outdoor trash cans out there. And
14 obviously we'll have plenty inside to encourage it and
15 hopefully keep that as clean as possible.

16 CHAIRPERSON PRICE: Okay. Thank you. One
17 last call for questions or comments from the Board or
18 Town staff. All right.

19 Is there anyone attending tonight's meeting
20 that cares to address this application? Please raise
21 your hand or turn on your camera and wave your arms
22 around.

23 MR. FRISCH: Not seeing anyone.

24 CHAIRPERSON PRICE: All right, Eric. Thank
25 you.

1 MS. JOHNSON: Thank you so much.

2 CHAIRPERSON PRICE: All right. Move on to
3 Application 3P-04-22.

4 **Application 3P-04-22**

5 Application of Daniele SPC, LLC, owner, for
6 Conditional Use Permit Approval to allow for a Jersey
7 Mike's Sub Shop on property located at 2750 Monroe
8 Avenue. All as described on application and plans
9 submitted.

10 MR. RAMSEY: Bill, can we check with Holly
11 to see if she needs a break.

12 CHAIRPERSON PRICE: Certainly.

13 (There was a pause in the proceeding.)

14 CHAIRPERSON PRICE: This is the application
15 3P-04-22, Daniele SPC, LLC, for conditional use permit
16 for a Jersey Mike's Sub Shop at 2750 Monroe Avenue.

17 Mr. Goldman, are you representing the
18 applicant tonight.

19 MR. GOLDMAN: I am. I am. Good evening,
20 Mr. Chairman and members of the Board. My name is
21 Jerry Goldman. I reside at 59 Branchwood Lane in the
22 Town of Brighton. I have an office at 1900 Bausch and
23 Lomb Place. And I'm representing Daniele SPC, LLC,
24 the owner and developer of the Whole Foods Plaza.

25 With me tonight are Amy Dake, who is our

1 traffic engineer. And I believe we'll be joined by
2 Danny Daniele who's attending another meeting, but is
3 aware that we are up and ready to go on this. He's
4 going to try to break away and join us.

5 Our application this evening is for a
6 conditional use permit for an approximately 123 square
7 foot Jersey Mike's Sub Shop. As you know, food uses
8 require a conditional use permit from the Planning
9 Board.

10 Jersey Mike's is looking to lease the space
11 inline on the 22,250 square foot building behind the
12 Starbucks and the two additional buildings. I don't
13 know if you want to put up, Jeff, on page 3 of Amy's
14 submission. There is a site plan, which does show
15 where the Jersey Mike's is supposed to go.

16 The property is categorized by the Town as a
17 community shopping center. So instead of going
18 use-by-use as we do with Brighton Commons to calculate
19 parking, it's a flat five per thousand. We did
20 provide a parking calculation relative to what Jersey
21 Mike's would typically need if they were a
22 freestanding or dealt with individually. And that's
23 what Jeff had up initially. So maybe we can go back
24 to that if that's what you want to do. There's --
25 there's a plan. You -- I thought you'd be able to see

1 the Jersey Mike's in there, but I guess not. I see it
2 on the plan that I have.

3 It is -- it's located right in middle in the
4 area that's got the carve out. So that is -- that's
5 where the 123 square feet would be located.

6 In terms of parking, we are fully compliant
7 with code.

8 So there's no issue to talk about there.
9 The only issue that we really could identify that
10 anyone would want to have some information on would be
11 whether the introduction of the restaurant use would
12 have any impact on the traffic analysis, which was
13 done by SRF for the Town Board and for the Planning
14 Board as part of your approval process.

15 And in -- in that regard, SRF, Amy Dake, has
16 provided a letter and an analysis that I believe has
17 been shared with the Board. And that analysis
18 indicates that based upon her methodology of our trip
19 generation is actually projected to be less than was
20 previously estimated as part of the -- as part of the
21 study.

22 So that having been said, that analysis
23 would allow this Board to complete it's SEQRA review
24 and make a determination that the proposed application
25 is within the parameters of the prior SEQRA -- excuse

1 me -- findings which were made by the Planning Board.
2 And the Board could make a determination of
3 consistency with the prior environmental findings
4 made. And that would essentially close out the SEQRA
5 process relative to this application.

6 Just like to speak to a moment, I believe
7 there was one comment letter that we received from
8 Charles Malcomb on this. And we do maintain that all
9 prior approvals were legal. I believe that the Town
10 would ascribe to that possession as well. There's no
11 legal impediment whatsoever to this Board considering
12 a conditional permit application. There is no stay.
13 There's no injunction. There's nothing to stop this
14 Board from considering this particular application.

15 We did have the opportunity to review the
16 staff report. And questions were raised were regard
17 to the operational aspect of it. I did a bit of
18 research to find some answers to the questions. And
19 the answers that I have for you, I am going to follow
20 along. I didn't want to weave it into my
21 presentation, make is sound like it's something we
22 created from whole thought.

23 But the use itself is what's termed as fast
24 casual restaurant, which is a combination of people
25 coming in and people sitting down at the site. As

1 pointed out in the parking exhibit, we have the
2 capability of having 16 customers seats in here.
3 One -- one of the other plans I saw showed something
4 like eight. So there's probably some flexibility in
5 terms of what that number's going to be. And there's
6 also going to be takeout which is available.

7 The proposed hours of operation, the numbers
8 I have are listed as 10 a.m. to 10 p.m. Although as I
9 took a look at the websites, the current Jersey Mike's
10 locations have 10 to 9. So I think we're probably
11 building in some flexibility there.

12 Question was raised will there be any
13 delivery service or curbside pickup. Delivery service
14 is not part of the Jersey Mike's program. But as you
15 know, pretty much everyone is doing delivery services
16 and I would imagine that delivery service would be
17 available as a result of this.

18 In terms of any curbside pickup, I would
19 anticipate that there may be a couple spots which are
20 designated as spots. I don't imagine that we're
21 talking about any sort of pulling up in front of the
22 building and having people pick up. We're not going
23 to encourage that because that will be disruptive to
24 any traffic plan.

25 With regard to the management of trash, my

1 understanding, although I don't remember, is that we
2 will have a dumpster in the back of the site and they
3 would share in the use of the enclosed dumpster area.

4 We do not propose to have any liquor being
5 served at this location.

6 In terms of deliveries to the site for the
7 site itself, those would be limited to the hours of
8 7 a.m. to 9 p.m. I know there's an issue with regard
9 to deliveries and the like occurring between hours of
10 12 midnight to 6. So that will not be a part of this.
11 And we're not talking about operating any trucks
12 on-site during that -- during that off-peak period.

13 I skipped a question. There will be a
14 grease trap. It will be located in the food
15 preparation area. And it would go down into the
16 ground. I assume there will be an oil separator. It
17 would be something that would be dealt with as part of
18 the building permit process.

19 With that, I know, again, you have a long
20 evening and I think you have a lot more to go. So
21 I'll kind of cut our presentation there. And I will
22 be able to -- Amy will be able to answer questions on
23 traffic. And if Danny is on, he can answer some
24 questions as well. So with that, we appreciate your
25 consideration.

1 CHAIRPERSON PRICE: Thank you. Can I just
2 ask the reason for where it is in the Plaza? Could
3 you kindly scroll back to the floor plan?

4 MR. GOLDMAN: Okay. That's the parking
5 requirement plan has the floor plan on it. Go up.
6 And entitled parking requirement on top. I saw both
7 at the very beginning.

8 MR. RYAN: Sorry. Everything's taking so
9 long to load for some reason.

10 CHAIRPERSON PRICE: Jerry, this application
11 does not request any outdoor seating?

12 MR. GOLDMAN: No outdoor seating request.
13 Outdoor seating would require a separate special
14 permit from -- or a conditional use permit from the
15 Planning Board.

16 CHAIRPERSON PRICE: Okay. All right. Can
17 you just generally tell us what -- you have two doors
18 in. People call ahead? Do they order ahead? Do they
19 order online? And then are all of the above, they'll
20 come in, pick up their sub or have it made right in
21 front of them? Is that a kind of "watch them make it"
22 or do you order it then go sit down or stand to the
23 side.

24 MR. DANIELE: Mr. Chairman, this is Danny
25 Daniele. I was able to join the call. Sorry, Jerry.

1 So to answer your question, it's very
2 similar to --

3 MR. RAMSEY: Hey, Dan. Dan, if you could
4 give your address please.

5 MR. DANIELE: 26 Merryhill Lane.

6 CHAIRPERSON PRICE: Thank you.

7 MR. DANIELE: So it's a very similar
8 situation to a Subway. I think we've all been to a
9 Subway before. So you can watch them make your
10 sandwich, even have them customize it just the way you
11 want. Just like a DiBella's or when you go to
12 Wegmans, you stand in front over there and you can see
13 them making everything, it's the same type of
14 situation as any other sub shop. You can call in
15 advance and pick it up or can sit down and watch them
16 make and eat it there or take it out.

17 CHAIRPERSON PRICE: Okay. So all the
18 ingredients are in line the way that some of these
19 others are.

20 MR. DANIELE: Yes.

21 CHAIRPERSON PRICE: Okay. And then to the
22 left of -- and this floor plan, is your -- is your
23 in-house seating and to the back is -- I suspect is
24 all behind walls and that's all of your food prep and
25 your refrigeration?

1 MR. DANIELE: That is correct.

2 CHAIRPERSON PRICE: Okay. Okay. Just
3 wanted to get a sense of the layout. Thank you.

4 MR. GOLDMAN: It's a relatively compact
5 space, but it serves it well.

6 CHAIRPERSON PRICE: Yeah. I guess I don't
7 really have a lot questions. Let me just go to the
8 rest of the Board and see if there's questions. Okay.
9 I'm looking. Ramsey you don't get to ask a question.

10 Jason, you have any questions?

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

12 CHAIRPERSON PRICE: All right. David Fader?

13 MR. FADER: Nope.

14 CHAIRPERSON PRICE: John?

15 MR. OSOWSKI: No. I have no questions.

16 Thank you.

17 CHAIRPERSON PRICE: Pam Delaney?

18 MS. DELANEY: I don't have any questions
19 either.

20 CHAIRPERSON PRICE: Karen?

21 MS. ALTMAN: I'm all set. Thank you.

22 CHAIRPERSON PRICE: Julie?

23 MS. FORD: I have no questions.

24 CHAIRPERSON PRICE: All right. Well, that
25 was altogether too easy. Ken Gordon, how about

1 yourself?

2 MR. GORDON: So I don't know if this is for
3 Jerry, Amy or Danny, but whoever you designate to
4 answer this. One of the concerns with the plaza has
5 been traffic patterns within the plaza itself,
6 particularly with relation to the drive-through access
7 to the Starbucks building and the need to make several
8 turns if you enter at the traffic light to get into
9 that drive-through lane.

10 With the addition of Jersey Mike's, I don't
11 see anything in the traffic analysis that addresses
12 internal plaza traffic conflict. And I'm wondering
13 what the plans are to improve the internal traffic
14 patterns within the plaza so that further traffic
15 problems do not arise.

16 MS. DELANEY: That's a good question, Ken.
17 This is Danny speaking. Thanks for bringing that up.
18 I know everyone that's been through Starbucks has the
19 same concerns. Over the past few months especially
20 since they've opened, they've had some logistical
21 problems, Starbucks, with some of their other sites
22 and their apps, where when you order coffee, you're
23 supposed to go to maybe the Brighton location at
24 Twelve Corners and it actually sends you to the
25 Brighton location here near Monroe Avenue, the Whole

1 Foods Plaza. They're correcting that. So you should
2 start to see that subside a bit.

3 The other concern has been the turn. If you
4 make a turn into the project from the first left, if
5 you will, coming from the Town of Brighton, it gets a
6 bit tight to make the right-hand turn into there. So
7 we're working with the --

8 MS. FORD: Yeah.

9 MR. DANIELE: I don't know who that was.
10 Nevertheless, we're going to -- we're widening that
11 turn so that a car can make that turn a lot easier
12 than you currently can. So that should be done
13 hopefully midsummer. Now that the weather's starting
14 to crack we can work with the concrete and re-patch
15 that. It's nothing significant, but it's enough to
16 make that turn a lot safer.

17 MR. GORDON: Thank you.

18 MR. DANIELE: You're welcome.

19 CHAIRPERSON PRICE: Thank you. Jeff, how
20 about yourself? You have any questions?

21 MR. FRISCH: Yeah. Jerry mentioned a couple
22 different amount of seats. But this looks like it
23 shows 16 seats. And you had a -- I think it shows 15
24 up at the top. There's 16 seats showing. Do you know
25 how many seats are proposed?

1 MR. GOLDMAN: Well, you know, I think
2 there's some flexibility in their design in terms of
3 how it's going to work out. Like I said, I've seen --
4 I've seen numbers as low as 8 and as much as -- as
5 much as 16.

6 MR. DANIELE: This site is designed
7 specifically for 16 seats. I'm sorry Jerry. We've
8 had different iterations. But the one you're looking
9 at is the exact layout that's it going to have. So --
10 I mean, unless someone decides to remove a table,
11 they're planning on 16 actual seats.

12 MR. FRISCH: Thank you.

13 CHAIRPERSON PRICE: Other questions? Jeff,
14 you all set?

15 MR. FRISCH: No. All set.

16 CHAIRPERSON PRICE: All right. One more
17 time for the rest of the Board. Other questions?

18 I guess for staff, Ken and Jeff, as we -- as
19 we proceed to look at different tenancies in this
20 plaza, we're probably only going to be seeing those
21 that require a conditional use permit.

22 Are you -- are you asking that every time a
23 tenant comes in that the actual tenant compares both
24 traffic and parking requirements to the original
25 application that was approved?

1 MR. GORDON: Only if there is a need for
2 Board review or Board approval for one of the Town's
3 statutory boards.

4 CHAIRPERSON PRICE: Understood. Okay.

5 MR. RAMSEY: And given the proposed use,
6 they tend to generate a little bit more traffic. So
7 we did want to just verify that, Bill.

8 CHAIRPERSON PRICE: Okay. No, Ramsey. I
9 know that over the years we kind of -- like at the
10 Twelve Corners plaza we've kind of gotten into a
11 routine of really no matter who the tenant is there,
12 we do look at the -- you know, a parking study for
13 each tenant as they come in. And just wondering if
14 will we be doing the same for all tenants here or just
15 conditional use applicants?

16 MR. BOEHNER: On the parking study or the
17 traffic study?

18 CHAIRPERSON PRICE: Well --

19 MR. RAMSEY: I think it's going to be
20 application by application for the most part. But we
21 do need to as we go through this check to make sure
22 that we're consistent with the findings that have been
23 made by this Board and the Town Board. And whatever
24 information that we'll need to ask will depend on the
25 application.

1 CHAIRPERSON PRICE: Sure.

2 MR. RAMSEY: Traffic was a big issue. So
3 that's why traffic was asked for this application.

4 CHAIRPERSON PRICE: Understood. Understood.

5 MR. GOLDMAN: Can I address the parking for
6 a minute? Because unlike Brighton Commons which is
7 considered to be a neighborhood shopping center, this
8 is considered under the code a community shopping
9 center. And instead of going to use-by-use in terms
10 of the parking ratios, the parking ratio is fixed at
11 five per thousand. And that is a code -- that's a
12 code standard. And we do meet the code standard
13 relative to that.

14 We may have some uses in a center of this
15 size which are going to be lesser traffic generators
16 and some that are going to be more. So for centers
17 which under the code definitions says are generally
18 50,000 square feet or higher, we work under the fixed
19 parking ratio as opposed to the -- as opposed to the
20 use-by-use.

21 So, Mr. Chairman, we wouldn't necessarily be
22 analyzing use-by-use throughout here because frankly,
23 on use-by-use it's less than five per thousand for
24 most uses under the code.

25 CHAIRPERSON PRICE: Understood. Understood.

1 All right. Thank you. Okay. One more time for Town
2 staff and Town Planning Board members. Any other
3 questions or comments?

4 MR. GOLDMAN: If I have one -- if could add
5 one thing before you close.

6 CHAIRPERSON PRICE: Go ahead.

7 MR. GOLDMAN: Okay. I believe that the only
8 written comments that we have received is written
9 comment from Mr. Malcomb. I don't know if we have
10 anybody who is going to be speaking at the public
11 hearing.

12 If we have -- if the only input that we have
13 outside of the application is Mr. Malcomb's letter, I
14 understand the Town staff comment is that Town staff
15 and -- would like the Town staff and Town Attorney to
16 review Mr. Malcomb's letter. And if, in fact, the
17 Board is inclined to do that, we request that the
18 public hearing be closed when you go into
19 deliberations. And then -- and then proceed with
20 whatever analysis the Town staff and Town Attorney
21 wishes to -- wishes to make.

22 So that's just a request on our part. But
23 if there are comments, we would reserve -- we would
24 want to reserve the right to respond to them.

25 CHAIRPERSON PRICE: Okay. Thank you, Jerry.

1 All right. This is a public hearing. And I'd like to
2 see if there's anybody in the audience that cares to
3 address this application? Jeff or Brendan, let us
4 know if you see anyone.

5 MR. FRISCH: I don't see anyone.

6 MR. RYAN: I don't see anybody:

7 MR. FRISCH: If there is anybody, please
8 raise your hand in Zoom or turn on your camera.

9 CHAIRPERSON PRICE: All right. Okay. Thank
10 you. We'll move on. Jeff, I just want to reconfirm
11 that application -- so is this -- this is the end of
12 public hearings. I just want to confirm that
13 application 10P-NB-21, 1950 and 1966 Monroe Avenue has
14 been tabled until April?

15 MR. FRISCH: That is correct.

16 CHAIRPERSON PRICE: Yeah?

17 MR. FRISCH: That's correct. Yeah.

18 CHAIRPERSON PRICE: All right. So at this
19 time we have a couple old applications, but the public
20 hearings are done for tonight.

21 MR. GORDON: Do we want -- do we want to
22 check to see if anybody was here on the sushi
23 restaurant?

24 MR. RAMSEY: Good call, Ken.

25 CHAIRPERSON PRICE: Yes. Is there -- let's

1 see what application -- yeah. Application 3P-02-22,
2 Bright Future Realty Group and Jacob Ouyang for a
3 conditional use permit for a sushi -- at 2425 West
4 Henrietta Road. Has anyone joined the meeting
5 representing the applicant?

6 MR. FRISCH: Please raise your hand or turn
7 on your video.

8 MR. RYAN: It doesn't look like it.

9 CHAIRPERSON PRICE: I will ask also one more
10 time if there's anybody in attendance tonight that
11 cares to address this application?

12 MR. FRISCH: Does not look like it.

13 CHAIRPERSON PRICE: Okay. Thank you. All
14 right. Let's move on.

15 (Public hearings concluded.)

16 CHAIRPERSON PRICE: First -- next
17 application is for concept review. This is 2P-NB1-22.

18 **Application 2P-NB1-22**

19 Application of Bristol Valley Homes, LLC,
20 owner, and PEMM, LLC, contract vendee for Concept
21 Review to repurpose property located at 3108 East
22 Avenue for use as a convenience store and gas fueling
23 facility. All as described on application and plans
24 on file.

25 MR. GOLDMAN: Double hitter tonight for me.

1 Jerry Goldman on behalf of the applicant, PEMM, LLC.
2 Home address 59 Branchwood Lane in the Town of
3 Brighton. Business address 1900 Bausch and Lomb place
4 in the City of Rochester.

5 I'm here this evening representing PEMM,
6 LLC. It's a family business that owns and operates
7 Quicklee's convenience stores and gas fueling
8 facilities. If anyone saw the Rochester Business
9 Journal this past week, they were front page and had a
10 nice article about the nature of their operation and
11 how they operate.

12 Here tonight for concept review for the
13 property at 3108 East Avenue, which is located just
14 south of the -- of the Brighton Fire Hall near the
15 corner of East Avenue and Linden where Elmwood comes
16 in as well. Friendly Home is to our south and behind
17 us, if I have my -- if I have my directions oriented
18 properly. Yeah. Looks like I do.

19 With us tonight on the application are Ken
20 Perelli who's the principal and Lou Terragnoli who is
21 the development coordinator from Quicklee's and the
22 project engineer, John Sciarabba from Landtech is also
23 here with us.

24 The subject property is a historic property.
25 Many of you may remember it's previous -- one of its

1 previous uses and its most noted use was for a gas
2 station most recently on this particular site. So
3 with that there have been visits which were made by
4 the project applicant to the Historic Preservation
5 Commission relative to the building on the site or
6 relative the site itself, the overall development of
7 the site.

8 I've had a number of people personally who
9 over the course of the years have come to me looking
10 to do something on this site. All of them wanted to
11 do some modifications to the building and that was
12 something which wasn't necessarily well received. I
13 would say that from what I understand, I wasn't at the
14 HPC meetings, that what we have here was well received
15 by the HPC. And Lou can speak to that. I believe
16 that Ken is the attorney for the Board and may want to
17 weigh in relative to that. There's also been a visit
18 with the Conservation Board on this that John
19 Sciarabba made and there were modifications to the
20 plans based upon that.

21 The property itself is zoned B1, which is an
22 office category. And I kind of think that that zoning
23 may be a placeholder because nothing really fits that
24 description quite as well. You've got a skilled
25 nursing facility. You've got a fire hall. You've got

1 everything else around it. But nonetheless because
2 it's zoned that way, we would need a use variance from
3 the Zoning Board of Appeals and in accordance with
4 Town's normal procedure we are visiting the Planning
5 Board not only with concept, but with some form of
6 preliminary site plan application before we go to the
7 Zoning Board. But we feel confident that we have the
8 dollars and cents proof to be able to establish a use
9 variance on this site.

10 We're here basically to introduce the
11 project and seek any comments that the Board can offer
12 relative to it understanding, of course, the building
13 itself is fixed, the building that we have. Our
14 intention is not to change the footprint to ameliorate
15 from the exterior look.

16 We have received Evert's memo to Ramsey,
17 which was part of the packet, which you have seen.
18 While there's work to do before we do a preliminary
19 application, we didn't see anything that we would
20 consider to be a blockbuster or a problem in terms of
21 Evert's comments on the site.

22 In order to give a little bit better
23 perspective on this, I'm going to turn it over to Lou
24 Terragnoli at the -- at Quicklee's who can kind of
25 give you an orientation as to how they arrived at this

1 site, what their process has been so far and what the
2 intention is going to forward. So with that, Lou.

3 MR. TERRAGNOLI: Thank you, Jerry. My name
4 is Lou Terragnoli. I'm director of real estate and
5 development for Quicklee's. We're located in Avon,
6 New York. As Jerry said, we're a family-owned
7 business. And we have identified this property as a
8 natural part of extension for our growing convenience
9 store footprint.

10 To take you back to the start of the project
11 and with our approvals, we did start and put this
12 application in front of the Historic Preservation
13 Commission. We did work with them over, I'm going to
14 get say, two or three meetings and had some
15 discussions with them on how the building should look
16 and try to put it back to a state that everyone could
17 be happy with and the way it looked in the past. And
18 I can say that the Preservation Commission is very
19 happy with where the renderings have ended up and how
20 the building will be looking.

21 To emphasize Jerry's point, we were not
22 looking to expand the building, move the building.
23 The building is just under 1,200 square feet. We will
24 be using that footprint to remodel the exterior of the
25 building. And you have the renderings in your

1 package. And, again, that was a function of our
2 meetings with the Historic Preservation Commission
3 and -- headed by Mr. Ludwig and his team. And that's
4 how it resulted in what the building looks like today.

5 In addition, as part of those meetings we
6 originally had proposed three fuel dispensers. But at
7 their request we were asked to reduce those. So we
8 reduced the dispensers down to two.

9 We will also take -- able to have a canopy
10 that's less than a thousand square feet. It's roughly
11 968 square feet.

12 We have positioned the dispensers on the
13 site so if a car is fueling at one of the dispensers,
14 a car could get around the car that's stationary,
15 whether it's on the right side or the left side of the
16 dispensers. That was also a discussion point.

17 Going to the front of the site we have a
18 decorative wall with some landscaping in front of that
19 wall, also a part of the discussions with the
20 Preservation Commission. And in addition, we added
21 some marked pedestrian walkways. So pedestrians
22 coming from East Avenue would have a designated
23 marking where they can access the front of our store.

24 We have 11 parking spots on-site. We have a
25 handicap parking spot that would be closest to the

1 front door.

2 We are also looking to have some decorative
3 landscaping up at the front of the site. And this is
4 really a neighborhood convenience store. We -- that's
5 how we look at this site. It's a site that's going to
6 be servicing the existing neighborhood. It's not
7 going to be a destination spot for anyone that's
8 outside of the existing neighborhood.

9 We've also recently had a traffic study
10 completed by SRF. And that study concluded that the
11 trip generations using the current metrics for the
12 industry would not impact any of the existing
13 roadways. So the access to the site through the --
14 which would really be for the neighborhood should be
15 well used in a safe and efficient manner.

16 I know it's been a long evening for
17 everyone. And I know my presentation was brief. But
18 I'd be happy to answer any questions or comments. And
19 as Jerry said, we have John Sciarabba, engineer and
20 Ken Perelli from Quicklee's also with us this evening.

21 CHAIRPERSON PRICE: Thanks, Lou. Can I
22 ask when you -- you did say it and I apologize. This
23 building, I believe the last owner or last operator
24 did have overhead doors and did -- did do repair work,
25 do I have that right?

1 MR. RAMSEY: I believe so, Bill.

2 CHAIRPERSON PRICE: Yeah. I'm not sure if
3 they -- I thought they had doors. Now, in your
4 application you're proposing that those would just be
5 windows. They're not going to have doors that open?

6 MR. TERRAGNOLI: That is correct. And that
7 was really the natural progression of our
8 conversations with the Historic Preservation
9 Commission, which will point us to the direction of
10 having the way those look as you're seeing them
11 tonight.

12 CHAIRPERSON PRICE: Okay. Okay. I guess I
13 do -- I can appreciate this building being repurposed
14 and renovated to a very nice design. I don't believe
15 the pumps that were out there before had a canopy
16 though. I don't recall the canopy being there.

17 MR. RAMSEY: That's correct.

18 CHAIRPERSON PRICE: And do you -- with your
19 conversation with the Historic Preservation
20 Commission, they were okay with you using a canopy in
21 the front?

22 MR. TERRAGNOLI: Yes, they
23 were specifically, with the design that we have and
24 the renderings that you have in your package. Their
25 main concern with the canopy was when we originally

1 proposed three different dispensers, the size of the
2 canopy.

3 So when we went down to two dispensers,
4 obviously the canopy size was reduced and that seemed
5 to satisfy their concern.

6 MR. GORDON: And, Bill, this is Ken Gordon.
7 I can confirm that. And Ramsey was at that HPC
8 meeting as well. The concern of the HPC was to reduce
9 the size of the canopy so as to enhance the visibility
10 of the main landmark structure from the street.

11 And the Historic Preservation Commission has
12 seen this design and has commented that it is
13 favorably disposed to the design that you see tonight.

14 CHAIRPERSON PRICE: Okay. Does Historic
15 Preservation have any further review as this advances
16 to preliminary/final site plan and ARB review?

17 MR. GORDON: Yeah. So I do not believe --
18 and Ramsey, correct me if I'm wrong on this. I do not
19 believe that a certificate of appropriateness has yet
20 been granted for this project. That would be
21 something that would have to occur before the project
22 could proceed. So a formal hearing for a certificate
23 of appropriateness would need to take place. And that
24 permission would have to be granted by HPC.

25 Has that been granted, Ramsey? I just don't

1 know.

2 MR. RAMSEY: No. You handle it similar to
3 the Architecture Review Board. They're basically free
4 to go see the Historical Preservation Commission with
5 their application for a certificate of appropriateness
6 at any time. It's usually done between the
7 preliminary and the final applications.

8 But we're certainly going to want their
9 concurrence and approval before the Planning Board
10 gives its final approval.

11 CHAIRPERSON PRICE: Okay. That's kind of
12 where I was going with this. And in this instance
13 does Historic Preservation trump an ARB approval? Or
14 do they both have to approve?

15 MR. RAMSEY: No. ARB does not have to
16 review it. The HPC -- it's under the HPC's
17 jurisdiction.

18 MR. GORDON: HPC just acts instead of the
19 ARB here.

20 CHAIRPERSON PRICE: Thank you. Okay. Those
21 were -- those were my questions. Could I ask the
22 Board if -- actually, let's -- what we tend to do, Lou
23 and Jerry, with concept review is we kind of go around
24 and just ask each of the -- this isn't the same as
25 final site plan approval. We just kind of give you

1 our opinions of elements of the plan that we like or
2 elements that we liked to see modified.

3 I guess I would go around and just ask folks
4 to, you know, based on the renderings and the site
5 plan, do you have any comments for the applicant? I'm
6 going to start and put Julie on the spot because she
7 jumped up a few spaces and is sitting there first in
8 line.

9 MS. FORD: I do not at the moment. I like
10 that it's reduced to two spots. They shouldn't have
11 let -- pretty much covers what I was concerned about.

12 CHAIRPERSON PRICE: All right.

13 MS. FORD: At this time.

14 CHAIRPERSON PRICE: Yup. David Fader?

15 MR. FADER: No, I don't -- I really don't
16 have any concerns.

17 CHAIRPERSON PRICE: Okay.

18 MR. FADER: Looks okay.

19 CHAIRPERSON PRICE: Yeah. All right. And
20 John Osowski?

21 MR. OSOWSKI: Yeah. I have a question about
22 the canopy. It has a fascia or mansard look to it
23 that could be a roofing material. Would that material
24 try to mimic the gable roof of the -- of the building?
25 Or would it be painted metal? What would be the

1 intent for that material? I'm curious.

2 MR. TERRAGNOLI: The intent would be to
3 match the building. That was part of our discussion
4 with the Historic Preservation Commission. And we
5 would line those up.

6 MR. OSOWSKI: Okay. All right. Good.
7 Because I see that they -- you mentioned a slate roof
8 to the existing slate roof of the building. And,
9 anyway, slate -- I mean, slate's still available.
10 Obviously it's expensive, but it's still out there.

11 There was a question that our Town engineer
12 made regarding the two employee parking spots. He
13 thought it might be -- if somebody pulled into those,
14 you know, nose first in a car, it might be difficult
15 for them to back out safely and leave. Is there --
16 his question was are those two spots really necessary?
17 Or -- anyway that's I guess for your consideration,
18 you know, how many spots you want to have for the --
19 for this facility and how you intend to use them.

20 But if you take a look at those two spots,
21 they are kind of awkward back in that corner near the
22 dumpster.

23 CHAIRPERSON PRICE: All right.

24 MR. TERRAGNOLI: We'll take a look at that
25 and make sure the parking -- we'll recheck that.

1 MR. OSOWSKI: Yeah.

2 CHAIRPERSON PRICE: All right. Karen, do
3 you have some --

4 MS. ALTMAN: I appreciate the update on the
5 conversations with the Historic Preservation
6 Commission because my question was how we could think
7 about the canopy in relationship to the visibility of
8 that lovely building. So I'm glad to hear that the
9 number of dispensers has been reduced and that the
10 overall size of the canopy is smaller than originally.
11 And if it can be done even more, that would be a great
12 thing because the building is really lovely. That was
13 my main concern at this point.

14 CHAIRPERSON PRICE: Thank you. Jason?

15 MR. BABCOCK-STINER: I like it so far. I
16 think -- I like that it's a nice reuse of the site and
17 the building. I, you know -- I appreciate the
18 Historical Preservation Commission's concern about
19 the -- seeing it through the canopy. Again, I don't
20 really have anything. I think it's a nice job so far.

21 CHAIRPERSON PRICE: Thank you. Pam?

22 MS. DELANEY: Yeah. I like it as well. I
23 think it's a nice design.

24 My only concern I guess is the sidewalk's a
25 little bit dangerous looking. It's sort of like a

1 "walk behind every car pulling out" sidewalk. But I
2 don't know what a better -- I don't have a better
3 option. But it's just a little Frogger feeling, like
4 dodging cars as you're walking on the sidewalk. But I
5 don't know.

6 Otherwise I like it. I think it's a nice
7 design and I think it's a good reuse of that building.

8 MR. PERELLI: So I'm going to ask a question
9 here. This is Ken. I'm with Quicklee's. And from a
10 Board perspective I'm curious what the thoughts would
11 be and I agree with you, Karen -- I'm sorry. Pam.
12 Whoever asked that question about the sidewalks. I
13 agree.

14 What we're trying to do is identify the best
15 and safest routes for pedestrians to come from the
16 sidewalk on East Avenue to the building. Or
17 bicyclists if that's the case. I'm curious if there's
18 a feeling that maybe just having that identified
19 hatched kind of sidewalk leading from the sidewalks on
20 East Avenue on the south or bottom, closest to the
21 Friendly Home or the school and eliminate the hatched
22 walk. It does lead behind seven vehicles. Obviously
23 there's going to be less potential for cars backing in
24 and out of the two spaces on the southern part of the
25 building there.

1 Would that be a sufficient solution in the
2 Board's opinion? Or do you prefer to see, you know,
3 this U-shaped sidewalk pattern? I'm curious as we
4 build a more formal design for our application if that
5 is determined necessary and you brought up a good
6 point. So thank you.

7 MS. DELANEY: Yeah. I mean, I can't fully
8 answer that. I just think leading people behind like
9 that close behind a parked car is a little dangerous.
10 I don't know.

11 I think -- you know, I thought well, maybe
12 you could just cut in from the center of the property
13 straight through the gas pumps. I don't if that's any
14 safer. I don't know. I don't know if it's necessary
15 either to hatch it. It just feels like hatching it
16 and telling people to walk behind these cars pulling
17 in and out seems like more dangerous than not hatching
18 anything at all. I don't know. I don't know what the
19 answer is.

20 CHAIRPERSON PRICE: I've been similarly
21 sitting here thinking, you know, we're actually
22 putting people maybe in more harms way. You know,
23 could you just do the south -- I guess it's the --
24 yeah. It would be the south side coming from what is
25 probably more residence. And you've got the fire hall

1 next to you. Tough call.

2 Maybe for another look would be to put a
3 couple of cars as if they're lined up at the pumps and
4 see where you're likely have vehicles at any one time.
5 And I know that varies wildly from type of vehicle to
6 type of driver and how close they get to the pump and
7 all that. I do wonder maybe not through the center of
8 the canopy, but across the front of the canopy and --
9 you know, so you're coming in at an angle to the
10 sidewalk, but you're coming more from the center of
11 the site rather than leading people behind parked
12 cars.

13 MR. TERRAGNOLI: I understand what you're
14 asking. And I think we can lay that out to see how it
15 looks.

16 CHAIRPERSON PRICE: Yeah. Just try it.

17 MR. TERRAGNOLI: Yeah. Sure.

18 CHAIRPERSON PRICE: You know, and in another
19 circumstance instead of a hatched pattern that looks
20 kind of like a zipper or a railroad track, it's just a
21 solid white line -- not a line, but a band
22 representing, you know, the pathway.

23 Not sure I've never seen that on a
24 commercial site, but, you know, it's worth
25 investigating that it's -- it's laudable that, you

1 know, pedestrians and cyclists and being taken into
2 account.

3 MR. TERRAGNOLI: It's a fair observation and
4 I have some ideas of what we could do to see if that
5 would work out well.

6 CHAIRPERSON PRICE: Okay. Yeah. I think
7 everybody else has chimed in. I concur. This is a
8 good reuse. And, again, the extent that you can
9 minimize the elevation of the canopy with, you know,
10 minimizing structural steel sizes and the depth of the
11 canopy up above. You know, I will acquiesce to the
12 Historic Preservation folks, but I would just say, you
13 know, minimize the footprint, see if you can minimize
14 it in elevation as well. But I understand that you
15 need it.

16 MR. TERRAGNOLI: We'll take a look.

17 CHAIRPERSON PRICE: I do want to give the
18 Board and staff one more shot at this. Anybody that
19 has thoughts that wanted to contribute?

20 MR. RAMSEY: Do you guys plan to do outreach
21 to the surrounding neighbors?

22 MR. GOLDMAN: It's not -- it's not a -- what
23 I refer to as a coherent neighborhood at this point
24 that we're dealing with. So we didn't have any direct
25 plans to deal with it. Obviously our immediate would

1 get notice of any applications that we have. I
2 personally talked to someone who's on Knollwood not
3 far from East Avenue and they had no concerns relative
4 to it.

5 MR. RAMSEY: No?

6 CHAIRPERSON PRICE: Ramsey, what's our
7 typical radius for notification? 500-feet? You're on
8 mute?

9 MR. RAMSEY: Just abutting or across the
10 street. We would not be outreaching to the
11 residential neighbors in the area.

12 CHAIRPERSON PRICE: And is Historic
13 Preservation, are those meetings advertised?

14 MR. RAMSEY: Yes, they are.

15 MR. GORDON: It's a regular public hearing.

16 CHAIRPERSON PRICE: Say again, Ken?

17 MR. GORDON: It's a regular public hearing.

18 CHAIRPERSON PRICE: It is.

19 MR. GORDON: It will be published in the
20 Daily Record and --

21 CHAIRPERSON PRICE: Okay. So there's
22 mechanisms for both Boards' actions to be publicized.

23 MR. RAMSEY: Yeah. The properties, Bill,
24 will also be posted with public hearing signs.

25 CHAIRPERSON PRICE: Yes. Good. Okay. All

1 right. All right. And, Lou, one last thought. If
2 you would just see exactly how much space you need for
3 folks to pull up to the gas pump and then to bypass on
4 that street side is what I think you're looking at
5 there.

6 MR. TERRAGNOLI: We have the room. We'll
7 demonstrate it on the plans so everyone can see it.

8 CHAIRPERSON PRICE: Okay. I thought you did
9 have the room. I just -- let's see if we can reduce a
10 few square feet of pavement. Fine. If you what you
11 need for proper circulation, I don't know that we know
12 where the, you know, trucks are pulling in. You
13 probably need some space for the trucks loading or
14 unloading fuel where the -- where the tanks are.

15 If you need all that space, fine. I think
16 you've got landscape solutions here. But if we can
17 reduce a little bit of pavement, it can't hurt.

18 MR. TERRAGNOLI: We'll take a look.

19 MR. SCIARABBA: Mr. Chairman, if I may just
20 comment on it. This is John Sciarabba with Landtech.
21 The current site plan we have actually reduced the
22 pavement by about 1,500 square feet so as far. But we
23 will look at that. And I will look at those two
24 employee spots, work with Lou and Ken on it, if those
25 are required or maybe just one. We might lose some

1 more pavement off there. So we'll be looking into
2 that.

3 CHAIRPERSON PRICE: Appreciate it. Thank
4 you. All right. Folks, hope you've received some
5 feedback that is helpful and proceed with your
6 application. Thank you for bringing it and we look
7 forward to seeing your preliminary/final submittal.

8 MR. TERRAGNOLI: Thank you for the feedback.

9 MR. GOLDMAN: Thank you very much.

10 CHAIRPERSON PRICE: All right. Moving on to
11 our old business. We have U of R. This is
12 application 12P-NB1-21.

13 **Application 12P-NB1-21**

14 Application of University of Rochester,
15 owner, for Preliminary Site Plan Approval, Preliminary
16 EPOD (woodlot) Permit Approval and Preliminary
17 Conditional Use Permit Approval to construct a 61,000
18 square foot, 3 story building addition to the
19 Laboratory for Laser Energetics and construct an
20 additional 100 parking spaces on property located at
21 250 East River Road. All as described on application
22 and plans on file.

23 CHAIRPERSON PRICE: I never -- I guess I
24 never -- I thought it was laser light lab or
25 something. So the LLE.

1 Jeff, you want to kind of kick us off on
2 this, let us know kind of what we're looking at
3 tonight?

4 MR. FRISCH: They submitted some
5 additional -- some comments to some questions. And I
6 know there were -- the initial conservation easement
7 has been provided to the staff and that we are
8 reviewing it. I think -- I know that's kind of in
9 process.

10 CHAIRPERSON PRICE: Okay.

11 MR. FRISCH: The public hearing is closed.
12 So I'm not sure how we want to handle that.

13 CHAIRPERSON PRICE: Well, so I think I would
14 just -- unless there's an objection from you or Ken, I
15 guess I'd let the applicant just update us on
16 additional materials submitted and where you all
17 believe there are still issues to be addressed.

18 I know David Cox and I think Aaron's out
19 there. Is there one of you guys that would like to
20 kind of lead the conversation for the U of R?

21 MR. COX: Yes. Absolutely I can.

22 CHAIRPERSON PRICE: Hi, David.

23 MR. COX: Good evening, Board members. I'm
24 David Cox with Passero Associates, the civil engineer
25 for the project. Just to kind of bring you up to

1 speed, in the last submission we did submit a revised
2 site plan, which was majority of just revising those
3 Town comments. A lot of it had to do with just some
4 modifications some notes, some modifications to some
5 details. So really just kind of honing in on those
6 final -- you know, those finishing touches, if you
7 will on those site plans.

8 And then we did the response letter to all
9 the Town staff comments that we had. We submitted the
10 update the water hydraulic calculations and the fire
11 flow analysis.

12 So from the last meeting there were kind of
13 three action items on my plate. And that was the
14 updated water calculations, which we provided. The
15 second one was the Fire Marshal, to follow up with him
16 and make sure that he was all set with everything. So
17 we have confirmed with the Fire Marshal that he is all
18 set. His one condition thought is that the West
19 Henrietta Road fire connection or water main
20 connection gets completed and up and running before C
21 of O, which is not an issue there. So the Fire
22 Marshal's all good.

23 And then the conservation easement, I know
24 the Town, the Town's Attorney and the U of R's
25 attorney have been going back and forth. And I feel

1 that the conservation easement is pretty darn close.
2 It really close to just being able to be finalized. I
3 think there's some last few touches on that.

4 But, yeah. So we're really -- really pretty
5 close here in checking off the majority of things.

6 CHAIRPERSON PRICE: All right.

7 MR. LUSK: This is Jared. Just briefly, I
8 don't want to speak for Ken, but I know we got some
9 additional Town comments, verbiage back from him. I
10 just think we need to do some title work for one of
11 the exhibits. So I don't know if there's additional
12 Town comments. Ken, do you have any insight?

13 MR. GORDON: I had sent to you, Jared, one
14 final revision, which had two word changes to
15 paragraph 2A of the conservation easement. I sent
16 them last week sometime. Didn't get a response. But
17 I need you to just take a look at them. Some
18 additional, if you will, conditional language that the
19 infrastructure work that would be allowed would be
20 related facilities and underground infrastructure.
21 You had added in grading, which is fine. And so I
22 just I need some feedback on that as to whether that's
23 acceptable to the University.

24 MR. LUSK: We're all set.

25 MR. GORDON: I think -- I think we're all

1 set, if that's the case. And I know that the Town
2 engineer was just reviewing the legal description to
3 make sure that everything closed properly for -- for
4 that conservation easement.

5 I do want to explain to the Planning Board
6 because I do think this is new to the Planning Board,
7 a couple of the modifications that you and I worked
8 out relative to that conservation easement. When the
9 conservation easement was first purposed there were,
10 if you will, three separate parcels or three separate
11 conservation easement areas being proposed.

12 We've consolidated that into one
13 conservation easement, but asked the University to
14 then designate hashed marked areas on the map for
15 future exception areas for future infrastructure
16 installation to meet the University's future
17 development needs for the property.

18 And then the other thing is that we talked
19 about it and I know David Fader had expressed some
20 concerns and I think someone else as well about what
21 happens relative to modification or even
22 extinguishment of this conservation observation
23 easement in the future. And we have inserted language
24 which would allow for the modification or even
25 extinguishment of the conservation easement in the

1 future by the -- via a majority vote of the Town Board
2 upon the consent and advice of the Planning Board.

3 And that's been inserted into the
4 conservation easement as well to provide that needed
5 flexibility if it arises in the future.

6 MR. LUSK: I would concur. Again, one of
7 the added exhibits was a list of the existing
8 encumbrances on the property. And so the only -- to
9 me aside from the engineers reviewing the legal
10 descriptions is us get the title work back to provide
11 a list that -- that Ken was seeking of the existing
12 encumbrances. So that's just time necessary for the
13 title company to review that.

14 MR. GORDON: Right. I'm comfortable with
15 where we are that, you know, if we had a condition
16 upon preliminary approval that the stated that
17 conservation easement would need to be presented and
18 approved by the Planning Board prior to final
19 approval, I think that would be adequate.

20 CHAIRPERSON PRICE: That was my next
21 question. So, Jeff, are you equally comfortable with
22 any outstanding engineering issues or legal
23 descriptions?

24 MR. FRISCH: Yeah, I believe so. I mean,
25 there's -- I think there's a few things that need to

1 be work out. But I think they're things worked out
2 between David and our engineer.

3 MR. RAMSEY: I will add one thing is that
4 what will be important regarding the water system will
5 be the review and sign off on these plans by Monroe
6 County's Water Authority and the impacts it will have
7 on the adjacent areas, still needs to be reviewed by
8 the -- before the Town engineer will be able to sign
9 those drawings.

10 So I would start that process, David, as
11 soon as you can. You can't start that process
12 unfortunately until they now where they are with us.
13 So that's the next big step because we're okay right
14 now with the negative declaration that I prepared for
15 you based on the intent of the findings for dealing
16 with the water system and the utilities. I think
17 it's -- we're all feeling pretty comfortable.

18 We've gotten the Fire Marshal to review it.
19 He's fine with the fire access. He has the one
20 condition that David told you about needing the main
21 to be constructed. It is going to be constructed
22 because that's a water source. So he's okay at this
23 point.

24 Now is the next step for them is to do the
25 final engineering on the -- get the conservation

1 easement wrapped up. And they got ARB. So I think
2 we're in pretty good shape would be my thought.

3 MR. GORDON: But you would agree, Ramsey,
4 nothing that would hold up preliminary?

5 MR. RAMSEY: No. And I would also recommend
6 the adoption of the negative declaration because I
7 think at this point I went through that finding
8 statement pretty well and I think we've addressed -- to
9 the best of my ability addressed and looked at it and
10 said no, I think we're going with the mitigation
11 measures.

12 And the other mitigation measures that were
13 part of the original approval take care of the other
14 issues. So I think we're in pretty good shape.

15 MR. GORDON: Yeah. And I concur with that.
16 Thank you.

17 CHAIRPERSON PRICE: All right. Thank you.
18 All right. So this is -- our public hearing is
19 closed. Any members of the Board have any further
20 questions to either of the applicant Ken or Jeff or
21 Ramsey? Julie, you -- you're still --

22 MS. FORD: No.

23 CHAIRPERSON PRICE: Okay. John Osowski?

24 MR. OSOWSKI: No. No further questions.

25 CHAIRPERSON PRICE: David Fader?

1 MR. FADER: I'm all set.

2 CHAIRPERSON PRICE: Thank you. Karen?

3 MS. ALTMAN: No further questions.

4 CHAIRPERSON PRICE: All right. Jason?

5 MR. BABCOCK-STINER: I'm good.

6 CHAIRPERSON PRICE: All right. Pam?

7 MS. DELANEY: I'm all set.

8 CHAIRPERSON PRICE: All right. I guess at
9 this point folks from the U of R will -- we're going
10 to circle back around to our first application and
11 kind of go through our deliberations. Yeah. Okay.

12 Can we circle back, Jeff, to our first
13 application, Cortese, 2P-01-22?

14 MR. FRISCH: Yup.

15 **Application 2P-01-22**

16 Application of Cortese Properties, owner,
17 and Cortese Cycle Sales, agent, for Conditional Use
18 Permit Approval allowing for a motorcycle sales and
19 service facility on property located at 2771 West
20 Henrietta Road (Tax ID #148.50-2- 20.1). All as
21 described on application and plans on file.

22 CHAIRPERSON PRICE: Is there a motion to
23 close the public hearing on this?

24 MS. DELANEY: I'll motion that we close the
25 public hearing.

1 CHAIRPERSON PRICE: Okay.

2 MS. ALTMAN: Second.

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

4 CHAIRPERSON PRICE: Moved by Delaney.

5 Seconded by Altman. Is that right or was it Julie?

6 MR. BABCOCK-STINER: Jason.

7 MS. ALTMAN: That was me.

8 MR. BABCOCK-STINER: Oh.

9 CHAIRPERSON PRICE: Okay. Moved and
10 seconded to close the public hearing. Any further
11 discussion? All right. Jeff, please call the roll.

12 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
13 aye; Ms. Delaney, Nay; Mr. Babcock-Stiner,
14 aye; Mr. Osowski, aye; Ms. Ford.)

15 (Upon roll motion passes.)

16 CHAIRPERSON PRICE: Is that everybody? All
17 right. All right. Let's see do we --

18 MS. DELANEY: Wait. Was that just to close
19 the hearing?

20 CHAIRPERSON PRICE: Yes.

21 MR. FRISCH: Yes.

22 MS. DELANEY: That was an aye. Sorry. I
23 totally messed that up. It's really passed my
24 bedtime.

25 MR. FRISCH: Okay.

1 MS. DELANEY: I want to keep this meeting
2 going. Can we keep the hearing open? Sorry, Jeff.

3 MR. GORDON: The motion to close the public
4 hearing carried, Jeff, correct?

5 MR. FRISCH: Yup. By all members.

6 CHAIRPERSON PRICE: Okay. Let's see if
7 there's anybody that wishes to make a motion on this
8 application.

9 MR. GORDON: Before we proceed with that,
10 Bill --

11 CHAIRPERSON PRICE: Yeah.

12 MR. GORDON -- I just had a couple comments
13 before the motion was made. I was looking over the
14 conditions. And I know typically the motion would
15 incorporate the conditions. There's two conditions
16 I'm concerned about. I just want to have this
17 discussion with Board and Jeff and Ramsey.

18 One is a condition that I saw in here. It's
19 condition number 18, "All uses shall take place within
20 an enclosed building." I don't believe that we heard
21 the applicant say that all uses would take place
22 within an enclosed building. In fact, I think I heard
23 the applicant say that the technicians would typically
24 drive the vehicles up and down a street, whether it's
25 West Henrietta Road or Center Drive, to test out their

1 vehicles.

2 And then it goes on to say "Noise and fumes
3 shall be controlled so that they don't create a
4 nuisance for the surrounding neighborhood." Again,
5 I'm not sure that I heard the applicant really say
6 that would be done. So I just raise that and if you
7 impose that condition I'm not sure how the applicant
8 intends to meet that condition.

9 And then the other condition is condition
10 number 1, which is that "Motorcycle service shall be
11 accessory to motorcycle sales." It seemed to me from
12 the description that -- by the applicant that
13 motorcycle service would be at least an equal use with
14 sales, not just an accessory use. And I even thought
15 I heard the applicant say that the primary purpose for
16 this additional building would to be provide
17 additional service area, not additional sales area.

18 So I raise that. I don't know what to do
19 about those, Jeff or Ramsey, as to those conditions.
20 I just think it would be problematic if the
21 conditional use permit were granted with those
22 conditions given what we've heard from the applicant.

23 MR. FRISCH: Yeah. I think that 18 would --
24 if it was going to be granted, 18 with the -- being
25 within the current building would not be a feasible

1 condition to place on it as presented.

2 One, I think -- I'm not sure. I mean, I
3 think that -- it sounds like he's buying a lot of
4 vehicles to sell and it did sound like a lot of
5 service was being done after the initial buying. I
6 agree with that a little bit. But it does seem like
7 both will be taking place. I don't know the ratio.

8 MR. RAMSEY: I do have an opinion. I know
9 they -- because I had this small sales definition
10 pulled up too. My thought is to table the application
11 and give him an opportunity to address these concerns,
12 give him an opportunity to say where's he going to
13 test those motorcycles, give him an opportunity to
14 tell me he's going keep those doors closed, that all
15 the activities other than test driving would be
16 conducted indoors in a fully enclosed building.

17 He also needs to explain his sales versus
18 the repair, get a little clarity on that would be my
19 thoughts. I would agree with him that he's always
20 done a pretty good job here in the Town of Brighton.
21 He's always been pretty responsive to us. So I would
22 like to give him an opportunity to see if he can
23 address it.

24 But at this time I have to agree with Ken
25 that his testimony does have conflicts with what

1 he's supposed to be doing. He's not actually
2 operating to the code.

3 CHAIRPERSON PRICE: So your -- these
4 conditions that Ken brought up are directly related to
5 a portion of the code?

6 MR. FRISCH: It was the small engine
7 repairs -- is that -- they shall the be accessory --
8 the repairs should be accessory to sales.

9 MR. GORDON: Yeah. Condition number 1
10 definitely is a code issue. Condition 18 addresses
11 really the problems and comments that were raised by
12 the neighbors but also goes to compliance with the
13 Town's Noise Ordinance. And if you're going to impose
14 that condition, I just don't want to see the Board
15 ever adopt a condition that the Board knows from day
16 one is not going to be complied with by the applicant.

17 MS. FORD: Yup.

18 CHAIRPERSON PRICE: Ken, if we've got
19 another motorcycle shop up the street doing
20 essentially the same thing and they're running down
21 West Henrietta Road to test out their repairs, how
22 does -- how does that square with, you know, this
23 application?

24 MR. GORDON: I hear you, Bill. But my point
25 is not that they shouldn't be allowed to test

1 motorcycles on West Henrietta Road. My point is is
2 that the Board should not impose a condition that says
3 everything all uses shall be interior unless the
4 applicant thinks he can do that.

5 And maybe that condition needs to be
6 rewritten to say that all uses other than technicians
7 testing vehicles need to be enclosed in the building
8 and that the test -- the test of the vehicles needs to
9 be only conducted on West Henrietta Road or something
10 along those lines.

11 I don't want to be too presumptuous here in
12 drafting a condition that the Board wants to impose or
13 that staff recommends. But I don't want to see the
14 Board adopt a condition that we know the applicant
15 does not intend to follow.

16 CHAIRPERSON PRICE: And this would be the
17 first time that the applicant has actually seen these
18 conditions.

19 MR. GORDON: Right.

20 CHAIRPERSON PRICE: Yeah.

21 MR. GORDON: So I think Ramsey's idea of
22 tabling it and allowing the applicant to address those
23 issues would be helpful. Of course, we did just vote
24 to close the public hearing. But we could reopen for
25 that purpose or table for specifically proof on those

1 two items.

2 CHAIRPERSON PRICE: Well, it does -- it does
3 seem that he needs the opportunity to address these
4 conditions and see how close can we come to compliance
5 with them or which things are just operationally not
6 practical for him so that we understand what those
7 are, what the impacts to the neighborhood could be,
8 understanding that I see advantages in this
9 application where we're reusing, we're adaptively
10 using an existing building. And so from that
11 standpoint there are benefits to the application.

12 But I'd like to give the applicant an
13 opportunity to see these and, you know, get a response
14 from him so that we tailor these conditions to what is
15 achievable. Okay.

16 That said could we -- can I ask someone to
17 make a motion? And hopefully someone that's got the
18 draft report open because I can't seem to get it open
19 here. David, could turn on your speaker? You're
20 still on mute.

21 MR. RAMSEY: Can we unmute him?

22 CHAIRPERSON PRICE: Somebody unmute him
23 please.

24 MR. RAMSEY: Brendan?

25 MR. RYAN: No. We can't unmute. All we can

1 do is --

2 MR. FADER: Okay. I'm unmuted now. Okay.

3 I move the Board reopens the hearing on
4 application 2P-01-22 and that the Board tables the
5 application 2P-01-22 based on testimony given and
6 plans submitted and the two additional pieces of
7 information outlined in the Planning Board report are
8 requested to make a determination of significance and
9 to have a complete application.

10 **Additional Information:**

11 1. A detailed plan shall be submitted which addresses
12 the neighbors' concerns regarding excessive noise
13 associated with the maintenance and sale of
14 motorcycles.

15 2. The requested information is required to be
16 submitted no later than two weeks prior to the next
17 Planning Board meeting.

18 CHAIRPERSON PRICE: Motion. Is there a
19 second?

20 MR. OSOWSKI: This is John. I'll second
21 that.

22 CHAIRPERSON PRICE: Second by Osowski. Any
23 further comments, questions on the motion and the
24 second? All right. Jeff do you mind calling the
25 roll?

1 (Ms. Ford, aye; Mr. Osowski, aye;
2 Mr. Babcock-Stiner, aye; Ms. Delaney, aye;
3 Mr. Fader, aye; Mr. Price, aye; Ms. Altman,
4 aye.)

5 (Upon roll motion to table passes.)

6 CHAIRPERSON PRICE: Okay. Thank you. And
7 John Cortese, if you're out there you should get this
8 so you have the conditions of the tabling resolution
9 in the next few days.

10 MR. RAMSEY: And Bill, I'll be glad to speak
11 to John further about the concerns that were discussed
12 because I don't think he's on. I don't think he heard
13 the discussions.

14 CHAIRPERSON PRICE: All right.

15 MR. RAMSEY: I will relay that to him. It
16 might be helpful for him.

17 MR. GORDON: That would be great.

18 MR. RAMSEY: Jeff, you can join me on that
19 too, all right? So we can keep track of it.

20 MR. FRISCH: Okay.

21 CHAIRPERSON PRICE: Thank you, guys. Next
22 application is 3P-01-22.

23 **Application 3P-01-22**

24 Application of 1925 South Clinton, LLC,
25 owner, for Preliminary/Final Site Plan Approval (Phase

1 2) to construct a 9,200 +/- square foot retail
2 building and other associated site improvements, and
3 Conditional Use Permit Approval allowing for the
4 retail building to house a 2,300 +/- square foot
5 Starbucks Café with a drive-through facility on
6 property located at 1905-1925 South Clinton Avenue
7 (Tax ID #136.15-1-18.1, Lot 3). All as described on
8 application and plans on file.

9 CHAIRPERSON PRICE: Do we want to have a
10 motion on closing the public hearing?

11 MR. FADER: Aren't we going to table this
12 one?

13 CHAIRPERSON PRICE: Well, we might as well
14 have the conversation about it. I do -- what do we
15 think we would be accomplishing with a table?

16 I can see both -- I see the argument. You
17 know, it seems like we have kind of two issues that
18 if -- if the stockpiles of materials weren't there and
19 that was off the table as an issue, I don't know that
20 I heard anything tonight that would say that this
21 needs to be continued to be tabled or to be tabled.

22 MR. FRISCH: There's some things -- I mean,
23 it still needs Architectural Review Board approval.
24 And the building footprint that they submitted for the
25 Architecture Review Board is different than the one

1 submitted with the plans because of the timing of it.

2 So what they presented is going be -- what's
3 going to be the final approval the Architectural
4 Review Board is going to approve is going to be a
5 little different than what they submitted for this
6 application.

7 CHAIRPERSON PRICE: Okay. And is that an
8 absolute that we have to have ARB approval prior to
9 final site plan?

10 MR. RAMSEY: Yeah. Because we going to have
11 to check the sidewalk around that building depending
12 on its configuration, Bill.

13 And we -- there was a conflict with the ARB.
14 I hope it's resolved. I believe Paul's made a good
15 effort to resolve it. That's going to be heard
16 Tuesday. And there are -- there's some -- just some
17 house cleaning that needs to be done. And, two, the
18 ARB is an important part of this.

19 CHAIRPERSON PRICE: Understood. Okay.

20 MR. GORDON: I just want to add I believe I
21 heard the applicant say that they anticipated that
22 they would be coming back to this Board at the
23 earliest in April so that they -- I think the
24 applicant's expecting that this Board is not going to
25 make final approval tonight.

1 MR. RAMSEY: Bill, we did call and tell him
2 that the footprints weren't matching up. My thought
3 is it's going to be worked out. We didn't talk about
4 it during the meeting. We did call Paul Colucci
5 before -- when we realized. But at that point we were
6 too late in the process.

7 MR. FADER: Is there any advantage to making
8 the approval for preliminary?

9 CHAIRPERSON PRICE: I'm not sure -- I'm not
10 sure it's going to get us -- we typically don't even
11 make preliminary without ARB. But --

12 MR. FADER: Okay.

13 CHAIRPERSON PRICE: My only point was to Ken
14 and Ramsey and the Board is for better or worst I can
15 see both sides of this equation where mobilizing a
16 site contractor to work on, you know, both the site
17 work for the proposed building and site improvements
18 as well as, you know, moving your dirt and replacing
19 the subbase down, at one point I'm not sure I see the
20 advantage in the holding, you know, the construction
21 of the Whole Foods until -- I'm sorry. My apologies.
22 The Starbucks until those piles are gone.

23 I certainly think there's going to be
24 incentive for the developer's to get this site as
25 clean as possible when -- when Starbucks does plan to

1 open as well as getting additional tenants. I might
2 ask, I do see that Paul is still on, is maybe a brief,
3 you know, project schedule that kind of gives us some
4 idea of how these things can run in parallel, both the
5 site work and -- and the removal and placement of
6 stone, removal of topsoil and the placement of stone.
7 Just so that -- that we can say, looks, once it's dry
8 enough and we're not tracking mud up and down the
9 road, we're going to get this and this and this done
10 and here's the sequence it's going to get done in.

11 I wouldn't mind seeing that just -- just
12 because that is an important condition. Understood
13 there's been reasons why's it's not been done, but it
14 does seem that, you know, we do need to get this site
15 cleaned up.

16 MR. FRISCH: And I think we could condition
17 like C of O on the site being cleaned up. So
18 Starbucks can't go in and operate until the site --
19 the site has been cleaned.

20 MR. GORDON: And Jeff --

21 MR. RAMSEY: We don't want to wait that
22 long. We don't want to wait that long.

23 MR. GORDON: I think we could also -- and I
24 think this is a good reason to table at least for a
25 month, work on a condition that would effectively

1 revoke the conditional use permit if the site topsoil
2 is not removed by a date that the applicant is willing
3 to commit to and whatever that date is.

4 Under the code we do have the ability to
5 require the developer to come back in for the renewal
6 of conditional use permit at any time we wish and make
7 sure that they're progressing and doing -- and meeting
8 the conditions that this Board sets. So to conclude,
9 you know, in whatever that kind of approval might be,
10 a condition that says those -- the topsoil piles need
11 to be removed even if it is later on in the
12 construction season when things or dry and it's
13 possible for them to get in there, would give some
14 leverage to this Board to make sure that work is down
15 by a date that they commit to. And then we can hold
16 them to it.

17 CHAIRPERSON PRICE: All right.

18 MR. RAMSEY: There is the ability to put a
19 time frame on the condition use where they'll have to
20 renew it or we could revoke it. So I agree with Ken.
21 That's a way of handling it.

22 CHAIRPERSON PRICE: All right. Well, I
23 guess I'm prepared to move forward with a table
24 resolution. Is there anyone that cares to make that
25 motion?

1 MR. FADER: I'll move the Board tables
2 application 3P-01-22 based on the testimony given and
3 plans submitted and that the 27 items of additional
4 information outlined in the Planning Board report are
5 supplied so that we can make a determination of
6 significance and have a complete application.

7 **Additional Information:**

8 1. The access driveway to the Brookdale property
9 located south of the project site will be construction
10 during this phase.

11 2. The traffic projections included in the 2016 TIS
12 indicate that drive through restaurants generate a
13 significant volume of traffic. The TIS shall be
14 revised if proposed changes will increase traffic.

15 3. The entire building/store shall comply with the
16 most current Building & Fire Codes of New York State.

17 4. The approved erosion control plan indicates that
18 the topsoil pile was temporary and was to be removed
19 within 6 months. The topsoil pile has been in place
20 for well over 6 months and must be removed.

21 5. The application should identify any differences
22 between the proposed plan and the approved overall
23 plans.

24 6. The Fire Apparatus Access and Fire Hydrant
25 Worksheet for Phase 2 of the proposed project must be

1 submitted for review.

2 7. A turning radius analysis must be prepared for
3 emergency and large vehicle traffic. Also, the radius
4 analysis must review vehicles exiting the northern
5 most drive through and making a right turn.

6 8. The plans must be revised to provide for
7 pedestrians crossing the drive to access the
8 multi-tenant buildings.

9 9. The plan must be revised to provide access to the
10 existing shared use trail along the western property
11 line should be provided and constructed as part of
12 this phase.

13 10. The outdoor seating area could block the sight
14 line for the vehicles exiting the drive through.
15 Confirmation must be provided that there is adequate
16 sight distance at this location.

17 11. A parking analysis shall be provided for each
18 tenant occupancy to ensure adequate parking exists.

19 12. The landscape plan must be revised to address the
20 western portion of the site that will be regraded.

21 13. Verification must be submitted that the
22 landscaping will not obstruct the sight distance at
23 the drive through and parking area entrances/exits.

24 14. The architectural design and building materials
25 of the proposed building(s) shall be reviewed and

1 approved by the Town of Brighton Architectural Review
2 Board.

3 15. The dumpster shall be enclosed with building
4 materials that are compatible with the existing
5 building.

6 16. The parking lot shall be striped as per the
7 requirements of the Brighton Comprehensive Development
8 Regulations.

9 17. All outstanding Site Plan comments and concerns
10 of the Town Engineer and Fire Marshal shall be
11 addressed.

12 18. All County Development Review Comments shall be
13 addressed.

14 19. The parking lot lights shall be placed on a
15 timer.

16 20. The location of the HVAC shall be shown on the
17 site plan.

18 21. A letter or memo in response to all Planning
19 Board and Town Engineer comments and conditions shall
20 be submitted.

21 22. All new accessible parking space signage to be
22 installed or replaced shall have the logo depicting a
23 dynamic character leaning forward with a sense of
24 movement as required by Secretary of State pursuant to
25 section one hundred one of the Executive Law.

1 23. The project engineer shall confirm if additional
2 accessible parking spaces are required to be installed
3 as part of this project. All new accessible parking
4 space signage to be installed or replaced shall have
5 the logo depicting a dynamic character leaning forward
6 with a sense of movement as required by Secretary of
7 State pursuant to section one hundred one of the
8 Executive Law.

9 24. Documentation must be submitted by the project
10 engineer that confirms that the proposed project
11 complies with the Incentive Zoning Approval and the
12 Negative Declaration that was adopted for this
13 project.

14 25. All comments, concerns and requirements of the
15 Town Engineer as contained in the attached memo dated
16 March 12, 2022, from Evert Garcia, Town Engineer, to
17 Ramsey Boehner, shall be addressed.

18 26. A revised phasing plan shall be submitted as part
19 of future approvals.

20 27. The requested information is required to be
21 submitted no later than two weeks prior to the next
22 Planning Board meeting.

23 CHAIRPERSON PRICE: Is there a second?

24 MS. ALTMAN: I'll second.

25 CHAIRPERSON PRICE: Altman second. Any

1 further discussion? All right. Jeff, please call the
2 roll.

3 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
4 aye; Ms. Delaney, aye; Mr. Babcock-Stiner,
5 aye; Mr. Osowski, aye; Ms. Ford, aye.)

6 (Upon roll motion to table passes.)

7 **Application 3P-02-22**

8 Application of Bright Future Realty Group,
9 LLC, owner, and Jacob Ouyang, agent, for Conditional
10 Use Permit Approval to allow for a sushi restaurant on
11 property located at 2425 West Henrietta Road. All as
12 described on application and plans on file.

13 CHAIRPERSON PRICE: Okay. All right
14 application 3P-02-22 Bright Future Realty Group. And
15 the applicant did not have a representative tonight.
16 Is there a motion to table this application?

17 MR. RAMSEY: Table it for the representation
18 at the next Planning Board meeting.

19 CHAIRPERSON PRICE: I'll move we table the
20 application pending representation from the applicant
21 at the next Planning Board meeting.

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

23 CHAIRPERSON PRICE: Moved and seconded. Any
24 further discussion? Please call the roll.

25 (Ms. Ford, aye; Mr. Osowski, aye;

1 Mr. Babcock-Stiner, aye; Ms. Delaney, aye;
2 Mr. Fader, aye; Mr. Price, aye; Ms. Altman.)
3 (Upon roll motion to table passes.)
4 CHAIRPERSON PRICE: Okay. Thank you.

5 **Application 3P-03-22**

6 Application of Winton Acquisitions LLC,
7 owner, and The Old Farm Café, lessee, for Conditional
8 Use Permit Approval to allow for an interactive café
9 on property located at 3450 Winton Place. All as
10 described on application and plans on file.

11 CHAIRPERSON PRICE: I would make a motion to
12 close the public hearing for this application.

13 MS. FORD: Second.

14 CHAIRPERSON PRICE: Ford seconds. Any
15 discussion? Jeff, please call the roll.

16 (Ms. Ford, aye; Mr. Osowski, aye;
17 Mr. Babcock-Stiner, aye; Ms. Delaney, aye;
18 Mr. Fader, aye; Mr. Price, aye; Ms. Altman,
19 aye.)

20 (Upon roll motion passes.)

21 CHAIRPERSON PRICE: All right. Does anyone
22 want to make a motion for this application?

23 MR. BABCOCK-STINER: I'll move that the
24 Planning Board finds that the proposed action will not
25 have a significant impact on the environment and that

1 the Planning Board adopts a negative declaration
2 prepared by Town staff and that the application --
3 what's number on this one -- 3P-03-22 be approved
4 based on the testimony given, plans submitted and the
5 12 conditions outlined in the Planning Board report.

6 **Conditions:**

- 7 1. An Operational Permit shall be obtained from the
8 Town of Brighton Fire Marshal (Chris Roth,
9 585-784-5220).
- 10 2. The entire store shall comply with the New York
11 State Uniform Fire Prevention and Building Code and
12 shall comply with all occupancy limits as set by the
13 Brighton Fire Marshal.
- 14 3. Meet all requirements of the Town of Brighton's
15 Department of Public Works.
- 16 4. All Town codes shall be met that relate directly
17 or indirectly to the applicant's request.
- 18 5. The dumpster shall be enclosed with building
19 materials that are compatible with the existing
20 building and located in the rear yard. The enclosure
21 shall equal the height of the dumpster and shall not
22 be higher than six and one-half (6.5) feet.
- 23 6. The other tenants in the plaza shall not
24 experience any noise impacts.
- 25 7. If the food service expands beyond what was

1 presented by the applicant, additional Town approvals
2 may be required.

3 8. A grease trap shall be provided as required by the
4 New York State Building Code and the Brighton Sewer
5 Department.

6 9. The proposed building shall be sprinklered in
7 accordance with Town requirements.

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

13 11. Only business identification signage as allowed
14 per the Comprehensive Development Regulations is
15 permitted. This signage must be reviewed and receive
16 all necessary town approvals prior to installation.

17 12. All outstanding comments and requirements Town
18 Building Inspector and Fire Marshal shall be
19 addressed.

20 CHAIRPERSON PRICE: I'll second. All right.
21 Moved and seconded on Winton Acquisitions LLC, and Old
22 Farm café. Any further discussion? All right. Jeff,
23 please call the roll.

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

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

4 MS. FORD: Excuse me. I have to run and get
5 a charger. So excuse me. I'll be back in a few
6 seconds.

7 CHAIRPERSON PRICE: All right. Okay.
8 Moving on to application 3P-04-22.

9 **Application 3P-04-22**

10 Application of Daniele SPC, LLC, owner, for
11 Conditional Use Permit Approval to allow for a Jersey
12 Mike's Sub Shop on property located at 2750 Monroe
13 Avenue. All as described on application and plans
14 submitted.

15 MR. GORDON: I would like an opportunity to
16 review with staff the letters submitted by Mr. Malcomb
17 and work on the SEQRA issues and specific findings for
18 the Board to consider relative to this conditional use
19 application. So I would ask if the Board was so
20 inclined to table this for that purpose.

21 CHAIRPERSON PRICE: Ken, what do you see as
22 any -- any issues that might arise out of
23 communications or things that you may discuss?

24 MR. GORDON: I just think it's important
25 that -- we just got this letter today. And I just

1 think given the sensitivity of this project that we
2 make sure that we cross our T's and dot our I's before
3 the Board takes action.

4 MR. RAMSEY: I concur.

5 CHAIRPERSON PRICE: Okay. I guess as long
6 as we -- you know, we address this and we don't get
7 held up a letter that flies in at 5 o'clock on -- you
8 know, five minutes before our next meeting after
9 you've --

10 MR. GORDON: I would recommend that the
11 Board vote to close the public hearing. I don't think
12 there's any need for any additional testimony or
13 submissions. This is just for review of counsel --

14 CHAIRPERSON PRICE: Internally.

15 MR. GORDON: That's right.

16 CHAIRPERSON PRICE: I'll move to close the
17 public hearing then.

18 MR. OSOWSKI: I'll second.

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

20 CHAIRPERSON PRICE: Moved and seconded to
21 close the hearing.

22 MR. FRISCH: Who seconded.

23 CHAIRPERSON PRICE: Jason.

24 MR. FRISCH: Okay.

25 CHAIRPERSON PRICE: Any further discussion

1 on closing the hearing? Jeff, please call the roll.

2 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
3 aye; Ms. Delaney, aye; Mr. Babcock-Stiner,
4 aye; Mr. Osowski, aye; Ms. Ford.)

5 (Upon roll motion to close the public
6 hearing passes.)

7 CHAIRPERSON PRICE: Okay. Could someone
8 make a tabling motion and have the staff --

9 MS. DELANEY: I'll do it. I move that
10 application 3P-04-22 be tabled based on the testimony
11 given and plans submitted. Additional information is
12 requested in order to make a determination of
13 significance and to have a complete application.

14 **Additional Information:**

15 1. This application and letter from Charles Malcomb
16 dated March 16, 2022, shall be reviewed by the Town
17 Attorney and Town Staff for further guidance on this
18 matter.

19 CHAIRPERSON PRICE: Do I have a second?

20 MR. FADER: I'll second it.

21 CHAIRPERSON PRICE: Thank you, David. Moved
22 and seconded. Any further discussion? All right,
23 Jeff, please call the roll.

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

1 aye; Mr. Osowski, aye; Ms. Ford.)
2 (Upon roll motion to table passes.)

3 CHAIRPERSON PRICE: Okay. So under new
4 business 10P-NB1-20. We don't really have -- do we
5 have to take any action on that?

6 MR. FRISCH: No. It was postponed by of the
7 applicant.

8 CHAIRPERSON PRICE: It was postponed by the
9 applicant. Okay. All right. And then 2P-NB1-22.

10 **Application 2P-NB1-22**

11 Application of Bristol Valley Homes, LLC,
12 owner, and PEMM, LLC, contract vendee for Concept
13 Review to repurpose property located at 3108 East
14 Avenue for use as a convenience store and gas fueling
15 facility. All as described on application and plans
16 on file.

17 CHAIRPERSON PRICE: They have our comments.
18 Do they get those, Jeff, in some written format as
19 well just or they're just taking what they heard
20 tonight and moving --

21 MR. FRISCH: I think -- they have the
22 engineering comments from the reports that were put up
23 online.

24 CHAIRPERSON PRICE: All right. Okay. Okay.
25 So that will proceed presumably to a preliminary

1 application. That brings us back to the application
2 of the University of Rochester, 12-P-NB1-21.

3 **Application 12P-NB1-21**

4 Application of University of Rochester,
5 owner, for Preliminary Site Plan Approval, Preliminary
6 EPOD (woodlot) Permit Approval and Preliminary
7 Conditional Use Permit Approval to construct a 61,000
8 square foot, 3 story building addition to the
9 Laboratory for Laser Energetics and construct an
10 additional 100 parking spaces on property located at
11 250 East River Road. All as described on application
12 and plans on file.

13 CHAIRPERSON PRICE: We have not made any
14 motions on this. So we would want to start by closing
15 the public hearing.

16 MR. FADER: We closed it I think.

17 MS. ALTMAN: We did close it.

18 CHAIRPERSON PRICE: I apologize. I
19 apologize.

20 MS. ALTMAN: Closed it.

21 CHAIRPERSON PRICE: Says it right there
22 doesn't it?

23 MR. RAMSEY: It's confusing, Bill. That's
24 all right.

25 CHAIRPERSON PRICE: Thank you. Thanks.

1 MR. FADER: I move the Board adopts the
2 negative declaration prepared by Town staff and the
3 Board grants preliminary approval of application
4 12P-NB1-21 based on testimony given, plans submitted
5 and the 27 conditions.

6 **Conditions.**

7 1. The submitted plans indicate that there will be
8 disturbance to the area known as "Wetland L"
9 referenced in the Finding Statements adopted by both
10 the Town Board and the Planning Board. The
11 applicant's engineer has indicated on various
12 instances that this wetland is considered
13 non-jurisdictional, however, the IPD finding statement
14 indicates that the 0.55
15 +/- acre marsh will not be disturbed by any future
16 development. The impacts to this area and its uplands
17 must be identified and mitigated. A Conservation
18 Easement for this area and the area located south of
19 the LLE Parking and Service area as shown on the
20 Current and Potential Development plan shall submitted
21 for approval by the Planning Board and Town Board.
22 2. The proposed building and site plan must comply
23 with the New York State Fire Code and the Town of
24 Brighton Fire Prevention and Building Construction
25 code.

- 1 3. Pedestrian access and a sidewalk from Merlin Drive
2 along the southern side of the LLE will be installed
3 with future development of the LLE. A sequence for
4 construction of the development site, including
5 stripping and clearing, rough grading, construction of
6 utilities, infrastructure, and buildings, and final
7 grading and landscaping shall be provided. The
8 sequence of construction should also be outlined on
9 the plans.
- 10 4. Details and verification shall be submitted that
11 the proposed generators comply with Town Code.
- 12 5. Profiles for proposed sanitary and storm utilities
13 should be provided on the plans.
- 14 6. Review comments have been developed by our traffic
15 engineer in response to the updated TIS. All
16 outstanding comments shall be addressed prior to final
17 approval.
- 18 7. The submitted site plans have the incorrect square
19 footage shown for the proposed addition. This must be
20 corrected on the plans.
- 21 8. Prior to issuance of any building permits, all
22 plans for utility and storm water control systems must
23 be reviewed and have been given approval by
24 appropriate authorities. Prior to any occupancy, work
25 proposed on the approved plans shall have been

1 completed to a degree satisfactory to the appropriate
2 authorities.

3 9. Meet all requirements of the Town of Brighton's
4 Department of Public Works.

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

7 11. The dumpster shall be enclosed with building
8 materials that are compatible with the existing
9 building and located in the rear yard. The enclosure
10 shall equal the height of the dumpster and shall not
11 be higher than six and one-half (6.5) feet.

12 12. Fire hydrants shall be fully operational prior to
13 and during construction of the building.

14 13. All County Development Review Comments shall be
15 addressed.

16 14. The RTS Bus Stop shall be reassessed with future
17 building additions.

18 15. The proposed building shall be sprinklered in
19 accordance with Town requirements.

20 16. The applicant shall review the site plan,
21 elevations, and floor plans to ensure that the areas
22 and dimensions provided on those plans agree with one
23 another. Elevation drawings showing the height of the
24 structure in relationship to proposed grade as shown
25 on the approved site plan shall be submitted. Any

1 changes to plans shall be reviewed by the Building and
2 Planning Department and may require Planning Board
3 approval.

4 17. Prior to any framing above the deck, an
5 instrument survey showing setback and first floor
6 elevation shall be submitted to and reviewed by the
7 Building and Planning Department.

8 18. The location of any proposed generators shall be
9 shown on the site plan. All requirements of the
10 Comprehensive Development Regulations shall be met or
11 a variance shall be obtained from the Zoning Board of
12 Appeals.

13 19. The location of the HYAC shall be shown on the
14 site plan.

15 20. All comments and concerns of the Town Engineer as
16 contained in the attached memo dated March 11, 2021
17 from Evert Garcia, Town Engineer, to Ramsey Boehner,
18 shall be addressed.

19 21. A letter or memo in response to all Planning
20 Board and Town Engineer comments and conditions shall
21 be submitted.

22 22. All new accessible parking space signage to be
23 installed or replaced shall have the logo depicting a
24 dynamic character leaning forward with a sense of
25 movement as required by Secretary of State pursuant to

1 section one hundred one of the Executive Law.

2 23. The plans shall be revised to address the
3 following comments of the Conservation Board:

4 • The Board is comfortable with the wetland
5 mitigation as proposed per this application showing a
6 61,000 square foot, 3 story addition, provided that
7 the existing wetland area that is lost will be offset
8 with an equal or greater land area contiguous with the
9 Wetland "L." And, all recommendations by Gene Pellert,
10 Ecologist (November 2, 2021) for improved wetland
11 quality are incorporated. In addition, the Board
12 would like some form of assurance from the U of R that
13 this wetland as mitigated (revised Wetland "L") will
14 not be subject to loss and /or encroachment due to
15 future development of the southern campus.

16 • Low mow areas provide upland habitat and
17 should be clearly documented that these areas require
18 minimal maintenance throughout the year.

19 • Woodlot tree mitigation plantings should
20 be 3 -3.5" in caliper for deciduous trees and 7 - 8
21 ft. In height for evergreen trees.

22 • Green infrastructure techniques should be
23 incorporated.

24 24. The project engineer shall confirm if additional
25 accessible parking spaces are required to be installed

1 as part of this project. All new accessible parking
2 space signage to be installed or replaced shall have
3 the logo depicting a dynamic character leaning forward
4 with a sense of movement as required by Secretary of
5 State pursuant to section one hundred one of the
6 Executive Law.

7 25. An updated SWPP shall be provided prior to final
8 approval that resolves all previous comments from the
9 Town Engineer.

10 26. All easements shall be shown on the site plan
11 with ownership, purpose, and liber/page of filing with
12 the Monroe County Clerk's Office. A copy of the filed
13 easement shall be submitted to the Building and
14 Planning Department for its records.

15 27. A letter of credit shall be provided to cover
16 certain aspects of the project, including, but not
17 limited to demolition, landscaping, stormwater
18 mitigation, infrastructure and erosion control. The
19 applicant's engineer shall prepare an itemized
20 estimate of the scope of the project as a basis for
21 the letter of credit.

22 MR. RAMSEY: Neg dec.

23 MR. FADER: I did that. That was in there.

24 CHAIRPERSON PRICE: Neg dec was in there.

25 Was the conditional use in there?

1 MR. FADER: No.

2 CHAIRPERSON PRICE: Can we -- can we add all
3 that together Ken and Ramsey? Do we have to
4 approve --

5 MR. RAMSEY: Yes. You can do it all in one
6 motion.

7 CHAIRPERSON PRICE: Okay. David, could you
8 amend the motion to include --

9 MR. FADER: Yes. Okay. So I amend to also
10 approve the conditional use.

11 CHAIRPERSON PRICE: And did you say the
12 preliminary EPOD approval?

13 MR. FADER: No. And the preliminary EPOD
14 approval.

15 CHAIRPERSON PRICE: All right. Now we got
16 them all in.

17 MR. FADER: I missed those two.

18 CHAIRPERSON PRICE: Is there a second?

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

20 CHAIRPERSON PRICE: Okay. Jason. All
21 right. Moved and seconded. Further discussion? I do
22 believe we understand the issues that are going to
23 need some adjustments and edits and refinements for
24 final. But on behalf of the Board, thank you all for
25 working through this and getting this project moving

1 forward.

2 All right. Jeff, would you please call the
3 roll?

4 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
5 aye; Ms. Delaney, aye; Mr. Babcock-Stiner,
6 aye; Mr. Osowski, aye; Ms. Ford.)

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

9 CHAIRPERSON PRICE: All right. Thank you.

10 MR. FADER: My brain was overwhelmed by
11 putting in the word preliminary.

12 CHAIRPERSON PRICE: Yeah. It's rare we do
13 that. All right. Jeff, what -- we got one -- the one
14 sign application?

15 MR. FRISCH: Yup. Okay.

16 **Signs:**

17 1637 Helio Health, 1850 Brighton Henrietta Town
18 Line Road, for two Building Face signs

19 CHAIRPERSON PRICE: This is Brighton
20 Henrietta Town Line.

21 MR. FRISCH: Yup. 1850 Brighton Henrietta
22 Town Line Road seeking approval for two building
23 faces, which is previously approved. And they've had
24 signs on two building faces. So it didn't require a
25 variance.

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CHAIRPERSON PRICE: Okay. And the ARB approved as presented?

MR. FRISCH: Correct.

CHAIRPERSON PRICE: Okay. I move approval as approved -- as presented and approved by the ARB for application 1637, Helio Health.

MS. DELANEY: I'll second.

CHAIRPERSON PRICE: Thanks, Pam. Moved and seconded. Jeff, go ahead and please call the roll.

(Ms. Altman, aye; Mr. Price, aye; Mr. Fader, aye; Ms. Delaney, aye; Mr. Babcock-Stiner, aye; Mr. Osowski, aye; Ms. Ford.)

(Upon roll the motion to approve carries.)

CHAIRPERSON PRICE: Okay. Thank you, everyone. Thank you to all of our participants tonight. Appreciate your patience. And it was a long meeting.

MR. RAMSEY: Everyone, thank you. Appreciate everyone's efforts.

(Proceedings concluded at 10:39 p.m.)

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REPORTER CERTIFICATE

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

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

Dated this 16th day of March, 2022
at Rochester, New York.

Holly E. Castleman

Holly E. Castleman,
Notary Public.