
BRIGHTON

PLANNING

BOARD

April 20, 2022
At approximately 7 p.m.
Brighton Town Hall Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JEFF FRISCH, TOWN PLANNER

WILLIAM PRICE, CHAIRPERSON

JOHN OSOWSKI)	
JASON BABCOCK-STINER)	BOARD MEMBERS
DAVID FADER)	
KAREN ALTMAN)	

KENNETH GORDON, ESQ.
Town Attorney

BRENDAN RYAN

Absent: PAM DELANEY
JULIE FORD

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

1 CHAIRPERSON PRICE: All right. Good
2 evening, everybody, and welcome to the April 20th,
3 2022, meeting of the Town of Brighton Planning Board.
4 We are virtual tonight. We had anticipated being live
5 for the April meeting, but due to public policy from
6 the Governor's office, we are going to be virtual this
7 meeting and potentially next month as well.
8 Apparently those decisions are coming out on a
9 month-by-month basis by the Governor.

10 We will have our public hearings tonight.
11 And if you so choose to comment on them, you have the
12 opportunity tonight or you can submit written comments
13 to the Planning Board executive secretary, who I
14 believe now will be Jeff Frisch. Jeff, is that right?

15 MR. FRISCH: That's correct, yes.

16 CHAIRPERSON PRICE: Okay. And you send
17 those to Jeff at Town Hall it's. Jeff.frisch,
18 F-R-I-S-C-H, @townofbrighton.org.

19 Okay. So tonight is, of course, again,
20 another Zoom meeting and everybody will have an
21 opportunity once the applicants and their
22 representatives have spoken. The Board will ask some
23 questions and then give the public an opportunity to
24 ask questions or comment on an application.

25 Okay. So I'm calling the meeting to order.

1 I would ask the secretary to please call the roll
2 tonight.

3 (Upon which the roll was called.)

4 (Absent are Ms. Delaney and Ms. Ford.)

5 CHAIRPERSON PRICE: All right. Thank you.

6 So what we do first is we go into an agenda review
7 with our Planning Board Attorney and staff. And then
8 we will commence the public meeting. So let's --
9 Jeff.

10 MR. FRISCH: Yup. The first one is
11 2P-01-22. They were here last month. There was some
12 concerns about noise and other things by the local
13 community. They sent a letter in that tried to
14 address those, which you all received. That's kind of
15 our main concern with them.

16 We also had some questions about sales
17 versus -- versus service, which they have -- they also
18 have concerns about in the information you received.

19 3P-01-22 is for --

20 MR. GORDON: Jeff, Jeff. Could I just
21 interject here for a moment on the Planning Board
22 report? And I just want to point out to our members
23 and for the public as well that for this matter and a
24 number of the other matters, you'll see that for
25 conditional uses in the Planning Board report there

1 are suggested findings for those conditional use
2 determinations, which is something new that we're
3 doing at the staff level to assist the Board in making
4 all of the code findings that are required for making
5 a decision.

6 And so the motions when we do get to them,
7 if the Board chooses to approve a conditional use
8 permit application, will include adoption of the
9 findings as well as a determination on the application
10 subject to conditions. So I just wanted to point that
11 out. Thanks, Jeff.

12 MR. FRISCH: Thanks, Ken. The next -- so
13 next one will be 3P-01-22, which is 1925 South
14 Clinton. They were also in last month's.

15 We have some questions and concerns about
16 what's going to be constructed as part of this phase.
17 And we talked about the dirt piles and other things
18 located on the property and how they will -- what the
19 time will be for them to be able to remove.

20 They also made some slight revisions to the
21 building footprint, which has been submitted and sent
22 out to the Board as well.

23 The next one is 3P-02-22, which is a
24 conditional use permit for a sushi restaurant.
25 There's a few questions asked, but there's no major

1 concerns for that one.

2 4P-01-22 is a conditional use permit for
3 Pure Precision Moving. East Henrietta Road. There's
4 a few questions asked, but they've answered most of
5 the information.

6 4P-02-22 is a application for a conditional
7 use permit for Jenny's Bakery. They are presenting
8 outdoor dining outside the restaurant that they have
9 there. I think my main question for them is if
10 there's room around for the seating to access and use
11 the sidewalk without any impedance for that. So
12 that's my main question for them.

13 4P-03-22 is for U of R for final site plan
14 approval, conditional use permit and final EPOD
15 approval. And we've seen them a lot. And the main --
16 we have a few questions and the main concern is about
17 the finalization of the conservation easement, which
18 we are currently working on and we're drafting up
19 language in its final approval by the attorney
20 and then -- our attorney, their attorney, and
21 eventually going through the Town Board.

22 MR. FRISCH: And on that if I could just
23 interject, Jeff, I do believe that legal staff, the
24 University of Rochester and I have come to an
25 agreement on what the language of the conservation

1 easement should look like.

2 There is some work to still be done to
3 incorporate metes and bounds description in the
4 mapping, which is going to be incorporated and
5 integrated into that conservation easement. They did
6 send us an update today and I will expect that will be
7 completed very, very soon.

8 And I believe that the staff recommendation
9 on this is that we're comfortable allowing this matter
10 to go forward subject to further approval by me. And
11 really that's going to be further approval by Evert
12 Garcia, who's are Town engineer to review the metes
13 and bounds description and make sure that's all
14 closed. Thanks, Jeff.

15 MR. FRISCH: You're welcome. And then also
16 we have some comments for -- and some questions that
17 he's going to need answered, but he didn't think that
18 it was anything that would -- could hold an approval.
19 It was something we could handle afterwards before the
20 issuance of the building permit.

21 10P-NB1-21 was postponed by the applicant.
22 And that's the end of our public hearings.

23 3P-04-22 was the application for the
24 conditional use permit for Jersey Mike's. That one we
25 tabled just because we wanted to update our language

1 and make sure that we have findings for a conditional
2 use permit going forward.

3 MR. GORDON: Yup. Very much like what we're
4 doing with all of the other conditional use permits.
5 We haven't been doing that in the past. And so with
6 the Jersey Mike's application and all the other
7 conditional use applications that we have on tonight's
8 agenda and going forward, we're going to be providing
9 to you, the Board, those proposed findings.

10 MR. FRISCH: Yup. So we drafted the
11 findings up for this one as well as the other ones and
12 sent those out for your review.

13 CHAIRPERSON PRICE: All right. Jeff and
14 Ken, going back to the U of R application, I think I
15 heard that the Town Board was going to be involved.
16 Is that in accepting the conservation easement?

17 MR. GORDON: Correct. Yes. So the
18 conservation easement itself runs to the Town of
19 Brighton and Planning Board doesn't have authority to
20 accept the conservation easements on behalf of the
21 entire Town. Only the Town Board has that authority.

22 And the way that the conservation easement
23 is drafted, the Town Board approves the conservation
24 easement. It would be up to the Town Board in the
25 future if the U of R wanted to do to try to modify or

1 even extinguish the conservation easement to go to the
2 Town Board. But the language of the conservation
3 easement also requires that the Planning Board be
4 involved in that process and have some oversight
5 relative to whatever modifications might come in the
6 future.

7 CHAIRPERSON PRICE: All right. Thanks. All
8 right. Trying to get back on track here. We will
9 review and approve the meeting minutes from our
10 February 16th minutes, and the March 16th meetings in
11 May -- on May 18th. So at this point we will commence
12 the public hearings.

13 MR. FRISCH: I just want to jump in and say
14 that the public hearing was properly advertised for
15 the Planning Board in the Daily Record of April 14th,
16 2022.

17 CHAIRPERSON PRICE: That was going to be my
18 question. Thank you.

19 MR. FRISCH: All right.

20 CHAIRPERSON PRICE: Our first application is
21 2P-01-22.

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

23 Application of Cortese Properties, owner,
24 and Corteses Cycle Sales, agent, for Conditional Use
25 Permit Approval allowing for a motorcycle sales and

1 service facility on property located at 2771 West
2 Henrietta Road (Tax ID #148.50-2-20.1). All as
3 described on application and plans on file.

4 CHAIRPERSON PRICE: Is Mr. Cortese here?

5 MR. CORTESE: Yup. I'm here. Can you hear
6 me?

7 CHAIRPERSON PRICE: We can hear you. Good
8 evening.

9 MR. CORTESE: Good evening. How you doing?

10 CHAIRPERSON PRICE: Good thanks. Okay.

11 Just would ask -- we did get your letter. And just
12 wanted to ask if you wouldn't mind just kind of
13 hitting the highlights of the letter. And I think you
14 must have gotten the tabling resolution and seen some
15 of the conditions there. If you would kindly just
16 address any modifications or clarifications that
17 you've got.

18 MR. CORTESE: Well, after the last meeting
19 it sounded like the noise issue was a much larger
20 problem than I had realized. So shame on me for that.
21 So the message that I got was that and from the letter
22 that you guys sent it sounded like you wanted to have
23 some type of resolution where we're containing the
24 noise, reducing noise.

25 And then also the issue with us driving up

1 and down and test driving the bikes on Center Drive.
2 So that was very clear after the meeting that, you
3 know, you guys weren't really liking or the neighbors
4 weren't really liking that.

5 So I just went back to my general manager
6 and the technicians. I reviewed, you know, basically
7 how the meeting went, what your concerns were. And
8 they immediately -- you know, they didn't realize it
9 either I guess. So we basically just said listen,
10 we're not here to ruin the neighbors' quality of life.
11 I don't want to be on bad graces with the Town. We
12 need the ability to use this other building for
13 storage and selling and stuff like that.

14 So the big thing we're going to do is we're
15 no longer going to test drive -- and we have already
16 stopped. But we're no longer using Center Drive to
17 test drive bikes. I think -- I think that was the
18 biggest concern, correct me if I'm wrong, from the
19 first meeting that we had last month.

20 Also I told them any time they're working on
21 a motorcycle, no matter what time of year it is to
22 make sure the garage door is shut when the engine is
23 running and to -- and to run the engine for the
24 minimum amount of time needed to diagnose the problem.

25 So they were pretty understanding. I said,

1 listen, this is the way it's going to have to go.
2 We're not going -- we have to find a way to control
3 this a little bit because some of the bikes, you know,
4 can get a little loud.

5 So that's what we're going to do. We're
6 going to make that when we're working on a bike, no
7 matter what time of the year it is, if it's inside the
8 building we'll shut the doors. We're not going to go
9 out of our way to rev the engine any higher than we
10 have need to get -- you know, to accomplish what we
11 need to do. We're -- they've already stopped driving
12 down Center Road.

13 Now, there is a guy that lives down Center
14 Road that owns a bike. It's fairly loud. He's going
15 to be driving it up and down in the summer. So I
16 can't -- I don't want to be held responsible for any
17 motorcycle that goes up down there. But you have my
18 word that Cortese Cycle Sales is not going to be
19 promoting the use of that road. We're not going to be
20 using it for our purposes. And we're going to go out
21 of our way to reduce whatever noise we would make
22 working on a motorcycle.

23 I don't know -- I think that's pretty much
24 what you guys wanted. Again, as I alluded to in the
25 bottom paragraph there, the motorcycle service is what

1 we do to prep the bike so that we sell it. And then
2 it's just a service we offer our customers to repair
3 the bike if needed. So I don't even -- it's not a
4 profitable portion of my business. It's just a
5 necessity. So the last thing I'm going to try to do
6 is have eight technicians working on more motorcycles.

7 So it's really -- like I stated, you know,
8 the main use of that building is going to be for
9 storage and some service bikes. And, you know, the
10 large portion's going to be extra display so that I
11 can display and sell more bikes.

12 CHAIRPERSON PRICE: Okay. I do believe that
13 was the other part of this is really clarifying that,
14 you know, the number of employees that you might have
15 over in the new building or your other building. And,
16 you know, whether this was all going to end up being a
17 lot of service going on in two different buildings.

18 MR. CORTESE: What happened was -- I don't
19 know if I mentioned this in the first meeting. When I
20 spoke to Rick DiStefano before I applied for the use
21 of the other building, he -- his verbiage was to me
22 was you're going -- you have to get the same type of
23 permit. It's got to have the same use like your first
24 building.

25 So all I did was is I copied what the use of

1 the first building was on the original one and I sent
2 it over to you, where it said how many employees I'm
3 going to have and all that other stuff, I just
4 mimicked what I used for the first building because I
5 thought that's what you wanted to see. That really
6 isn't the case. I haven't added an employee. So --
7 and we're probably not going to add an employee.

8 It's -- like I said before, it's just we
9 need more selling space and we just need more room to
10 have these bikes be able to be out of the way but
11 not -- you know, enclosed. And not having to wheel
12 them in and out every night and every day.

13 CHAIRPERSON PRICE: All right.

14 MR. CORTESE: Absolutely there will be no
15 more noise created from the use of this other
16 building. I promise you that.

17 CHAIRPERSON PRICE: All right. I -- I think
18 both the testimony here and the letter kind of
19 answered my questions. Jeff, do you have other
20 questions of John?

21 MR. FRISCH: Are there any improvements that
22 you are doing to the interior of the building?

23 MR. CORTESE: You know, what we did right
24 was when the dry cleaner left, we cleaned it up. We
25 took out some of the counter stuff that we didn't need

1 that and we painted.

2 Like I said before, I really do want to do
3 the building. Eventually we want to do the interior
4 and exterior. But I don't want to get ahead of myself
5 right now. It's such a seasonal business. I don't
6 know how much more sales I will get, if any, by -- by
7 the expansion or the use of that building to have
8 more. So it's a more of a "wait and see" attitude.

9 But irregardless, even if I don't sell any
10 more bikes it's just going to make it comfortable for
11 us to work. So then I'll just have to decide at that
12 point in time with my sister, you know, how much money
13 do we want to put in the building, what do we want to
14 do with it and that kind of thing.

15 But eventually, you know, we would
16 definitely like to facelift it and probably get it
17 looking more like the other building and updating it.

18 MR. FRISCH: Okay. And you -- anything like
19 that would require a permit. And you'll have to be in
20 contact with the Fire Marshal either way to make sure
21 the building complies.

22 MR. CORTESE: Yes. 100 percent.

23 MR. FRISCH: Okay.

24 CHAIRPERSON PRICE: Okay. Other questions
25 from the Board? Let me see. Jason, do you have any

1 questions or comments?

2 MR. BABCOCK-STINER: No. I'm good.

3 CHAIRPERSON PRICE: You're good. Karen?

4 MR. FRISCH: Can't hear you, Karen.

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

6 CHAIRPERSON PRICE: All right. And David?

7 MR. FADER: I'm all set.

8 CHAIRPERSON PRICE: All right. Ken Gordon?

9 MR. GORDON: Yeah. Just one area. So one
10 of the findings, Mr. Cortese, that the Board is
11 required to make because your property is contingent
12 to a residential district is that the intensity of
13 your operations won't be incongruous with or
14 inconvenient to the neighborhood right next to you.

15 And so that's why we have been talking about
16 the use up and down Center Drive. And thank you so
17 much for that commitment. In the proposed conditions
18 that staff has drawn up however, the prohibition of
19 test driving motorcycles is a little broader than just
20 Center Drive. It includes any Town highway.

21 So we really didn't want your techs to go
22 just one block down onto Southern Drive, for example.

23 MR. CORTESE: Oh, yeah, yeah. I get it. I
24 understand.

25 MR. GORDON: So you'll see in the proposed

1 conditions that it covers Town highways, basically our
2 Town roads. You know that doesn't rule out 15 or, you
3 know, county highways or any other state highways or
4 whatever.

5 But I just wanted to let you know that and
6 see if that's going to present any terrific obstacles
7 for you.

8 MR. CORTESE: No. Absolutely not.

9 MR. FRISCH: We also -- one of the
10 conditions is that the conditional use is going to be
11 good for a year and after that -- just to make sure
12 everything is copacetic. And then next year you're
13 going to have to come in and just re-up the
14 conditional use.

15 MR. CORTESE: Why would we do that? Just
16 asking.

17 MR. FRISCH: We just want to make sure
18 there -- there won't be any other noise and
19 disturbance of neighbors. Essentially we just want to
20 make sure that you are doing what you say you're going
21 to be doing by reducing the noise and the impact on
22 the neighbors.

23 MR. CORTESE: Okay.

24 MR. GORDON: It goes back to that same
25 finding I was talking about, Mr. Cortese, about it not

1 being incongruous with the residential district that's
2 right next to it.

3 MR. CORTESE: Okay.

4 CHAIRPERSON PRICE: Like, Ken, could you
5 just remind us all that the majority of conditional
6 use permits are for one year.

7 MR. GORDON: Yeah. And that's --

8 CHAIRPERSON PRICE: So whether it's John's
9 property, a project or sidewalk cafe or something from
10 a restaurant, we do -- they do come back a year later
11 and make -- then they -- as long as all the conditions
12 have been complied with, then the conditional use
13 permit is renewed, and, I think, extended for a longer
14 period of time after that, isn't it?

15 MR. GORDON: I believe we do have a limit
16 usually of a couple years. But we don't go too much
17 beyond that. You know, that's my recollection.

18 CHAIRPERSON PRICE: Okay.

19 MR. GORDON: But I defer to Jeff or, you
20 know, if Jeff doesn't know, Ramsey, who's in the
21 background.

22 MR. BOEHNER: Yeah. No. Normally it's when
23 we have concerns and we place conditions on the
24 application. The part of the renewals for the
25 Planning Board to evaluate, are you meeting conditions

1 that the Planning Board has placed on the application?
2 In this case they need to come back in one year.

3 Often when we find that there's no
4 complaints, no issues, they seem to be able to meet
5 those conditions, the Board can make a decision if
6 they want to require another renewal or grant the
7 conditional use permit. Once the Board grants a
8 conditional use permit, it is granted to the property
9 until it becomes void after being vacant or not being
10 under operation for a year.

11 MR. GORDON: So I stand corrected. So I
12 guess, Mr. Cortese, the real answer's come back in a
13 year to make sure everything's copacetic as Jeff said
14 and then after that if everything's good, you're
15 granted effectively a ongoing conditional use permit
16 to continue your operations. If you abandon the use,
17 obviously, the conditional use --

18 MR. CORTESE: Right. Right. Can I --

19 MR. BOEHNER: And the other thing is that
20 it's important that is up to the Planning Board. They
21 renew you. They can -- it is a choice of the Planning
22 Board.

23 MR. CORTESE: Okay.

24 MR. BOEHNER: Mr. Cortese, go ahead. I'm
25 sorry.

1 MR. CORTESE: Yeah. No problem. So would I
2 go through the same exact process again or do I just
3 come to you in a year and -- like we go through the
4 same type of thing where I go in front of the Board
5 like I'm doing now or --

6 MR. BOEHNER: Mr. Cortese, yeah. It would
7 another public hearing, another application in front
8 of the Planning Board, similar to what you've done
9 now. You can give an update about what's going on,
10 how you're complying, communicate with the department.

11 MR. GORDON: I would anticipate, however,
12 Mr. Cortese, that if everything is fine, it wouldn't
13 be a two-meeting process. It would probably be a
14 one-meeting process.

15 MR. CORTESE: Right.

16 CHAIRPERSON PRICE: Yeah. And I just didn't
17 want you to think you were being picked on.

18 MR. CORTESE: No. Okay.

19 CHAIRPERSON PRICE: You weren't singled out.
20 This is a very typical condition.

21 MR. CORTESE: Okay. Okay.

22 CHAIRPERSON PRICE: Thanks, Ken. Jeff,
23 you're all set.

24 MR. FRISCH: All set. Yeah.

25 CHAIRPERSON PRICE: All right. Board is all

1 set. Is there anyone joining us tonight that cares to
2 address this application?

3 MR. FRISCH: Please raise your hand in Zoom
4 or --

5 CHAIRPERSON PRICE: Oh, right.

6 MR. FRISCH: Doesn't look like there's
7 anybody.

8 CHAIRPERSON PRICE: Okay. All right. John,
9 thank you.

10 MR. CORTESE: Thank you.

11 CHAIRPERSON PRICE: All right. I need to do
12 something here to get my to -- all right. Our next
13 application is 3P-01-22.

14 **Application 3P-01-22**

15 Application of 1925 South Clinton, LLC,
16 owner, for Preliminary/Final Site Plan Approval (Phase
17 2) to construct a 9,200 +/- sf retail building and
18 other associated site improvements, and Conditional
19 Use Permit Approval allowing for the retail building
20 To house a 2,300 +/- sf Starbucks Cafe with a
21 drive-thru facility on property located at 1905-1925
22 South Clinton Avenue (Tax ID #136.15-1-18.1, Lot 3).
23 All as described on application and plans on file.

24 CHAIRPERSON PRICE: All right. Do we have a
25 representative? Mr. Paul --

1 MR. COLUCCI: I'm here. Good evening,
2 Mr. Chairman, members of the Board. Nice to see you
3 again.

4 CHAIRPERSON PRICE: Thank you.

5 MR. COLUCCI: As Jeff read on the roll
6 earlier and you just mentioned, we're here tonight
7 seeking preliminary overall and final phase 2 site
8 plan approval along with conditional use approval to
9 operate a restaurant, a drive-through and extended
10 hours.

11 We were before the Board in March. Tabled
12 at that time pending the results of the Architectural
13 Review Board meeting. We did appear before ARB and
14 the application was approved as presented at that
15 meeting.

16 And as Jeff mentioned, we did coordinate the
17 building footprint with the approved footprint and
18 elevations from the ARB meeting. So that's a minor
19 change to the site plan. It didn't change any of the
20 spatial relationships, just the articulation of the
21 footprint itself.

22 We've been before the Board. I've described
23 the uses and how we're compliant with the previously
24 approved preliminary overall. I think the Board is
25 familiar with the application. And understanding that

1 you have a lengthy agenda, I won't, you know, go into
2 any more detail but open it up to questions for you
3 all.

4 CHAIRPERSON PRICE: Thanks, Paul. Could I
5 just ask Jeff to zoom in on the footprint of the
6 building? Just get us a little closer to the building
7 that's going in.

8 MR. FRISCH: Brendan is running the --

9 CHAIRPERSON PRICE: Brendan, thank you.

10 So Paul in essence, just some of the
11 articulation in the -- kind of the perimeter of your
12 building is reflected -- reflective of what the ARB
13 wanted to see?

14 MR. COLUCCI: That's right. We basically
15 mirrored the west facade on the east facade. So the
16 true front of the building is facing west into the
17 parking lot. And given some of the previous concerns
18 of ARB they wanted us to have a appropriate
19 street-facing facade. We mirrored that same facade
20 onto the east side providing essentially store front
21 openings and awnings. They will be -- they will serve
22 as essentially as back of house for the most part.
23 But providing an elevation that they felt was
24 appropriate and adding a little bit more visual
25 interest on the north and south the of the building as

1 well on those easterly corners as those are the
2 predominate approaches that people will see traveling
3 either northbound or southbound on South Clinton.

4 CHAIRPERSON PRICE: This wouldn't really
5 necessitate any modifications to any of the
6 engineering or any of the landscape improvements
7 you're proposing?

8 MR. COLUCCI: No. Everything was none
9 basically curb in.

10 CHAIRPERSON PRICE: Got it. All right.
11 Paul, if you don't mind, we do know that there's
12 been -- and I have read the conditions of approval.
13 And just kind of go through for us if you would the --
14 you know, the connection to the property next door and
15 some of the resolution to stockpiles that you
16 currently have on-site.

17 MR. COLUCCI: Sure. We provided a response
18 letter to all the previous comments, both from Town
19 staff, previous Planning Board comments, Town
20 engineering, et cetera, dated March -- or April 6th.
21 Those comments and responses were all incorporated
22 into this revised plan set that was sent in.

23 We will be making a connection to the
24 Brookdale property to the south. I did have a
25 conversation with the owner after the last meeting we

1 had. There was a representative who spoke before the
2 Board I think you'll recall. I reached out to her and
3 she put me in touch with the owner of -- one of the
4 owners of the facility.

5 We had good conversation. We agreed to have
6 a on-site meeting prior to us actually physically
7 making that connection. And I told them the timing of
8 that would probably be somewhere in the May time
9 frame. So we're going to coordinate schedules and
10 have that meeting with them.

11 Additionally, will be doing the --
12 finalizing the construction of the signal at the
13 southerly access point to the property, essentially
14 creating the fourth light of that intersection. The
15 actual entrance off the south Clinton is already
16 constructed. And we will be completing the phase 2
17 improvements as shown on the phased site work plan
18 that's incorporated in this set.

19 We had conversation about the topsoil piles
20 and the other stockpiles. We do intend to use the
21 aggregate to create the road subbase and the parking
22 lot subbase for this phase. We will be addressing the
23 topsoil. That which is not needed for either final
24 stabilization for this phase or a future phase will be
25 removed from the site. We do have access there. And

1 we will be taking that off during this phase of
2 construction.

3 And, you know, the only condition that I
4 think as I read through the staff report was that in
5 addition to putting down aggregate subbase, we would
6 put topsoil over the top of that. I just -- I
7 wouldn't recommend that. I wouldn't want to do that.
8 It would contaminate all of my subbase material and
9 essentially it would be a waste. So we wouldn't do a
10 combination of the two. We would -- we would not put
11 subbase and put topsoil over it. That's the only, you
12 know, really comment I had to the staff report.

13 CHAIRPERSON PRICE: Okay. Does anyone else
14 have other questions? I'm asking the Board. Jason,
15 do you have questions of Paul? You're good? Karen?

16 MS. ALTMAN: I'm good. Thanks.

17 CHAIRPERSON PRICE: And David. David Fader,
18 do you have any questions?

19 MR. FADER: Yeah. I was trying to find the
20 mute button. No. I don't have any questions.

21 CHAIRPERSON PRICE: All right. Paul, I
22 think -- were there comments with -- I think we just
23 wanted clarification on any outstanding sidewalks that
24 need to be constructed. Are there still some
25 semblance of sidewalk?

1 MR. COLUCCI: Yup. Per incentive zoning
2 approvals there was off-site sidewalks that needed to
3 be constructed. We did construct the Elmwood Avenue
4 sidewalks last season. And we asked for a deferral of
5 the sidewalks along South Clinton until -- until this
6 construction season. I believe the Town Board
7 resolution allows us until June 30th.

8 I'd love to have, you know, a little more
9 time. We certainly will construct them during this
10 construction season and -- but, you know, June 30th is
11 the date we are currently required to install them by.
12 And that is our intention to construct it, you know,
13 once we mobilize during this season.

14 We anticipate mobilizing sometime in May
15 pending, you know, approvals here. And then working
16 diligently, we do want to deliver the building to
17 Starbucks by November 1st for their -- for their
18 interior tenant fit out. So we have, you know, every
19 intention of moving forward and completing all of the
20 on-site and off-site work that's required.

21 CHAIRPERSON PRICE: Okay. Jeff, how about
22 you? Questions of Paul?

23 MR. FRISCH: Yeah. So with the aggregate,
24 what you're -- it looks like you're covering most of
25 this site in this aggregate that you have on the

1 property currently.

2 MR. COLUCCI: Yeah. We previously had an
3 approval to use that aggregate material that we
4 harvest from the site as a stabilization measure in
5 lieu of the topsoil. So the combination of the two
6 effectively would be a colossal waste of money because
7 when I place the aggregate, I'm going to put Mirafi
8 down, which is a parking lot subbase. And then the
9 aggregate over it.

10 If I put topsoil on top of that, I'm just
11 going to wind up contaminating all that stone and
12 basically rendering it useless. So we would -- we
13 wouldn't do a combination of the two. It would be an
14 either/or scenario.

15 MR. FRISCH: Okay. I think part of the
16 concern is that there would be a hole -- the site
17 would basically be covered in aggregate and there
18 wouldn't -- for an unspecified amount of time without
19 like grass or any other stabilization on the property.

20 MR. COLUCCI: Yeah. We understood that,
21 Jeff. And we certainly want to move forward and
22 develop the rest of it. If the Board prefers to see a
23 vegetative stabilization, we could do that in lieu of
24 placing the aggregate material.

25 It's just when -- when we got into

1 developing the original construction with the overall
2 mass earth work, we wound up obviously dealing with
3 some unknown conditions in the site and harvested out
4 a whole bunch of shot rock that was dumped in the site
5 and buried topsoil, hence why we've got a big pile of
6 aggregate and a big pile of topsoil. Trying to allow
7 the conditions that we experience to be utilized
8 rather than be a huge detriment to the site.

9 So we would remove the topsoil we don't need
10 during this phase. We place the aggregate we need for
11 this phase. If it's preferred to see a vegetative
12 buffer -- or vegetative stabilization, we would do
13 that. And we would stockpile any surplus aggregate in
14 a manner similar to the remaining topsoil that we need
15 for the future phases. But it would be done in a
16 windrow fashion towards the west boundary of the site
17 in the manner that's, you know, not going to be
18 detrimental to the aesthetics to the overall
19 development.

20 MR. FRISCH: Okay. So there's -- for the
21 page CS 100, that was submitted as part of showing the
22 easements for the connection to the residence behind
23 you. It showed a bunch of things that weren't
24 approved as part of the incentive zoning and something
25 that the Town -- the Planning Board hasn't looked at

1 before.

2 So I just want to make sure you're not
3 seeking approval for that and it's not something
4 that's been approved previously.

5 MR. COLUCCI: No. There was a request to
6 show how the parcel to the south could be
7 incorporated. That was a request that was part of the
8 previous comments. So we simply showed how we have
9 developed the site or essentially how we foresee
10 developing the site with that additional parcel to the
11 south, which is -- I think it's 1969 South Clinton
12 parcel.

13 We -- it used to -- it was the former church
14 parcel. We demoed the church and we now own that
15 property. So we just showed that for reference to
16 Town staff as how we intend to develop that in the
17 future.

18 MR. FRISCH: Okay. And you're only
19 constructing the 59 parking spaces right now? I think
20 there was some consideration of the -- of their being
21 additional parking over the aggregate. But do you
22 think that the 59 parking spaces will be enough for
23 the use of that building?

24 MR. COLUCCI: Yes. Yeah. It's in excess of
25 what's required as it's a ratio of five per thousand.

1 And that's what we intend to pave. That's correct,
2 Jeff.

3 MR. FRISCH: Okay.

4 CHAIRPERSON PRICE: That plan for the south
5 property, the old church is not on this plan is it?

6 MR. FRISCH: It's not.

7 MR. COLUCCI: It is not. And the plan said
8 it was separate --

9 CHAIRPERSON PRICE: Okay. All right. It's
10 not a part of the request for the overall preliminary
11 update?

12 MR. FRISCH: It is not.

13 CHAIRPERSON PRICE: Okay. All right. Ken,
14 Gordon, do you have any other questions?

15 MR. GORDON: Yeah. I just want to clarify a
16 couple things. Paul, how are you today?

17 MR. COLUCCI: Good.

18 MR. GORDON: Good. Good. So I think I
19 heard you say that the developers committed to
20 completing the Clinton sidewalks by June 30th. That
21 would apply to all of the remaining sidewalks required
22 by the incentive zoning?

23 MR. COLUCCI: Yeah. The Rue De Ville and
24 Lac De Ville, there's a couple little sections.

25 MR. GORDON: There are little strips in

1 there. Yeah. Okay. Good. I just wanted to clarify
2 that.

3 And then with respect to my favorite subject
4 dirt piles, so I was listening carefully to what you
5 said. I think I heard you say that you're going to
6 leave on-site, of course, the topsoil that is needed
7 for this phase of the project. And I thought I also
8 heard you say you're also going to leave on-site
9 topsoil that might be needed for future phases of the
10 project, but anything else you're going to leave --
11 remove. I don't know what that means.

12 So I don't know what the Town should expect
13 to see removed. I understand you leave the topsoil
14 for this phase of the project. I don't understand
15 leaving topsoil for future phases of the project in
16 some -- do we still end up with a mountain of topsoil?

17 MR. COLUCCI: No, no. It would -- it would
18 be spread so as to essentially blend in with the site,
19 Ken. There wouldn't be a big mountain of topsoil.
20 You know, worst case, we'd have a mountain, you know,
21 a couple feet and towards the west boundary. We push
22 it back to the end of the property.

23 MR. GORDON: And I think what staff has
24 drawn up as proposed condition on this is to -- if the
25 Planning Board is in agreement, give you your

1 approvals, say go ahead, start your work. But you're
2 only going to get foundation permits until the
3 stockpiles are gone and the sidewalks or completed.
4 Did you see that condition in the staff report?

5 MR. COLUCCI: I did see that condition.
6 And, you know, ultimately I think that it's just --
7 who makes the determination that the topsoil is
8 sufficiently gone such that I can have a building
9 permit, right? Because I'm going to need some. The
10 site's going to be under construction. I'm going to
11 be bringing, you know, material in. There's going to
12 be site work going on. So an active construction site
13 to me is an active construction site.

14 I prefer that we say prior to C of O that
15 the topsoil is addressed rather than prior to issuance
16 of a building permit just because at the end of the
17 day, the site's going to be under construction. And I
18 don't think it's -- we're splitting hairs at that
19 point. That's the only comment I would have.

20 MR. GORDON: Last subject -- I just want to
21 touch on one more thing, Bill, if I could. And I know
22 Jeff and Ramsey cringe when I go into being amateur
23 planner man, but here I go.

24 So the turning radius coming out of the
25 drive-through back out onto the entrance looks like a

1 pretty tight hairpin turn. Somebody checked that I
2 assume? Because either -- you know, we don't want a
3 traffic -- an impossible turn.

4 MR. COLUCCI: Yeah. No. You can play
5 planner any day. We actually -- that's a good
6 comment. And Ramsey had previously brought that up.
7 We submitted with this application a turning template
8 that shows that maneuver is comfortable for -- the
9 vehicle we modeled, Ken, was a pickup truck with a
10 trailer, like a landscape trailer, figuring that's
11 kind of what your worst case is going to drive through
12 that drive-through. And they were able to make that
13 right turn and stay in their lane without creating any
14 type of conflict.

15 MR. GORDON: Okay. Thanks. They don't
16 share those turning templates with me. They don't
17 dare because I wouldn't know what to do -- I wouldn't
18 know which way to look at them.

19 MR. COLUCCI: You're already dangerous
20 enough. We can't give you -- we can't give you all
21 the info.

22 MR. BOEHNER: I agree.

23 MR. GORDON: Thanks, Paul.

24 CHAIRPERSON PRICE: All right. Everybody
25 could I ask if you're not speaking to please mute your

1 computer or your phone. Thank you. Jeff, you're all
2 set?

3 MR. FRISCH: Yeah. All set.

4 CHAIRPERSON PRICE: Boards all set. All
5 right. This is a public hearing. Is there anyone
6 that's attending tonight's meeting that cares to
7 address this application or ask any questions? Jeff,
8 if you -- Brendan if you guys see anyone, let us know.

9 MR. FRISCH: I don't see anybody on.

10 CHAIRPERSON PRICE: Just a couple more
11 seconds if anybody cares to address this application.
12 All right. Thank you.

13 All right we are going to go on to -- let me
14 just put this down for one second. Going on to
15 application 3P-02-22.

16 **Application 3P-02-22**

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

22 CHAIRPERSON PRICE: Is someone here this
23 evening representing this application?

24 MR. OUYANG: Yes, I'm here. Jacob.

25 CHAIRPERSON PRICE: Good evening. How are

1 you?

2 MR. OUYANG: Good. How are you?

3 CHAIRPERSON PRICE: Good.

4 MR. OUYANG: So we are putting a sushi
5 restaurant at 2425 West Henrietta Road.

6 MR. GORDON: Could we just have -- I'm sorry
7 to interrupt. Could we just have a full name Jacob
8 and your address?

9 MR. OUYANG: Yes. My name is Jacob Ouyang,
10 O-U-Y-A-N-G. And the address 2425 West Henrietta
11 Road, Rochester, New York 14623. And then we are
12 putting a sushi restaurant in the building.

13 And that building used to be Friendly's for
14 years. And Duff's take over for like three, four
15 years. So it's always been a restaurant. And it was
16 Duff's wings for years. That's why we need another
17 like -- a zone for a restaurant.

18 CHAIRPERSON PRICE: Okay. Jacob, could you
19 kind of walk us through your operation a little bit?
20 Want to talk about hours of operation, number of
21 employees.

22 MR. OUYANG: Okay. We're looking about
23 eight to ten employees. And open hours 11 to 10,
24 Monday to Thursday and Friday 10 to 11.

25 And we are putting a new type of sushi

1 restaurant. We do rotation, the conveyor belt sushi,
2 something new in Rochester and also Brighton. We
3 don't have any sushi restaurant in Brighton. So this
4 is going to be the only one. I know there's -- I
5 think this is the first one. There's no sushi
6 restaurant in Brighton.

7 CHAIRPERSON PRICE: Okay. So the hours of
8 operation are, you know, 11 to 10 and --

9 MR. OUYANG: 11 -- yes. Yes.

10 CHAIRPERSON PRICE: -- and you got 11
11 employees. So beyond that, how often do you get
12 delivers of product.

13 MR. OUYANG: We get delivers of product at
14 least -- so Monday through Friday we could get
15 delivery product every day. And weekends, we get
16 seafood coming from the city every Sunday, frozen
17 seafoods. And then the fresh -- fresh seafoods will
18 be coming -- like all depends on the sales. All
19 depend on how busy we get to. We could get, you know,
20 delivery every day.

21 So I also own Tai Chi. We do sushi. So he
22 with all this connections for the seafoods.

23 CHAIRPERSON PRICE: And it appears you have
24 seating. So you -- are you is a primary part of your
25 business for sit down? How about the takeout portion?

1 Are you -- is there --

2 MR. OUYANG: Right now we're not looking to
3 do any takeout because it's a conveyor belt, like a
4 buffet type. So it's all-you-can-eat. So customer
5 pay one price and they get two hour to say in the
6 restaurant. And then, you know, they can watch the
7 chef prepare the food in front of them. And then they
8 go on the conveyor belt. And then people take and --
9 yeah.

10 And the customer can order special order
11 too. And we have another new conveyor belt that's
12 like a train at the top. They can -- you know, kind
13 of like a train track and they can deliver the food to
14 the table that ordered if they wanted special items.

15 CHAIRPERSON PRICE: Okay. Are you proposing
16 any changes to the site at all? The signage --

17 MR. OUYANG: Yeah. The signage. And we're
18 doing interior renovation. And then we're going to
19 paint the building outside. And we're putting like
20 new parking -- you know, not -- so in the back we're
21 just patching the parking lot. In the front we're
22 going to be doing the whole front. Yeah. Same on the
23 parking space. We not spending any -- like new --

24 CHAIRPERSON PRICE: You're just repairing
25 what's there?

1 MR. OUYANG: Yes, yes, yes.

2 CHAIRPERSON PRICE: Probably re-top it or
3 seal it and then re-stripe the parking spaces.

4 MR. OUYANG: Yes. Yes. Exactly.

5 CHAIRPERSON PRICE: Do you think your
6 current site lighting is adequate.

7 MR. OUYANG: The -- lighting outside of the
8 building is LED lighting. I also own next door. It's
9 called Yummy Garden Hot Pot, which is the same kind of
10 lighting around the building. Yeah. It's going to
11 light up the building a lot more.

12 CHAIRPERSON PRICE: Okay. And what about
13 your -- what about your garbage, your refuse from the
14 day? Does that go into a dumpster?

15 MR. OUYANG: Yeah. There's a dumpster.
16 They have a dumpster room, existing dumpster room.
17 That's -- we use probably three times in a week with
18 Waste Management. Yeah.

19 CHAIRPERSON PRICE: Okay. And this is
20 sushi. So this is a silly question. Your equipment
21 inside is not going to include fryers or anything that
22 you need exhaust fans for?

23 MR. OUYANG: Oh, yeah. There is a fryer.
24 We -- sushi has tempura, which is -- yeah. So we have
25 fry -- and we do also serve some noodle stir fry. So,

1 yeah. We need -- we keep the existing hood how it is.

2 CHAIRPERSON PRICE: Works with what's
3 already there.

4 MR. OUYANG: Yes. Yes. Yes.

5 CHAIRPERSON PRICE: All right. Well, I'm
6 going to let other Board members ask any questions
7 that they've got.

8 MR. OUYANG: Okay.

9 CHAIRPERSON PRICE: We have three more of
10 us. So Jason, do you have any questions? You're
11 good?

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

13 CHAIRPERSON PRICE: Karen? We can't hear
14 you, Karen.

15 MR. FRISCH: You're muted.

16 MS. ALTMAN: Did you hear me?

17 CHAIRPERSON PRICE: Now we can.

18 MS. ALTMAN: Okay. I guess have one other
19 question on the improvements to the parking lot. Is
20 that lot fenced? And is the fence part of the parking
21 lot improvements if it's there.

22 MR. OUYANG: Yes, yes.

23 MS. ALTMAN: So are you replacing the fence
24 or are you just fixing it --

25 MR. OUYANG: We're fixing the fence and

1 painting it. Yeah.

2 MS. ALTMAN: Okay. Thank you.

3 MR. OUYANG: Okay. Thank you.

4 CHAIRPERSON PRICE: David, do you have any
5 questions?

6 MR. FADER: No. I'll have to go check it
7 out when it opens.

8 MR. OUYANG: Okay. I'll see you.

9 CHAIRPERSON PRICE: All right. So Jeff,
10 it's your turn. Questions for Jacob?

11 MR. FRISCH: Yup. Is the dumpster currently
12 screened?

13 MR. OUYANG: A dumpster? I'm sorry.

14 MR. FRISCH: Is the dumpster screened? Like
15 is it in an enclosure?

16 MR. OUYANG: Yeah, yeah, yeah. Yes, it is.

17 MR. FRISCH: Okay.

18 MR. OUYANG: We got to fix it. It's
19 breaking. It's kind of -- one of the hinge is broken.
20 So we need to repair it. So, yeah. We do some
21 repair. Yeah.

22 MR. FRISCH: Are you putting in any new
23 heating are cooling or generators or anything on the
24 site?

25 MR. OUYANG: We have to replace the existing

1 heating and cooling.

2 MR. FRISCH: Okay.

3 MR. OUYANG: Yeah.

4 MR. FRISCH: Will there be any deliveries
5 between midnight and 6 a.m.?

6 MR. OUYANG: No, no.

7 MR. FRISCH: Okay. And you'll be
8 re-stripping the parking lot as part of the repairs
9 you're doing; correct?

10 MR. OUYANG: Yes. Yes, yes.

11 MR. FRISCH: All right. That's all the
12 questions I have.

13 MR. OUYANG: Okay. Thank you.

14 CHAIRPERSON PRICE: And Ken, how about you?

15 MR. GORDON: Well, mine is not a question as
16 much as it is a point of information for the
17 applicant. Actually there is another sushi restaurant
18 in the Town of Brighton at Sakura Home, which is in
19 the Town of Brighton.

20 MR. OUYANG: Oh, okay. Sakura Home. Oh,
21 yeah. Yeah. That's in Brighton. Yes.

22 MR. GORDON: Monroe Avenue. Everyone thinks
23 it's Pittsford, but it's not.

24 MR. OUYANG: I thought it was Pittsford,
25 yeah. Okay.

1 CHAIRPERSON PRICE: We have to remind a lot
2 of people that that stretch of Monroe is in Brighton.
3 All right.

4 So everybody's had a chance to ask their
5 questions? All right, this is a public hearing. If
6 there's anyone who's attending tonight who cares to
7 address this application, have any questions for the
8 Board.

9 MR. FRISCH: Not seeing anyone.

10 CHAIRPERSON PRICE: All right. Jacob, we'll
11 be deliberating on this a little later this evening.

12 MR. OUYANG: Okay. Thank you.

13 CHAIRPERSON PRICE: Thank you. Our next
14 application is 4P-01-22.

15 **Application 4P-01-22**

16 Application of 1057 E. Henrietta Road LLC,
17 owner, and Pure Precision Moving, lessee, for a
18 Conditional Use Permit Approval to allow a moving
19 company with on-site furniture storage to be on
20 property located at 1057 East Henrietta Road. All as
21 described on application and plans on file.

22 CHAIRPERSON PRICE: Is there anyone here
23 tonight representing the applicant?

24 MR. FRISCH: Please raise your hand or turn
25 your video on and we'll get you unmuted.

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

3 MR. FRISCH: I don't. Brendan, can you go
4 to the first page just to see who we should be
5 expecting.

6 CHAIRPERSON PRICE: Oh. Ken Braker. Okay.
7 He's the applicant. Is there a --

8 MR. RYAN: So I did actually get a response
9 in my email declining from someone at Flaum for the
10 Planning Board meeting, you know the Outlook. For
11 what that's worth.

12 CHAIRPERSON PRICE: Okay. All right. Well,
13 we'll move on to our next application if anybody --
14 well, actually since we -- we have kind of opened
15 this, I will ask if there's anybody in the audience
16 that wanted to speak or ask questions about the
17 application for 1057 East Henrietta Road. You're
18 welcome to raise your hand and ask a question at this
19 time.

20 MR. FRISCH: Not seeing anybody, Bill.

21 CHAIRPERSON PRICE: We'll hold this until --
22 we'll circle back. If Jeff, you or Brendan remind me
23 at the end we'll see if anybody chooses to show up.

24 MR. FRISCH: Okay.

25 CHAIRPERSON PRICE: All right. That brings

1 us to application 4P-02-22.

2 **Application 4P-02-22**

3 Application of Loyal Group REM LLC, owner,
4 and Jenny's Bakery, lessee, for Conditional Use Permit
5 Approval to allow for outdoor dining in conjunction
6 with an existing bakery/cafe on property located at
7 125 White Spruce Blvd. All as described on application
8 and plans submitted.

9 CHAIRPERSON PRICE: I believe I saw the name
10 Jenny out there. Is --

11 MS. PIAO: Yes I'm here.

12 CHAIRPERSON PRICE: Good evening.

13 MS. PIAO: Good evening.

14 CHAIRPERSON PRICE: Jenny, could you tell us
15 a little bit about your -- both your current operation
16 and what you would like to do with the outside cafe
17 seating.

18 MS. PIAO: So just want to outdoor dining in
19 the summer season. And we will use the foldable like
20 chair and the tables. So we will just operate in our
21 business hours.

22 CHAIRPERSON PRICE: The business hours will
23 be the same as your current hours?

24 MS. PIAO: Yeah.

25 CHAIRPERSON PRICE: And could you kindly

1 remind us of what those hours are?

2 MS. PIAO: Yeah. We are open from Tuesday
3 to Saturday from 10 to 6:30 p.m.

4 CHAIRPERSON PRICE: Okay. And what time do
5 you and your employees get to work? Do you get there
6 earlier than 10?

7 MS. PIAO: Yeah. I get there around 6 a.m.
8 And my employees get there around 7:30.

9 CHAIRPERSON PRICE: Okay. And you're
10 proposing three tables, is that correct, with seating
11 for two at each table?

12 MS. PIAO: Right.

13 CHAIRPERSON PRICE: Okay. And those will be
14 placed pretty tight to the building?

15 MS. PIAO: Right.

16 CHAIRPERSON PRICE: And are people buying
17 the product and going outside to eat or are you going
18 out and taking their order and bringing it back out to
19 them or both?

20 MS. PIAO: The customer will buy it and
21 taking it out to the outdoor.

22 CHAIRPERSON PRICE: And when they go
23 outside, do they -- is your product in a -- in paper
24 or plastic and then they bring paper napkins and
25 plastic forks or anything with them? We try to get an

1 idea of what type of refuse would be left if they take
2 and go outside.

3 MS. PIAO: Okay. So every like product they
4 packaged in like plastic bag.

5 CHAIRPERSON PRICE: Okay.

6 MS. PIAO: Yeah. So they will take the --
7 the plastic and the like disposable cups and utensils
8 and napkins. But the garbage can -- the garbage can
9 is right next to the side door.

10 CHAIRPERSON PRICE: Okay. So you will have
11 a -- you will have an outdoor garbage can. Is that
12 already there?

13 MS. PIAO: Yeah. It's already there.

14 CHAIRPERSON PRICE: I see. Okay. And the
15 width of the sidewalk outside your store, is that wide
16 enough that when you have the seats and tables out
17 there that people walking by can get by comfortably
18 without -- and stay on the sidewalk?

19 MS. PIAO: Yes. I think so.

20 CHAIRPERSON PRICE: So these are fairly
21 small tables and just a small folding chair that
22 you're going to use.

23 MS. PIAO: Yeah. Like patio small table and
24 chair.

25 CHAIRPERSON PRICE: Do you intend to bring

1 those inside at night or do you leave them out?

2 MS. PIAO: We will put it inside.

3 CHAIRPERSON PRICE: Bring them in each
4 night. Okay. So you just bring them in and put them
5 out the next morning?

6 MS. PIAO: Right.

7 CHAIRPERSON PRICE: All right. And this
8 doesn't really change any of your other operations as
9 far as hours or number of employees or amount of
10 product that you bring in?

11 MS. PIAO: No.

12 CHAIRPERSON PRICE: Okay. Do you do a lot
13 of the baking right on-site?

14 MS. PIAO: Yeah. We -- I mean, I bake every
15 morning. Yes.

16 CHAIRPERSON PRICE: Okay. All right. I'd
17 like to open it up and see if there's others that have
18 questions. I'll start with Karen. Karen, do you have
19 any questions?

20 MS. ALTMAN: No additional questions.

21 CHAIRPERSON PRICE: All right. Thank you.
22 David?

23 MR. FADER: No. No questions.

24 CHAIRPERSON PRICE: Okay. And Jason?

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

1 CHAIRPERSON PRICE: All right. Jeff, how
2 about yourself?

3 MR. FRISCH: I'm all set. You asked all the
4 questions I had.

5 CHAIRPERSON PRICE: Wow. Okay. Ken Gordon?

6 MR. GORDON: Well, sorry. I got a question.
7 So the garbage can that you show on this drawing, is
8 that a garbage can that you maintain or somebody else
9 empties?

10 MS. PIAO: I mean, the building responsible
11 for the garbage can.

12 MR. GORDON: So the landlord for the
13 building is responsible for that garbage can?

14 MS. PIAO: Yeah.

15 MR. GORDON: And how often is that garbage
16 can emptied?

17 MS. PIAO: I'm not sure about that.

18 MR. GORDON: Okay. How large is that
19 garbage can?

20 MS. PIAO: It's pretty big like -- I guess
21 over 30 liters, I guess.

22 MR. GORDON: Okay. Have you ever witnessed
23 that garbage can being overfilled or overflowing?

24 MS. PIAO: No. I mean, I can request him to
25 remove the garbage can oftenly.

1 MR. GORDON: Right. Again, as Chairman
2 Price indicated, one of our concerns is always what
3 outside waste is going to be produced. And there will
4 be some from what you told us. And we just want to
5 make sure that that receptacle, which is going to be
6 the only outdoor receptacle, is adequate for your
7 purposes and doesn't become overfilled or overflowing
8 so that your customers have no option but to toss
9 their trash on the ground.

10 MS. PIAO: Yeah. I will make sure there
11 will be no over, like, flowing.

12 MR. GORDON: And can you make -- and maybe
13 staff already knows this, but I don't. How wide is
14 that walkway that is shown on this drawing?

15 MS. PIAO: Actual I didn't measure that.
16 But I think they can be like three, four people for
17 the wide.

18 MR. GORDON: Do we know that, Jeff, how wide
19 that sidewalk is?

20 MR. FRISCH: I don't know what it is right.
21 I looked it up and saw how wide it was. But I don't
22 know how wide for sure.

23 MR. GORDON: It's just that the
24 configuration of the tables and chairs at the top of
25 the drawing seems to extend into the walkway as

1 opposed to along the building. And I'm just wondering
2 if somebody's sitting in the chair -- all the way at
3 the top there, Brendan -- if someone could actually
4 get around that without stepping into the street. We
5 don't want people to have to walk into the street.

6 MR. FRISCH: That -- that chair set up is at
7 end of the walkway. The other side of it is like a
8 vegetated area. So the walkway doesn't go past it.

9 MR. GORDON: Okay. Thank you. So those are
10 all my questions. Thanks, Bill.

11 CHAIRPERSON PRICE: Okay. Thank you, Ken.
12 All right. This is a public hearing. Is there anyone
13 in the audience that cares to address the application?
14 Reminder, this is -- this is Jenny's Bakery. Anybody?

15 MR. FRISCH: I'm not seeing anybody.

16 CHAIRPERSON PRICE: All right. Good.
17 Jenny, thank you.

18 MS. PIAO: Thank you. Can I leave?

19 CHAIRPERSON PRICE: We'll be making a
20 decision on this later if you wish to stick around.
21 Or you can call the planning office tomorrow for -- to
22 find out our decision.

23 MS. PIAO: Okay. Thank you.

24 CHAIRPERSON PRICE: Yup. Thank you. All
25 right. That brings us to application 4P-03-22.

1 **Application 4P-03-22**

2 Application of University of Rochester,
3 owner, for Final Site Plan Approval, Final EPOD
4 (woodlot) Permit Approval and Final Conditional Use
5 Permit Approval to construct a 61,000 sf, 3 story
6 building addition to the Laboratory for Laser
7 Energetics and construct an additional 1 00 parking
8 spaces on property located at 250 East River Road.
9 All as described on application and plans on file.

10 CHAIRPERSON PRICE: All right. Good
11 evening. David, do I assume you're here?

12 MR. COX: I am here. Good evening Board
13 members. David Cox with Passero Associates. So it's
14 been a long road. And we have been before this Board
15 a -- quite a few times and had many, many meetings
16 with Town staff. And we've really -- we've gone back
17 and forth with this project. And when I think back of
18 where we started to where we are now, that it's really
19 been a good iteration, a good progression of where we
20 started to where we ended up. And I think that is a
21 testament to the public side and the private side
22 working together and public hearings and really to
23 come out where we are now.

24 So this last final application that we made
25 was really just dotting our I's and crossing our T's.

1 Nothing substantially new from what we had talked
2 about before. Really just putting in the final
3 application, the final SWIPP, final engineer's report,
4 submitting the letter of credit for review.

5 So Town staff comments were submitted. We
6 addressed all those comments. So we're really, really
7 close. We're getting down here. And U of R is very
8 excited and ready to get going on construction. They
9 would like to start as soon as all the plans are
10 signed off, as soon as we having building permits,
11 they are ready to go. So very much looking forward to
12 this.

13 And it is -- it is weird to think, you know,
14 this is the last time I'm going to work with Ramsey
15 Boehner here at the Town of Brighton here at the
16 Planning Board. It's been 20 years of my career and
17 it's been Ramsey in Brighton. So it's going to be
18 kind of weird.

19 MR. BOEHNER: Thank you, David.

20 MR. COX: Yeah. But with that I can take
21 any questions anyone has.

22 CHAIRPERSON PRICE: I believe in our
23 pre-meeting discussion with staff and with our
24 Attorney it sounds like we're really down to the final
25 issues with the metes and bound description on the

1 easement itself that the language has substantially
2 been worked through.

3 I'll just ask Jeff and just confirm, but it
4 doesn't sounds like, you know, the outstanding issues
5 with regard to infrastructure, the water system, that
6 has been resolved. And -- and going back again to the
7 easement, those were the kind of issues we were pretty
8 much down to. Jeff, are you -- is that correct?

9 MR. FRISCH: There's some few -- a few
10 things that I think we're going to be able to work out
11 afterwards. And I know Evert had some questions
12 especially about the water service. And we kind of
13 have some questions of how it's connecting and going
14 under West Henrietta Road and kind of how the
15 approvals for that are -- if you're in the process of
16 getting those approvals or have you talked to anybody
17 from the County for any of those?

18 MR. COX: So we have submitted to all the
19 required agencies for that West Henrietta. We've gone
20 back and forth with the water authority. We're pretty
21 close to being good with them. The health department
22 is pretty good. It's really the DOT that we submitted
23 to. That's the long lead item. And we have not heard
24 back from the DOT, which is not usual. They're
25 pretty -- pretty slammed right now. But we have

1 submitted to all the agencies.

2 MR. FRISCH: Okay. Only because there's
3 going to be some roadwork that's going to be on West
4 Henrietta.

5 CHAIRPERSON PRICE: Okay. I know that I
6 didn't have any other questions. We were -- we've
7 been kind of whittling away at these for a few months
8 and I'm glad to hear there's progress on the easement
9 side and I appreciate everybody's diligence. All
10 right.

11 Other Board members, anybody have any
12 questions or comments as we try to wrap this one up?
13 Jason, anything from you? You're good?

14 MR. BABCOCK-STINER: Yeah.

15 CHAIRPERSON PRICE: Karen, you're good?

16 MS. ALTMAN: I'm good.

17 CHAIRPERSON PRICE: All right. Thank you.
18 David fader? I think he's good. Okay. And Ken
19 Gordon?

20 MR. GORDON: I'm satisfied. Thank you.

21 CHAIRPERSON PRICE: Okay.

22 MR. FRISCH: I have a few questions for him.

23 CHAIRPERSON PRICE: Please.

24 MR. FRISCH: Are you going to be
25 replacing -- remediating the trees that you were

1 removing one-to-one? Because it seems --

2 MR. COX: Yes.

3 MR. FRISCH: The last one it looked like it
4 was 102 to 102. But this one showed like 104 trees
5 being removed. So I just want to make sure that
6 you're going -- you're going to make sure you're
7 adding on another couple trees to that.

8 MR. COX: Yes. One-to-one.

9 MR. FRISCH: Okay. And. When is the
10 proposed remediation going to take place?

11 MR. COX: With the trees or the wetland?

12 MR. FRISCH: The wetland.

13 MR. COX: Yeah. The wetland will take place
14 during construction when they have the earth move
15 equipment on-site. They'll be doing that at the same
16 time.

17 MR. FRISCH: And who's going to be
18 overseeing the work there for the wetlands?

19 MR. COX: Our wetland biologist will be.

20 MR. FRISCH: Okay. Has anything changed
21 from the last approval to this one?

22 MR. COX: No.

23 MR. FRISCH: Okay. All right. And just to
24 clarify from when we saw this, it seems that one of
25 the arrows is pointing that looks like a generator.

1 And we kind of clarified this with you, but I just
2 want to make sure that the -- that this kind loop of
3 utilities and we just want to make sure that those are
4 not generators.

5 MR. COX: Yeah. That's -- as we discussed,
6 those are electrical manhole -- manhole vaults. So
7 their subsurface. There's just one emergency
8 generator.

9 MR. FRISCH: Okay. Thank you.

10 CHAIRPERSON PRICE: All right. Thanks,
11 Jeff. David, you're all set?

12 MR. COX: Yup.

13 CHAIRPERSON PRICE: All right. This remains
14 a public hearing. Is there anyone that cares to
15 address this application? Let me know if you see
16 anybody, Jeff.

17 MR. FRISCH: I'm not seeing anybody.

18 CHAIRPERSON PRICE: All right. Thank you.
19 All right. Thanks, David. Appreciate that.

20 MR. COX: Thank you.

21 CHAIRPERSON PRICE: Let's see. At this
22 point under new business, application 10P-NB1-21 has
23 been postponed by the applicant. That's the
24 application of 1950 to 1966 Monroe Avenue Quicklee's
25 for subdivision and site plan approval.

1 All right. So I think that's the last of
2 our public hearings for the night.

3 MR. FRISCH: Can we check to see if there's
4 anybody from the 4P-01-22, see if anybody's online
5 now?

6 CHAIRPERSON PRICE: 4P-01-22, has anyone
7 joined us from have 1057 East Henrietta Road?

8 MR. FRISCH: Please turn your camera on or
9 use your raise hand feature in Zoom. I'm not seeing
10 anybody, Bill. Thank you.

11 CHAIRPERSON PRICE: We have one last item
12 under old business. That's application 3P-04-22,
13 application Daniel SPC LLC for a conditional use
14 permit to approve.

15 MR. BOEHNER: Excuse me, Bill. There's a
16 technical --

17 CHAIRPERSON PRICE: I'm sorry?

18 MR. FRISCH: There's a code amendment,
19 proposed technical amendment before --

20 CHAIRPERSON PRICE: I'm sorry. I'm sorry.
21 Yes. I did see those. Let's -- Ramsey, did you want
22 to talk through those?

23 MR. BOEHNER: Yeah. No. It's just -- what
24 it is, they're technical code amendments and the
25 purpose of the amendments is to clarify the provisions

1 of the code, correct titles, I'm retiring. There's a
2 lot of what's going on there. And there's other
3 matters, just making corrections, modify the code in
4 such places as to amend the code to be more consistent
5 with our present practices and the need of the town
6 government to respond to specific requests to
7 streamline or otherwise make more efficient the town
8 government based the observations of staff and members
9 of the Town's voluntary boards.

10 CHAIRPERSON PRICE: I noticed those. And
11 notice that the titles of who was responsible for
12 things had changed and just some clarification points.
13 Everything seemed, you know, very appropriate you
14 know.

15 MR. GORDON: I would like to refer to this
16 bill as Ramsey's Law.

17 CHAIRPERSON PRICE: Ramsey's Amendment.

18 MR. GORDON: Because mostly that's what
19 we're doing is just changing titles because we're
20 changing the titles in the Department of Public Works
21 to match up with some new folks.

22 MR. BOEHNER: If you want to get rid of me,
23 you really need to issue this advisory report.

24 MR. GORDON: But the flip side of that,
25 Bill, is Ramsey tells me even if we don't pass these

1 amendments, he's still leaving.

2 MR. BOEHNER: Yeah. That is true.

3 MR. GORDON: I tried that. If the Board has
4 any questions though about any of the details of any
5 of these amendments, I'm happy to answer them, Jeff
6 and Ramsey as well.

7 CHAIRPERSON PRICE: I did look at these.
8 Other Board members have any questions or comments
9 about these revisions? Okay. All right. Ramsey,
10 what would you like on this? Just a motion to
11 authorize the secretary to --

12 MR. BOEHNER: Send a letter to the Town
13 Board. That's correct, Bill.

14 CHAIRPERSON PRICE: All right.

15 MR. BOEHNER: I will do so tomorrow morning.

16 CHAIRPERSON PRICE: Okay. All right. You
17 really tried to scrub any evidence you're here.

18 MR. BOEHNER: You got that right. While I
19 still have a chance.

20 CHAIRPERSON PRICE: All right. Why don't we
21 take that -- Ramsey, we'll take that in order --

22 MR. BOEHNER: Thank you. If you could, I
23 appreciate that.

24 CHAIRPERSON PRICE: All right.

25 MR. BOEHNER: In all seriousness.

1 CHAIRPERSON PRICE: All right. We'll --
2 let's circle back to 3P-04-22.

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

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

9 CHAIRPERSON PRICE: Jeff or Ken, please
10 remind me why we tabled this last time?

11 MR. GORDON: Sure. We tabled this simply to
12 give staff and give me an opportunity to write up and
13 appropriate set of findings for the conditional use
14 permit application. And as we talked about at the
15 beginning during staff report, we have created --
16 there's actually I believe ten findings. I don't have
17 them open in front of me. Ten findings that track
18 along with the Town Code. The section is 217.7, which
19 has eight -- essentially eight findings that are
20 required. And 217.5, which has an additional two
21 findings for conditional uses, which are adjacent to
22 residential districts as is this one and all the
23 others for that matter on the agenda.

24 So you'll find in the staff report proposed
25 ten findings. And they've been reviewed by staff and

1 by me. Again, happy to answer questions. But they're
2 pretty straightforward.

3 CHAIRPERSON PRICE: Okay. All right. But
4 you are comfortable? You've had adequate time now
5 to --

6 MR. GORDON: Yup.

7 CHAIRPERSON PRICE: -- to put the conditions
8 together? Okay.

9 MR. GORDON: Yup. We have, you know, Ramsey
10 and Jeff and I along with Rick DiStefano all worked on
11 these. So we're all satisfied that we're in full
12 compliance with the code here.

13 CHAIRPERSON PRICE: Please remind me, did we
14 close the public hearing on this and then table it?

15 MR. GORDON: Yes, we did. The public
16 hearing is closed.

17 CHAIRPERSON PRICE: This is not --

18 MR. GORDON: This is simple for Board
19 discussion and the issuance of a decision.

20 CHAIRPERSON PRICE: Very good. Okay. I'll
21 just ask Board members if anybody has any concerns or
22 other questions regarding the Jersey Mike application?
23 Seeing some head shaking. All right.

24 So why don't we at this point -- how's
25 everybody doing? Is there -- does anybody need a

1 break before we go back and start our resolutions?

2 (Public hearings closed.)

3 Why don't we go back then. Brendan, is
4 there a chance that you could call up the staff report
5 on these applications? I would -- with the new
6 adoption of the findings for the conditional use, I
7 would like us to read those just so that we have those
8 reviewed before making a determination.

9 MR. RYAN: Jeff, do you want to do that? Or
10 tell me where they are? One of the two.

11 MR. FRISCH: I can do that.

12 MR. RYAN: Okay. Cool.

13 CHAIRPERSON PRICE: All right. We'll --
14 well, let's go back -- start back at -- take your
15 time, Jeff. I'll just say we're going to go back
16 2P-01-22.

17 **Application 2P-01-22**

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

24 CHAIRPERSON PRICE: And I would like to see
25 those actual conditions. Ken mentioned a couple of

1 the details. And, of course, I've asked you to do
2 something that I haven't a prayer of being able to
3 read. So let me see if I can enlarge that at all on
4 my end.

5 MR. FRISCH: I think as we go through it,
6 you don't have to read the whole conditional findings,
7 just go over the number of them like we usually do
8 with the conditions on the application.

9 CHAIRPERSON PRICE: Okay. I guess it's -- I
10 know there was one condition that I heard being placed
11 on one of the applicants that I wasn't sure I agreed
12 with. It wasn't the Cortese one. But I just want to
13 make sure the Board does agree with all of the
14 conditions.

15 MR. FRISCH: Okay.

16 CHAIRPERSON PRICE: Maybe what I'll do,
17 Jeff, is just ask you and say are they -- are they
18 fairly typical for -- you got John's conditions up
19 now?

20 MR. FRISCH: Yup. The conditional use
21 findings are basically the same for all the
22 properties, just a little bit of language change for
23 what the use is.

24 CHAIRPERSON PRICE: I see. Okay.

25 MR. FRISCH: Like a restaurant or for

1 storage for the other one.

2 CHAIRPERSON PRICE: Okay. So in the case
3 of -- in the case of John Cortese, we're asking him
4 not to just drive down the road and use another Town
5 road for testing, just use the county roads.

6 MR. FRISCH: Yup. And that's part of the
7 application and the conditions.

8 CHAIRPERSON PRICE: Okay. That's -- okay.

9 MR. GORDON: And this is going to take a
10 little getting used to, Bill. But what we have first
11 is findings for the conditional use. Those are
12 strictly tracking the code language, and as Jeff
13 indicated, modified slightly by the type of use. Is
14 it a restaurant? Is it outdoor dining? Is it
15 storage? Whatever it might about.

16 And then we get into the application with
17 conditions. And those conditions are just like they
18 always have been set forth in the staff report as
19 conditions on the applications, suggested conditions.
20 And obviously the Board is free to modify those as it
21 sees fit before adopting them.

22 And, of course, let's not also forget during
23 the beginning of everything, we need to do our SEQRA
24 process before taking action.

25 CHAIRPERSON PRICE: Right. Right. Okay.

1 All right. So we're going to be looking for a motion
2 that addresses the SEQRA, the findings and the
3 conditions. Okay. All right.

4 MR. FADER: I think I got one.

5 CHAIRPERSON PRICE: All right. You want to
6 start. Let's -- can we close the hearing or was --
7 yeah. We need to close the hearing I think.

8 MR. FADER: It's going to be part of it.

9 CHAIRPERSON PRICE: All right. Go for it,
10 David.

11 MR. FADER: I move the public hearing be
12 closed and that the Planning Board finds the purposed
13 action will not have a significant impact on the
14 environment and adopts the negative declaration
15 prescribed by Town staff and that the Planning Board
16 adopts the ten conditional use findings outlined in
17 the Planning Board report and that the Planning Board
18 approves application 2P-01-22 based on the testimony
19 given, plans submitted and the 21 conditions outlined
20 in the Planning Board report.

21 **Conditional Use Findings:**

- 22 1. The Planning Board finds that the proposed use,
23 complies with the standards of the General Commercial
24 (BF-2) District.
25 2. The Planning Board finds that the proposed use is

1 in harmony with the purpose and intent of Chapter 217
2 Planning Board. The location and size of the store,
3 the intensity (hours of operation), size of the site
4 and access from West Henrietta Rd. have all been taken
5 into account in the Board's review.

6 3. The Planning Board finds that the establishment
7 and operation of a motorcycle sale and service
8 business in this location, on a property currently
9 developed for commercial uses, on a West Henrietta Rd
10 in the General Commercial District will not be
11 detrimental to persons, detrimental or injurious to
12 the property and improvements in the neighborhood, or
13 to the general welfare of the Town.

14 4. The proposed motorcycle sale and service business
15 will be in an existing building and not result in the
16 destruction, loss or damage of any natural, scenic or
17 significant historical resource.

18 5. The Planning Board finds that the establishment of
19 a motorcycle sale and service business in an existing
20 building on a site designed for such commercial uses
21 will not create excessive additional requirements for
22 public facilities and services and will not be
23 detrimental to the economic welfare of the community.

24 6. The Planning Board finds that the proposed
25 motorcycle sale and service business in an existing

1 building on a site designed and built for such
2 commercial uses will be adequately served by essential
3 public facilities.

4 7. The Planning Board finds that the proposed
5 motorcycle sale and service business in an existing
6 building on a site designed and built for such
7 commercial uses will not result in the loss or damage
8 to trees.

9 8. The proposed restaurant essentially conforms to
10 the Town Master Plan: Envision Brighton 2028.
11 Specifically, the Economic Vitality Policy Statement
12 and Objectives.

13 9. The location and size of the proposed conditional
14 use, the nature and intensity of the operations
15 involved in and conducted in connection therewith, its
16 site layout and its relation to existing streets are
17 such that both pedestrian and vehicular traffic to and
18 from the proposed use and the assembly of persons in
19 connection therewith will not be hazardous or
20 inconvenient to or incongruous with the neighboring
21 residential district nor in conflict with the normal
22 traffic of the neighborhood.

23 10. The location and height of the existing buildings
24 in which the proposed conditional use will operate,
25 the location, nature and height of walls and fences

1 and the nature and extent of the existing landscaping
2 on the site which is not proposed to be modified are
3 such that the proposed conditional use will not hinder
4 or discourage the appropriate development and use of
5 adjacent land and buildings.

6 **Conditions:**

7 1. The dumpster shall be enclosed with materials that
8 are compatible with the building. A building permit
9 is required for the dumpster enclosure.

10 2. Any events may require additional Town approval.

11 3. Meet all requirements of the Town of Brighton's
12 Department of Public Works.

13 4. The entire building shall comply with the most
14 current Building & Fire Codes of New York State.

15 5. Any storage of bulk petroleum products or any
16 other flammable or hazardous products/materials shall
17 be reviewed by the Town Fire Marshal.

18 6. All required town permits shall be obtained.

19 7. All Town codes shall be met that relate directly
20 or indirectly to the applicant's request.

21 8. No outdoor storage or display of goods, materials,
22 or equipment shall be permitted without town approval.

23 9. All Monroe County requirements/conditions shall be
24 addressed.

25 10. Any permits required from Monroe County Pure

1 Waters shall be obtained.

2 11. All requirements of Chapter 149, Sewer Use Law of
3 the Town of Brighton, shall be met.

4 12. An operational permit shall be obtained from the
5 Town Fire Marshal (Chris Roth, 784-5220).

6 13. Any signs shall require separate review and
7 approval.

8 14. An oil separator shall be installed in the
9 service area if there are floor drains.

10 15. A letter or memo in response to all Planning
11 Board comments and conditions shall be submitted.

12 16. All uses shall take place within an enclosed
13 building. Noise and fumes shall be controlled so that
14 they don't create a nuisance for the surrounding
15 neighborhood.

16 17. All activities will comply with the Town's noise
17 ordinance in chapter 102 of the Town Code.

18 18. The sale and service of motorcycles shall be
19 conducted within a fully enclosed building with the
20 doors shut.

21 19. Maintenance and repair services shall take place
22 only as accessory services to sales operations located
23 on the same premises.

24 20. Based on the testimony given and application
25 materials submitted, there shall be no test driving of

1 motorcycles on Town Highways.

2 Conditional Use Permit approval shall last
3 for one year until April 20, 2023 at which time it
4 will need to be renewed.

5 CHAIRPERSON PRICE: I was on mute when I
6 give you a kudos on that. Very eloquent. Thank you.

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

8 CHAIRPERSON PRICE: All right. Motion by
9 Fader. Second by Babcock-Stiner. Any further
10 discussion? All right. Jeff, please call the roll.

11 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
12 aye; Mr. Babcock-Stiner, aye.)

13 (Upon roll motion to approve with conditions
14 carries.)

15 CHAIRPERSON PRICE: All right. Thank you.

16 MR. FADER: Ramsey warned me that they were
17 training and I should study them.

18 MR. BOEHNER: That is true. I called him on
19 his cell phone. I harassed him.

20 CHAIRPERSON PRICE: All right. I'm going --
21 when Jeff has a moment, I'm just going to ask you to
22 scroll to our next application, which should be 1925
23 south Clinton. All right.

24 **Application 3P-01-22**

25 Application of 1925 South Clinton, LLC,

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

9 CHAIRPERSON PRICE: This is -- lost track of
10 the application number there, but 1925 South Clinton,
11 LLC. Do we have a motion?

12 MR. FADER: I have one for that one too.

13 CHAIRPERSON PRICE: Oh, good. Okay.

14 MR. FADER: I move the public -- I move the
15 public hearing be closed and the Planning Board finds
16 the application is consistent with the previously
17 approved negative declaration issued for this project
18 on November 15th, 2017, and no further environmental
19 review is required and that the Planning Board adopts
20 the ten conditional use findings outlined in the
21 Planning Board report and the Planning Board approves
22 application 3P-01-22 based on testimony given, plans
23 submitted and with the 40 conditions outlined in the
24 Planning Board report.

25 **Conditional Use Findings:**

1 1. The Planning Board finds that the proposed use, a
2 restaurant, complies with the standards of the Town
3 Code and the Incentive Zoning adopted for this parcel
4 per Town of Brighton Code Section 203-84B(3).

5 2. The Planning Board finds that the proposed use, a
6 restaurant, is in harmony with the purpose and intent
7 of Chapter 217 Planning Board. The location and size
8 of the restaurant, the intensity (hours of operation),
9 size of the site and access from S. Clinton Avenue
10 have all been taken into account in the Board's
11 review.

12 3. The Planning Board finds that the establishment
13 and operation of a restaurant in this location, on a
14 property currently being developed for commercial
15 uses, on S. Clinton Avenue will not be detrimental to
16 persons, detrimental or injurious to the property and
17 improvements in the neighborhood, or to the general
18 welfare of the Town.

19 4. The proposed restaurant will be in an existing
20 building and not result in the destruction, loss or
21 damage of any natural, scenic or significant
22 historical resource.

23 5. The Planning Board finds that the establishment of
24 a restaurant in an existing building on a site
25 designed for such commercial uses will not create

1 excessive additional requirements for public
2 facilities and services and will not be detrimental to
3 the economic welfare of the community.

4 6. The Planning Board finds that the proposed
5 restaurant in an existing building on a site designed
6 and built for such commercial uses will be adequately
7 served by essential public facilities.

8 7. The Planning Board finds that the proposed
9 restaurant in an existing building on a site designed
10 and built for such commercial uses will not result in
11 the loss or damage to trees.

12 8. The proposed restaurant essentially conforms to
13 the Town Master Plan: Envision Brighton 2028.
14 Specifically the Economic Vitality Policy Statement
15 and Objectives.

16 9. The location and size of the proposed conditional
17 use, the nature and intensity of the operations
18 involved in and conducted in connection therewith, its
19 site layout and its relation to existing streets are
20 such that both pedestrian and vehicular traffic to and
21 from the proposed use and the assembly of persons in
22 connection therewith will not be hazardous or
23 inconvenient to or incongruous with the neighboring
24 residential district nor in conflict with the normal
25 traffic of the neighborhood.

1 The location and height of the existing
2 buildings in which the proposed conditional use will
3 operate, the location, nature and height of walls and
4 fences and the nature and extent of the existing
5 landscaping on the site which is not proposed to be
6 modified are such that the proposed conditional use
7 will not hinder or discourage the appropriate
8 development and use of adjacent land and buildings.

9 **Conditions:**

- 10 1. The access driveway to the Brookdale property and
11 associated improvements including the new traffic
12 light located south of the project site will be
13 construction during this phase.
- 14 2. The shared use trail along the western property
15 line and access to it shall be constructed as part of
16 this phase.
- 17 3. The piles of excess materials shall be removed as
18 part of this phase.
- 19 4. The stockpiles of dirt shall be removed from the
20 site no later than June 30, 2022 and all sidewalks
21 that are required to be constructed pursuant to the
22 incentive zoning approval shall be installed no latter
23 than June 30, 2022. Until this condition is met, only
24 a foundation permit may be issued for the construction
25 of the proposed building.

1 5. Prior to the issuance of a Certificate of
2 Occupancy, construction of and connections to the
3 shared use trail, and connection to Brookdale Senior
4 Living Facility, as shown on the approved plans shall
5 be completed.

6 6. All areas depicted on the landscaping sheet as
7 being stabilized with processed aggregate from the
8 site shall also receive a layer of topsoil (4"
9 minimum) and seed. Stabilization with processed
10 aggregate only is not adequate. A detail depicting
11 this requirement shall be included on the plans.

12 7. The current 5-acre waiver for this development has
13 expired. The applicant must renew the 5-acre waiver
14 before construction activity which disturbs more than
15 five (5) acres can resume.

16 8. Sight distance at the drive through and parking
17 area entrances/exits shall be maintained.

18 9. 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 10. The parking lot shall be striped as per the
24 requirements of the Brighton Comprehensive Development
25 Regulations.

1 11. All outstanding Site Plan comments and concerns
2 of the Town Engineer and Fire Marshal shall be
3 addressed.

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

6 13. An Operational Permit shall be obtained from the
7 Town of Brighton Fire Marshal (Chris Roth,
8 585-784-5220).

9 14. All County Development Review Comments shall be
10 addressed.

11 15. The parking lot lights shall be placed on a
12 timer.

13 16. The project engineer shall confirm if additional
14 accessible parking spaces are required to be installed
15 as part of this project. All new accessible parking
16 space signage to be installed or replaced shall have
17 the logo depicting a dynamic character leaning forward
18 with a sense of movement as required by Secretary of
19 State pursuant to section one hundred one of the
20 Executive Law.

21 17. All comments, concerns and requirements of the
22 Town Engineer as contained in the attached memo dated
23 April 15, 2022 from Evert Garcia, Town Engineer, to
24 Ramsey Boehner, shall be addressed prior to issuance
25 of a Building Permit.

1 18. A letter or memo in response to all Planning
2 Board and Town Engineer comments and conditions shall
3 be submitted.

4 19. A revised phasing plan shall be submitted as part
5 of future approvals.

6 20. The entire building/store shall comply with the
7 most current Building & Fire Codes of New York State.

8 21. The outdoor seating area could block the sight
9 line for the vehicles exiting the drive through.
10 Confirmation must be provided that there is adequate
11 sight distance at this location.

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

14 23. All outstanding Site Plan comments and concerns
15 of the Town Engineer and Fire Marshal shall be
16 addressed.

17 24. All County Development Review Comments shall be
18 addressed.

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

22 26. The project and its construction entrance shall
23 meet the New York State Standards and Specifications
24 for Erosion and Sediment Control.

25 27. The contractor shall designate a member of his or

1 her firm to be responsible to monitor erosion control,
2 erosion control structures, tree protection and
3 preservation throughout construction.

4 28. All trees to be saved shall be protected with
5 orange construction fencing placed at the drip line or
6 a distance greater than the drip line. Trees shall be
7 pruned, watered, and fertilized prior to, during and
8 after construction. Materials and equipment storage
9 shall not be allowed in fenced areas.

10 29. All disturbed areas shall be protected from
11 erosion either by mulch or temporary seeding within
12 two weeks of disturbance.

13 30. Erosion control measures shall be in place prior
14 to site disturbance.

15 31. Maintenance of landscape plantings shall be
16 guaranteed for three (3) years.

17 32. Any contractor or individual involved in the
18 planting, maintenance or removal of trees shall comply
19 with the requirements of the town's Excavation and
20 Clearing (Chapter 66), Trees (Chapter 175) and other
21 pertinent regulations and shall be registered and
22 shall carry insurance as required by Chapter 175 of
23 the Comprehensive Development Regulations.

24 33. All proposed landscaping shall be installed prior
25 to the issuance of any certification of occupancy.

1 34. A letter of credit shall be provided to cover
2 certain aspects of the project, including, but not
3 limited to demolition, landscaping, stormwater
4 mitigation, infrastructure and erosion control. The
5 applicant's engineer shall prepare an itemized
6 estimate of the scope of the project as a basis for
7 the letter of credit.

8 35. Prior to any framing above the deck, an
9 instrument survey showing setback and first floor
10 elevation shall be submitted to and reviewed by the
11 Building and Planning Department.

12 36. The applicant shall review the site plan,
13 elevations, and floor plans to ensure that the areas
14 and dimensions provided on those plans agree with one
15 another. Elevation drawings showing the height of the
16 structure in relationship to proposed grade as shown
17 on the approved site plan shall be submitted. Any
18 changes to plans shall be reviewed by the Building and
19 Planning Department and may require Planning Board
20 approval.

21 37. Only business identification signage as allowed
22 per the Comprehensive Development Regulations is
23 permitted. This signage must be reviewed and receive
24 all necessary town approvals prior to installation.

25 38. Outside storage and display shall be prohibited.

1 39. All easements must be shown on the site plan with
2 ownership, purpose, and liber/page of filing with the
3 Monroe County Clerk's Office. A copy of the filed
4 easement shall be submitted to the Building and
5 Planning Department for its records.

6 40. The parking lot lighting color temperature shall
7 be 3000K. The parking lot lights shall be placed on a
8 timer. The plans must include the following note:

9 All lighting shall be designed to eliminate light
10 overflow onto adjacent residential properties. Any
11 signage, building or parking lighting not necessary
12 for security purposes shall be placed on automatic
13 timing devices which allow illumination to commence
14 each day 1/2 hour before the business is open to the
15 public and to terminate 1/2 hour after the close of
16 business.

17 CHAIRPERSON PRICE: I'll second. I would
18 like to have just a brief discussion. I don't know
19 which of the conditions Paul was talking about, Jeff,
20 with regard to stabilizing with the gravel that was
21 created from onsite material and then covering with
22 topsoil.

23 MR. FRISCH: Yup. Number 6. This one.

24 CHAIRPERSON PRICE: That's number 6? I
25 personally agree with Paul on that that placing

1 topsoil over the stone would contaminate -- ultimately
2 contaminate both. And I think the stone is adequate
3 for stabilizing under the SWIPP conditions. I believe
4 that satisfies SWIPP. But I am open to them
5 hydroseeding just the subgrade if we don't want to see
6 the stone out there.

7 We ran into this a little bit as a temporary
8 measure with the Whole Foods application and the
9 period of time after the demolition of some of those
10 existing buildings that were there. Personally I
11 don't -- I don't see a huge difference, but I can see
12 where if -- if, you know, members of the Board think
13 that this could be protracted that the rest of the
14 site is not built on for a while that the gravel might
15 not be the best solution for a year or a couple years.
16 But I just don't think putting down the stone and then
17 topsoil is going -- it's just going to cost a lot of
18 money to ultimately take that up and dispose of that.
19 I'd rather not see trucks running up and down the road
20 bringing new stuff in and old stuff out.

21 I don't know. David or Karen, if you guys
22 feel strong one way or another?

23 MR. FADER: I tend to agree with you, Bill.
24 Because I remember that it turned into a bigger issue
25 at Whole Foods trying to force grass in there too soon

1 on top of stone. So I would say one or the other, go
2 with stone or do some seeding. But don't do the stone
3 'til later.

4 CHAIRPERSON PRICE: Yeah. Karen, any
5 thoughts on that?

6 MS. ALTMAN: I think what you're saying
7 makes sense and would agree with you.

8 CHAIRPERSON PRICE: Jason, you agree?

9 MR. BABCOCK-STINER: Yeah. I agree with you
10 guys.

11 CHAIRPERSON PRICE: All right. So really,
12 Jeff, what that means is I think, you know -- we could
13 write the condition that it is either placing the
14 stone without topsoil over it or hydroseeding with a
15 ground -- you know, a cover crop that will --
16 excuse me -- will be -- will cover the subgrade and
17 then any remaining stone that is left after placement
18 for what's needed for phase -- I guess this is phase
19 2. After what they use for that they could windrow or
20 stockpile that on the western portion of the site
21 until it's needed.

22 And we would have to just see what that
23 volume of material is so that we can keep the size of
24 it down and windrowed and -- long windrows and not in
25 tall piles.

1 MR. FRISCH: Yeah. He said he would --
2 anything left over would be knocked down so it would
3 look like the rest of the site as part of it.

4 CHAIRPERSON PRICE: Okay. So that -- I
5 guess that would be, you know, just rewording the
6 condition that it wouldn't require the additional
7 layer of topsoil. That it would then be an either or,
8 either it's the placement of the stone or seeding the
9 subgrade.

10 MR. FRISCH: Yup. I have a suggestion if I
11 could read it in if you guys, if that's okay.

12 CHAIRPERSON PRICE: Thank you. Please.

13 **Amended Condition:**

14 6. All areas depicted on the landscaping sheet being
15 stabilized with the processed aggregate from the site
16 shall be covered as shown or receive a layer of
17 topsoil, 4 inches minimum, and seeded.

18 CHAIRPERSON PRICE: I see. Okay.

19 MR. FADER: And I think you need to strike
20 the sentence stabilization with processed aggregate
21 is -- only is not adequate.

22 MR. FRISCH: Yes.

23 CHAIRPERSON PRICE: Right. Okay. All
24 right. So there is a motion and a second. Are we
25 okay with the amendment to condition number 6?

1 MR. FADER: I am.

2 CHAIRPERSON PRICE: I am.

3 MS. ALTMAN: I am.

4 CHAIRPERSON PRICE: Jason?

5 MR. BABCOCK-STINER: Yup.

6 CHAIRPERSON PRICE: Okay. All right. Moved
7 and seconded as amended. Jeff, please call the roll.

8 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
9 aye; Mr. Babcock-Stiner, aye.)

10 (Upon roll motion to approve with conditions
11 carries.)

12 CHAIRPERSON PRICE: Okay thank you. All
13 right. That will take us to -- can you zoom in so I
14 can see it. Thank you. All right. 3P-02-22.

15 **Application 3P-02-22**

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

21 CHAIRPERSON PRICE: David, you're on a roll.
22 Can I implore you to --

23 MR. FADER: Yes. I can do them. I just --
24 I just want to mention one thing though that the
25 secret is that you have to stick in the conditional

1 use findings and make sure you just tick the correct
2 negative dec. There's three variants now. But, yes,
3 I can continue to do them.

4 CHAIRPERSON PRICE: Thank you.

5 MR. FADER: Okay. I move the public hearing
6 be closed and the Planning Board finds that the
7 proposed action will not have a significant impact on
8 the environment and adopts the negative declaration
9 prepared by Town staff and that the Planning Board
10 adopts the ten conditional use findings outlined in
11 the Planning Board report and that the Planning Board
12 approves application 3P-02-22 based on the testimony
13 given, plans submitted and the 11 conditions outlined
14 in the Planning Board report.

15 **Conditional Use Findings:**

16 1. The Planning Board finds that the proposed use, a
17 restaurant, complies with the standards of the General
18 Commercial (BF-2) District for this parcel per Town of
19 Brighton Code Section 203-84B(3).

20 2. The Planning Board finds that the proposed use, a
21 restaurant, is in harmony with the purpose and intent
22 of Chapter 217 Planning Board. The location and size
23 of the restaurant, the intensity (hours of operation),
24 size of the site and access from W Henrietta Rd have
25 all been considered in the Board's review.

1 3. The Planning Board finds that the establishment
2 and operation of a restaurant in this location, on a
3 property developed for commercial uses, in the General
4 Commercial District will not be detrimental to
5 persons, detrimental or injurious to the property and
6 improvements in the neighborhood, or to the general
7 welfare of the Town.

8 4. The proposed restaurant will be in an existing
9 building and not result in the destruction, loss or
10 damage of any natural, scenic or significant
11 historical resource.

12 5. The Planning Board finds that the establishment of
13 a restaurant in an existing building on a site
14 designed for such commercial uses will not create
15 excessive additional requirements for public
16 facilities and services and will not be detrimental to
17 the economic welfare of the community.

18 6. The Planning Board finds that the proposed
19 restaurant in an existing building on a site designed
20 and built for such commercial uses will be adequately
21 served by essential public facilities.

22 7. The Planning Board finds that the proposed
23 restaurant in an existing building on a site designed
24 and built for such commercial uses will not result in
25 the loss or damage to trees.

1 8. The proposed restaurant essentially conforms to
2 the Town Master Plan: Envision Brighton 2028.
3 Specifically, the Economic Vitality Policy Statement
4 and Objectives.

5 9. The location and size of the proposed conditional
6 use, the nature and intensity of the operations
7 involved in and conducted in connection therewith, its
8 site layout and its relation to existing streets are
9 such that both pedestrian and vehicular traffic to and
10 from the proposed use and the assembly of persons in
11 connection therewith will not be hazardous or
12 inconvenient to or incongruous with the neighboring
13 residential district nor in conflict with the normal
14 traffic of the neighborhood.

15 10. The location and height of the existing buildings
16 in which the proposed conditional use will operate,
17 the location, nature and height of walls and fences
18 and the nature and extent of the existing landscaping
19 on the site which is not proposed to be modified are
20 such that the proposed conditional use will not hinder
21 or discourage the appropriate development and use of
22 adjacent land and buildings.

23 **Conditions:**

24 1. Prior to commencement of operations, an
25 Operational Permit shall be obtained from the Town of

- 1 Brighton Fire Marshal (Chris Roth, 585-784-5220).
- 2 2. Hours of operation shall be limited to 6:00 a.m.
- 3 to midnight, unless further approval for extended
- 4 hours has been granted by the Planning Board.
- 5 3. All requirements of the Building & Fire Codes of
- 6 New York State shall be met and all required building
- 7 permits shall be obtained.
- 8 4. Meet all requirements of the Town of Brighton's
- 9 Department of Public Works.
- 10 5. All Town codes shall be met that relate directly
- 11 or indirectly to the applicant's request.
- 12 6. All requirements of Sections 203-74.B.3
- 13 (restaurant regulations), 203-74.B.4 (outdoor dining
- 14 regulations), 207-14.1 (waste container and grease/oil
- 15 container standards), and 207-14.2 (supplemental
- 16 restaurant regulations), as well as any other
- 17 pertinent sections of the code, shall be met.
- 18 7. Bar length shall not exceed 20 feet in length.
- 19 8. All other reviewing agencies must issue their
- 20 approval prior to the Department of Public Works
- 21 issuing its final approval.
- 22 9. Signs shall require separate review and approval.
- 23 10. Plans shall be submitted to Monroe County for
- 24 review. All Monroe County comments shall be
- 25 addressed.

1 11. Permits may be required from the Town's Sewer
2 Department and from other jurisdictional agencies.
3 The applicant shall contact the Brighton Sewer
4 Department to discuss the requirements for a grease
5 trap

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

7 CHAIRPERSON PRICE: Moved and seconded. Is
8 there any further discussion? I don't have anything.
9 All right. Jeff, please call the roll.

10 (Mr. Babcock-Stiner, aye: Mr. Fader, aye;
11 Mr. Price, aye; Ms. Altman, aye.)

12 (Upon roll motion to approve with conditions
13 carries.)

14 CHAIRPERSON PRICE: Kind of curious in
15 trying that one. Brings us to -- thank you. Oh, this
16 one. 4P-01-22.

17 **Application 4P-01-22**

18 Application of 1057 E. Henrietta Road LLC,
19 owner, and Pure Precision Moving, lessee, for a
20 Conditional Use Permit Approval to allow a moving
21 company with on-site furniture storage to be on
22 property located at 1057 East Henrietta Road. All as
23 described on application and plans on file.

24 CHAIRPERSON PRICE: David, I think this one
25 will be pretty straightforward.

1 MR. FADER: I need help on this one. I'm
2 assuming this one we're just going to table?

3 CHAIRPERSON PRICE: Yes.

4 MR. BOEHNER: Table for representation at
5 the next Planning Board meeting.

6 MR. FADER: Okay. All right. I move that
7 the Planning Board table application 4P-01-22 for
8 representation at the next Planning Board meeting.

9 MS. ALTMAN: I'll second.

10 CHAIRPERSON PRICE: Moved and second. Is
11 there any further discussion?

12 MR. GORDON: Just as a matter of
13 hyper-technicality, a point of order, Bill, there is
14 no discussion on a motion to table.

15 CHAIRPERSON PRICE: That is good to know,
16 Ken. That's the first I've ever heard that. All
17 right.

18 MR. GORDON: I'm here for you, Bill.

19 MR. BOEHNER: It's a Robert's Rules, Bill.

20 CHAIRPERSON PRICE: You know, I thought I
21 had them down. How many years have I been doing this?
22 That's the first I've heard of that.

23 Jeff, please call the roll.

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

1 (Upon roll motion to table passes.)

2 CHAIRPERSON PRICE: No discussion on
3 tabling. Okay. Yeah. Why would you have a
4 discussion? One more click. Thank you. Application
5 4P-02-22.

6 **Application 4P-02-22**

7 Application of Loyal Group REM LLC, owner,
8 and Jenny's Bakery, lessee, for Conditional Use Permit
9 Approval to allow for outdoor dining in conjunction
10 with an existing bakery/cafe on property located at
11 125 White Spruce Blvd. All as described on application
12 and plans submitted.

13 MR. BABCOCK-STINER: I'll give this one a
14 shot.

15 CHAIRPERSON PRICE: Please do.

16 MR. BABCOCK-STINER: I move the public
17 hearing for application 4P-02-22 be closed, that the
18 Planning Board find that the proposed action will not
19 have a significant impact on the environment and
20 adopts the negative declaration prepared by Town
21 staff, that the Planning Board adopts the ten
22 conditional use findings outlined in the Planning
23 Board report based on the application submitted and
24 testimony presented and that the application 4P-02-22
25 be approved based on the testimony given, plans

1 submitted and the ten conditions outlined in the
2 report.

3 **Conditional Use Findings:**

4 1. The Planning Board finds that the proposed use,
5 outdoor dining at a restaurant, complies with the
6 standards of the General Commercial (BF-1) District.

7 2. The Planning Board finds that the proposed use,
8 outdoor dining at a restaurant, is in harmony with the
9 purpose and intent of Chapter 217 Planning Board. The
10 location and size of the restaurant, the intensity
11 (hours of operation), size of the site and access have
12 all been considered in the Board's review.

13 3. The Planning Board finds that the establishment of
14 outdoor dining at a restaurant in this location, on a
15 property currently being used for commercial uses, in
16 a General Commercial will not be detrimental to
17 persons, detrimental or injurious to the property and
18 improvements in the neighborhood, or to the general
19 welfare of the Town.

20 4. The proposed outdoor dining will be in an existing
21 building and not result in the destruction, loss or
22 damage of any natural, scenic or significant
23 historical resource.

24 5. The Planning Board finds that the establishment of
25 outdoor dining at an existing restaurant in an

1 existing building on a site designed for such
2 commercial uses will not create excessive additional
3 requirements for public facilities and services and
4 will not be detrimental to the economic welfare of the
5 community.

6 6. The Planning Board finds that the proposed dining
7 at an existing building on a site designed and built
8 for such commercial uses will be adequately served by
9 essential public facilities.

10 7. The Planning Board finds that the proposed outdoor
11 restaurant dining at an existing building on a site
12 designed and built for such commercial uses will not
13 result in the loss or damage to trees.

14 8. The proposed restaurant essentially conforms to
15 the Town Master Plan: Envision Brighton 2028.
16 Specifically, the Economic Vitality Policy Statement
17 and Objectives.

18 9. The location and size of the proposed conditional
19 use, the nature and intensity of the operations
20 involved in and conducted in connection therewith, its
21 site layout and its relation to existing streets are
22 such that both pedestrian and vehicular traffic to and
23 from the proposed use and the assembly of persons in
24 connection therewith will not be hazardous or
25 inconvenient to or incongruous with the neighboring

1 residential district nor in conflict with the normal
2 traffic of the neighborhood.

3 10. The location and height of the existing buildings
4 in which the proposed conditional use will operate,
5 the location, nature and height of walls and fences
6 and the nature and extent of the existing landscaping
7 on the site which is not proposed to be modified are
8 such that the proposed conditional use will not hinder
9 or discourage the appropriate development and use of
10 adjacent land and buildings.

11 **Conditions:**

12 1. Meet all requirements of the Town of Brighton's
13 Department of Public Works.

14 2. The project shall comply with the most current
15 Building & Fire Codes of New York State.

16 3. The total number of seats in the outdoor dining
17 area shall not exceed 6 seats.

18 4. There shall be no waiter/waitress service outside
19 without further approval.

20 5. All requirements of Section 203-64(B)(4) - Outdoor
21 Dining Facilities - of the Comprehensive Development
22 Regulations shall be met.

23 6. The outdoor dining area shall be used only for
24 dining by seated patrons. No live or broadcast music
25 or other entertainment, no outdoor food preparation,

1 and no bars for service of alcohol shall be allowed in
2 conjunction with the outdoor dining facility.

3 7. During each day of operation of the outdoor dining
4 area, a restaurant employee shall regularly patrol the
5 area within 300 feet of the outdoor dining area to
6 collect any trash or litter which may have been
7 generated by the restaurant operations or customers,
8 to the extent that such a patrol can be done safely
9 and that permission is obtained from neighboring
10 property owners, where necessary.

11 8. The outdoor dining area shall only be operated
12 during the hours of operation of the associated
13 restaurants.

14 9. There shall be no exterior lighting installed in
15 conjunction with the outdoor dining use without
16 further approval by the Planning Board.

17 10. All Town codes shall be met that relate directly
18 or indirectly to the applicant's request.

19 MR. FADER: I'll second that.

20 CHAIRPERSON PRICE: Very nice. Very nice.

21 Thank you.

22 MR. FADER: I can retire now too.

23 CHAIRPERSON PRICE: Hang on there.

24 MS. ALTMAN: No you can't.

25 MR. BOEHNER I recommended it.

1 CHAIRPERSON PRICE: All right. Any further
2 discussion? All right. Jeff, please call the roll.

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

5 (Upon roll motion to approve with conditions
6 carries.)

7 CHAIRPERSON PRICE: Another one I want to go
8 visit. All right. All right. Wow. Here we are.

9 **Application 4P-03-22**

10 Application of University of Rochester,
11 owner, for Final Site Plan Approval, Final EPOD
12 (woodlot) Permit Approval and Final Conditional Use
13 Permit Approval to construct a 61,000 sf, 3 story
14 building addition to the Laboratory for Laser
15 Energetics and construct an additional 100 parking
16 spaces on property located at 250 East River Road.
17 All as described on application and plans on file

18 MR. FADER: Jason you should do this one
19 because it's slightly different.

20 CHAIRPERSON PRICE: Who cares to give this
21 one a try?

22 MR. BABCOCK-STINER: I'm just looking
23 through -- all right. So I move that the public
24 hearing be closed, that the Planning Board finds that
25 the action consistent with the findings statement

1 adopted by the Planning Board on March 16th, 2022, and
2 that no further environmental review is required. The
3 Planning board adopts the ten conditional use findings
4 outlined in the Planning Board report based on the
5 application submitted and the testimony presented.
6 And that the application 4P-03-22 be approved based
7 upon testimony given, plans submitted and the 39
8 conditions outlined in the Planning Board.

9 **Conditional Use Findings:**

- 10 1. The Planning Board finds that the proposed use, a
11 laser energetics laboratory, complies with the
12 standards of the Institutional Planned Development
13 District (IPD) District and the Incentive Zoning
14 adopted for this parcel per Town of Brighton Code
15 Section 203-135.
- 16 2. The Planning Board finds that the proposed use is
17 in harmony with the purpose and intent of Chapter 217
18 Planning Board. The location and size of the laser
19 energetics laboratory addition, the intensity, size of
20 the site, and access from East River Rd have all been
21 considered in the Board's review.
- 22 3. The Planning Board finds that the establishment
23 and operation of a laser energetics laboratory in this
24 location in the Institutional Planned Development
25 District with Incentive Zoning will not be detrimental

1 to persons, detrimental or injurious to the property
2 and improvements in the neighborhood, or to the
3 general welfare of the Town.

4 4. The proposed laboratory will be in an existing
5 building and not result in the destruction, loss or
6 damage of any natural, scenic or significant
7 historical resource.

8 5. The Planning Board finds that the establishment of
9 a laser energetics laboratory in an addition to an
10 existing building on a site designed for such uses
11 will not create excessive additional requirements for
12 public facilities and services and will not be
13 detrimental to the economic welfare of the community.

14 6. The Planning Board finds that the proposed use in
15 an addition to an existing building on a site designed
16 and built for such uses will be adequately served by
17 essential public facilities.

18 7. The Planning Board finds that the proposed use in
19 an addition to an existing building on a site designed
20 and built for such uses will not result in the loss or
21 damage to trees.

22 8. The proposed use essentially conforms to the Town
23 Master Plan: Envision Brighton 2028. Specifically,
24 the Economic Vitality Policy Statement and Objectives.

25 9. The location and size of the proposed conditional

1 use, the nature and intensity of the operations
2 involved in and conducted in connection therewith, its
3 site layout and its relation to existing streets are
4 such that both pedestrian and vehicular traffic to and
5 from the proposed use and the assembly of persons in
6 connection therewith will not be hazardous or
7 inconvenient to or incongruous with the neighboring
8 residential district nor in conflict with the normal
9 traffic of the neighborhood.

10 The location and height of the existing
11 buildings in which the proposed conditional use will
12 operate, the location, nature and height of walls and
13 fences and the nature and extent of the existing
14 landscaping on the site which is not proposed to be
15 modified are such that the proposed conditional use
16 will not hinder or discourage the appropriate
17 development and use of adjacent land and buildings
18 Conditions:

19 1. An Operational Permit shall be obtained from the
20 Town of Brighton Fire Marshal (Chris Roth,
21 585-784-5220).

22 2. The entire building shall comply with the most
23 current Building & Fire Codes of New York State.

24 3. Prior to issuance of any building permits, all
25 plans for utility and storm water control systems must

1 be reviewed and have been given approval by
2 appropriate authorities. Prior to any occupancy, work
3 proposed on the approved plans shall have been
4 completed to a degree satisfactory to the appropriate
5 authorities.

6 4. Meet all requirements of the Town of Brighton's
7 Department of Public Works.

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

10 6. The project and its construction entrance shall
11 meet the New York State Standards and Specifications
12 for Erosion and Sediment Control.

13 7. The contractor shall designate a member of his or
14 her firm to be responsible to monitor erosion control,
15 erosion control structures, tree protection and
16 preservation throughout construction.

17 8. All trees to be saved shall be protected with
18 orange construction fencing placed at the drip line or
19 a distance greater than the drip line. Trees shall be
20 pruned, watered, and fertilized prior to, during and
21 after construction. Materials and equipment storage
22 shall not be allowed in fenced areas.

23 9. All disturbed areas shall be protected from
24 erosion either by mulch or temporary seeding within
25 two weeks of disturbance.

1 10. Maintenance of landscape plantings shall be
2 guaranteed for three (3) years.

3 11. Any contractor or individual involved in the
4 planting, maintenance or removal of trees shall comply
5 with the requirements of the town's Excavation and
6 Clearing (Chapter 66), Trees (Chapter 175) and other
7 pertinent regulations and shall be registered and
8 shall carry insurance as required by Chapter 175 of
9 the Comprehensive Development Regulations.

10 12. A pre, during and post protection plan for trees
11 to be saved and moved shall be reviewed by the
12 Conservation Board with final approval by the Planning
13 Board.

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

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

21 15. The dumpster shall be enclosed with building
22 materials that are compatible with the existing
23 building and located in the rear yard. The enclosure
24 shall equal the height of the dumpster and shall not
25 be higher than six and one-half (6.5) feet.

1 16. The parking lot shall be striped as per the
2 requirements of the Brighton Comprehensive Development
3 Regulations.

4 17. Prior to the issuance of any building permits a
5 landscape and parking plan shall be submitted,
6 reviewed and approved by the Building and Planning
7 Department.

8 18. Trees to be removed shall be mitigated 1:1.

9 19. A landscape plan and a protection plan for trees
10 to be saved and moved shall be reviewed by the
11 Conservation Board with final approval by the Planning
12 Board.

13 20. Should excavation disturb any apparently
14 archaeologically sensitive areas, there shall be
15 immediate cessation of work and notification of the
16 Town.

17 21. All proposed landscaping shall be installed prior
18 to the issuance of any certification of occupancy.

19 22. A lighting plan which shows the type, location
20 and lighting contours shall be submitted as part of
21 the final application.

22 23. Fire hydrants shall be fully operational prior to
23 and during construction of the building.

24 24. All County Development Review Comments shall be
25 addressed prior to final approval.

1 25. All other reviewing agencies must issue their
2 approval prior to the Department of Public Works
3 issuing its final approval.

4 26. Prior to the issuance of any building permits, a
5 letter of credit shall be provided to the Town to
6 cover the cost of materials and installation for all
7 landscaping to ensure that all landscaping conforms to
8 the approved plans and that the landscape survives in
9 a healthy condition.

10 27. A letter of credit shall be provided to cover
11 certain aspects of the project, including, but not
12 limited to demolition, landscaping, stormwater
13 mitigation, infrastructure and erosion control. The
14 applicant's engineer shall prepare an itemized
15 estimate of the scope of the project as a basis for
16 the letter of credit.

17 28. The proposed building shall be sprinklered in
18 accordance with Town requirements.

19 29. Prior to any framing above the deck, an
20 instrument survey showing setback and first floor
21 elevation shall be submitted to and reviewed by the
22 Building and Planning Department.

23 30. Only business identification signage as allowed
24 per the Comprehensive Development Regulations is
25 permitted. This signage must be reviewed and receive

1 all necessary town approvals prior to installation.

2 31. Erosion control measures shall be in place prior
3 to site disturbance.

4 32. The applicant shall review the site plan,
5 elevations, and floor plans to ensure that the areas
6 and dimensions provided on those plans agree with one
7 another. Elevation drawings showing the height of the
8 structure in relationship to proposed grade as shown
9 on the approved site plan shall be submitted. Any
10 changes to plans shall be reviewed by the Building and
11 Planning Department and may require Planning Board
12 approval.

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

15 34. A letter or memo in response to all Planning
16 Board and Town Engineer comments and conditions shall
17 be submitted.

18 35. The project engineer shall confirm if additional
19 accessible parking spaces are required to be installed
20 as part of this project. All new accessible parking
21 space signage to be installed or replaced shall have
22 the logo depicting a dynamic character leaning forward
23 with a sense of movement as required by Secretary of
24 State pursuant to section one hundred one of the
25 Executive Law.

1 36. All comments, concerns and requirements of the
2 Town Engineer as contained in the attached memo dated
3 April 17, 2022 from Evert Garcia, Town Engineer, to
4 Ramsey Boehner, shall be addressed.

5 37. All easements shall be shown on the site plan
6 with ownership, purpose, and liber/page of filing with
7 the Monroe County Clerk's Office. A copy of the filed
8 easement shall be submitted to the Building and
9 Planning Department for its records.

10 38. Prior to the issuance of a building permit, the
11 proposed conservation easement in a form approved by
12 the Town Attorney shall be executed by the University
13 and the Town Supervisor and shall be filed by the
14 University in the Monroe County Clerk's Office, and a
15 copy of said filed Conservation Easement with proof of
16 recording shall be provided to the Town Building and
17 Planning Department.

18 39. The wetland shall be remediated in accordance
19 with submitted materials.

20 MR. FADER: I'll second that.

21 CHAIRPERSON PRICE: Jeff, did that cover the
22 EPOD as well?

23 MR. FADER: No. There's no EPOD mentioned.
24 I didn't see it either.

25 CHAIRPERSON PRICE: Would we just -- we

1 would just have to add --

2 MR. BOEHNER: Yeah. Add that into the
3 motion.

4 CHAIRPERSON PRICE: Yeah.

5 MR. BABCOCK-STINER: What do I need to add
6 into this?

7 CHAIRPERSON PRICE: Final EPOD approval.
8 And that's for the woodlot; correct?

9 MR. BOEHNER: That's correct.

10 MS. ALTMAN: Yes.

11 CHAIRPERSON PRICE: Yeah.

12 MR. BABCOCK-STINER: Okay. Then, yes. I'd
13 like to add the final EPOD approval -- to amend the
14 motion to include the final EPOD approval for the
15 woodlot.

16 CHAIRPERSON PRICE: And, David, you're --

17 MR. FADER: Yeah. And I second that.

18 CHAIRPERSON PRICE: Okay.

19 MR. GORDON: I just have one minor request
20 for an amendment. On the SEQRA determination rather
21 than state that it is consistent with the finding
22 statement, which is what Jason said, it should say
23 that it is consistent with the prior negative
24 declaration.

25 CHAIRPERSON PRICE: And that's the one that

1 dates --

2 MR. FADER: Is that true in general?

3 MR. GORDON: Nope. It depends on whether
4 the program is gone through a prior full environmental
5 review and whether -- you'll see it in the staff
6 report. I mean, we'll give you --

7 MR. BABCOCK-STINER: Yeah. I see where I
8 missed -- I mixed up the two statements. There is a
9 statement like that in the --

10 MR. GORDON: If you look at the staff report
11 it says it's consistent with the previously approved
12 negative declaration issued for this project on
13 March 16th, 2022.

14 If that be okay with you Jason and David?

15 MR. BABCOCK-STINER: It is okay, yes.

16 MR. FADER: Yes. I'll second that. Yes. I
17 told you this one had a trick.

18 CHAIRPERSON PRICE: Yeah. It was bound to.
19 It was bound to trip us up. All right. All right.
20 We have motion and second. We have a couple of
21 amendments. You want to go ahead and call the roll?

22 (Mr. Babcock-Stiner, aye: Mr. Fader, aye;
23 Mr. Price, aye; Ms. Altman, aye.)

24 (Upon roll motion to approve with conditions
25 carries.)

1 CHAIRPERSON PRICE: Okay. I'm going to miss
2 the U of R guys, but they'll get it built. Okay.
3 So -- all right. We'll do this. And we'll make a
4 motion on the letter for code amendments after this.

5 MR. FRISCH: Yes.

6 CHAIRPERSON PRICE: Okay.

7 MR. FRISCH: This one's closed. This public
8 hearing is closed already.

9 CHAIRPERSON PRICE: Yup. Okay. All right.
10 Karen, you have any stomach to try this one?

11 MS. ALTMAN: No.

12 CHAIRPERSON PRICE: Neither do I.

13 MR. GORDON: David, you're back on. Go
14 ahead.

15 **Application 3P-04-22**

16 Application of Daniele SPC, LLC, owner, for
17 Conditional Use Permit Approval to allow for a Jersey
18 Mike's Sub Shop on property located at 2750 Monroe
19 Avenue. All as described on application and plans
20 submitted.

21 MR. FADER: Okay. I move that the Planning
22 Board find that the application for conditional use
23 permit approval to allow a restaurant is consistent
24 with the finding statements adopted by the Planning
25 Board on August 15, 2018, and no further environmental

1 review is required and that the Planning Board adopts
2 the ten conditional use findings outlined in the
3 Planning Board report and that the Planning Board
4 approves application 3P-04-22 based on testimony
5 given, plans submitted and the ten conditions outlined
6 in the Planning Board report.

7 **Conditional Use Findings:**

8 1. The Planning Board finds that the proposed use, a
9 restaurant, complies with the standards of the General
10 Commercial (BF-2) District and the Incentive Zoning
11 adopted for this parcel per Town of Brighton Code
12 Section 203-84B(3).

13 2. The Planning Board finds that the proposed use, a
14 restaurant, is in harmony with the purpose and intent
15 of Chapter 217 Planning Board. The location and size
16 of the restaurant, the intensity (hours of operation),
17 size of the site and access from Monroe Avenue have
18 all been taken into account in the Board's review.

19 3. The Planning Board finds that the establishment
20 and operation of a restaurant in this location, on a
21 property currently being developed for commercial
22 uses, on a Principal Arterial (NYS Route 31) in the
23 General Commercial District with Incentive Zoning will
24 not be detrimental to persons, detrimental or
25 injurious to the property and improvements in the

1 neighborhood, or to the general welfare of the Town.

2 4. The proposed restaurant will be in an existing
3 building and not result in the destruction, loss or
4 damage of any natural, scenic or significant
5 historical resource.

6 5. The Planning Board finds that the establishment of
7 a restaurant in an existing building on a site
8 designed for such commercial uses will not create
9 excessive additional requirements for public
10 facilities and services and will not be detrimental to
11 the economic welfare of the community.

12 6. The Planning Board finds that the proposed
13 restaurant in an existing building on a site designed
14 and built for such commercial uses will be adequately
15 served by essential public facilities.

16 7. The Planning Board finds that the proposed
17 restaurant in an existing building on a site designed
18 and built for such commercial uses will not result in
19 the loss or damage to trees.

20 8. The proposed restaurant essentially conforms to
21 the Town Master Plan: Envision Brighton 2028.
22 Specifically the Economic Vitality Policy Statement
23 and Objectives A and F [Emphasis added]:

24 A. Attract and promote the sustainable
25 development of quality office, retail, commercial,

1 medical, light industrial, and residential uses in
2 areas with existing critical infrastructure, in an
3 effort to expand the Town's local tax base while
4 providing needed and desired goods and services, and
5 without compromising other community goals.

6 F. Conserve existing open space by promoting
7 redevelopment of vacant, underutilized and obsolete
8 commercial properties to enhance the Monroe Avenue and
9 West Henrietta Road corridors.

10 9. The location and size of the proposed conditional
11 use, the nature and intensity of the operations
12 involved in and conducted in connection therewith, its
13 site layout and its relation to existing streets are
14 such that both pedestrian and vehicular traffic to and
15 from the proposed use and the assembly of persons in
16 connection therewith will not be hazardous or
17 inconvenient to or incongruous with the neighboring
18 residential district nor in conflict with the normal
19 traffic of the neighborhood.

20 10. The location and height of the existing buildings
21 in which the proposed conditional use will operate,
22 the location, nature and height of walls and fences
23 and the nature and extent of the existing landscaping
24 on the site which is not proposed to be modified are
25 such that the proposed conditional use will not hinder

1 or discourage the appropriate development and use of
2 adjacent land and buildings.

3 **Conditions:**

4 1. Prior to commencement of operations, an
5 Operational Permit shall be obtained from the Town of
6 Brighton Fire Marshal (Chris Roth, 585-784-5220).

7 2. Hours of operation shall be limited to 6:00 a.m.
8 to midnight, unless further approval for extended
9 hours has been granted by the Planning Board.

10 3. All requirements of the Building & Fire Codes of
11 New York State shall be met and all required building
12 permits shall be obtained.

13 4. Meet all requirements of the Town of Brighton's
14 Department of Public Works.

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

17 6. All requirements of Sections 203-74.B.3
18 (restaurant regulations), 203-74.B.4 (outdoor dining
19 regulations), 207-14.1 (waste container and grease/oil
20 container standards), and 207-14.2 (supplemental
21 restaurant regulations), as well as any other
22 pertinent sections of the code, shall be met.

23 7. Signs shall require separate review and approval.

24 8. All Monroe County comments shall be addressed.

25 9. Permits may be required from the Town's Sewer

1 Department and from other jurisdictional agencies.
2 The applicant shall contact the Brighton Sewer
3 Department to discuss the requirements for a grease
4 trap.

5 10. The dumpster shall be enclosed with building
6 materials that are compatible with the existing
7 building.

8 CHAIRPERSON PRICE: I'll second. All right.
9 Any further discussion? All right. Jeff go ahead and
10 call the roll.

11 (Ms. Altman, aye; Mr. Price, aye; Mr. Fader,
12 aye; Mr. Babcock-Stiner, aye.)

13 (Upon roll motion to approve with conditions
14 carries.)

15 CHAIRPERSON PRICE: All right. So we just
16 have to make a motion to ask the executive secretary
17 of the Board to advance the advisory report to the
18 Town Board. I think that's all I have to say. So
19 that's a motion.

20 MR. FADER: I'll second it.

21 CHAIRPERSON PRICE: Okay. Is that formal
22 enough, Ken? All right.

23 MR. BOEHNER: Works for me.

24 MR. GORDON: Sure.

25 CHAIRPERSON PRICE: Moved and seconded.

1 Jeff, please call the roll.

2 (Mr. Babcock-Stiner, aye: Mr. Fader, aye;

3 Mr. Price, aye; Ms. Altman, aye.)

4 (Upon roll motion passes.)

5 CHAIRPERSON PRICE: All right. We got -- we
6 got signs tonight. We have a handful of those.

7 MR. FRISCH: We do. Yup.

8 **Signs:**

9 1638 Unlimited Nutrition, 2900 Monroe Avenue, for
10 a building face sign

11 1639 OFC's The Old Farm Cafe, 3450 Winton Place,
12 for a building face sign

13 1640 Empy Nails, 2298 Monroe Avenue, for a
14 building face sign

15 1641 Liberty Wine and Liquor, 1900 South Clinton
16 Avenue, for a building face sign

17 MR. FRISCH: First one, 1638, was
18 administratively approved through the sign plan. So
19 the next one is 1639. It was approved as presented by
20 the Architectural Review Board last month.

21 CHAIRPERSON PRICE: Okay. I'll move
22 approval as -- as recommended by ARB.

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

24 MR. FRISCH: Babcock-Stiner seconds.

25 CHAIRPERSON PRICE: Can we just do an "all

1 in favor" here? Or do you want to call the roll?

2 MR. FRISCH: I think we can do all in favor.

3 CHAIRPERSON PRICE: Okay. Aye.

4 MS. ALTMAN: Aye.

5 MR. BOEHNER: I didn't think that was going
6 to fly. All right.

7 MR. GORDON: I believe -- I believe that the
8 code requires a roll call for all the Planning Board
9 decisions.

10 CHAIRPERSON PRICE: There was too long a
11 pause there. I should have known. Jeff would you
12 rather do these one at a time or do you want to do
13 them all together?

14 MR. FRISCH: One at time probably.

15 CHAIRPERSON PRICE: All right. Okay.
16 Please call the roll on this.

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

19 (Motion to approve passes.)

20 MR. FRISCH: The next one is 1640 Empty
21 Nails. It was approved as presented with the
22 Architectural Review Board.

23 CHAIRPERSON PRICE: All right. I move to
24 approve as recommended by ARB.

25 MS. ALTMAN: Second.

1 MR. FRISCH: Altman second.

2 CHAIRPERSON PRICE: Please call the roll,
3 Jeff.

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

6 (Upon roll motion to approve carries.)

7 MR. FRISCH: And then 1641 was also approved
8 administratively through our sign approval. So that's
9 it. Last one.

10 CHAIRPERSON PRICE: All right. Very good.
11 Well, all right. This is the point where we say
12 audios to Ramsey.

13 MR. FRISCH: The last one.

14 CHAIRPERSON PRICE: Congratulations and
15 thank you.

16 (Proceedings concluded at 8:55 p.m.)

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1 REPORTER CERTIFICATE

2
3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

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

11
12 Dated this 20th day of April, 2022
13 at Rochester, New York.

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20
21 *Holly E. Castleman*

22 -----
HOLLY E. CASTLEMAN,
23 Notary Public.
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25