

BRIGHTON

PLANNING

BOARD

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 is. 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 radiiuses 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.

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 hairdresser. 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 Quickee's -- because sometimes people say, oh, I saw
11 Quickee'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 Quickele'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.

Conditions:

1. Meet all requirements of the Town of Brighton's
2. Department of Public Works.
3. The project shall comply with the most current
4. Building & Fire Codes of New York State.
5. No outdoor activities, no outdoor live or
6. broadcast music or other entertainment, and no outdoor
7. food preparation.
8. Comply with the Town of Brighton Noise Ordinance.
9. All Town codes shall be met that relate directly
10. 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 $\frac{1}{2}$ hour before the business is open
19 to the public and to terminate $\frac{1}{2}$ 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.)

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

11 conditions outlined in the Planning Board report.

MR. FADER: I second.

CHAIRPERSON PRICE: Moved and seconded.

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

Conditions:

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

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

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

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

5. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, 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 (AUpon roll motion to approve carries.)

10 (Proceedings concluded at 9:10 p.m.)

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1 REPORTER CERTIFICATE
23 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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HOLLY E. CASTLEMAN, CR,
Notary Public.

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