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**BRIGHTON**

**PLANNING**

**BOARD**

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December 21, 2022  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

**PRESENT:**

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

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

KENNETH GORDON, ESQ.  
Town Attorney

**ABSENT:**

JULIE FORD

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

1 CHAIRPERSON PRICE: Good evening, everyone,  
2 and welcome to the December 21st, 2022, meeting of the  
3 Town of Brighton Planning Board.

4 Mr. Secretary, would you please call the  
5 roll tonight?

6 (Whereupon the role was called.)

7 CHAIRPERSON PRICE: We'll take a few moments  
8 to speak with staff about tonight's agenda.

9 Jason, our first application, 11P-01-22  
10 Tasty Hut, LLC has been postponed to the January 18th  
11 meeting. Is there anything you want to say about  
12 that? That looked to be an incomplete application to  
13 me.

14 MR. HAREMZA: I don't really have much to  
15 add. They're working through several issues with the  
16 application. But other than that, nothing further.

17 MR. GORDON: The applicant requested to  
18 postpone because they were having trouble getting a  
19 civil engineer to do the survey work.

20 CHAIRPERSON PRICE: Okay. All right.

21 Second application 11P-02-22 of Carl Grasta.  
22 This is for the house on Knollwood. Any issues with  
23 this application or is it pretty straightforward?

24 MR. HAREMZA: The application is pretty  
25 straightforward.

1           There's a few remaining issues that the town  
2 engineer addressed in his memo regarding soil  
3 stockpile, positioning drywells on the site and  
4 confirming some easements for water and sewer service.

5           CHAIRPERSON PRICE: Is the size of the  
6 detached garage within code, the 900 square foot?

7           MR. HAREMZA: This one has an attached  
8 garage as I recall.

9           CHAIRPERSON PRICE: Is it a detached garage?

10          MR. HAREMZA: It does say detached. But I  
11 think that's a typo that's been carried through.

12          CHAIRPERSON PRICE: All right. This doesn't  
13 require variances of any kind? Okay.

14          MR. HAREMZA: No variances.

15          CHAIRPERSON PRICE: Okay. All right. Next  
16 is 12P-01-22, Winton Acquisitions. This is Jason  
17 Dobbs, Pardi Partnership Architects for a conditional  
18 use permit. Pretty straightforward.

19          MR. HAREMZA: Pretty straightforward.  
20 It's -- you're familiar with Winton Place. It's going  
21 into an existing space.

22                 I think just a couple of the issues, just to  
23 clarify what space exactly it's going into. I  
24 couldn't see that clearly on the application.

25                 And then questions about any noise impacts

1 to adjacent tenants I think was some of the concerns.

2 MR. GORDON: We also discussed with staff  
3 the fact that there's going to be at least some  
4 nominal food preparation and food service in terms of  
5 like smoothies and that kind of thing.

6 I think there's some minor concerns about  
7 outdoor trash, making sure they comply with any Monroe  
8 County regulations they might have to comply with.

9 CHAIRPERSON PRICE: Okay. 12P-02-22,  
10 Daniele Family Companies. This is the application  
11 that was actually approved for Mamasan's. We knew  
12 this was coming; right? So it's not a Mamasan's  
13 product. It's a Chipotle.

14 MR. HAREMZA: Chipotle.

15 CHAIRPERSON PRICE: I think when we approved  
16 it under Mamasan's application, we actually asked them  
17 to run a trip generation as if it was a McDonald's or  
18 a higher volume fast food knowing that this was  
19 exactly what was going to happen.

20 Is there anything that -- regarding traffic  
21 that exceeds what we have anticipated?

22 MR. HAREMZA: I don't believe so. The sort  
23 of external traffic concerns, town engineer, town  
24 staff, did not find any concerns with that.

25 I think our concerns are more on the

1 internal circulation and some of the conflict points  
2 within this site in terms of vehicular movements.

3 The other thing to consider is that since  
4 the Mamasan's proposal the world has changed. And  
5 this is not technically a traditional drive-through.  
6 There's no ordering as part of the drive-through. You  
7 order online through your device. So this is merely a  
8 pickup window.

9 But the Town Code does not accommodate that  
10 sort of new technology. So it is categorized as a  
11 drive-through for purposes of the Zoning Code. But  
12 that may have an impact on some of the queuing.

13 And apparently one of these is already  
14 opened on Empire Boulevard, on Creek Street in  
15 Penfield with this new system. So I'm actually kind  
16 of curious myself to experience it and see how  
17 customers are dealing with this.

18 I guess some of us are sort of wondering how  
19 long it will take to train the public to not pull up  
20 and expect to speak into the clown's mouth as it were  
21 and order.

22 CHAIRPERSON PRICE: All right.

23 MR. OSOWSKI: Do we know if this is  
24 replacing the one that's at Pittsford plaza? Is that  
25 one going to close?

1 MR. HAREMZA: We do not know.

2 MR. OSOWSKI: Okay. Just curious. Yeah.

3 MR. HAREMZA: The only other thing I'll  
4 mention on this is the town engineer some  
5 inconsistencies on the drawings, that they don't  
6 necessarily reflect -- because of the reconstruction  
7 of some of the entrances and exits as part of the  
8 access management plan that the submitted drawings  
9 don't necessarily always reflect the existing  
10 conditions to date.

11 CHAIRPERSON PRICE: Do they accurately  
12 reflect the proposed -- or I'm sorry -- the approved  
13 right-in? As this is a right-in only.

14 MR. HAREMZA: Correct. They reflect that.  
15 I think --

16 MR. GORDON: Sorry. There were some curbing  
17 dimensions that don't look right there either. And  
18 that's probably the conflict point that staff was most  
19 concerned about.

20 If you look at the site plan as proposed,  
21 traffic would enter the Chipotle site from traveling  
22 east into that in-only sort of angled entrance, then  
23 drive around the building to the pickup window and  
24 then exit right at that same very point where that  
25 traffic's coming in.

1 But they can't or aren't supposed to go out  
2 there because it's a "right-in only" right. And so  
3 then they're supposed to loop back around the building  
4 and go out where the traffic light is where the access  
5 management is putting that traffic light.

6 So, you know, I think staff is interested in  
7 what the Board's view of those internal traffic  
8 concerns are and what your takeaways are on that. But  
9 that was a big concern.

10 And, you know, machining everything up is,  
11 you know, important, to make sure we have a plan that  
12 matches actually existing conditions.

13 There's also -- I think you all know this.  
14 Pizza Hut that's there would come down. And they need  
15 the structures -- make sure everything is lined up the  
16 way that they're showing.

17 MR. BABCOCK-STIENER: Excuse me real quick.

18 CHAIRPERSON PRICE: All right. 12P-03-22,  
19 Faith Tabernacle Church, 1876 Elmwood Avenue. This is  
20 Faith Temple; right?

21 And what's driving the site plan application  
22 on pavement?

23 MR. HAREMZA: To be honest I don't know.  
24 This came in sort of before my time at the Planning  
25 Board. So I don't know what the trigger exactly was.

1 Ken, I don't know if you have any --

2 MR. GORDON: A little bit of insight on  
3 this. So unfortunately this came in in bits and  
4 pieces.

5 So first it was repaving. And then it was  
6 more paving, sort of expansion. And most of that  
7 could have been done administratively.

8 And then it came with adding lights. And  
9 there's some concern because it backs up to the  
10 neighborhood as to spillage and what's going to be  
11 done with the lighting plan.

12 So it's the combination of how it just sort  
13 of --

14 CHAIRPERSON PRICE: Morphed?

15 MR. GORDON: Exactly. That drove it here.

16 So, you know, staff have said, let's put  
17 this in front of the Board and get the Board's input  
18 on, you know, the overall impact on the neighborhood  
19 and make sure that we're being sensitive to the  
20 lighting plan and what it's going to do for that site  
21 and the neighborhood.

22 CHAIRPERSON PRICE: Okay. All right.  
23 Application 5P-NB2-22, Bristol Valley Homes and PEMM,  
24 LLC. This appears to be headed towards February.

25 This is just working its way through the



1 process. This has not gone to the Preservation Board?

2 MR. HAREMZA: Not yet. They just submitted  
3 the application. So it will be going to Preservation  
4 Commission in January.

5 CHAIRPERSON PRICE: Gotcha. Okay. And  
6 application 9P-NB1-22, Kim Bailey, Stahl Properties.  
7 This is the project up on Elmwood Hill Lane. And it  
8 looks like they're postponing to February as well.  
9 There's just a lot of those easement issues to kind of  
10 work through.

11 MR. GORDON: Well, yeah. And issues that  
12 relate to placement of the pool and the pool house and  
13 site lines and the impact on the neighboring  
14 properties.

15 They appeared at the Zoning Board meeting  
16 for some variances and were unaware at that time of  
17 neighbor opposition, the immediate neighbor  
18 opposition, that had been submitted to the Zoning  
19 Board with respect to several aspects of the project.

20 So we really wanted to see if the property  
21 owner would get an opportunity to speak with the  
22 neighbors and see if they could address or compromise  
23 with that neighbor to help a project that meets their  
24 needs and also is acceptable to the neighbors.

25 So I think that's what they're taking the

1 time to do.

2 CHAIRPERSON PRICE: Okay. All right. The  
3 last two won't be happening until February.

4 We do have a new business item, which is  
5 12P-NB1-22, Monroe Avenue, LLC Quicklee's. There's a  
6 letter, advisory letter, to the Town Board on the  
7 incentive zoning application. This has been around.  
8 We've seen it, but --

9 MR. GORDON: Right.

10 CHAIRPERSON PRICE: Now, I think it's coming  
11 back for a referral.

12 MR. GORDON: Right. And there's been a  
13 redesign of the project, which I think you all have.

14 You'll recall that when this proposal first  
15 came in, it was pumps in front, the building behind.  
16 And there was discussion I think primarily led by this  
17 Board to see if something could be designed that's  
18 more in keeping with the Monroe Avenue streetscape  
19 concepts and making it more pedestrian friendly and a  
20 visually appealing corner. And the application was  
21 essentially turned into an incentive zoning  
22 application to make that happen.

23 What's interesting here is that the amenity  
24 being offered in exchange for the incentives that are  
25 being drafted by the Town, the amenity is the design

1 of the project and -- and some EV stations. But  
2 primarily it's the design of the project.

3 And that is really an initiative of this  
4 Board. So very appropriately, it's coming back. The  
5 Town Board has said, yes, we're interested in this  
6 proposal. We think it's worthy of further  
7 consideration, but sending it back to this Board for  
8 review of the proposed amenities to see if it is in  
9 keeping with the design features that this Board had  
10 in mind, whether it fits on this property well,  
11 whether it fits within the neighborhood well. Those  
12 are the things that I think Town Board is looking for  
13 comment on from this Board relative to this new  
14 configuration on the project site.

15 CHAIRPERSON PRICE: And Ken, typically with  
16 incentive zoning applications, the amenity and the  
17 incentives are not always as black and white with  
18 applications. This is --

19 MR. GORDON: Yeah. Oftentimes -- I mean,  
20 traditional incentive zoning would be on-site  
21 amenities. And that's what we see here.

22 Many of our incentive zoning projects that I  
23 think this Board has seen before are off-site  
24 amenities, which are a little bit harder for this  
25 Board to really comment on. You know? Is it a

1 proper -- you know, how does the amenity fit in with  
2 the overall project when it's like a sidewalk down the  
3 street as opposed to something right on the site?

4 So here it is about the site and site  
5 design, the site layout out and the plan itself. And  
6 that's essentially this Board's function. So I think  
7 it's right up your alley in terms of looking at it and  
8 trying to provide comment.

9 CHAIRPERSON PRICE: And then upon issuing  
10 the advisory letter, what becomes of --

11 MR. GORDON: Then it comes back to the Town  
12 Board. They read your report. And they may ask --  
13 depending on what the report i,s. If your report is  
14 everything looks great, then probably the proposal  
15 will stay the same. And the Town Board would then  
16 say, okay, let's set this up for a public hearing on  
17 the incentive zoning application. And there will be a  
18 public hearing to see if the Town Board wanted to  
19 actually approve the application itself.

20 If this Board has some comments as to things  
21 that ought to be changed, modified, tweaked or, you  
22 know, outright rejected, those comments go back to the  
23 Town Board. The Town Board would scratch its head and  
24 decide whether it wants to continue with this  
25 application or not, depending on how the applicant

1 wants to react and respond to those comments.

2 CHAIRPERSON PRICE: If the incentive zoning  
3 is agreed to by the Town Board, they still come back  
4 to us for final site plan?

5 MR. GORDON: Even after the public hearing  
6 and even if the incentive zoning application is  
7 approved, all that incentive zoning application is is  
8 really an exchange of amenities for incentives in a  
9 very sort of broad sense; right?

10 The actual site plan approvals still rests  
11 with this Board. Yes.

12 CHAIRPERSON PRICE: Okay. All right. Thank  
13 you.

14 MR. GORDON: Sure.

15 CHAIRPERSON PRICE: Looks like we -- that  
16 will be our last site plan discussion. Then we have  
17 two signs to review. Any questions, staff or Ken?  
18 Jason?

19 MR. HAREMZA: Just a note on the signs. One  
20 of them is an administrative approval because of the  
21 sign plan.

22 CHAIRPERSON PRICE: That's the --

23 MR. HAREMZA: The Brighton Vision at  
24 Brighton Commons.

25 CHAIRPERSON PRICE: Yup. Okay. So it's

1 more -- all right. We will continue now.

2 We have meeting minutes to approve from our  
3 September 21st meeting. Was everybody here at that  
4 meeting? I was. Karen, Jason, you were. David? I  
5 don't know that Peter you had started at that point,  
6 for September. And John you were here.

7 MR. OSOWSKI: I was here.

8 CHAIRPERSON PRICE: I think there's enough  
9 to vote on that.

10 Can I have a motion to approve the September  
11 21st meeting minutes?

12 MR. BABCOCK-STIENER: So moved.

13 CHAIRPERSON PRICE: Thank you. Moved. Is  
14 there a second?

15 MS. ALTMAN: Second.

16 CHAIRPERSON PRICE: Jason and Karen moved  
17 and seconded. Any edits or comments? Okay.

18 Jason, you want to call the roll?

19 (Altman, aye; Babcock-Stiner, aye;

20 Mr. Fader, abstain; Mr. Grisewood, aye;

21 Mr. Osowski, aye; Mr. Price, aye.)

22 CHAIRPERSON PRICE: Do we need to amend  
23 this?

24 MR. GORDON: Yes. He can vote.

25 CHAIRPERSON PRICE: He can vote on it?

1 MR. GORDON: Yeah.

2 CHAIRPERSON PRICE: Okay. All right. So  
3 our October and November meeting minutes will be  
4 reviewed at our January 18th meeting next year.

5 Okay. Jason, were tonight's public hearings  
6 properly advertised?

7 MR. HAREMZA: Yes, they were.

8 CHAIRPERSON PRICE: In what publication?

9 MR. HAREMZA: Sorry. They were advertised  
10 in the Daily Record of December 15th, 2022.

11 CHAIRPERSON PRICE: Thank you. We'll hold  
12 those hearings at this time.

13 The first application 11P-01-22, application  
14 of Tasty Hut, LLC, and James Smith has been postponed  
15 until January.

16 The first one we'll hear is 11P-02-22.

17 **Application 11P-02-22**

18 Application of Carl Grasta, owner, for  
19 Preliminary/Final Site Plan Approval and EPOD  
20 (watercourse) Permit Approval to construct a 2,700 +/-  
21 square foot single family house, with a 900 square  
22 foot detached garage on property located at 1  
23 Knollwood Drive. All as described on application and  
24 plans on file.

25 MR. MACK: Good evening. Dave Mack with

1 Schultz Associates here for 1 Knollwood Drive, Carl  
2 Grasta, single-family home.

3 We were here at the last meeting. And we  
4 went through a lot of the overview of the site. We  
5 had a good amount of comments that we ran through  
6 after that meeting that we submitted and were reviewed  
7 by Town staff. We received some additional comments  
8 this morning about it.

9 I had the opportunity to talk to Evert  
10 Garcia today, went through the comments. And there's  
11 nothing there that we can't handle. Easy enough.

12 We did discuss some of the points in the  
13 Planning Board report, one being the drywells. And  
14 what Evert brought up was that the increase in  
15 stormwater is insignificant in this case. And we  
16 can -- it was -- his idea is we do away with the  
17 drywells and just have those storm laterals with the  
18 roof leaders go to riprap with a vegetative filter at  
19 the end of it.

20 MR. GORDON: Just to clarify, I know that  
21 our Town engineer had a discussion perhaps with you or  
22 perhaps with somebody on your staff about the  
23 drywells.

24 But I think the Board needs to know whether  
25 you're proposing to treat the difference as nominal



1 and not propose drywells or if you do want to install  
2 drywells. That's your option.

3 MR. MACK: Right. Yeah. We will remove the  
4 drywells from the plan. And we will show those roof  
5 leaders discharging to riprap and a vegetative filter,  
6 which would be sod. And that came from our discussion  
7 with Town staff today.

8 The soil stockpile washout location, the  
9 easy answer is we will move that to a better spot and  
10 have that approved through the Town engineer.

11 The water service is existing right now. It  
12 runs from East Avenue through an easement across 3225  
13 East Avenue. When Carl Grasta purchased the property,  
14 he had the Water Authority come out and turn it on and  
15 test it. It runs fine.

16 So the way the Water Authority works with  
17 this, they're not going to approve the tap because the  
18 tap is existing.

19 What will happen is he will connect to the  
20 service that's on his property, connect it to the  
21 house, get it all set up, call the Water Authority.  
22 They put a meter in that existing out by East Avenue  
23 and they're good to go.

24 And I talked to the Water Authority today  
25 and I have an email stating the same that I can

1 provide the documentation on that.

2 Then as for the sewer access, went through  
3 the abstract going back to the mid-1800s. There is  
4 some mention of Knollwood Drive as what I assumed was  
5 a dirt path back in the early 1900s.

6 Then in 1956 one of the adjacent landowners  
7 contacted Brighton Sewer Department and granted an  
8 easement over Knollwood Drive. And along with that  
9 easement was an argument basically stating that  
10 everyone should be included in that, which is -- all  
11 those homeowners that are on that private portion of  
12 Knollwood Drive. And we did submit that as part of  
13 the package, that easement for 56.

14 And today we reached out to the president of  
15 the driveway association again. And he sent an email  
16 basically saying the owner has rights to access  
17 Knollwood Drive and a sewer -- connect to the sewer  
18 underneath it. And we ran that one down for a while.  
19 That's what we have on that.

20 CHAIRPERSON PRICE: Okay. John, I wasn't  
21 here last month. Would you discuss these?

22 MR. OSOWSKI: Yes. I would say -- yes.  
23 Thanks for asking.

24 CHAIRPERSON PRICE: I would -- just for my  
25 own education, how did it come about that the

1 neighbor's driveway is substantially on this property?

2 MR. MACK: So this is a historical property.

3 Historically, 3225 encompassed the lot that we're  
4 building on. And the location where we're proposing  
5 the house used to be a carriage house that was  
6 associated with that original house.

7 And at some point in the history, that  
8 carriage house became a residence. And then in the  
9 early '90s I believe that residence was removed.

10 So the driveway -- 3225 East Avenue  
11 currently -- prior to Carl Grasta buying it, it had  
12 three driveway entrances on Knollwood Drive.

13 And they're going to remove the one that's  
14 on the piece they sold. But they still need a portion  
15 of their driveway to access their garage that's on  
16 that side of their house.

17 CHAIRPERSON PRICE: Okay. Just curious --

18 MR. MACK: Yeah. It's an interesting one.

19 CHAIRPERSON PRICE: -- how that came about.  
20 Okay. All right. That all sounds technical in nature  
21 and finalizing things with the Town engineer and Water  
22 Authority and any other minor technical things, but  
23 the big issues are addressed.

24 Board members, have any other questions?

25 MR. OSOWSKI: Is the water service adequate

1 to provide fire protection sprinklers in the house?

2 MR. MACK: Yes. It's a two inch service all  
3 the way from East Ave. And the pressure is around 90.  
4 So it's significant.

5 MR. OSOWSKI: Thank you.

6 CHAIRPERSON PRICE: Pete, any other  
7 questions?

8 MR. GRISEWOOD: I'm good. Thank you very  
9 much.

10 CHAIRPERSON PRICE: Ken?

11 MR. GORDON: You mentioned that Mr. Grasta  
12 acquired an easement across 3225 East Avenue for water  
13 service. Have you provided that documentation to the  
14 Town?

15 MR. MACK: That's an existing easement that  
16 went to that before Carl owned that lot. And that is  
17 in the package we sent in.

18 MR. GORDON: And you said you received an  
19 email from Monroe County Water Authority relative to  
20 the water service.

21 MR. MACK: Correct. The process that we  
22 used to restart it.

23 MR. GORDON: And have you provided that  
24 documentation to the Town?

25 MR. MACK: No. I got that today.

1 MR. GORDON: So it will be provided.

2 MR. MACK: I will provide that with the  
3 response to the rest of the comments.

4 MR. GORDON: Same question about the  
5 sanitary sewer. You took awhile to run that down.  
6 You're referring to some legal documents that you  
7 reviewed from the 19th century and also I believe the  
8 clarification email or memo from the president of the  
9 Driveway Association. Can you provide those documents  
10 to the Town as well?

11 MR. MACK: I grabbed the abstract and the  
12 email.

13 CHAIRPERSON PRICE: Jason, all set?

14 MR. HAREMZA: Nothing further.

15 CHAIRPERSON PRICE: Okay. Thank you. Thank  
16 you.

17 This is a public hearing. Is there anyone  
18 that cares to address this application? Okay.

19 Thank you.

20 MR. MACK: Thank you very much.

21 **Application 12P-01-22**

22 Application of Winton Acquisitions, LLC,  
23 owner, and Jason Dobbs, Pardi Partnership Architects,  
24 agent, for Conditional Use Permit Approval to allow  
25 for an indoor lacrosse training facility with

1 ancillary beverage/food service on property  
2 Located at 3450 Winton Place. All as described on  
3 application and plans on file.

4 MR. DOBBS: Good evening, everyone. So we  
5 are here for a conditional use permit.

6 CHAIRPERSON PRICE: Excuse me, sir. We need  
7 your name.

8 MR. DOBBS: I'm Jason Dobbs, Pardi  
9 Partnership Architects. I'm here with the tenant,  
10 Ronald Davis.

11 We're here for a conditional use permit for  
12 the lacrosse training facility in the former space  
13 near Winton plaza. It was most recently the Jump Club  
14 which was full of bounce houses. I believe it was  
15 originally constructed as a movie theater.

16 It will now be used as a training facility  
17 with two rooms for lacrosse training. And there will  
18 be a food service area up front. It's basically just  
19 a counter where there'll be takeout nutritional  
20 smoothies and drinks. I don't believe there's any  
21 on-site consumption. It's all grab-and-go.

22 Should be about like five employees, maximum  
23 of 30 athletes at a time there training.

24 Operate seven days a week, 8 to 10.

25 And let's see. The building itself -- or

1 the tenant's space itself has cement block walls on  
2 either side. So sound transfer though it is going to  
3 be minimal, if anything.

4 The tenant to the left is a nail salon. And  
5 the tenant to the right is the Canal Store.

6 CHAIRPERSON PRICE: Which walls do the balls  
7 get thrown against?

8 MR. DOBBS: So in the big training room  
9 there are goals. And I believe they're on our plans.  
10 So the balls --

11 And the smaller training room, the balls  
12 will be thrown towards an internal wall, not at an  
13 existing wall. So it shouldn't be any wall -- any  
14 ball being directed at a tenant's wall.

15 CHAIRPERSON PRICE: Now, are real lacrosse  
16 balls used? Or are these something softer and gentler  
17 because we're indoors?

18 MR. DAVIS: So there's definitely --

19 MR. GORDON: Just state your name for the  
20 record.

21 MR. DAVIS: Yes. Ronald Davis.

22 So there's two parts to lacrosse training.  
23 And probably 25 percent is used with real lacrosse  
24 balls and 75 percent is actually used with tennis  
25 balls in a concept called three lax.

1 CHAIRPERSON PRICE: A concept called what?

2 MR. DAVIS: Three lax. It's three lax  
3 lacrosse with a tennis balance.

4 CHAIRPERSON PRICE: Okay. So the wall that  
5 that's going against -- behind the counter, what are  
6 you building that wall out of.

7 MR. DAVIS: So that wall is demised [sic] of  
8 wood and 3 quarter-inch plywood. It comes down in  
9 front of that wall.

10 The west wall and the north wall are both  
11 brick. And in the big training room is where the  
12 balls will go off.

13 MR. OSOWSKI: The balls will go off what?

14 MR. DAVIS: The walls in -- off the north  
15 wall and the west wall.

16 MR. OSOWSKI: Will bounce off what kind of  
17 surface?

18 MR. DAVIS: It's brick.

19 MR. DOBBS: It's cement.

20 MR. DAVIS: Cement block.

21 CHAIRPERSON PRICE: I guess I don't know if  
22 I have any more questions about the training part.

23 Tell us a little bit about the food and  
24 grab-and-go stuff. What we're concerned about is the  
25 garbage outside in the plaza and blowing down through



1 the plaza that doesn't get collected.

2 MR. DAVIS: So out back there's a service  
3 road and that's where all the tenants put their refuse  
4 boxes.

5 CHAIRPERSON PRICE: Okay. But if your folks  
6 are grabbing and going, you're not intending them  
7 to -- or are you having -- is this something the kids  
8 can grab while their training, they throw it out in  
9 the garbage can inside and then you dump it out  
10 outside?

11 MR. DAVIS: Correct.

12 CHAIRPERSON PRICE: Okay. All right.

13 MR. GORDON: But will the smoothies --  
14 smoothie service; right? Pretty much.

15 MR. DAVIS: It's all health food. It's a  
16 fuel bar for the athletes.

17 MR. GORDON: Right. Open to the public?

18 MR. DAVIS: All our members -- yes. The  
19 whole -- the whole complex is open to the public. If  
20 you want to be a member to train as an athlete, that's  
21 where you'd go.

22 MR. GORDON: Right. But you could -- I  
23 mean, if I am not a member of your school and instead  
24 I'm, I don't know working -- I just had lunch at Foxes  
25 and I feel I want to have something healthy I can walk

1 down and get something from you as well.

2 MR. DAVIS: They could, yes. Correct.

3 That's not the main part of our business  
4 though.

5 MR. GORDON: I understand.

6 MR. DAVIS: The main intent of our business  
7 is training the athletes.

8 CHAIRPERSON PRICE: Okay. You're not  
9 proposing any additional outdoor lighting that is  
10 already there? You're not --

11 MR. DAVIS: No.

12 CHAIRPERSON PRICE: Do you think you'll end  
13 up having a sign up on the canopy.

14 MR. Davis: We will eventually apply for the  
15 sign, yes.

16 CHAIRPERSON PRICE: All the questions I  
17 have.

18 MS. ALTMAN: My only question is whether any  
19 the food that you're selling is made on the site or is  
20 it purchased from -- or delivered and brought to the  
21 site?

22 MR. DAVIS: So it's -- it's made there. I  
23 mean, it's basically ice and fruit.

24 MS. ALTMAN: And that's it?

25 MR. DAVIS: And mixed in a blender. And we

1 also have -- you know, there'll be a water cooler for  
2 water and Gatorade and sports drinks and stuff like  
3 that.

4 MS. ALTMAN: Thank you.

5 CHAIRPERSON PRICE: David, any questions?

6 All set. Pete, any questions?

7 MR. GRISEWOOD: No.

8 CHAIRPERSON PRICE: Okay. Thank you.

9 MR. GORDON: I have a couple more.

10 CHAIRPERSON PRICE: I'm sorry.

11 MR. GORDON: Going back to the blended  
12 drinks. They're going to be served in what?

13 MR. DAVIS: To-go containers. Like a  
14 coffee.

15 MR. GORDON: So plastic disposable cups.

16 MR. DAVIS: Correct.

17 MR. GORDON: With straws.

18 MR. DAVIS: Correct.

19 MR. GORDON: Are you going to have an  
20 outside garbage receptacle?

21 MR. DAVIS: There's already one there, yes.

22 MR. GORDON: No. In front.

23 MR. DAVIS: There's one directly in front as  
24 we speak.

25 MR. GORDON: All right. And that would be

1 monitored by your staff to make sure it doesn't get  
2 overfilled.

3 MR. DAVIS: Yes.

4 MR. GORDON: Will there be any outdoor  
5 training in the parking lot.

6 MR. DAVIS: No.

7 MR. GORDON: Anywhere outdoors.

8 MR. DAVIS: No.

9 MR. GORDON: That's all.

10 CHAIRPERSON PRICE: Thank you.

11 MR. HAREMZA: I'm all set.

12 CHAIRPERSON PRICE: Okay. Thank you.

13 MR. DOBBS: Thank you.

14 CHAIRPERSON PRICE: This is a public  
15 hearing. Is there anyone who cares to address this  
16 application?

17 Very well. Let's move on.

18 **Application 12P-02-22**

19 Application of Daniele Family Companies,  
20 owner, for Preliminary/Final Site Plan Approval,  
21 Preliminary/Final Conditional Use Permit Approval and  
22 Demolition Review and Approval to raze a commercial  
23 building and construct a 2,325 +/- square foot  
24 restaurant with outdoor dining and a drive-thru  
25 pick-up only window on property located at 2735 Monroe

1 Avenue. All as described on application and plans on  
2 file.

3 MR. McMAHON: Good evening. Greg McMahon  
4 from McMahon LaRue and Anthony Daniele from the owner,  
5 and also Jeff LaDue, the architect, is here for any  
6 additional questions.

7 We're here regarding 2735 Monroe Avenue.  
8 We've been before you several times regarding this  
9 project. It was last approved a couple years ago as a  
10 Mamasan's with the drive-through. Very similar to the  
11 application that we're presenting today.

12 A couple of the notable differences are the  
13 building is smaller, approximately 500 square feet  
14 smaller than the existing building and smaller than  
15 the original Mamasan's building.

16 But other than that and the fact that the  
17 improvements as part of the Whole Foods project that  
18 were proposed here have been constructed. They  
19 weren't constructed at the time we received the  
20 Mamasan's approval.

21 I've heard a few of the initial comments. I  
22 addressed those initially. What's represented on  
23 their plan is as built. We were out there a month ago  
24 or prior to making this application. We actually  
25 surveyed all of the new improvements out there. So

1       what you see on those plans are as-built. Right?

2               They don't necessarily compare to the design  
3 plans for that. There may be some differences. But a  
4 on-the-ground topographic survey was done. And it's  
5 what's represented there.

6               CHAIRPERSON PRICE: Greg, when you mentioned  
7 as-built, the original structure is still there. What  
8 portion is as-built? Is this the access drive in the  
9 back?

10              MR. McMAHON: Yes. Let me turn this around.  
11 This is the demolition -- existing condition  
12 demolition plan. The existing building, which is  
13 there, the existing parking, the entryway is now the  
14 right-in only, as was discussed. That was as-built.

15              And then in the back you have -- or also in  
16 the front there's a connection over to the hotel and  
17 in the rear a connection to the hotel and the  
18 connection over to the roadway going up to the traffic  
19 light. Those all reflect the current as-built  
20 conditions.

21              CHAIRPERSON PRICE: Okay. So the right-in  
22 only is built?

23              MR. McMAHON: It is built, yes.

24              CHAIRPERSON PRICE: I meant the connection  
25 on the front to the hotel was done. I guess I didn't

1 pay attention to that.

2 MR. McMAHON: The right-in only is  
3 constructed.

4 CHAIRPERSON PRICE: It is constructed.  
5 Okay.

6 MR. McMAHON: And we're -- as you see on the  
7 plans, we're not making any modification to that.  
8 We're basically picking up on the property and the new  
9 work.

10 But the right-in only will remain as it's  
11 currently constructed, which is per the approved plans  
12 for the access management in that corridor.

13 CHAIRPERSON PRICE: Okay.

14 MR. McMAHON: I'd also make a quick note  
15 about traffic. When we did the Mamasan's several  
16 years ago, there was a full traffic study prepared  
17 based on a fast food restaurant. That was submitted  
18 to the Town. It was also submitted to the DOT.

19 As part of this application the owners went  
20 out to SRF Associates, who is now part of Passero, and  
21 had a new traffic evaluation study prepared based on a  
22 Chipotle utilizing some results from similar  
23 developments and comparing it with the original fast  
24 food.

25 In all cases the traffic is less than the

1 report that was approved by the DOT and the Town.  
2 Also note on there is there is no a.m. peak hour for  
3 Chipotle. They open about 10:45, 11 o'clock in the  
4 morning and they serve lunch. So there is no peak for  
5 the a.m. time frame.

6 CHAIRPERSON PRICE: Okay.

7 MR. McMAHON: As was noted in your original  
8 discussion, the drive-through is not like your  
9 convention Burger King or McDonalds. There is no  
10 speaker. There is no ordering menu. You order on the  
11 app or online. You're given a pickup time. And you  
12 appear at the window.

13 Because of that there's a feature that's  
14 incorporated into this plan, which we're calling a  
15 bailout lane. That's for, you know, someone who's not  
16 familiar with this process. They pull around, they  
17 get in line, then they realize that they can't order  
18 when they're in line. This gives them a place to  
19 bailout and --

20 CHAIRPERSON PRICE: Go forward.

21 MR. McMAHON: -- pull in the parking lot and  
22 pull out their phone and order.

23 CHAIRPERSON PRICE: Yeah. I noticed that.  
24 Can you just go back to the traffic report real quick?

25 MR. McMAHON: Yes. Certainly.



1 CHAIRPERSON PRICE: You said that the  
2 Billing itself is 500 square feet smaller than what  
3 was approved.

4 MR. McMAHON: What was approved for  
5 Mamasan's and what exist -- what is existing on the  
6 site right now.

7 CHAIRPERSON PRICE: And we had asked you to  
8 use the ITE categories of fast food rather than what  
9 Mamasan's was proposing at the time --

10 MR. McMAHON: Correct. Yes.

11 CHAIRPERSON PRICE: -- should this condition  
12 arise. So do you recall, is the ITE standard for fast  
13 food based on square footage of the facility? So you  
14 would have technically -- you know, because you're 500  
15 square feet lower, you're technically probably lower  
16 just by the result of lower square footage.

17 MR. McMAHON: I don't think I can answer  
18 that question. But we can -- we have -- there was  
19 another comment from the Town engineer on some of the  
20 numbers that we have to go back to Amy at SRF. And  
21 I'll clarify that with her.

22 CHAIRPERSON PRICE: I don't suspect that --  
23 has staff reviewed the updated traffic study or do you  
24 have it to review?

25 MR. HAREMZA: Yes, we have it. And we

1 reviewed it. And as I alluded to in our discussion,  
2 the concerns are not with traffic volume per se, but  
3 rather some of the movements within the site itself.

4 CHAIRPERSON PRICE: Okay. So trip  
5 generation and volumes out onto Monroe Avenue are not  
6 the concern. It's the internal circulation and  
7 presumably the number of conflict points.

8 MR. HAREMZA: Correct.

9 CHAIRPERSON PRICE: So Greg, this is -- you  
10 know, hasn't been an operating facility for many  
11 years. So we don't have the advantage of knowing how  
12 any operation works in this location with the access  
13 management improvements.

14 And I think you've heard the concern of  
15 potential conflicts with vehicles not realizing they  
16 can't order, circulating back through into the parking  
17 lot. It does feel like the queuing is not going to be  
18 as deep or I guess crowded with this online ordering  
19 system.

20 But I guess it's -- I'm hearing the concern  
21 that as cars circle back through, cars are coming in  
22 from the inbound lane only, have we created a lot of  
23 internal crisscrossing and conflict points?

24 MR. McMAHON: We wouldn't anticipate that.  
25 But again, this is a -- these pickup windows are a new

1 concept. I believe there's a Chipotle very similar to  
2 this with the same pickup that's been just -- well,  
3 constructed in the recent year on Empire Boulevard.

4 Some of the data that we're getting, we're  
5 getting from there. There will be more data. It  
6 is --

7 MR. DANIELE: Amy -- sorry. Amy did visit  
8 the new Chipotle -- Anthony Daniele, property owner.

9 Amy did visit the new Chipotle on Empire  
10 Boulevard. And we actually visited that just to look  
11 at that.

12 And it does appear to have less queuing.  
13 Again, I can't say we sat there for days and days and  
14 days.

15 We also did ask Chipotle if they have data  
16 for some of their newer locations. And it definitely  
17 is a different model. I can think for internal  
18 circulation purposes, one of the things, you know,  
19 we've noticed as part of the AMP, internal signage is  
20 going to be critical.

21 People seem to be getting better and better  
22 at it. The Sakura Home, the tanning salon, the hotel  
23 next door. As soon as the AMP was built, there was a  
24 little confusion, how do I get to the traffic signal?

25 There is some guidance signage back there.

1 But on this site, specifically where cars exit the  
2 drive-through, just making sure that it's crystal  
3 clear that you don't make a right. And then you left  
4 and then it's one lane only.

5 Fortunately I think Chipotle will be busy  
6 enough that there will be a -- you know, a decent flow  
7 of cars coming in. So it will be obvious that, you  
8 know, don't be a moron and try to make that right  
9 because, you know, you're heading the wrong way down a  
10 one-way road.

11 But, you know, that's how it was designed  
12 with the AMP, with the access management plan. So,  
13 you know, we are kind of living with that design,  
14 which I think is good because it did eliminate the  
15 curb cut and the Comfort Inn Hotel, which I think was  
16 ultimately the goal of both the Town and the DOT was  
17 to eliminate a couple curb cuts along that corridor.

18 CHAIRPERSON PRICE: You literally can't go  
19 across the access drive exiting the drive-through, go  
20 to the hotel and then take a right or left out. Is  
21 that curb --

22 MR. DANIELE: So you could go straight as  
23 you exit the drive-through, go in front of the hotel  
24 over to City Mattress where you can make a right-out  
25 only.

1 But in fairness the internal signage will  
2 promote people to go to the back, make a left and go  
3 to the traffic signal. Just because generally,  
4 you know, you can't start explaining to people that  
5 you can go this way if you want to make a right-out  
6 only, but if you want to make a left -- so the  
7 encouragement will be to exit, go to the back of the  
8 property and go to the signal because that's just the  
9 safest movement. And that's what you want to teach  
10 them that --

11 MR. FADER: The right-turn only, you can't  
12 exit through that?

13 MR. DANIELE: On this property?

14 MR. FADER: Yeah.

15 MR. McMAHON: No. It's enter only.

16 MR. FADER: Yeah. Just that whole thing --  
17 I mean, I don't have a problem with it being a  
18 drive-through point. But that is one of the more  
19 crazy dangerous things I've seen.

20 Why don't you just reverse the direction of  
21 the drive-through? I mean, the problem, of course, it  
22 would be the wrong side of the car.

23 MR. McMAHON: It's on the wrong side and  
24 also -- then you can't get your queuing. Instead of  
25 queuing back here, you're queuing at the entrance to

1 the property. And now you're getting into a bigger  
2 mess.

3 MR. BABCOCK-STIENER: Can you do more  
4 with -- I know that some of that is already built  
5 there. But where that curves from the drive-through  
6 to go back towards Monroe Avenue, there's that hat --  
7 I see. I'm looking at the site plan. I see a hatched  
8 line. It looks like there's a curb there, but it's  
9 not there. Could you do something more with that? I  
10 don't know how much is already built, but could you do  
11 more -- swoop that curve around a little bit more to  
12 provide more kind of like -- that follows through that  
13 you're supposed to be curving around.

14 MR. DANIELE: The short answer is, yes. And  
15 that makes sense because it restricts and makes it  
16 more obvious that you can't get out that way.

17 I would say that we'd probably just want to  
18 check with the Fire Marshall because if I recall  
19 correctly, there might have been a conversation about  
20 a fire truck getting on the property and not making it  
21 weird so that fire trucks can't get in. But I'm not  
22 positive on that.

23 MR. McMAHON: We'll take a look at it. One  
24 of the comments from staff was to present the turning  
25 radiuses for a fire truck, which we've done. And if

1 we can accommodate the fire truck and do something  
2 with that curb, that's -- it's an easy fix. We can  
3 take care of that.

4 MR. BABCOCK-STIENER: Thank you.

5 MR. FADER: Can you make a mountable curb go  
6 up over it?

7 MR. McMAHON: Sure. A lot of options. Like  
8 you say, mountable. We'll definitely look at that.

9 MR. GORDON: Just further on David's concern  
10 about what different pathway could be taken, since  
11 pickup customers are going to have to loop around and  
12 exit at the traffic light, why couldn't those very  
13 same customers enter at the traffic light and link  
14 into that drive-through lane and just have them go in  
15 and out at the traffic light and forget about this  
16 curb cut that's going to cause conflict?

17 MR. DANIELE: You know, I think -- we have  
18 talked about that. You know, the reality is having  
19 already eliminated a couple curb on Monroe Avenue, you  
20 start getting into a situation where, you know, the  
21 amount of burden that we're putting on the Sakura Home  
22 driveway. You know, he does have a business there.  
23 And we've already kind of funneled a lot of cars,  
24 certainly exiting. He is -- he would prefer not to  
25 add any more traffic going through his parking lot.

1 And I am not sure that he would be amenable to that.

2 MR. GORDON: Well, under the cross access  
3 easements under the access management plan, I don't  
4 think he would have a right to object though either;  
5 right?

6 MR. DANIELE: Yeah. I also -- and another  
7 point is some of the folks that miss entering the  
8 Comfort Inn Hotel at City Mattress, pass Comfort. And  
9 then they use that entrance and loop around to the  
10 hotel. So now you're kind of forcing them out.

11 As far as the access management plan, I  
12 haven't read it lately. I know you and I have read it  
13 several times. But the -- I believe the property  
14 owners have to agree to the general plan. I don't  
15 know about the exact detail on that. We can look at  
16 it.

17 But, you know, we would certainly prefer not  
18 to eliminate any more curb cut than, you know, we  
19 already have along there.

20 MR. FADER: Who's liable if people start  
21 getting injured there? Does it come back to us?

22 MR. GORDON: Are you asking if somebody is  
23 injured in a traffic accident, a pedestrian is struck  
24 or there's a vehicular collision, who's going to get  
25 sued?



1 MR. FADER: Yes.

2 MR. GORDON: Everyone in sight.

3 MR. FADER: Okay.

4 MR. DANIELE: Yeah. So it is private  
5 property outside of the right-of-way. And all of the  
6 members of the access management plan, all those  
7 businesses share liability insurance that names the  
8 others.

9 So in theory there's a lot of insurance. So  
10 it's not public -- you know, it's not a town road, if  
11 that's your question. But even a town road I don't  
12 think the Town is necessarily a hundred percent  
13 liable.

14 MR. GORDON: Doesn't mean we don't get sued.

15 MR. DANIELE: But it is private property and  
16 it is insured by the property owners as a group.

17 MR. GORDON: There's been lawsuits started  
18 against the Town that have no merit whatsoever  
19 sometimes. That can happen.

20 MR. FADER: Well, hopefully it's slow enough  
21 where people wouldn't get hurt.

22 CHAIRPERSON PRICE: Greg, I think the only  
23 thing that I might advise is maybe some gore striping  
24 across that bailout so that pedestrians have some  
25 understanding that there's potentially a car coming

1 through there.

2 MR. McMAHON: Are you talking about in the  
3 crosswalk?

4 CHAIRPERSON PRICE: In the crosswalk.

5 MR. McMAHON: Just a bolder striping detail.

6 CHAIRPERSON PRICE: Yeah.

7 MR. McMAHON: Yes. I understand. We can --  
8 that's -- that's easily done. And I think we do it  
9 for both the cross -- the bailout and for the  
10 pedestrians crossing at the exit for the  
11 drive-through.

12 CHAIRPERSON PRICE: Okay. At one time did  
13 we have -- I'm not advocating this at this point. But  
14 at one point did we have some crosswalk over to the  
15 hotel? Did we have that?

16 MR. McMAHON: We have a crosswalk --  
17 originally we had handicap parking across -- over in  
18 this area we had a crosswalk going over to the  
19 handicap parking area. But we've relocated the  
20 handicap.

21 And I don't think there was ever an intent  
22 to have a crosswalk over to the hotel.

23 CHAIRPERSON PRICE: It's too busy right  
24 there. Okay.

25 MR. DANIELE: And there are full sidewalks

1 on Monroe Avenue.

2 MR. McMAHON: We did provide the connection  
3 out to the Monroe Avenue sidewalk.

4 CHAIRPERSON PRICE: And that's not too steep  
5 there? That's accessible --

6 MR. McMAHON: Yeah.

7 CHAIRPERSON PRICE: -- that section of  
8 sidewalk?

9 MR. McMAHON: Yes.

10 CHAIRPERSON PRICE: Other questions?

11 Has this been to ARB yet.

12 MR. McMAHON: We go on January 4th. Oh, I'm  
13 sorry. We go to -- we have two variances we've  
14 requested.

15 CHAIRPERSON PRICE: Okay.

16 MR. McMAHON: And that application is going  
17 to be heard on January 4th. We have a variance for  
18 coverage.

19 The existing project -- or the existing site  
20 exceeds the coverage. We're adding 300 square feet of  
21 impervious. So we upped that very slightly.

22 We also have a variance for parking closer  
23 than 10 feet to a property line. And again, we're on  
24 January 4th. So those variances were previously  
25 granted as part of the Mamasan's.

1 CHAIRPERSON PRICE: You're just getting  
2 them --

3 MR. McMAHON: We're getting them --

4 MR. GORDON: They expired.

5 MR. McMAHON: Yeah. And we also as part of  
6 this application is a application for a conditional  
7 use permit. We have outdoor dining, a small concrete  
8 patio in front and the drive-up window.

9 CHAIRPERSON PRICE: Now, assuming  
10 somebody -- you know, your model is that somebody  
11 orders this, comes and drives through. But can you  
12 drive in and walk through the line the way you do at  
13 any other Chipotle stores? So there's still the --

14 MR. DANIELE: Yes. There's still the option  
15 to park and go in the old fashioned way and order at a  
16 counter and sit down and eat there. Less common than  
17 usual then it used to be, but it is still possible.

18 And to answer your question, I know we  
19 have --

20 MR. LADUE: Jeff LaDue, architect. We did  
21 go to ARB last night. And there were three comments.  
22 I guess primary -- you know, additional comments.

23 But one to know is -- the question regarding  
24 the canopy structure and how that's supported. It's  
25 basically a structure that's supported off the

1 building steel. It doesn't have any -- basically any  
2 diagonal bracing on it. It basically just sort of  
3 sits propped from the building.

4 That wasn't -- they wanted to have some  
5 detail regarding that. So we put that together to  
6 provide with the comments or the questions that have  
7 come today this morning.

8 Another comment was about the swinging of  
9 the mechanical equipment or any rooftop equipment. So  
10 the parapet on the building is roughly short of 5  
11 feet, which is -- basically sits at the highest point  
12 of the highest piece of equipment planned for the  
13 roof, which also is inclusive of the roof curbing.  
14 The tallest rooftop unit is a little over 5 feet.

15 The parapet does vary because the roof  
16 slopes. So the lowest point on the parapet is roughly  
17 4 foot 8. And it goes up to a little over 5 foot 4 in  
18 height.

19 The parapet goes around all four sides of  
20 the building.

21 There was some concerns about the property  
22 behind, the residential property. This site or the  
23 Pizza Hut or the proposed site sits further north, not  
24 directly in front of the apartment building. And the  
25 building itself sits up higher in elevation.

1           So the top of the parapet roughly say from  
2 finished grade is about 20 feet. It's -- it would be  
3 probably just below eye line if you're on the top  
4 floor of the apartment. So the likelihood of being  
5 able to screen any more to make any significant  
6 difference in what they'd be able to see from that  
7 distance is probably -- would be negligible.

8           The thing to note is that the properties  
9 that are immediately adjacent, one being the Dunkin  
10 Donuts and I think there's a couple others, the  
11 screening of those buildings actually is all forward  
12 towards Monroe Avenue where if you go to the rear of  
13 the property, the parapets are either lower or they  
14 don't exist. Where this proposed parapet would  
15 surround the entire building. So we think that would  
16 sufficiently screen that particular property of  
17 concern that was raised last night.

18           Then the other question was regarding build  
19 lighting. The only building mounted lighting  
20 currently proposed would be over the egress door,  
21 which unfortunately it's not shown on your current  
22 elevations. We will add that.

23           It's down light. It's a night sky compliant  
24 fixture.

25           There's three other proposed fixtures which

1 are basically a two inch cove light, basically a down  
2 light that is basically a strip light that sits both  
3 over the entrance door. In the canopy it's hidden.  
4 You won't see it. It's basically a glow over the  
5 door. Same thing at the drive-through canopy.

6 And then there's the accent panels that's up  
7 drive from the drive-through where it will sit in the  
8 soffit and would just basically provide a glow behind  
9 the access panel that's there.

10 So those were really the three items that.  
11 And then we'll address your comments. And then the  
12 plan would be to re-attend the tabled agenda at the  
13 next meeting and present that information to the  
14 Board.

15 CHAIRPERSON PRICE: Okay. Finishes and  
16 colors were --

17 MR. McMAHON: Yeah. We left all the  
18 finishes. There was nothing of concern voiced at the  
19 time. We weren't there for afterwards to know what,  
20 but they had all the finishes as posted on the  
21 elevations.

22 CHAIRPERSON PRICE: Okay. Thank you. Any  
23 questions?

24 MR. OSOWSKI: So I'm just curious. Will the  
25 Chipotle in Pittsford Plaza close when this one opens?

1           MR. DANIELE: The intent is -- I mean, I  
2       don't represent Chipotle, but the intent is to  
3       relocate the one in the Pittsford Plaza and to put it  
4       here. And that's because, you know, their new model,  
5       they just need a drive-through. People don't want to  
6       get out of their cars and parking over there is kind  
7       of tough.

8           MR. OSOWSKI: Thanks.

9           MR. GORDON: A question about the dumpster  
10      location. The dumpster is located in the rear  
11      southwest corner of the property. Engineering  
12      comments were that they may interfere with vehicular  
13      travel paths.

14           I know that the access management plan has  
15      access to the rear of the hotel, the neighboring  
16      property to the rest. Have you looked at that? Have  
17      you looked at those turning radiuses at that corner?  
18      What happens when that dumpster gets emptied? How  
19      does that block up all the traffic that's going to be,  
20      you know, going through this very busy new Chipotle  
21      and trying to access both the drive-through and get  
22      back out to the traffic light?

23           MR. McMAHON: It's already been relocated.  
24      It will appear on the revised plans we submit to the  
25      Town.



1 But on this plan it's located right at the  
2 end of the drive-through where the drive-through  
3 begins.

4 MR. GORDON: So you're saying it has been  
5 relocated. We just haven't seen those plans.

6 MR. McMAHON: You haven't seen those plans.  
7 It was updated when I prepared this display for  
8 tonight. But we've -- since the submittal there's  
9 been minor tweaks that Chipotle has proposed.

10 One was this little bit of sidewalk. And  
11 those will all be reflected when we resubmit this on  
12 the 3rd for the next Planning Board meeting.

13 MR. GORDON: Just to sort of bring it full  
14 circle then, I think we started talking about whether  
15 the site plan accurately reflects conditions. You  
16 said that they were existing conditions.

17 I assume that you're aware of the  
18 engineering report and comments regarding the general  
19 plans that -- at least according to the Town engineer,  
20 he says the site and the grading plans do not appear  
21 to accurately reflect various improvements made on the  
22 site as part of the access management plan.

23 He goes on to comment, our review of the  
24 plans cannot be completed until updated survey  
25 information is provided on the plans and reconciled

1 with the proposed improvements.

2 Obviously you'll address that with him.

3 MR. McMAHON: Well, I mean, this does  
4 reflect the survey and the conditions on the site.

5 I mean if Evert wants, we can walk it with  
6 him if he wants to walk it. But we'll resolve that  
7 with him.

8 MR. GORDON: But what you did just know was  
9 you gestured to the drawing you prepared for tonight  
10 saying "this" is the drawing that reflects the actual  
11 conditions.

12 I think we're concerned with making sure  
13 that the final revised site plan that you're asking  
14 this Board to approve has everything on it that you're  
15 asking us to approve and is consistent.

16 MR. McMAHON: Right. What I'm referring to  
17 are the existing conditions out there today were  
18 surveyed. And the entrance in and the connections  
19 across the back and the parking reflect the as-built  
20 conditions.

21 The site plans, we have made some tweaks  
22 since they were submitted. They're going to be -- in  
23 order to address all the comments, there will be more  
24 revisions made to these plans. And they'll be  
25 resubmitted with a response to all the comments in

1 time to be on the agenda for the next Planning Board  
2 meeting.

3 MR. DANIELE: Yeah. And I think we'll have  
4 to -- we'll have to circle around with the Town  
5 engineer because, you know, with what he's saying --  
6 before he did his drawings, they went out there and  
7 surveyed after the AMP was complete.

8 So he is saying that these drawings reflect  
9 the actual post-AMP construction condition, which is  
10 where he needs to start and I'm assuming where the  
11 Town would like it to finish. Because we're not  
12 trying to redo the AMP. Whatever we do has to blend  
13 with the AMP.

14 So we have to figure out where that  
15 comment -- what he's talking about exactly.

16 MR. GORDON: And I can't tell you exactly  
17 where those differences are. I'm not an engineer so I  
18 can't --

19 MR. McMAHON: We'll work closely with the  
20 engineering department. And we've got, you know,  
21 several --

22 MR. GORDON: Let me just ask -- I'm a little  
23 unclear since you're revising plans and tweak things a  
24 bit, what are you looking for this Board to do  
25 tonight, if anything?

1 MR. DANIELE: I think the only thing we  
2 would expect is maybe SEQRA. But I know that -- I  
3 think we have to go to zoning first before you can  
4 really take any action.

5 CHAIRPERSON PRICE: Yeah. You know, if the  
6 ARB's final approval was pending, then the condition  
7 we could leave -- I don't know that we've ever just  
8 proceeded with a preliminary or final. We might as  
9 well just do both when you have the variances.

10 MR. McMAHON: I think that was our  
11 assumption coming in here tonight is that we would be  
12 addressing comments and coming back to you on the  
13 18th.

14 MR. DANIELE: So our goal would be to come  
15 back in January for preliminary and final and make  
16 sure that we've addressed any comments that would have  
17 come up today from this Board.

18 CHAIRPERSON PRICE: Okay. Thank you.

19 MR. GORDON: That's all I have.

20 MR. HAREMZA: Nothing further.

21 CHAIRPERSON PRICE: All right. Thank you.

22 MR. McMAHON: Thank you.

23 CHAIRPERSON PRICE: This is a public  
24 hearing. Is anyone interested in addressing this  
25 application? Thank you.

1     **Application 12P-03-22**

2             Application of Faith Tabernacle Church,  
3     owner, and Eric Johnson, agent, for Site Plan  
4     Modification to reconstruct the parking field and  
5     install new pole lighting on property located at 1876  
6     Elmwood Avenue. All as described on application and  
7     Plans on file.

8             MR. MAHOY: So my name is Shaughnessy Mahoy.  
9     I'm a project manager with Passero Associates here on  
10    behalf of our client, which is Faith Tabernacle  
11    Church. I appreciate this opportunity to address the  
12    Board.

13            I'll just put the -- I don't know where the  
14    best place to put this for everyone to see it is.

15            CHAIRPERSON PRICE: Maybe -- yeah.

16            You guys aren't here for this application?  
17    All right. Thank you.

18            MR. MAHOY: So we're here seeking site plan  
19    approval for repaving the parking lot and replacing  
20    some old and outdated lights.

21            The project is located at Faith Church and  
22    Destiny Christian school site, which is 1876 Elmwood  
23    Avenue, which is down the street.

24            It's an existing site. It's zoned  
25    residential low density B or RLB. There's no change

1 to the existing use.

2 The parking lot's in bad shape. The lights  
3 are old and inefficient. And we're in need of light  
4 pole bases. They're cracking and crumbling. So we're  
5 just doing a replacement of pavement and lights,  
6 upkeep.

7 Originally we were going through the  
8 administrative process to get approvals because we  
9 were -- originally we were just going to do the  
10 pavement at this time. And the client -- eventually  
11 it was going to be the lights. And we were going  
12 through the administrative approval process. We were  
13 pretty close to getting final approvals. But we kind  
14 of ran out of time to do the construction before  
15 school started.

16 So the client decided to push it off until  
17 the spring when school gets out. And at that point we  
18 talked with them. They said put the lights in now as  
19 opposed to waiting.

20 So that's why we're before the Board today.  
21 We threw the lighting in there. We also after  
22 discussing it with the client decided to take out the  
23 porous pavement, which was originally part of the  
24 green infrastructure and putting a stormwater  
25 separator. It's lower maintenance, lasts a lot

1 longer. It was a better option.

2 So with the lighting, you know, there's a  
3 question about the existing lights and the proposed  
4 lights. Right now there are 10 foot tall light poles  
5 out front. We have 13 foot and 20 foot light poles in  
6 the back. They're older. They're non -- they're not  
7 dark sky compliant.

8 What we're proposing is 10 foot light poles  
9 in the front, the same as we have now, and 20 foot  
10 light poles in the back. So there will no longer be  
11 13 foot light poles. It will look very similar to  
12 what -- as far as the light pole height is what  
13 they've got. But it'll be updated, LED lights. It'll  
14 be fully dark sky compliant. The 300 -- excuse me.  
15 3,000 Kelvin lights with shields.

16 So in reality it should make the lighting  
17 situation better for the neighbors.

18 CHAIRPERSON PRICE: Better meaning no glare  
19 going off-site?

20 MR. MAHOY: Yeah. They should notice --  
21 there should be less light pollution. Or no light  
22 pollution I should say.

23 So we got a lighting plan in there. You'll  
24 see at the property boundary where it actually gets to  
25 the property boundary, it's only .1 foot candles at

1 that boundary. And there's only a few places where it  
2 even reaches the property line.

3 CHAIRPERSON PRICE: I forgot your name. I'm  
4 sorry.

5 MR. MAHOY: Shaughnessy Mahoy.

6 CHAIRPERSON PRICE: Shawn?

7 THE WITNESS: Shaughnessy. You can call me  
8 Sean.

9 CHAIRPERSON PRICE: Do you have LP light  
10 poles on the plans? They're not as black as some of  
11 the ones in the middle. Are the perimeter light is  
12 being replaced as well?

13 THE WITNESS: All the lights are being  
14 replaced.

15 CHAIRPERSON PRICE: All the lights.

16 MR. MAHOY: So there's a few lights being  
17 completely pulled out and removed and a couple new  
18 lights put in. But for the most part we're taking out  
19 the old lights and poles and putting in new lights and  
20 poles in the same spot.

21 So where you see the darker symbols, those  
22 are brand new. And where you see the lighter symbols,  
23 those are just replacements.

24 CHAIRPERSON PRICE: Okay. All right. So  
25 there's a double headed new one in the middle



1 essentially. And then one, two, maybe three new ones  
2 that are around the perimeter towards -- I guess that  
3 is towards the east side.

4 MR. MAHOY: Yeah.

5 CHAIRPERSON PRICE: You know, several -- all  
6 around the perimeter.

7 MR. MAHOY: Which are replacements, correct.

8 CHAIRPERSON PRICE: Which are replacements.  
9 So you're just putting it right back where they are  
10 and the electric's already to them, so --

11 MR. MAHOY: I think at least for some of  
12 them they'll be running new electric. But -- but no  
13 more than they have to obviously.

14 CHAIRPERSON PRICE: Okay. And you said  
15 instead of putting in permeable pavement, you're  
16 putting in a structure to do water quality management?

17 MR. MAHOY: Correct. I don't know how  
18 familiar the Board is with that, but it's a vortex  
19 separator. It's a proprietary practice. It'd been  
20 approved by the NJCAT board, which is what New York  
21 uses when approving proprietary practices. So it's  
22 one that we've used on a lot of projects throughout  
23 the state.

24 CHAIRPERSON PRICE: What's the brand name of  
25 it?

1           MR. MAHOY: We're proposing the hydro  
2 international, which is done by ADS.

3           And just one note about that practice. One  
4 of the reasons we're going with that as opposed to  
5 porous pavement, if they -- if anyone doesn't keep up  
6 with it for a few years, the worst thing that will  
7 happen is the sediment trap at the bottom will get  
8 full. And the flow will still go through it. It  
9 won't flood anything, change any flow designs. And  
10 the City would come in, vacuum it out. It will be  
11 working essentially the same as when you first  
12 installed it. So it's very forgiving in that sense.

13           CHAIRPERSON PRICE: Okay. You do use a  
14 hundred percent of this parking lot I assume at  
15 various times.

16           MR. MAHOY: You're saying do they use the  
17 parking lot?

18           CHAIRPERSON PRICE: Yes. The parking lot  
19 itself is at capacity. Do you --

20           MR. MAHOY: I would have to check with the  
21 client to know for sure. They haven't expressed any  
22 issues of having -- I know that it gets filled up  
23 during the school year. But I don't know if it's at a  
24 hundred percent capacity or just most of it. I  
25 couldn't answer that question.

1 CHAIRPERSON PRICE: More out of curiosity.  
2 It's a lot of pavement.

3 MR. MAHOY: It is.

4 CHAIRPERSON PRICE: You start getting that  
5 far from the school, people don't tend to use parking  
6 space that far out.

7 MR. MAHOY: Yeah.

8 CHAIRPERSON PRICE: And part of the project  
9 could be to reuse the amount of pavement.

10 MR. MAHOY: I can talk with the client about  
11 that.

12 CHAIRPERSON PRICE: Any questions? Karen,  
13 you all set?

14 MS. ALTMAN: Yeah. All set. Thank you.

15 MR. OSOWSKI: I have a question about the  
16 construction schedule. So how long -- how much time  
17 do you expect the parking lot to be out of commission,  
18 unavailable?

19 MR. MAHOY: So if school is not in, they can  
20 go in and do the whole parking lot. I mean, it's  
21 still used as a church and there's still offices and  
22 stuff there. But there will be minimal traffic when  
23 school's not in.

24 But they'll be able to basically just knock  
25 it out in a few weeks is what the contractor was

1 estimating, as far as getting it back to where it's  
2 usable.

3 It'll take a little longer to get top coarse  
4 and all of that on it. But as far as getting it back  
5 to where people can use it, he was estimating a couple  
6 weeks. But that's dependent on the weather, things  
7 like that.

8 MR. OSOWSKI: Because there'll be some point  
9 in time where there will be very minimal parking on  
10 the site. So say school is in session, but people  
11 going to church on Sunday, where will they be expected  
12 to park? Or they will be told to stay away for a few  
13 weeks?

14 MR. MAHOY: Well, they obviously won't tell  
15 people to stay away from church for a few weeks. But  
16 the owner has been in -- has talked with the  
17 contractor about that. And it's not uncommon to kind  
18 of do one side first and the other side later.

19 Once they get stone back down before they  
20 pave it, people can start using it again. So they are  
21 taking that into consideration. But that's a little  
22 more means and method. So I don't know exactly how  
23 they're going to face that, but they have --

24 MR. HAREMZA: Perhaps this is an opportunity  
25 for interdenominational sharing with Temple B'rith

1 Kodesh across the street.

2 MR. OSOWSKI: Shuttle bus, sure.

3 MR. HAREMZA: Oh, it's walkable.

4 CHAIRPERSON PRICE: Bike share.

5 MR. OSOWSKI: Will the old asphalt -- when  
6 it's removed, will it be ground up and reused on-site  
7 or sold to somebody else who will reuse it?

8 MR. MAHOY: So there is the option to grind  
9 it up and use it, but only if it meets the  
10 specifications and gradations of the subbase.

11 As far as the stuff that's pulled off-site,  
12 whether the contractor will sell that or use it  
13 somewhere else, that I don't know. But it will -- but  
14 anything that's not used, has to be removed from the  
15 site and disposed of in accordance with New York law.

16 MR. OSOWSKI: All right. Thank you.

17 CHAIRPERSON PRICE: Ken?

18 MR. HAREMZA: Just a few questions. And I  
19 apologize if I missed this.

20 Is the total number of parking spaces  
21 changing at all from existing to proposed? Are they  
22 grabbing anymore around the edges or -- and I may have  
23 missed that if that was on the drawings.

24 MR. MAHOY: So we had -- we didn't have a  
25 number of parking spaces noted on the plans. We plan

1 on putting the striping back the way it is with the  
2 exception of the ADA parking spaces. Currently  
3 they're not up to code.

4 So we're going to bring those up to code and  
5 put in loading zones next to them. So there will be a  
6 small number of spaces that are lost due to that.

7 MR. HAREMZA: I think just to document the  
8 project for posterity, I think having those numbers  
9 would be useful.

10 And in terms of -- I know it wouldn't be  
11 much asphalt removal. But was any thought given to  
12 eliminating the eastern driveway and retaining the  
13 western one at the signalized intersection?

14 MR. MAHOY: So we have not discussed that.  
15 I don't know if they -- because the way drop off and  
16 stuff is, I don't know if they will want to do that.  
17 But that's something I can discuss with them. But no.  
18 We haven't talked about it.

19 MR. HAREMZA: Okay. Yeah. We just saw  
20 Chipotle people have to circle the building to get out  
21 again. Maybe possible to do.

22 And then finally, and you may have been  
23 discussing this with Bill, but the comments from the  
24 Town engineer regarding the hydrodynamic separator and  
25 addressing the Town engineer's comments on

1 documentation for that.

2 MR. MAHOY: So you're asking about providing  
3 the documentation?

4 So, yes. We will provide the caption -- so  
5 part of that is, it's a proprietary practice. And  
6 they have their own software. And it's calculated  
7 through their software.

8 So we won't have, you know, like a  
9 spreadsheet or anything like that to provide. But we  
10 can definitely provide what the runoff numbers for the  
11 design storm is and their report having entered those  
12 numbers, you know, the sizing and everything.

13 MR. HAREMZA: Right. Yeah. I'm not a  
14 stormwater expert, although I dabble.

15 But, you know, the comment was from the Town  
16 engineer that his review of the stormwater system  
17 design cannot be completed until this information is  
18 evaluated and incorporated into the SWPPP.

19 MR. MAHOY: Yeah. So I think -- and I will  
20 work with Evert to make sure that we provide him what  
21 he needs.

22 But I believe what he's asking for is the  
23 design storm -- the total runoff that's going to be  
24 going through. But we will provide it. We will work  
25 with him and provide whatever it is he needs.

1           MR. GORDON: Right. I think he just needs  
2 the data to see that the sizing and design meets New  
3 York State guidelines for all the stormwater handling.  
4 And we just need that because we don't have that now.

5           MR. MAHOY: Absolutely. We'll provide that.

6           MR. HAREMZA: Nothing further.

7           MR. GORDON: I just have one or two.

8           You talked a little bit about asphalt being  
9 taken out, ground up. Is it going to be stockpiled  
10 on-site?

11          MR. MAHOY: So during construction we've --  
12 on the site plan if you want me to pull it up. I  
13 don't know if you can see it.

14          But we have a location that we -- towards  
15 the back that we indicate stockpiling. But again,  
16 that's going to be a matter of where the contractor  
17 fills is the best place to stockpile it.

18          But at the end of the project, it's noted on  
19 there that he understands that all of it has to be  
20 removed from the site. It can't sit there for weeks  
21 or months or anything like that. It has to be  
22 removed.

23          MR. GORDON: We've had that problem. So  
24 that's why -- so there wouldn't be a problem with a  
25 condition that if -- all stockpiles of waste material



1 be removed from the project site upon completion of  
2 the project?

3 MR. MAHOY: I believe we have that noted in  
4 there, but I'll double check.

5 And to be honest, on this site there's  
6 really not room to leave it once they're ready to  
7 pave.

8 MR. GORDON: Sure. I know you said this and  
9 I wasn't fast enough taking notes. So there's light  
10 poles in the front and there's light poles in the  
11 back; yes?

12 MR. MAHOY: Correct.

13 MR. GORDON: All right. The ones in the  
14 front are currently how high?

15 MR. MAHOY: They're 10 foot.

16 MR. GORDON: And those 10 foot ones are  
17 going up to now 20.

18 MR. MAHOY: No. They will be replaced with  
19 10 foot light poles.

20 MR. GORDON: 10 for 10.

21 MR. MAHOY: There are 13 and a half foot  
22 light poles kind of in between towards the back of the  
23 building. Those will be replaced with 10 foot light  
24 poles.

25 MR. GORDON: With 10 foot light poles.

1 MR. MAHOY: 10 foot light poles.

2 And in the back where the larger parking  
3 area is, those will all be 20 foot light poles, which  
4 is what they have currently.

5 MR. GORDON: Right. So nothing is getting  
6 taller.

7 MR. MAHOY: No.

8 MR. GORDON: Got it.

9 CHAIRPERSON PRICE: Thank you. Okay. I  
10 think we've asked all our questions. Thank you very  
11 much.

12 Is there anyone that cares to address this  
13 application? Very good. Thank you very much.

14 So the next two applications are tabled  
15 until our February meeting.

16 MR. HAREMZA: Excuse me. Can I just ask one  
17 quick question? Will the Board address the SEQRA  
18 tonight?

19 CHAIRPERSON PRICE: Yes. We will probably  
20 do that. If you want to stick around or you can call  
21 Jason in the morning if you don't want to.

22 MR. MAHOY: Thank you.

23 CHAIRPERSON PRICE: So that Bristol Valley  
24 Homes and Kim Bailey, Stahl Properties are postponed  
25 until February.

1           That is the last public hearing. We have an  
2       advisory report -- review an advisory that we will be  
3       making to the Town Board on incentive zoning  
4       application for Quicklee's at 1950 and 1966 Monroe  
5       Avenue.

6           MR. GORDON: We do have representatives here  
7       for that.

8           CHAIRPERSON PRICE: Great. Good evening.  
9       Public hearings are closed for tonight.

10       (Public hearings concluded.)

11          MR. GOLDMAN: Good evening, Mr. Chairman,  
12       members of the Board. My name is Jerry Goldman. I am  
13       the attorney and agent for PEMM, LLC, who is the owner  
14       of the Quicklee's gas stations and convenience stores.

15          With me tonight on this request is John, who  
16       is from Land Tech Surveying and Planning.

17          As the Board may recall, all except for  
18       Peter, we were here about a year ago or a little bit  
19       more with redevelopment of the southeast corner of  
20       Monroe and Elmwood to try to refresh and upgrade the  
21       existing Mobil station on that corner.

22          This project is composed of two parcels.  
23       One was the original gas station proposal or property,  
24       and the property next door to it, which was the --  
25       which is currently occupied. It's actually a

1     hairedresser. Small site. Are looking to be  
2     redeveloped.

3             As the Board knows we were here with a site  
4     plan, which replicated what was existing on the site.  
5     And that's to have the gas pumps in the front and to  
6     have -- and to have the building in the rear.

7             The Board expressed a preference to see  
8     us -- to see us try to explore the prospect of  
9     bringing the building up to the corner to try to  
10    address Envision 2028 and a vision for the Monroe  
11    Avenue corridor in terms of bringing buildings to the  
12    street.

13            There was some challenge relative to that  
14    when it came down to dealing with relief that would be  
15    necessary. The relocation would have required a use  
16    variance, whereas the reconfiguration that we have  
17    proposed would be seeking lesser relief from the  
18    Zoning Board.

19            And as a result of all that, discussions  
20    ensued and the Town Board expressed a willingness to  
21    entertain this as an incentive zoning application with  
22    the caveat that we bring the building to the front,  
23    that we do everything we can from a design point of  
24    view to address a vision for the Monroe Avenue  
25    Corridor and particularly this corner.

1           We started the incentive zoning process  
2 pretty much toward the beginning of the year, if you  
3 will. And then we went to a number of meetings with  
4 the Town Board Public Works Committee to try to refine  
5 the site and to try to address their concerns and  
6 goals relative to the site development.

7           It also was reviewed by the ARB informally.  
8 And now we are back before this Board. In an  
9 incentive zoning referral, the Town Board has found  
10 that the incentive zoning was worthy of further  
11 consideration.

12           The next step, of course, is your board  
13 taking a look at it and determining what your  
14 recommendation would be and then going back to the  
15 Town Board for further proceedings.

16           I'll walk through some of the elements of  
17 the site plan. Actually I can physically carry this  
18 microphone. So I'm going to do that for the benefit  
19 of the stenographer and the record.

20           But the project itself does incorporate a  
21 lot of design elements that we like to see. There  
22 were a number of curb cuts. There were four curb cuts  
23 actually, two on Elmwood. Two on Monroe. We are  
24 reducing those to a single curb cut.

25           The design of the building itself is

1 something which was of particular interest and has a  
2 far more interesting look if you take a look at the  
3 architecturals, which came along with this.

4 The features of it include a covered patio  
5 in the front along with a design element in the front,  
6 which is, at least at this point, proposed to be a  
7 banner and a structure in that location.

8 In addition to that given the fact that we  
9 expect a lot of pedestrian cut through over here, as  
10 opposed to the green landscape, it was thought that  
11 the best thing to do was to create a hardscape  
12 treatment with some green landscaping around it.

13 So this is -- this is the plan that we have  
14 reviewed, of course. If the Town Board grants the  
15 incentive zoning, it will come back to the Planning  
16 Board for site plan review and the Architectural  
17 Review Board for final review on their part.

18 We also have an interesting design on the  
19 canopy. I believe it's a gable roof on there. And  
20 one of the features that we have is an EV station  
21 located at the rear of the site.

22 With that I know that you have a draft  
23 letter, which was in your packet relative to --  
24 relative to this referral. We've certainly taken a  
25 look at that. We find the letter itself to be

1 something we can work with. I think it's good that we  
2 have the comprehensive plan references that are  
3 located in there.

4 With that I don't want to hold people up  
5 this evening as we enter the holidays. So with that  
6 we'll stop and if any board members have any  
7 questions, we'll be glad to answer them.

8 MR. FADER: We don't have our own?

9 MR. GOLDMAN: I'm sorry?

10 MR. FADER: We don't get our own pictures?

11 MR. GORDON: You should have this -- do we  
12 not have this in the packet?

13 MR. GOLDMAN: Yeah. The packet should have  
14 contained the full incentive zoning --

15 MR. BABCOCK-STIENER: It's in the  
16 application packet.

17 MR. GORDON: If I can just spend -- if I can  
18 just spend two minutes just talking a little bit about  
19 the Planning Board's role here in the incentive zoning  
20 process.

21 Mr. Goldman has done an excellent job  
22 outlining the history of how this project got where it  
23 is today. It really was the Planning Board that led  
24 this initiative with its initial review of the project  
25 and the expression of this Planning Board to try to

1 have the building moved forward and the pumps moved  
2 back to enhance the streetscape.

3 So under our incentive Zoning Code  
4 specifically the Planning Board's role right now is to  
5 review the proposal and report to the Town Board with  
6 its evaluation of the adequacy with which the amenity  
7 fits the site.

8 And let me just stop there. The amenity  
9 here is the design of the project. And the EV  
10 stations. But it's primarily the design of the  
11 project.

12 And so what you're being asked to do is how  
13 does the design of this project meet the goals that  
14 this Planning Board envisioned when it said, we don't  
15 like pumps in the front and the building in the back.  
16 We want the building in the front and the pumps in the  
17 back. And how it relates to the adjacent uses and  
18 structures.

19 So really what you're looking at is  
20 traditional planning design and layout considerations  
21 for the project and making comment to the Town Board  
22 about this project, this particular site plan and  
23 whether everything's great or if there's things that  
24 you would like to see changed. Now is a good time to  
25 discuss those.



1           CHAIRPERSON PRICE: I've read the draft  
2 letter. I believe everything in this is accurate.

3           And I do endorse the project as it's morphed  
4 over time. There are some changes to it that are new,  
5 mostly with regard to the architecture.

6           But I think the fundamental fact that we  
7 moved the building to the front and the pumps to the  
8 back is -- I know the letter here to the Town Board  
9 states that, you know, this may be one of the first in  
10 Upstate. I think it is the first in Upstate. And I'm  
11 only aware of a couple in the midwest that have  
12 received any kind of publication and notice in some of  
13 the trade journals.

14           So this is very unique, not only to  
15 Brighton, but the greater Finger Lakes region and  
16 Western New York and a precedent that I would like to  
17 see us set, not only for gas station and convenience  
18 facilities, but for the principals of moving a  
19 building closer to the street, getting pedestrians to  
20 the point where it's not secondary to the vehicular  
21 activity. Where this design does really look to the  
22 safety of the pedestrians and certainly over where  
23 this particular site has been for the past probably  
24 60-plus years.

25           The reduction of curb cuts adjacent is

1 something that I would like to enter into the letter.  
2 Jerry reminded us that we do have -- at least what  
3 Jerry says. Two, three curb cuts that are being  
4 consolidated.

5 MR. GOLDMAN: We have two. We have one on  
6 each side being consolidated. And it should be  
7 pointed out because we moved the building to the  
8 front, it moves the curb cuts further away from the  
9 intersection, which also is a traffic and safety goal.

10 CHAIRPERSON PRICE: You also had a curb cut  
11 associated with the other property.

12 MR. GOLDMAN: Correct. Which would have  
13 been closer with the -- with the pumps in the front  
14 and the building in the back.

15 This was a wonderful example of, to my mind,  
16 how the process should work. The Planning Board  
17 really had a vision which the code hasn't really  
18 caught up with yet. And that was advocated to the  
19 Town Board.

20 We had a developer who was willing to do  
21 something that most gas station developers will not  
22 do, and that's to put the pumps in the back.

23 Also one other element, which you normally  
24 don't see, is that on the 2500 square foot building,  
25 they generally don't want to have two entrances. This

1 one has two entrances. The pedestrians have the  
2 benefit of being able to traverse coming off of either  
3 Monroe or Elmwood into -- right in and off the street.  
4 But there's also an entrance for those who are using  
5 gas and want to -- want to do both. And that's where  
6 the parking spaces are.

7  
8 MR. BABCOCK-STINER: Yeah. I love this. I  
9 think it's fantastic. It's really exciting to see. I  
10 think it's, you know, transformative for the corridor  
11 and for the intersection.

12 You know, I applaud the Town and the  
13 developer for this because they didn't have to go  
14 through this. I'm really excited. I like the  
15 architecture. I like that it's in size with the -- I  
16 can't remember. Where Starbucks is.

17 MR. HAREMZA: Twelve Corners Plaza.

18 MR. BABCOCK-STIENER: I think you guys did a  
19 fantastic job.

20 MR. GOLDMAN: Well, thank you. Thank you.  
21 And it came with a lot of suggestions, a lot of work  
22 from the Town Board, Town staff and everyone else.

23 So it was a cooperative effort to get to  
24 where this plan is.

25 MR. BABCOCK-STINER: And I agree with what

1 folks have said. I think -- I think this is a  
2 fantastic example of how the process could be used  
3 moving forward.

4 CHAIRPERSON PRICE: As to the letter, Karen,  
5 anything?

6 MS. ALTMAN: As someone who's walked past  
7 this site for years growing up, I am very, very happy  
8 to see this proposal and improvements to the site. I  
9 like the orientation towards landscaped area on the  
10 side that you're facing rather than a straight on  
11 squared up site.

12 And I'm very happy, of course, with the gas  
13 tanks behind the building. I was one of those who was  
14 really interested in seeing the building come up to  
15 the front and the tanks go behind and then the  
16 canopies go behind.

17 I think it's a great proposal. I've very  
18 happy to see it. And I appreciate the developer for  
19 the patience and also the additional investments in  
20 our town.

21 MR. GOLDMAN: Unfortunately due to the  
22 holidays, they couldn't make it tonight to hear your  
23 praises in person. But I'll certainly relay it back  
24 to them.

25 MR. FADER: I have nothing to add. I like

1 it.

2 MR. OSOWSKI: I'm -- yeah. I'm also pleased  
3 with it as well. I mean, there's the one double and  
4 one single pump island there now that you maintained.  
5 So there's three. You've been able to maintain those  
6 three. So I assume that that's adequate capacity to  
7 what you think you'll need.

8 MR. GOLDMAN: The developer is comfortable  
9 with this. I mean, one thing that you'll find with  
10 Quicklee's -- because sometimes people say, oh, I saw  
11 Quicklee's over there and I assume that's what you're  
12 going to build over here.

13 They're not -- they're not people who  
14 establish a prototype and say, this is what we're  
15 plopping down someplace. They have, in fact, you  
16 know, decided -- and we'll see when we come back with  
17 the East Avenue site -- that they do try to mesh with  
18 what the -- what the planning goals are for the area.

19 So, you know, it's a unique design. It's a  
20 design which is suited for this corner. You know, I  
21 can -- I can see them having challenges other places  
22 saying we want what Brighton has. But it may not work  
23 for there. But it clearly works for here.

24 MR. GRISEWOOD: I think it's all been said.  
25 Maybe you can get a Brighton lamppost for that.

1           MR. GOLDMAN: That's what we had. And  
2 that's the design we had I believe in the  
3 architectural plans is the little thing which is on  
4 your letterhead.

5           MR. GRISEWOOD: I'd like to see that.

6           MR. GORDON: Well, actually on the  
7 architecturals you don't have the harp lamp. But I  
8 know that comment was made at some meeting to someone  
9 at sometime.

10          MR. GOLDMAN: I saw it somewhere. But I'm  
11 not sure if it's in the plans that we have here.  
12 Nonetheless --

13          MR. GORDON: It's not on our plan.

14          MR. GOLDMAN: But nonetheless I -- I haven't  
15 heard any resistance to that idea from the Quicklee's  
16 people.

17          CHAIRPERSON PRICE: All right. So if you  
18 look at the letter as proposed, we wanted to add  
19 something regarding the reduction of curb cuts.

20                What else? We said one other thing. We are  
21 maintaining the same number of pumps. There's no  
22 increase in the number of pumps. We do mention the  
23 public plaza in front and two entrances.

24          MR. HAREMZA: I'm not sure the letter  
25 mentions that, but I did pick that up with your

1 discussion tonight. And I think that's a very good  
2 point.

3 CHAIRPERSON PRICE: Yeah. That's --

4 MR. GORDON: It does because it is something  
5 I will tell you from internal or public discussions  
6 that the developer struggled with a little bit. They  
7 had some security concerns, but ultimately conceded  
8 that if we're going to make the Monroe/Elmwood  
9 intersection area a publicly facing -- publicly  
10 receptive area that there needed to be an entrance  
11 there.

12 And, of course, there's the entrance on the  
13 pump side. So they did concede to that.

14 CHAIRPERSON PRICE: Under number 5, I guess,  
15 you know, this included a focal point/vertical  
16 feature. I know that a light pole with banners is  
17 proposed or maybe at least illustrated. But if the  
18 owners change, could we just call that a vertical  
19 decorative feature?

20 MR. GOLDMAN: Well, the sentence here  
21 modifies that and says this or a similar feature.

22 CHAIRPERSON PRICE: Oh, okay.

23 MR. GORDON: Just to make it clear though,  
24 the developer's open to other ideas that this Board or  
25 ARB or the Town Board might come forward with. I know

1       there was some interest by the Supervisor in having  
2       some sort of sculpture or some artwork or something  
3       like that. I think I heard mention of a fountain at  
4       one point in time.

5               So as long as that -- as long as that light  
6       pole isn't cast in stone.

7               MR. GOLDMAN: No. I -- I don't think it is.  
8       I think they struggled to come up with an element  
9       there. Of course, our people's initial thought was a  
10      clock. And that clearly was banned by the Town Board.  
11      Have to make sure all our clocks are synchronized --

12              MR. HAREMZA: Canandaigua National has a  
13      lock on the clock situation.

14              MR. GOLDMAN: Well, as does Twelve Corners  
15      Plaza, as does the fire department. I mean, we got to  
16      make sure all our clocks are lined up.

17              So to that extent we know it's not going to  
18      be a clock.

19              CHAIRPERSON PRICE: Jason, number 11, I  
20      don't -- it's minor. But can we just use LED lighting  
21      for the project instead of consideration should be  
22      given. I don't think anybody's using anything but LED  
23      right now.

24              MR. HAREMZA: I think that's fine. This was  
25      carried forward from a --



1 CHAIRPERSON PRICE: Sure.

2 MR. HAREMZA: -- prior project when LED  
3 lighting was probably not as dominant.

4 And I will thank you for your graciousness  
5 when you highlighted number 5. I thought you were  
6 going to point out the typo of the corner of Monroe  
7 Avenue and Monroe Avenue. So we will correct that in  
8 the --

9 CHAIRPERSON PRICE: Anybody else have --  
10 okay. I think you're good. We can have a motion to  
11 authorize the executive secretary to amend the letter  
12 and forward it to the Town Board.

13 MR. BABCOCK-STIENER: So moved.

14 MR. HAREMZA: Who was that?

15 MS. ALTMAN: Seconded.

16 CHAIRPERSON PRICE: Moved seconded. Jason  
17 and Karen. Please call the roll.

18 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
19 Mr. Fader, aye; Mr. Grisewood, aye;  
20 Mr. Osowski, aye; Mr. Price, aye.)  
21 (Upon roll motion carries.)

22 MR. HAREMZA: Thank you.

23 MR. GOLDMAN: Thank you very much. Just so  
24 you know next steps, we need to go back to the Town  
25 Board based on this recommendation. The Town Board

1 then determines again whether it's worthy of further  
2 consideration, starts the SEQRA process and schedules  
3 a -- if they think it's worthy further consideration,  
4 schedules a public hearing on the incentive zoning.

5 Upon completion of that process, we'll be  
6 back here for site plan approval assuming that the  
7 incentive zoning is approved.

8 So that will be somewhere hopefully in the  
9 spring and it will move forward.

10 CHAIRPERSON PRICE: February. Let's go.

11 MR. GOLDMAN: Believe me, our people are  
12 ready. Thank you.

13 (Start of decisions.)

14 CHAIRPERSON PRICE: Let's circle back around  
15 for decisions. The first one is 11P-02-22.

16 **Application 11P-02-22**

17 Application of Carl Grasta, owner, for  
18 Preliminary/Final Site Plan Approval and EPOD  
19 (watercourse) Permit Approval to construct a 2,700 +/-  
20 square foot single family house, with a 900 square  
21 foot detached garage on property located at 1  
22 Knollwood Drive. All as described on application and  
23 plans on file.

24 MR. BABCOCK-STIENER: I move we close the  
25 public hearing.

1 CHAIRPERSON PRICE: I'll second.

2 (Ms. Altman, yes; Mr. Babcock-Stiner, aye;

3 Mr. Fader, aye; Mr. Grisewood, aye;

4 Mr. Osowski, aye; Mr. Price, aye.)

5 (Upon roll motion to close the public

6 hearing carries.)

7 MR. FADER: I move the Planning Board find

8 that the proposed action will not have a significant

9 impact on the environment and adopts the negative

10 declaration prepared by Town staff; that the Planning

11 Board grant the watercourse EPOD permission; that the

12 Planning Board approves preliminary and final approval

13 for application 11P-02-22 based on the testimony

14 given, plans submitted and with the 22 conditions

15 outlined in the Planning Board report.

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

17 CHAIRPERSON PRICE: Moved and seconded. Any  
18 discussion?

19 Jason, all the conditions, you didn't hear

20 anything that needed -- any of the conditions that

21 need to be amended?

22 MR. HAREMZA: I did not.

23 CHAIRPERSON PRICE: The conditions cover

24 submittal of utility documents that you mentioned?

25 MR. GORDON: Yes. Condition 21 all comments

1 and concerns of Evert Garcia as contained in the  
2 attached memo shall be addressed.

3 CHAIRPERSON PRICE: Very good. Moved and  
4 seconded. Please call the roll.

5 **Conditions:**

- 6 1. The proposed house shall comply with the most  
7 current Building & Fire Codes of New York State.
- 8 2. As recommended in the report prepared by  
9 Foundation Design P.C., dated September 9, 2019,  
10 Foundation Design P.C. shall make a site visit during  
11 grading or footing excavation work to confirm the  
12 bearing soil conditions.
- 13 3. Staging and soil stockpile areas shall be shown on  
14 plans, with required erosion control.
- 15 4. Corner ground elevations for the proposed house  
16 shall be provided on the site/grading plan and on the  
17 architectural elevations.
- 18 5. All Monroe County Development Review Comments, if  
19 any, shall be addressed.
- 20 6. Prior to issuance of any building permits, all  
21 plans for utility and storm water control systems must  
22 be reviewed and have been given approval by  
23 appropriate authorities. Prior to any occupancy, work  
24 proposed on the approved plans shall have been  
25 completed to a degree satisfactory to the appropriate

1 authorities.

2 7. The height of the proposed house shall be shown on  
3 plans. Elevation drawings showing the height of the  
4 structure in relationship to proposed grade shall be  
5 submitted.

6 8. The applicant shall review the site plan,  
7 architectural elevations, and floor plans to ensure  
8 that the areas and dimensions provided on those plans  
9 agree with one another. Architectural elevations  
10 showing the height of the structure in relationship to  
11 proposed grade as shown on the approved site plan, and  
12 including ground elevations at the house corners,  
13 shall be submitted. Any changes to plans shall be  
14 reviewed by the Building and Planning Department and  
15 may require Planning Board approval.

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

18 10. Meet all requirements of the Town of Brighton's  
19 Department of Public Works.

20 11. The project and its construction entrance shall  
21 meet the New York State Standards and Specifications  
22 for Erosion and Sediment Control. Erosion control  
23 measures shall be in place prior to site disturbance.

24 12. The contractor shall designate a member of his or  
25 her firm to be responsible to monitor erosion control,

1 erosion control structures, tree protection and  
2 preservation throughout construction.

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

9 14. Maintenance of landscape plantings shall be  
10 guaranteed for three (3) years.

11 15. Any contractor or individual involved in the  
12 planting, maintenance or removal of trees shall comply  
13 with the requirements of the town's Excavation and  
14 Clearing (Chapter 66), Trees (Chapter 175) and other  
15 pertinent regulations and shall be registered and  
16 shall carry insurance as required by Chapter 175 of  
17 the Comprehensive Development Regulations.

18 16. Fire hydrants shall be fully operational prior to  
19 and during construction.

20 17. The location of any proposed generators shall be  
21 shown on the site plan. All requirements of the  
22 Comprehensive Development Regulations shall be met or  
23 a variance shall be obtained from the Zoning Board of  
24 Appeals.

25 18. All other reviewing agencies must issue their

1 approval prior to the Department of Public Works  
2 issuing its final approval.

3 19. A letter of credit shall be provided to cover  
4 certain aspects of the project, including, but not  
5 limited to demolition, landscaping, stormwater  
6 mitigation, infrastructure and erosion control.

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

11 21. All comments and concerns of Evert Garcia as  
12 contained in the attached memo shall be addressed.

13 22. A letter or memo in response to all Planning  
14 Board and Town Engineer comments and conditions shall  
15 be submitted.

16 (Altman, aye; Babcock-Stiner, aye;  
17 Mr. Fader, aye; Mr. Grisewood, aye;  
18 Mr. Osowski, aye; Mr. Price, aye.)

19 (Upon roll motion to approve with conditions  
20 carries.)

21 **Application 12P-01-22**

22 Application of Winton Acquisitions, LLC,  
23 owner, and Jason Dobbs, Pardi Partnership Architects,  
24 agent, for Conditional Use Permit Approval to allow  
25 for an indoor lacrosse training facility with

1 ancillary beverage/food service on property.  
2 Located at 3450 Winton Place. All as described on  
3 application and plans on file.

4 MR. BABCOCK-STINER: I'll move to close the  
5 public hearing.

6 CHAIRPERSON PRICE: I'll second.

7 Any discussion on closing the hearing?  
8 Okay. Jason, please call the roll.

9 (Altman, aye; Babcock-Stiner, aye;  
10 Mr. Fader, aye; Mr. Grisewood, aye;  
11 Mr. Osowski, aye; Mr. Price, aye.)  
12 (Upon roll motion to close the public  
13 hearing carries.)

14 MR. BABCOCK-STIENER: I move that the  
15 Planning Board finds that the proposed action will not  
16 have a significant impact on the environment and  
17 adopts the negative declaration prepared by Town  
18 staff.

19 I also move that the Planning Board adopts  
20 the eight findings outlined in the Planning Board  
21 report based on the application submitted and  
22 testimony presented; and that the Planning Board  
23 approves application 12P-01-22 with the five  
24 conditions outlined in the Planning Board report.

25 MR. FADER: Second.



1 CHAIRPERSON PRICE: Moved and second.

2 MR. FADER: You said five conditions?

3 MR. BABCOCK-STIENER: Yes. Five conditions  
4 and there were eight conditions with the conditional  
5 use permit.

6 CHAIRPERSON PRICE: Okay.

7 MR. GORDON: Would you accept a friendly  
8 amendment to your motion so that when you referred to  
9 the eight findings, we say the eight findings on the  
10 conditional use permit application.

11 MR. BABCOCK-STIENER: Absolutely.

12 MR. GORDON: That's okay with you,  
13 Mr. Fader?

14 MR. FADER: It is.

15 CHAIRPERSON PRICE: Moved and seconded as  
16 amended with the motion. Any further discussion?  
17 Okay. Jason, please call the roll.

18 Conditional Use Permit Findings:

19 1. The Planning Board finds that the proposed use, a  
20 commercial recreational facility within a fully  
21 enclosed building, complies with the standards of the  
22 General Commercial (BF-2) District.

23 2. The Planning Board finds that the proposed use, a  
24 commercial recreational facility within a fully  
25 enclosed building, is in harmony with the purpose and

1 intent of Code Sections 217-3 through 17-7.2  
2 (Conditional Uses). The location and size of the  
3 facility, the intensity (hours of operation), size of  
4 the site and access have all been considered in the  
5 Board's review.

6 3. The Planning Board finds that the establishment of  
7 an indoor recreational facility in this location, on a  
8 property currently being used for commercial uses, in  
9 a General Commercial will not be detrimental to  
10 persons, detrimental or injurious to the property and  
11 improvements in the neighborhood, or to the general  
12 welfare of the Town.

13 4. The proposed use will be in an existing building  
14 and will not:

15 A. Result in the destruction, loss or  
16 damage of any natural, scenic or significant  
17 historical resource.

18 B. Create excessive additional  
19 requirements for public facilities and services and  
20 will not be detrimental to the economic welfare of the  
21 community.

22 C. Result in the loss or damage to trees.

23 5. The Planning Board finds that the indoor  
24 recreational facility in an existing building on a  
25 site designed and built for such commercial uses will

1 be adequately served by essential public facilities.

2 6. The proposed indoor recreational facility  
3 essentially conforms to the Town Master Plan: Envision  
4 Brighton 2028. Specifically, the Economic Vitality  
5 Policy Statement and Objectives:

6 A. Objective B: Foster a mix of  
7 residential and *commercial investment that promotes*  
8 *the vitality*, density, and walkability of *local*  
9 *activity centers* [emphasis added].

10 Note: Winton Place is a recognized activity  
11 center within the Town and this commercial investment  
12 in recreational facility promotes the vitality of what  
13 has been, to date, largely a mid-20th century vehicle  
14 oriented retail development.

15 7. The location and size of the proposed indoor  
16 recreational facility conditional use, the nature and  
17 intensity of the operations involved, its site layout  
18 and relation to existing pedestrian and vehicular  
19 circulation are such that the proposed facility will  
20 not be hazardous or inconvenient to or incongruous  
21 with the surrounding uses on this large commercial  
22 site. Nor the neighboring commercial uses across  
23 South Winton Road and across the Town line in the Town  
24 of Henrietta. The proposed facility will not be in  
25 conflict with the normal traffic of the neighborhood.

1 8. The location, height, and south-facing orientation  
2 of the existing buildings in which the proposed  
3 conditional use will operate and the nature and extent  
4 of the existing landscaping on the site are such that  
5 the proposed indoor recreational facility conditional  
6 use will not hinder or discourage the appropriate  
7 development and use of adjacent tenant spaces within  
8 the site and adjacent land and buildings.

9 **Conditions:**

10 1. Meet all requirements of the Town of Brighton's  
11 Department of Public Works.

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

14 3. No outdoor activities, no outdoor live or  
15 broadcast music or other entertainment, and no outdoor  
16 food preparation.

17 4. Comply with the Town of Brighton Noise Ordinance.

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

20 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
21 Mr. Fader, aye; Mr. Grisewood, aye;  
22 Mr. Osowski, aye; Mr. Price, aye.)

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

25 **Application 12P-02-22**

1           Application of Daniele Family Companies,  
2     owner, for Preliminary/Final Site Plan Approval,  
3     Preliminary/Final Conditional Use Permit Approval and  
4     Demolition Review and Approval to raze a commercial  
5     building and construct a 2,325 +/- square foot  
6     restaurant with outdoor dining and a drive-thru  
7     pick-up only window on property located at 2735 Monroe  
8     Avenue. All as described on application and plans on  
9     file.

10           MR. FADER: I move that application  
11     12P-02-22 be tabled based on testimony given and plans  
12     submitted and additional information is requested in  
13     order to make a determination of significance and have  
14     a complete application.

15           The 29 items outlined in the Planning Board  
16     report are required to be submitted no later than two  
17     weeks prior to the next Planning Board meeting.

18           MR. BABCOCK-STIENER: Second.

19           CHAIRPERSON PRICE: Moved and seconded. Any  
20     discussion?

21           Go ahead, Jason.

22           MR. HAREMZA: Just clarification for my  
23     point. So the public hearing will remain open?

24           CHAIRPERSON PRICE: Everything is -- it's  
25     tabled essentially. So it remains open.

1 MR. HAREMZA: Okay. Thank you.

2 Following Items to be Addressed:

3 1. Obtain required Architectural Review Board (ARB),  
4 Historic Preservation Commission (HPC), and Zoning  
5 Board of Appeals (ZBA) approvals.

6 2. All Monroe County comments, if any, shall be  
7 addressed.

8 3. The proposed building shall be sprinklered in  
9 accordance with Town requirements.

10 4. The location of any HVAC or other mechanicals  
11 and/or generators shall be shown on the site plan  
12 along with details of their proposed screening.

13 5. The dumpster shall be enclosed with building  
14 materials that are compatible with the existing  
15 building and located in the rear yard. The enclosure  
16 shall equal the height of the dumpster and shall not  
17 be higher than ten (10) feet. The proposed material  
18 shall be shown on plans and shall be approved by the  
19 Building & Planning Department.

20 6. There shall be no outdoor storage or display  
21 without further approval by the Planning Board.

22 7. The entire building shall comply with the most  
23 current New York State Fire Prevention and Building  
24 Code.

25 8. Prior to issuance of any building permits, all

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

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

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

12 11. Erosion control measures shall be in place prior  
13 to site disturbance.

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

18 13. Maintenance of landscape plantings shall be  
19 guaranteed for three (3) years. Any contractor or  
20 individual involved in the planting, maintenance or  
21 removal of trees shall comply with the requirements of  
22 the town's Excavation and Clearing (Chapter 66), Trees  
23 (Chapter 175) and other pertinent regulations and  
24 shall be registered and shall carry insurance as  
25 required by Chapter 175 of the Comprehensive

1 Development Regulations.

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

5 15. All new accessible parking space signage to be  
6 installed or replaced shall have the logo depicting a  
7 dynamic character leaning forward with a sense of  
8 movement as required by Secretary of State pursuant to  
9 section one hundred one of the Executive Law.

10 16. A turning radius analysis demonstrating that  
11 emergency vehicles can adequately access and navigate  
12 the site shall be submitted to the Town Fire Marshal  
13 for review.

14 17. An Operational Permit shall be obtained from the  
15 Town of Brighton Fire Marshal (Chris Roth,  
16 585-784-5220).

17 18. All outstanding comments and concerns of the Town  
18 Fire Marshal shall be addressed. Comments can be  
19 obtained from the Town of Brighton Fire Marshal (Chris  
20 Roth, 585-784-5220).

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

24 20. All comments and concerns of the Town of Brighton  
25 Sewer Department shall be addressed.



1 21. Meet all requirements of the Town of Brighton's  
2 Department of Public Works.

3 22. All other reviewing agencies must issue their  
4 approval prior to the Department of Public Works  
5 issuing its final approval.

6 23. Paragraph 201.16.B.(1) of the Code of the Town of  
7 Brighton states, "Where deemed appropriate and  
8 feasible by the Planning Board, Zoning Board of  
9 Appeals or authorized official, a cross-access  
10 easement shall be required to connect the parking  
11 areas between two or more adjacent lots. Cross-access  
12 easements shall be considered when reviewing proposals  
13 for new development, changes of use or any site  
14 modifications". A cross access easement shall be  
15 provided. The cross access easement shall be reviewed  
16 and approved by the Deputy Town Attorney and Town  
17 Engineer. The approved easement shall be filed with  
18 the Monroe County Clerk's Office. A copy of the filed  
19 easement shall be submitted to the Building and  
20 Planning Department for its records.

21 24. A letter of credit shall be provided to cover  
22 certain aspects of the project, including, but not  
23 limited to demolition, landscaping, stormwater  
24 mitigation, infrastructure and erosion control. The  
25 applicant's engineer shall prepare an itemized

1 estimate of the scope of the project as a basis for  
2 the letter of credit.

3 25. The project will comply with the requirements of  
4 NYSDOL Code Rule 56 regarding asbestos control and  
5 Chapter 91 of the Code of the Town of Brighton,  
6 Lead-Based Paint Removal. In addition to any other  
7 requirements of Code Rule 56, the applicant shall  
8 verify that the project will comply with Section  
9 56-3.4(a)(2) regarding on-site maintenance of a  
10 project record, and Section 56-3.6(a) regarding 10 Day  
11 Notice requirements for residential and business  
12 occupants. The property owner shall ensure that the  
13 licensing requirements of Section 56-3 and asbestos  
14 survey and removal requirements of Section 56-5 are  
15 met.

16 26. All requirements of Sections 203-84.B.3  
17 (restaurant regulations), 207-14.1 (waste container  
18 and grease/oil container standards), 207-14.2  
19 (supplemental restaurant regulations) and 207-14.3  
20 (drive-through standards), 203-84.B.4 (Outdoor Dining  
21 Facilities) as well as any other pertinent sections of  
22 the code, shall be met. Included in these  
23 requirements is that "a minimum of one aesthetically  
24 acceptable trash receptacle shall be provided on site  
25 adjacent to each driveway exit. At least one

1 additional aesthetically acceptable, on-site, outdoor  
2 trash receptacle shall be provided for every 10  
3 required parking spaces." Also included is that, any  
4 use providing food capable of being immediately  
5 consumed which is served in disposable packaging shall  
6 have at least one aesthetically acceptable, on-site,  
7 outdoor covered trash receptacle for patron use  
8 located near the primary entrance..." These  
9 requirements, along with the other requirements of  
10 those sections, should be addressed.

11 27. Any drive-through or drive-up window speaker is  
12 required to be less than 50 dbA at four feet from the  
13 speaker and not audible above daytime ambient noise  
14 levels at the property line.

15 28. Any signage, building or parking lighting not  
16 necessary for security purposes shall be placed on  
17 automatic timing devices which allow illumination to  
18 commence each day ½ hour before the business is open  
19 to the public and to terminate ½ hour after the close  
20 of business.

21 29. The height of the light pole bases shall be six  
22 inches above finished grade.

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

1 (Upon roll motion to table carries.)

2 **Application 12P-03-22**

3 Application of Faith Tabernacle Church,  
4 owner, and Eric Johnson, agent, for Site Plan  
5 Modification to reconstruct the parking field and  
6 install new pole lighting on property located at 1876  
7 Elmwood Avenue. All as described on application and.  
8 Plans on file.

9 MS. ALTMAN: I move that we close the public  
10 hearing.

11 CHAIRPERSON PRICE: I'll second. Any  
12 discussion on the motion to close the hearing?

13 Could you please call the roll.

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

17 (Upon roll motion to close the public  
18 hearing carries.)

19 MR. BABCOCK-STIENER: I move that the  
20 Planning Board finds the proposed action will not have  
21 a significant impact on the environment and adopts the  
22 negative declaration prepared by Town staff.

23 I also move that the Planning Board approve  
24 application 12P-03-22 for site plan modification based  
25 on the testimony given, plans submitted and with the

1 11 conditions outlined in the Planning Board report.

2 MR. FADER: I second.

3 CHAIRPERSON PRICE: Moved and seconded.

4 From the discussion standpoint, I believe the Town  
5 engineer comments, once those are addressed,  
6 everything would be addressed. So any further  
7 discussion? All right. Please call the roll.

8 **Conditions:**

9 1. Prior to issuance of any building permits, all  
10 plans for utility and storm water control systems must  
11 be reviewed and have been given approval by  
12 appropriate authorities. Prior to any occupancy, work  
13 proposed on the approved plans shall have been  
14 completed to a degree satisfactory to the appropriate  
15 authorities.

16 2. Meet all requirements of the Town of Brighton's  
17 Department of Public Works.

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

20 4. The project and its construction entrance shall  
21 meet the New York State Standards and Specifications  
22 for Erosion and Sediment Control.

23 5. The contractor shall designate a member of his or  
24 her firm to be responsible to monitor erosion control,  
25 erosion control structures, tree protection and

1 preservation throughout construction.

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

5 7. All comments and concerns of the Town Engineer as  
6 contained in the attached memo dated 12-17-2022 from  
7 Evert Garcia, Town Engineer, to Jason Haremza,  
8 Planner, shall be addressed.

9 8. All outstanding Site Plan comments and concerns of  
10 the DPW/Sewer Department shall be addressed.

11 9. Prior to construction, a drainage permit shall be  
12 obtained from the Department of Public Works.

13 10. All other reviewing agencies must issue their  
14 approval prior to the Department of Public Works  
15 issuing its final approval.

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

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

22 (Upon roll motion to approve with conditions  
23 carries.)

24 **Signs:**

25 1671 Elegant Brows Threading & Spa for

1 a building face sign at 2180 Monroe Avenue  
2 CHAIRPERSON PRICE: I moved for approval  
3 based on ARB's recommendations.  
4 MR. BABCOCK-STIENER: I'll second.  
5 CHAIRPERSON PRICE: Moved and second.  
6 (Ms. Altman, aye; Babcock-Stiner, aye;  
7 Mr. Fader, aye; Mr. Grisewood, aye;  
8 Mr. Osowski, aye; Mr. Price, aye.)  
9 (Upon roll motion to approve carries.)  
10 (Proceedings concluded at 9:10 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 21st day of December, 2022  
13 at Rochester, New York.

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21 ----- *Holly E. Castleman* -----

22 HOLLY E. CASTLEMAN, CR,  
23 Notary Public.  
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