

BRIGHTON PLANNING BOARD

January 18, 2023
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

11 PRESENT: WILLIAM PRICE, CHAIRPERSON

--
13 JOHN J. OSOWSKI)
14 KAREN ALTMAN)
14 DAVID FADER) BOARD MEMBERS
15 PETER GRISEWOOD)
15 JASON BABCOCK-STINER)
15 JULIE FORD)

KENNETH GORDON, ESQ.
Town Attorney

18 JASON HAREMZA
Executive Secretary

22 REPORTED BY: SUSAN M. RYCKMAN, CP,
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1 CHAIRPERSON PRICE: Good evening, everyone.
2 Welcome to the January 18th Planning Board meeting.
3 In the unlikely event of any kind of emergency
4 tonight, there are exits behind you and one behind me.

5 I will note that Mr. David Fader called me
6 to let me know that he is on his way. He will be
7 here, just a little late.

8 Jason, please call the roll.

9 (Whereupon, the roll was called.)

10 MR. HAREMZA: Mr. Fader is not present.

11 CHAIRPERSON PRICE: He is on his way.

12 Just a review of tonight, we have Daniele
13 Family Companies for preliminary final at 2735 Monroe
14 Avenue.

15 MR. HAREMZA: Correct.

16 CHAIRPERSON PRICE: Okay. Any -- we heard
17 this last month, there is additional information
18 that's been submitted.

1 their decision.

2 CHAIRPERSON PRICE: I see. Okay. So
3 typically we don't have -- sometimes we will look into
4 conditional approval awaiting ARB. So it has already
5 been once, right?

6 MR. HAREMZA: It has been once, right.

7 CHAIRPERSON PRICE: Okay. They tabled for
8 modifications?

9 MR. HAREMZA: Some additional information,
10 yeah.

11 CHAIRPERSON PRICE: Okay. Anyone else have
12 questions on the Daniele application?

13 (No response from the Board.)

14 CHAIRPERSON PRICE: Next application is
15 Jewish Senior Life. This is Phase I.

16 MR. HAREMZA: This application has
17 outstanding issues, initially there were some issues
18 about parking and storm water. I think -- I know
19 parking has been resolved, it has been resolved and
20 answered at the last meeting. Storm water, I think
21 there are still a few details the County Engineer is
22 looking for, but overall it's quite complete.

23 CHAIRPERSON PRICE: All right. Are there
24 comments about that application?

25 MR. HAREMZA: I will note that that's

1 approval for Phase I of the project, and I will let
2 the applicant speak to the phasing of the project.

3 CHAIRPERSON PRICE: Okay. Just help me out
4 with phasing of an Incentive Zoning Application. Does
5 -- does that require preliminary overall approval, or
6 just do you go ahead and do final on individual
7 portions of it?

8 MR. GORDON: Yep. You could, I mean,
9 obviously, it is the discretion of the Board, but you
10 could do a Final Site Plan Approval for Phase I.

11 You could also do a preliminary, but then
12 they will have to come back and do final before they
13 can go ahead and proceed. So I don't think that staff
14 is recommending that we do that at all.

15 CHAIRPERSON PRICE: And SEQRA is -- is under
16 the -- under the Town Board through --

17 MR. GORDON: Right. We will talk about
18 that. Maybe we should mention that now during the
19 staff discussion.

20 SEQRA for the JSL project was coordinated by
21 the Town Board. The Town Board took role as lead
22 agency. Town Board did a full environmental review,
23 found that it did not likely have a significant impact
24 on the environment, they issued a Negative
25 Declaration. That sort of concludes the SEQRA

1 process.

2 Notice was sent out by the Town Board to
3 involved agencies when?

4 CHAIRPERSON PRICE: That's okay.

5 MR. GORDON: But, I believe that 30-day
6 period has actually lapsed.

7 We will probably have the Planning Board in
8 a pro forma manner tonight, take action by voice vote
9 to consent to the Town Board acting as lead agency. I
10 don't think that's technically required because the
11 Planning Board did not object within the 30-day
12 period, but just to have a nice clean record, it's
13 nice to do that.

14 CHAIRPERSON PRICE: Okay.

15 MR. GORDON: Okay.

16 CHAIRPERSON PRICE: Please note that
17 David Fader has joined us. Thank you.

18 All right. Then we have the application of
19 Bristol Valley Homes, its for the Preliminary Site
20 Plan at 3108 Monroe Avenue, for Quicklee's. That will
21 be postponed to our February 15th meeting.

22 As is application 9P-NB1-22, Kim Bailey and
23 Stahl Properties for a single-family home at
24 12 Elmwood Hill Lane will be postponed to your
25 February 15th meeting.

1 MR. HAREMZA: Just want to note it's the
2 Quickee's at 3108 East Avenue is being postponed.

3 CHAIRPERSON PRICE: What did I say?

4 THE DEFENDANT: I think you said Monroe.

5 CHAIRPERSON PRICE: All right. Thank you.

6 Okay. Any other questions about --

7 (No response from the Board.)

8 CHAIRPERSON PRICE: Okay. Ready? Let's
9 see. I would like to review the meeting minutes of
10 our October 19th meeting first. And everyone, you
11 acknowledge you received them, and do we have a motion
12 to accept.

13 MEMBER FADER: I will second that, but I did
14 have a correction to the minutes that I already sent
15 in. I believe you guys have them?

16 CHAIRPERSON PRICE: Yes.

17 MEMBER FADER: Okay.

18 CHAIRPERSON PRICE: All right. Moved and
19 seconded with amendments. Any further discussion?

20 (No response from the Board.)

21 CHAIRPERSON PRICE: Okay. On the matter of
22 approving the meeting minutes of October 19th, Jason,
23 will you call the roll?

24 (Altman, aye; Babcock-Stiner, abstain;

25 Fader, aye; Ford, aye; Grisewood, aye;

1 Osowski, aye; Price, aye.)

2 (Upon roll, motion to approve the

3 October 19, 2022, Minutes carries.)

4 CHAIRPERSON PRICE: John, can I ask you to
5 handle November 1st?

6 MEMBER OSOWSKI: Yes. Now we would like to
7 review our meeting minutes from the special meeting
8 from November 1st, 2022. Would anybody like to make a
9 motion to approve these minutes?

10 MEMBER FADER: I will move to approve the
11 minutes.

12 MEMBER OSOWSKI: All right. Thank you,
13 David. Is there a second?

14 MEMBER FORD: I'll second.

15 MEMBER OSOWSKI: Thank you, Julie. Are
16 there any comments/corrections to the minutes from
17 anybody?

18 (No response from the Board.)

19 MEMBER OSOWSKI: No. Okay. Jason, can you
20 call the roll.

21 (Altman, aye; Babcock-Stiner, aye;
22 Fader, aye; Ford, aye; Grisewood, aye;
23 Osowski, aye; Price, abstain.)

24 (Upon roll, motion to approve the
25 November 1, 2022, Minutes carries.)

1 CHAIRPERSON PRICE: All right. Thank you,
2 John.

3 We will hear our November 18th and
4 December 21st meeting minutes at our February 15th
5 Board meeting.

6 Jason, were tonight's public hearings
7 advertised?

8 MR. HAREMZA: If I could, just a
9 housekeeping notes before that.

10 I want to point out, I placed full-size
11 drawings for both of tonight's cases on the table in
12 the center here. And everybody got packets -- paper
13 packets at their places for the Chipotle project. I
14 believe there were only five copies available of the
15 JSL project, so you will have to share those. But
16 please see me if anybody has any questions on the
17 paper tonight. That's all I have, Bill, thank you.

18 CHAIRPERSON PRICE: All right. Thank you.
19 This is an interesting idea that Jason's brought up.
20 We want to try to think of ways of improving our
21 meetings, and you know, how we are able to see the
22 drawings and how the audience is able to see plans as
23 well. So this is a quick response to some of those
24 original thoughts. Thank you.

25 I just want to verify that the public

1 hearings were properly advertised?

2 MR. HAREMZA: Public hearings were
3 advertised for the Planning Board in the Daily Record
4 of January 12th, 2023.

5 **APPLICATION 12P-02-22**

6 CHAIRPERSON PRICE: We're going to hold
7 those hearings at this point.

8 First application is 12P-02-22 Daniele
9 Family Companies, owner, for the Preliminary/Final
10 Site Plan Approval, Preliminary/Final Conditional Use
11 Permit Approval and Demolition Review and Approval to
12 raze a commercial building, and construct a 2,325
13 square-foot restaurant with outdoor dining and
14 drive-thru pickup window at 2735 Monroe Avenue.

15 Greg, will you join us?

16 MR. McMAHON: Good evening. Greg McMahon
17 from McMahon LaRue, 822 Holt Road, Webster, New York.
18 And also is Anthony Daniele, the owner.

19 We were before you in December. Since that
20 time, we've addressed all of the comments that were
21 received, resubmitted to the Town.

22 We did attend the Zoning Board meeting, and
23 were granted the variances requested. Those were a
24 side setback for pavement and a coverage variance.

25 The -- I can point out just some of the --

1 there are very few changes from the last time we
2 presented this.

3 The dumpster enclosure has been relocated to
4 near the entrance of the drive-thru.

5 We slightly enlarged the concrete patio area
6 in front of the building.

7 Most of the other changes reflected
8 comments, engineering comments, having to do with the
9 existing impervious pavement and so forth.

10 As we had discussed, the entrance is
11 existing. It is the entrance that was approved by the
12 DOT as part of the Access Management Plan.

13 All of the easements are in place for
14 through access, both through the rear of the property,
15 which gets you out to the traffic light, and through
16 the property. All those easements were previously
17 filed.

18 There was, at the Zoning Board meeting, a
19 comment about an alternate layout for this. So we did
20 put something together just to show you. The idea was
21 to relocate the building to the other side of the
22 site. But in order to accommodate the drive-thru, we
23 had to move that building to the rear of the site.

24 From a traffic-flow standpoint, it doesn't
25 work badly. You can access the drive-thru. The

1 queuing for the drive-thru is shorter by about
2 60 feet. So you've got about five cars in the
3 drive-thru.

4 The real downside to this, and Anthony can
5 talk about that, is the visibility of the building.
6 We're hiding it behind a two-and-a-half-story hotel
7 here, and it really doesn't suit the intent of the
8 client.

9 MR. DANIELE: Right. Anthony Daniele, one
10 of the owners. Yeah, when we ran it by the tenant,
11 obviously, they would be less than pleased and apt not
12 to move forward if their -- their concern, especially
13 given that the hotel is, you know, a good two stories
14 plus the pitched roof, so it almost looks like more
15 than two stories. It would be tucked back
16 significantly in an area where the buildings are,
17 pretty much, lined up, you know, at the legal setback
18 area.

19 You know, there is also a concern as people
20 enter the property, having to make a relatively quick
21 decision on whether to turn right and go through the
22 drive-thru -- or the pickup window, it is not a
23 drive-thru -- or left into the parking area. Again, I
24 wouldn't say that's a critical fault, but it's
25 definitely a downside to have to make that quick

1 decision.

2 So we just wanted to show the Board that we
3 did consider other alternatives. It wasn't the only
4 site plan we picked. But we believe that the original
5 submission, and what we are asking for tonight, is for
6 the approval of the original site plan.

7 The only other comment that I believe still
8 is something that we would work out with the Building
9 Department before we got our final building permit, is
10 coordinating with the fire department to modify the
11 curb upon the exit of the drive/pick-up lane. It is
12 our intent to modify that curve, and most likely
13 create, like, a triangle there.

14 We don't want to restrict the access of fire
15 trucks or other trucks coming in from Monroe Avenue.
16 So we're limited -- we couldn't bring the curb all the
17 way up to the hash marks, assuming you have that in
18 front of you. That would be too restrictive for the
19 fire trucks, but we can do better than what's written
20 on this plan. So we could probably leave the far
21 curb, and then kind of curb it up kind of tight, so
22 that it makes it very difficult to make a right as
23 you're parting, which I think is this Board's concern.

24 So it is our intent to do that, and our
25 intent is to work with the Building Department before

1 receiving final building permits to make that slight
2 modification. But we also want to coordinate with the
3 fire department and make sure they're going to be okay
4 with whatever we did.

5 CHAIRPERSON PRICE: Okay. Greg, would you
6 just go back? What was the -- you said the Zoning
7 Board had asked you to look at an alternative layout.
8 What was driving that --

9 MR. McMAHON: Well, they didn't ask us. I
10 would say there was just -- there was some comments at
11 the Zoning Board meeting about, have you considered an
12 alternative, and this was mentioned.

13 And we talked about it a little bit, but we
14 didn't have anything on paper. So we just wanted to
15 come here tonight, if that question was a question
16 that the Planning Board had, that we could actually
17 show you a plan and say that we did look at it and
18 consider it. But it wasn't -- it was just a comment
19 from the Zoning Board.

20 MR. DANIELE: And I think in doing their due
21 diligence in saying, have you he reviewed other
22 alternatives that perhaps would have minimized the
23 relief that you are asking for, right. And so what we
24 showed, even if we swapped it, the setbacks really
25 wouldn't have changed much.

1 CHAIRPERSON PRICE: Okay.

2 MR. DANIELE: And there were other issues.

3 They just wanted to make sure that we looked at every
4 alternative that could have minimized the relief that
5 we're asking for.

6 MR. McMAHON: The variances were granted
7 based on the plans submitted.

8 MR. DANIELE: Correct.

9 CHAIRPERSON PRICE: I see. Okay. All
10 right. So I think you, in your follow-up comments,
11 Anthony, you kind of did hit on -- directly on what
12 the, you know, the remaining concern appears to be.
13 And I don't want to dismiss any other -- any other
14 concerns, but it does seem like this potential
15 conflict point coming in off of Monroe and vehicles
16 queueing up, the potential for some of those to feel
17 like they want to turn right and go back out right
18 there. And, you know, what -- whatever we can do to
19 minimize that potential for conflict is our remaining
20 -- is still our concern.

21 My good friend John Osowski is an engineer,
22 and you know, did you have any ideas that you wanted
23 to throw out?

24 MEMBER OSOWSKI: Just, basically, he already
25 mentioned trying to --

1 CHAIRPERSON PRICE: Square that up.

2 MEMBER OSOWSKI: -- square that up a little
3 bit more so that -- did you consider putting a
4 no-right-turn sign there?

5 MR. DANIELE: I think we should. We should
6 put something.

7 MR. McMAHON: Yeah, we do have -- I will
8 take a look what we have on the site plan. We did --
9 we noted a stop sign there. We can have a
10 no-right-turn sign below that. I will double-check
11 that, but I know that was discussed.

12 MEMBER OSOWSKI: I looked, I couldn't find
13 it. That would be great, thank you.

14 MR. McMAHON: Yeah. As Anthony mentioned,
15 we did a plan with the turning radii for a fire
16 truck on here, and that was submitted to the staff for
17 an engineering review. And we needed a good part of
18 that entrance in order to accommodate the turning
19 radius.

20 See, more than likely any trucks that were
21 to come to this site, would either come from
22 12 Corners or East Avenue, and they would be coming in
23 this direction down Monroe Avenue. So they would use
24 this right turn to get into the site. So we do need
25 to make sure we can accommodate that turning radius.

1 CHAIRPERSON PRICE: You mean coming in
2 turning radius?

3 MR. McMAHON: Coming in, yes.

4 CHAIRPERSON PRICE: And even -- okay. So
5 first question: Some of these improvements are
6 already made, right, so you've already got some things
7 that are there. And these -- how far into the site
8 does DOT jurisdiction go?

9 MR. DANIELE: Not that far. I mean, really,
10 the property line. The only time that they would get
11 involved beyond the property line, and maybe Ken could
12 correct me if I'm wrong, is if we're significantly
13 modifying a curb cut.

14 CHAIRPERSON PRICE: The actual curb cut?

15 MR. DANIELE: Right, bigger smaller.

16 CHAIRPERSON PRICE: And you know where all
17 the transitions are in the curb cut?

18 MR. DANIELE: With the modifications we're
19 talking about would not have anything to do with stuff
20 in the right-of-way.

21 CHAIRPERSON PRICE: I guess I'm thinking,
22 Greg, if you're running turning radii, and you need
23 to pull that curb back that's on the left side, which
24 is the northeast side, if you needed to pull that
25 back, that doesn't bring DOT into the equation?

1 MR. DANIELE: As long as what we're changing
2 is not in the DOT right-of-way. But we looked at it,
3 and it doesn't. So I mean, the realty is we're not
4 going to modify that side. The only thing we're
5 really going to modify is, maybe, if you drew a circle
6 about 12 foot in diameter around right where you exit
7 the pickup window, to make it so that it is not such
8 an easy way to make a right. If you imagine putting a
9 triangle at the end of that, so that in order to make
10 a right, you would have to jump the triangle.

11 CHAIRPERSON PRICE: You're going to visually
12 have that curb line so that they're -- with the
13 signage to turn left --

14 MR. DANIELE: Correct.

15 CHAIRPERSON PRICE: -- out of the drive-thru
16 lane. Other?

17 MEMBER OSOWSKI: Yeah, I have one other
18 question. There is a nice area of the porous pavement
19 at the end of the parking lot.

20 MR. McMAHON: All of this area right here,
21 yes.

22 MEMBER OSOWSKI: Yeah. And I've seen a
23 commercial -- a little plaza along Monroe Avenue where
24 the Town of Brighton did this nice Stone Weather
25 Management Construction Corp, and put in a nice strip

1 of porous pavement. And last summer, the property
2 owner seal coated over the whole parking lot,
3 including the porous pavement.

4 So what can you do to prevent people from
5 doing that? I wonder, I don't know, can you stencil
6 on it in letters, "porous pavement, do not seal coat"
7 for future --

8 MR. DANIELE: Yeah, I mean, the porous
9 pavement goes -- it starts, actually, in the hotel
10 property to the north, and it extends all the way past
11 Sakura, through Dunkin' Donuts, and it ends after
12 Dunkin' Donuts. So it's that whole back area.

13 It's a good question. I mean, we have to
14 clean that annually, so we actually vacuum it
15 annually, which is probably the best way for a
16 landowner to be reminded that there's stuff there.
17 You know, if you didn't have to do anything ever, then
18 ten years goes by, and you kind of forget that it's
19 even there.

20 It's fair. I mean, I'm still curious to see
21 how it holds up for a few winters. We put it there,
22 and obviously, we're giving it our best go. We also,
23 at the Whole Foods Plaza across the street, we have a
24 decent amount of it, and I am curious. I've never
25 owned porous pavement. We do now, so we'll see how it

1 works.

2 The stenciling, I kind of feel like by the
3 time you get to the seal coating, the stenciling is
4 gone. But I would say just the fact that you have to
5 clean it, you do maintain it annually. I don't know
6 if there is a maintenance agreement with the Town on
7 that? I don't think there is.

8 MR. GORDON: No. It's on the landowners.

9 MR. DANIELE: So I mean, I guess,
10 technically, if we modified it, we would be in
11 violation somehow. I could definitely see that
12 happening.

13 MEMBER OSOWSKI: Sure. We'll keep an eye on
14 it. Thank you.

15 CHAIRPERSON PRICE: We talked about the
16 conflicts at the intersection. Other comments about
17 that or questions, concerns? Peter?

18 MEMBER GRISEWOOD: No.

19 CHAIRPERSON PRICE: Mr. Gordon, Julie,
20 anybody?

21 MR. GORDON: We talked about the conflicts
22 of traffic that might try to make that right-hand turn
23 coming out of that drive-thru lane back into the right
24 lane only, right, to go back out onto Monroe. I don't
25 know that we've fully explored the actual on-site

1 conflict of traffic entering and traffic exiting
2 simultaneously. So maybe you can help me understand
3 this a little bit better, Mr. McMahon, for the benefit
4 of the Board.

5 How much distance is there in that throat of
6 the entrance between Monroe Avenue right-of-way and
7 where the drive-thru lane exits into that same area.

8 MR. McMAHON: I would say about 40 feet from
9 the throat back to the curb of Monroe Avenue.

10 MR. GORDON: Can I -- I can't see where you
11 are pointing.

12 MR. McMAHON: From this point --

13 MR. GORDON: Yep.

14 MR. McMAHON: -- to the curb line of Monroe
15 Avenue, it's 20 scale, it's about two inches, we've
16 got 40. I would say 40 feet, pretty close to 40 feet
17 in there.

18 MR. GORDON: About two car lengths?

19 MR. McMAHON: Two car lengths.

20 MR. GORDON: Okay.

21 MR. McMAHON: So, yeah, a car exiting here
22 is going to hit a stop sign right here. And
23 assumingly, a car entering off of Monroe Avenue would
24 have the right-of-way to continue -- either to
25 continue down and park, or to continue down and get

1 into the pickup window drive-thru.

2 And there is sufficient -- you know, if this
3 were 12:15, and there were a line of cars coming in
4 here, after the window there is room for a couple cars
5 to wait for a queue, and be able to exit that. So
6 that's definitely going to be a, you know, during a
7 peak time, is going to be something that people are
8 going to have to be aware. But it will be signed.

9 There is going to be a fully striped
10 crosswalk right here that provides access to the walk
11 on Monroe Avenue. So that will be during the
12 non-winter season, it should be more of a visual
13 signal for them.

14 MR. DANIELE: And from a flow standpoint,
15 one of the things that help, is that generally
16 speaking, this is pretty much going to be a one-way
17 heading towards the back.

18 Now, realistically, somebody could make a
19 right and a left into the hotel, and exit that way.
20 So it isn't truly a one-way, but 90 percent of the
21 time, people are going to be going towards the back.
22 Whether you picked up stuff and you're going towards
23 the back, or you're coming in and going toward the
24 back. So the flow of traffic is heading towards the
25 back.

1 MR. GORDON: Yeah, and you know, I have been
2 on the site, and I know that the site now is not paved
3 in a way that it will ultimately be paved, but it is
4 -- it is an immediate conflict for cars coming in off
5 of Monroe Avenue, and what will be the exit of that
6 pick-up lane. I'm just wondering if there's any
7 opportunity to pull that pick up exit back, right?
8 That would be the south -- essentially, southwest. I
9 don't know if there is any opportunity? I know you
10 have that big patio there.

11 MR. DANIELE: I would still have it sweep
12 out here, make it a sharper turn.

13 MR. GORDON: Was the staff, maybe, talking
14 about curving it more?

15 MR. HAREMZA: Yeah, and I think they alluded
16 to making sure the fire equipment could still have
17 access with the curbing, to sort of force the motorist
18 to turn right.

19 MR. GORDON: Right, but there is curbing to
20 prevent them from turning right, and then there is,
21 actually, pulling the pick-up lane back further south
22 to allow a longer throat, if you will, before there is
23 that conflict. I don't know if you have looked at
24 that at all?

25 MR. McMAHON: I think the whole -- in order

1 to bring -- I mean, speaking to the architecture, but
2 to bring the pick-up window back, you would have to
3 bring the whole building back.

4 MR. HAREMZA: No, I think what Ken is
5 referring to is just start the curve of the pick-up
6 lane sooner, closer to the patio, and closer to the
7 building. Leave the building and everything where it
8 is, and just start the --

9 MR. McMAHON: Less grass here, more grass
10 here.

11 MR. DANIELE: Pull the curve back, yeah.

12 MR. GORDON: And the reason for this sort
13 of, you know, detailed look at these traffic conflicts
14 is because, as the Board knows, the Applicant is
15 seeking the conditional use permit for that drive-thru
16 lane. That's not something they're automatically
17 going to get. You have to approve it.

18 And one of the findings that you're required
19 to make, if you are going to grant this conditional
20 use, is that this particular use, under the
21 circumstances of this particular case and this
22 particular project, will not be detrimental to safety.
23 And so safety is a key factor in making sure that all
24 of this works.

25 I am just curious, have you -- have you

1 explored any uses for this property that wouldn't
2 require any kind of pick-up lane?

3 MR. DANIELE: Yeah. I mean, as you know,
4 the site's been closed, shuttered for many, many
5 years. Mamasan's has explored trying to get tenants.
6 She's had several brokers out there, you know,
7 inquiring, and everybody that I've heard of -- and
8 again, I didn't own the property until recently, so I
9 can't, you know, say for sure. But the rumors were
10 she was talking to Burger King, she was talking to
11 Panera, you know, everything she was talking to was a
12 drive-thru.

13 MR. GORDON: What about a, like, a retail
14 operation similar to what is -- some of the tenant
15 spaces you're filling across the street don't have
16 that -- like a static retail facility?

17 MR. DANIELE: Yeah, again, we marketed it
18 out to a bunch of tenants. We -- Chase Bank was
19 interested at one point, but you know, they wanted a
20 drive-thru. You know, everybody wants a drive-thru,
21 especially for that small a spot. Because again,
22 you're not going to put a 6,000-square-foot building
23 on this site, because then you have other issues, or
24 two-story.

25 MR. GORDON: Right. I am just imagining a

1 business like Verizon might not want a drive-thru.

2 MR. DANIELE: Yeah, Verizon is looking in
3 that area. But you know, they haven't come to us,
4 necessarily, on that.

5 MR. GORDON: Okay.

6 CHAIRPERSON PRICE: All right. After that
7 questioning, any other questions from the Board,
8 comments? Julie, you're okay?

9 (No response from the Board.)

10 CHAIRPERSON PRICE: All right. Thank you.

11 MR. McMAHON: Thank you.

12 CHAIRPERSON PRICE: I will ask the question.
13 This is a public hearing. Is there anyone that cares
14 to address this application?

15 (No response from the audience.)

16 CHAIRPERSON PRICE: All right. Let's move
17 on.

18 **APPLICATION 1P-01-23**

19 CHAIRPERSON PRICES: Next application is
20 1P-01-23, application of Jewish Senior Life for
21 Phase I Final Site Plan Approval to construct a one,
22 four-story building containing 35 independent living
23 units, and a bunch of other stuff in there, located at
24 2000 Summit Circle Drive.

25 MR. GOLDMAN: Good evening, Mr. Chairman,

1 Members of the Board. My name is Jerry Goldman, I am
2 the attorney and agent for Jewish Senior Life.

3 With us this evening on this application are
4 Matt Tomlinson, Project Engineer from Marathon
5 Engineering, as you can clearly tell by his jacket he
6 is wearing, as well as Barry Ingalsbe, who is here
7 from Lecesse Construction, who is the Project Manager.

8 As the Board will recall, we were before the
9 Board on Preliminary Site Plan Approval for this site
10 for the overall site, and were granted preliminary
11 Approval on the overall. And we're back now for final
12 approval on Phase I of the project.

13 Matt, in a couple of minutes will walk
14 through the Phase I, the phasing plan, so that we're
15 clear on what is part of Phase I. It's also set forth
16 in the December 20 Letter of Intent that Marathon put
17 in with the application materials.

18 There was some discussion of SEQRA. SEQRA
19 had been completed at the Town Board level of the
20 Incentive Zoning with a coordinated review. That act
21 was issued, and therefore no action needs to be taken
22 by the Board relative to SEQRA.

23 So we're here tonight for the final on
24 Phase I Site Plan, as was pointed out by Jason. We
25 did receive ARB approval, so we think we are clear to

1 go and move forward.

2 We have reviewed the staff comments, and I
3 will come back after Matt talks about the phasing, to
4 ask a question and clarification on one of the
5 proposed conditions of approval. That's your spoiler
6 alert for this evening. And hopefully, we can address
7 any questions that the Board will have.

8 So with that, Matt, if you can walk through
9 the engineering and the phasing, that would be great.

10 MR. TOMLINSON: Matt Tomlinson, Marathon
11 Engineering. And as Jerry mentioned, we're the site
12 civil engineers for the project.

13 I brought the same overall rendering here,
14 but I am just going to point to the buildings that are
15 included in Phase I, then I will talk through what is
16 going to be included for infrastructure.

17 So I am starting on the north side. We have
18 one of the 1400-square-foot maintenance buildings will
19 be built in Phase I. The multi-purpose room addition
20 will be built in Phase I. The fitness addition will
21 be built in Phase I. A five-car relocated vehicular
22 garage, similar to the exiting garages out on site,
23 will be built in Phase I. And then the proposed Villa
24 One, which is off of Residence 2, as backwards as that
25 seems, will be built in the southeast corner, with

1 Loop Road reconfiguration for Phase I.

2 Phase II will be the remainder in the south
3 and west portion of the project, and the only
4 buildings that will be part of Phase II, which again
5 is future, not what we're requesting final approval
6 for, would be Villa 2 and the second maintenance
7 building up along the north side.

8 This project we have replied to all of the
9 preliminary engineering comments, as well as
10 conditions that was part of the package that I believe
11 came before the Board.

12 I also have recently provided to Town Staff
13 the approval or okay to sign from the health
14 department and the water authority. So those have
15 been provided and coordinated, as there was a request
16 for some of that documentation.

17 I think, as was mentioned early on in the
18 staff portion, we have provided a lot of additional
19 documentation for the fire marshal worksheets, all the
20 additional paperwork requested, and are looking for
21 final approval here.

22 There are a few minor outstanding technical
23 comments in the Planning Board Report that we'll work
24 through with Town staff, related to finalizing some of
25 the storm water coordination, some landscaping, and

1 bio retention areas, and the like. But for the most
2 part, I think we're in good shape to move this forward
3 from an engineering and technical standpoint.

4 MR. GOLDMAN: I would just like to point
5 out, and Matt, correct me if I'm wrong, as part of
6 Phase I, we won't be making any road adjustments in
7 this area. We will be keeping the Ring Road as it is,
8 which kind of comes more in like that.

9 MR. TOMLINSON: That's correct.

10 MR. GOLDMAN: So that won't be done. And
11 always the topic of discussion, is the -- is the
12 multi-purpose room addition, and what that is intended
13 to do.

14 The multi-purpose room addition is to
15 accommodate the installation of a separate Kosher
16 kitchen, and to provide for a theater in that area as
17 well, which will have, approximately, 20 to 30 seats
18 in normal amounts. It's not meant to be a room that's
19 going to be leased out to the public, and be able to
20 be utilized for that purpose.

21 It's basically, the changes which are being
22 made, the fitness, the pickle ball, the site that
23 we're -- the multi-purpose room, are all meant to
24 benefit the existing residents, and really set up the
25 -- the expansions that we're talking about.

1 As I recall, and the topic that we have, and
2 the question that we have is, Proposed Condition
3 Number 22, which deals with the final certificate of
4 occupancy on this.

5 We are keenly aware that we have the
6 obligation to do the public sidewalk, and to get that
7 done as part of the Incentive Zoning. However, we
8 anticipate that some of the improvements that are
9 related to those -- to those features, multi-purpose
10 room, fitness center, and the like, may advance a
11 little bit sooner than the building itself for the
12 villas.

13 And I just wanted to clarify, where it says
14 no final certificate of occupancy for any portion of
15 the project shall be issued until the public sidewalk
16 is completed. We would like to obtain some clarity,
17 and to our mind, certainly, we would like to see that
18 tied in to the certificate of occupancy for any
19 residential units in the villas building. Not
20 necessarily the installation of garage units,
21 multi-purpose, and the like.

22 So that was something which came up, was not
23 really part of the preliminary approval. And you
24 know, I should have checked, but I didn't. But I
25 believe that the initial Incentive Zoning Approval may

1 have addressed that we get the -- that we are --
2 cannot get a certificate of occupancy for the units
3 anyway, until the -- until the work was done. So
4 we're just hoping for some clarity in that regard.

5 MR. TOMLINSON: Yeah, I believe the
6 condition in the Incentive Zoning, I'm sure Kevin
7 remembers better, was that the design for the sidewalk
8 needed to be submitted prior to any construction
9 commencing. I think that tying it to the C of O is
10 new to the Planning Board.

11 And I would like to mention also, that
12 estimate for -- a letter of credit would need to be
13 posted that satisfies the requirements for estimate
14 letter of credit for landscaping, storm water, and we
15 also would anticipate that the sidewalk improvements
16 would also be a part of that letter of credit as a
17 financial guarantee on behalf of JSL, obviously, prior
18 to construction beginning. So there would be a
19 protection there that that sidewalk would be
20 installed.

21 CHAIRPERSON PRICE: All right. Thank you.
22 So Matt, are you able to achieve all of the storm
23 water significant -- the portion of storm water that's
24 needed for Phase I without changing the road
25 configuration?

1 MR. TOMLINSON: If I understand your
2 question correctly, Bill, meaning the configuration of
3 the pond that is shown here --

4 CHAIRPERSON PRICE: Yes.

5 MR. TOMLINSON: -- satisfies what's required
6 for the overall development. In Phase I, the surface
7 water, if you will, of the pond is actually quite a
8 bit larger. So it's over compensated for Phase I, and
9 is appropriately sized for the entirety of the
10 project. We are doing the storm water pollution
11 prevention plan at NY for the entire project as part
12 of Phase I. Did that answer your question?

13 CHAIRPERSON PRICE: It does. I just thought
14 I heard you say you weren't doing any road -- oh, I
15 apologize. Phase I does not have that building on
16 there.

17 MR. GOLDMAN: Correct.

18 MR. TOMLINSON: That's correct. Yep. The
19 submitted plans specifically only shows final Phase I
20 for your guys' clarity.

21 CHAIRPERSON PRICE: How do we get into the
22 underside for the below building parking of that -- so
23 it's over there?

24 MR. TOMLINSON: Correct.

25 CHAIRPERSON PRICE: There is a little stump

1 that's shown on the plan. Are you ever going to come
2 in from the main entrance drive, or that's never --

3 MR. TOMLINSON: No. There is actually
4 ground floor units along that end. So the garage is
5 actually an L-shape with two ground floor units on the
6 first floor for that portion.

7 CHAIRPERSON PRICE: Okay. What do you think
8 your timing on Phase II is? Is that just a matter of
9 filling out the -- filling the blanks?

10 MR. GOLDMAN: Yeah, that's going to be a
11 product of the lease of the Phase I building. We have
12 a fair amount of interest in that, so we think that
13 that could follow relatively soon. And given -- given
14 inflation supply chain and everything else, I think
15 we'd rather build as soon as possible if we get
16 everything leased up.

17 CHAIRPERSON PRICE: How are you contracting
18 to do the sidewalk work? Is the Town doing that with
19 their money, or are they doing it your forces, your
20 contracts?

21 MR. GOLDMAN: It's our contract, it's ours
22 to build, okay. We need to cooperate with the Town
23 relative to easements, location, and everything else.
24 Our obligation for that is to construct from the
25 current terminus on South Winton Road, which is a

1 little bit north of the 590 Expressway, continue that
2 to Brighton Volunteer Ambulance. Brighton Volunteer
3 Ambulance has committed, as part of their approvals,
4 to when there is a sidewalk to connect to, that they
5 will build a sidewalk.

6 And in addition to that, the Incentive
7 Zoning provides that we will go, I believe, 850 feet
8 west on Westfall Road, literally about halfway to the
9 entrance of Buckland Park.

10 So that will be, of course, subject to us
11 getting whatever easements, approvals, and everything
12 else. We will be doing the bidding and the like and
13 the construction.

14 CHAIRPERSON PRICE: But this is you guys, it
15 is not --

16 MR. GOLDMAN: Yeah. Yeah. Well, obviously,
17 the Town has to approve the location of the sidewalk
18 and the engineering of it and everything else. They
19 are county roads. Obviously, we are going to have to
20 pull the county in on this as well, make sure they're
21 all set. But that's something that we're prepared to
22 do.

23 MR. TOMLINSON: Barry and I sat down with
24 Commissioner of Public Works and the Town engineer
25 with schematic design about two weeks ago to start

1 that process.

2 CHAIRPERSON PRICE: Okay. How are you going
3 to solve the spot over by the ambulance?

4 MR. TOMLINSON: You're going to walk
5 sideways down the sidewalk. Yeah, it's our
6 understanding that there are a couple of pinch points,
7 and we've relayed those to the Town engineer to help
8 us out with either obtaining sidewalk easement, which
9 will ultimately be granted to the Town, not to the
10 developer, or coming up with an alternate routing that
11 would satisfy the conditions of the Incentive Zoning.

12 MR. GOLDMAN: I believe, if I'm not
13 mistaken, all of the frontage is owned by the Town,
14 except for a small piece which is owned by Frontier.
15 I think it's Frontier Communications. And everyone is
16 of a mind to think that Frontier Communications will
17 be cooperative and helpful. We're all planning on
18 that. And I don't think they have any reason, really,
19 to oppose the idea of putting a sidewalk there.

20 So to that extent, that's an easement which
21 has yet to be obtained.

22 CHAIRPERSON PRICE: Thank you. Those are
23 the only questions I have. Karen, any questions?

24 MEMBER ALTMAN: No, they've been answered.
25 Thank you.

1 MEMBER OSOWSKI: So how long do you
2 anticipate the sidewalk design might take, six months,
3 a year?

4 MR. TOMLINSON: For the design itself?

5 MEMBER OSOWSKI: Yeah.

6 MR. TOMLINSON: We have a design, just the
7 permitting part of it -- no. I would anticipate, we
8 would like to do the flat work and the construction of
9 it in late summer/early fall when it lines up with
10 some of the other flat working concrete work that we
11 are doing on the project itself just for scale and
12 cost efficiency.

13 So our goal would be to have that into the
14 County DOT probably in April, I would say, and then
15 assuming easements and everything else go along, have
16 it ready for Barry to price by mid-summer.

17 MEMBER OSOWSKI: All right. Thank you.

18 CHAIRPERSON PRICE: Anyone else?

19 Mr. Gordon?

20 MR. GORDON: So you asked some questions, I
21 wanted to give you some answers.

22 MR. GOLDMAN: Okay.

23 MR. GORDON: So the Amenity Agreement that
24 was attached as a form to the Incentive Zoning
25 Resolution passed by the Town Board provides for a few

1 things. One is design drawings to be submitted prior
2 to building permit. That, we believe, has been done.
3 Although, our staff, as you know, is in the process of
4 revealing those.

5 The other thing is that, actually, a letter
6 of credit needs to be issued for that sidewalk amenity
7 prior to building permits being issued. So I have
8 that on the front end.

9 On the back end, that agreement also does
10 provide no final C of O until the sidewalks are in.

11 MR. GOLDMAN: Was that contemplated for the
12 residential units, or was that contemplated for some
13 of the, call it, infrastructure type buildings?

14 MR. GORDON: So I will tell you, my
15 understanding, and I think you and I, Jerry, actually
16 drafted these documents sort of side by side with,
17 perhaps, the assistance of Mr. Boehner.

18 MR. GOLDMAN: Okay.

19 MR. GORDON: Is that it was the Town's
20 understanding that the sidewalks go in before any
21 C of O was issued.

22 Now, having said that, it would help me
23 understand matters a little better, and therefore that
24 would help the Town understand matters a little
25 better, if you talked a little bit about the timing of

1 construction of the multi-purpose room I think you
2 mentioned --

3 MR. GOLDMAN: Fitness center.

4 MR. GORDON: -- the accessory building,
5 right? If we could talk about that a little bit, so I
6 can help understand in terms of what Mr. Osowski just
7 asked about the timing of the installation of the
8 sidewalks, which you are looking at late summer/fall
9 of this year.

10 MR. GOLDMAN: Okay. That's Barry's
11 department, so everyone gets to speak.

12 MR. INGALSBE: Barry Ingalsbe, Lecesse
13 Construction. That's one of our concerns is the
14 timing because of the -- we will be coming in for four
15 separate building permits, four separate C of Os.

16 One of the first buildings that will be
17 built will be the multi-purpose building. The second
18 one we're going to start is the fitness addition. The
19 fitness addition is only about a 2,000-square-foot
20 building. It will take us, maybe, six months to build
21 that.

22 And our fear is if we have any delays in the
23 sidewalk construction approvals, whether it's
24 easements or RG&E with moving a pole, that hinder us
25 from completing in the fall, we're going to have that

1 fitness addition complete, likely, before we would
2 have the final restoration of the lawn work with the
3 sidewalks complete in the spring or early summer. So
4 that's one of the main reasons.

5 The third addition, which is the new villa
6 building, that will be started, again, after the
7 multi-purpose. We need the multi-purpose to get
8 started right away to allow for renovations in the
9 existing buildings, because we have to program -- move
10 some of the programs into the multi-purpose building.

11 Similarly with the fitness and wellness
12 addition, those programs are currently in the existing
13 summit, which happens to be in the existing
14 multi-purpose room, will become a new Kosher dining
15 and kitchen, Kosher kitchen, and that's the very first
16 area that we are going to renovate.

17 So we would like to have that wellness
18 addition built, and also need to have the
19 multi-purpose building built before we start the
20 renovation work.

21 So the timing kind of trips us up here,
22 potentially, with the sidewalk completion restoration
23 before we get a C of O maybe six months into the
24 project and the total project is 24 months.

25 MR. GOLDMAN: I am going to make this

1 suggestion, and that is, is that if it's part of the
2 Amenity Agreement, which I don't recall, and I should
3 have checked before and I'm glad that you did, it is
4 something if we need to adjust that, we have to do
5 that with the Town Board anyway. It's nothing that
6 this Board can do anything about, and we're
7 constrained by that as part of the existing Amenity
8 Agreement. It may not belong here with the Planning
9 Board as a Planning Board condition for that reason,
10 because we're -- we have to do it there.

11 If -- if by some stroke of anything we
12 decide to request some modification of the Amenity
13 Agreement from the Town Board, I hate to have to come
14 back here also and amend this approval. So
15 realistically, we should leave it -- I think we should
16 leave it at the Town Board level, in terms of the
17 issuance of the C of O in accordance with the Amenity
18 Agreement.

19 MR. GORDON: Yeah, I see two things there.
20 One, is I agree that this would be -- if there is to
21 be a modification, and I think is what we're talking
22 about, a modification of the Amenity Agreement, which
23 my recollection is that was executed or was to have
24 been executed already.

25 MR. GOLDMAN: I believe it must have been.

1 MR. GORDON: I believe it was as well.

2 MR. GOLDMAN: Yeah.

3 MR. GORDON: And I believe it does say no
4 C of O before the sidewalks are put in or are
5 completed. If we're going to modify that, we can
6 modify that with consent of both parties, right?

7 MR. GOLDMAN: Correct.

8 MR. GORDON: And that is a Town Board
9 action. In terms of the condition that the Planning
10 Board has and Staffable Condition Number 22, I suppose
11 we could change that condition to read something akin
12 to, the applicant shall fully comply with the terms of
13 the Amenity Agreement.

14 MR. GOLDMAN: Yeah, that makes sense.

15 MR. GORDON: I guess that's how I'd leave
16 it.

17 MR. GOLDMAN: Yeah.

18 MR. GORDON: Then if we modify the Amenity
19 Agreement, that gives you the relief.

20 I will tell you, Mr. Goldman, that I think
21 that the discussion point with the Supervisor and the
22 Board will be this: The Board, as you know, is very
23 motivated to get that sidewalk in.

24 MR. GOLDMAN: Correct.

25 MR. GORDON: Would JSL have needed to apply

1 for amended Incentive Zoning, if it was just doing the
2 multi-purpose room and not doing an addition to
3 structures. If the answer to that is probably not,
4 then the sidewalk amenity, really, is tied to the
5 residential units more than anything else. In which
6 case, the Board may be willing to tie them formally to
7 those buildings, or at least the first building,
8 right?

9 MR. GOLDMAN: Right.

10 MR. GORDON: And provide that clarification
11 and modification to the Amenity Agreement.

12 MR. GOLDMAN: Yeah. And that's -- that's
13 kind of where I am going with this.

14 MR. GORDON: Okay.

15 MR. GOLDMAN: I am saying, if we have to
16 deal with it, let's deal with it at the Town Board
17 level and staff level.

18 MR. GORDON: I will ask you to go back and
19 take a look at the Amenity Agreement, see you can find
20 that language. If you are interested in pursuing the
21 modification, send me an email or communication
22 requesting that.

23 MR. GOLDMAN: Sure. Or clarification,
24 however, it may be.

25 MR. GORDON: However you wish to state it.

1 MR. GOLDMAN: Okay. Thank you.

2 CHAIRPERSON PRICE: All right. Did
3 everybody follow that?

4 (Affirmative response from the Board.)

5 CHAIRPERSON PRICE: Okay. Anyone have any
6 questions of the applicant?

7 (No response from the Board.)

8 CHAIRPERSON PRICE: Thank you very much.

9 MR. GOLDMAN: Thank you.

10 MR. TOMLINSON: Thank you.

11 MR. INGALSBE: Thank you.

12 CHAIRPERSON PRICE: For the record, I will
13 ask, is there anyone in the audience that cares to
14 address this application?

15 (No response from the audience.)

16 CHAIRPERSON PRICE: Okay. Thank you. There
17 are three other applications that have been postponed
18 to February, so we will wait to hear those while we
19 circle back to the beginning.

20 (Public Hearings concluded.)

21 (Beginning of deliberations.)

22 **LEAD AGENT, 1950-1966 MONROE AVENUE**

23 CHAIRPERSON PRICE: Do you want to take up
24 the lead agency for Monroe?

25 MR. HAREMZA: To give a brief background,

1 this is for the Quickle's Monroe Avenue project at
2 12 Corners.

3 As you are well aware, the Town Board has
4 been involved in an Incentive Zoning proposal for this
5 site to further the goals of the comprehensive plan,
6 among other things, and this is -- the Town Board is
7 coordinating lead agency for the SEQRA process. Ken,
8 jump in at any time.

9 MR. GORDON: So far so good.

10 MR. HAREMZA: So far so good. All right.
11 And this is the Planning Board agreeing to the Town
12 Board to be lead agency for this project.

13 However, we have, Ken and I, have noted a
14 typo on the document that was provided. The agreement
15 on lead agency's selection, which includes a space for
16 your signature, Mr. Chairman, it says: I accept the
17 selection of the Town of Brighton Planning Board as
18 lead agency, and we need to correct that to Town of
19 Brighton Town Board.

20 CHAIRPERSON PRICE: Okay.

21 MEMBER BABCOCK-STINER: Just a minor typo.

22 MR. GORDON: So as I was speaking before, I
23 was confused between my projects. JSL, done,
24 finished.

25 This is Monroe, Quickle's. It's just that

1 Mr. Goldman has so many projects before us, I get
2 confused sometimes.

3 So on this one, again, you could take no
4 action. I mean, if you don't object to the Town Board
5 being lead agent within 30 days of this January 17
6 letter, it automatically becomes lead agency. This is
7 just a nice way of cleaning the record up and say,
8 hey, Town Board, we are consenting to you acting as
9 lead agent.

10 By the way, that does nothing to your
11 authority or jurisdiction or importance in the site
12 review and the site approval process. Which, I
13 believe, is still pending.

14 CHAIRPERSON PRICE: Correct. Yeah. Yes.
15 So no, they will approve SEQRA, we would continue on
16 with site plan approval.

17 MR. GORDON: Yep, exactly.

18 CHAIRPERSON PRICE: That has a subdivision
19 component to it as well?

20 MR. GORDON: It does.

21 CHAIRPERSON PRICE: All right. So I think
22 we would need a motion to accept or send for the
23 executive -- I guess for me to sign?

24 MR. GORDON: Right. Could I just suggest a
25 motion?

1 CHAIRPERSON PRICE: Yes.

2 MR. GORDON: I would suggest that somebody
3 make a motion to authorize the Chairman of the
4 Planning Board to sign a consent to allow the Town
5 Board to act as lead agent under SEQRA for the review
6 of the Quickle's Monroe project located at 1950
7 through 1956 Monroe Avenue.

8 MEMBER FADER: Can I make that motion
9 without repeating it?

10 CHAIRPERSON PRICE: So noted.

11 MR. GORDON: 1950 through 1966 Monroe
12 Avenue, if that's okay, Mr. Fader?

13 MEMBER FADER: Yes.

14 MEMBER BABCOCK-STINER: Second.

15 CHAIRPERSON PRICE: Moved and seconded. Any
16 discussion?

17 (No response from the Board.)

18 CHAIRPERSON PRICE: Jason, when you're
19 ready, please call the roll.

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

23 (Upon roll, motion to approve carries.)

24 **APPLICATION 12P-02-22**

25 Application of Daniele Family Companies,

1 owner, for Preliminary/Final Site Plan Approval,
2 Preliminary/Final Conditional Use Permit Approval and
3 Demolition Review and Approval to raze a commercial
4 building currently located at 2735 Monroe Avenue, and
5 construct a 2,325 +/- square foot restaurant with
6 outdoor dining and a drive-thru pick-up only window.
7 All as described on application and plans on file.
8 Tabled at the December 21, 2022, meeting - public
9 hearing remains open.

10 CHAIRPERSON PRICE: Why don't we start with
11 closing the hearing.

12 MEMBER FADER: I will move to close the
13 public hearing.

14 MEMBER BABCOCK-STINER: Second.

15 CHAIRPERSON PRICE: All right. Motion to
16 close the public hearing. Is there any discussion?

17 (No response from the Board.)

18 CHAIRPERSON PRICE: Please call the roll,
19 Jason.

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

23 (Upon roll, motion to close the public
24 hearing carries.)

25 CHAIRPERSON PRICE: All right. Why don't we

1 -- so I think we typically kind of lumped these
2 together. Do we want to peel these apart for the
3 purposes of getting through it? Dave?

4 MEMBER FADER: I move Demolition Approval
5 for Application 12P-02-22.

6 MEMBER BABCOCK-STINER: I second.

7 CHAIRPERSON PRICE: On the aspect of
8 demolition approval, we have a motion and a second.
9 Any further discussion on this aspect of it?

10 (No response from the Board.)

11 CHAIRPERSON PRICE: We will do a separate
12 roll call on this.

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

16 (Upon roll, motion to approve carries.)

17 CHAIRPERSON PRICE: Okay. On the matter of
18 the Preliminary and Final Site Plan Approval?

19 MEMBER FADER: I move the Planning Board
20 find the proposed action will not have a significant
21 impact on the environment, and adopt the Negative
22 Declaration prepared by Town Staff.

23 MEMBER BABCOCK-STINER: I will second.

24 CHAIRPERSON PRICE: Okay. So we're peeling
25 out the SEQRA determination separate. It's moved and

1 | seconded. Please call the roll.

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

3 Fader, aye; Ford, aye; Grisewood, aye;

4 Osowski, aye; Price, aye.)

5 (Upon roll, motion to approve carries.)

6 CHAIRPERSON PRICE: Thank you. All right.

7 With regard to Preliminary and Final Site Plan

8 | approval, do we have a motion?

9 MEMBER FADER: I move that the Planning
10 Board approve the Application 12P-02-22 for a
11 Preliminary and Final Site Plan Approval based on
12 testimony given and plans submitted, and the 29
13 conditions outlined in the Planning Board report.

14 CHAIRPERSON PRICE: I'll second.

15 I recommend a 30th condition. So the 30th
16 condition, your wording will be: Potentially
17 lengthening the inbound driveway throat and a geometry
18 to the drive-thru exit to restrict right turns. As a
19 30th condition.

20 MEMBER GRISEWOOD: I was wondering if you
21 would also require signage stating no right turn
22 there?

23 MR. GORDON: So that would be a 31st
24 condition, which would be that, the applicant shall
25 place a no-right-turn sign, along with a stop sign, at

1 the end of the drive-thru lane.

2 CHAIRPERSON PRICE: Agreed.

3 MEMBER FADER: Yep, sounds good.

4 **CONDITIONS:**

5 1. Obtain required Architectural Review Board (ARB)
6 and Historic Preservation Commission (HPC) approvals.

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

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

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

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

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

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

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

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

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

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

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

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

1 required by Chapter 175 of the Comprehensive
2 Development Regulations.

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

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

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

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

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

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

25 20. All comments and concerns of the Town of Brighton

1 Sewer Department shall be addressed.

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

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

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

22 24. A letter of credit shall be provided to cover
23 certain aspects of the project, including, but not
24 limited to, demolition, landscaping, storm water
25 mitigation, infrastructure, and erosion control. The

1 applicant's engineer shall prepare an itemized
2 estimate of the scope of the project as a basis for
3 the letter of credit.

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

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

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

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

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

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

24 30. Potentially lengthening the inbound driveway
25 throat and a geometry to the drive-thru exit to

1 restrict right turns.

2 31. The applicant shall place a no-right-turn sign,
3 along with a stop sign, at the end of the drive-thru
4 lane.

5 CHAIRPERSON PRICE: All right. Moved and
6 seconded with two additional conditions added. Please
7 call the roll.

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

9 Fader, aye; Ford, aye; Grisewood, aye;

10 Osowski, aye; Price, aye.)

11 (Upon roll, motion to approve carries.)

12 CHAIRPERSON PRICE: That leaves the matter
13 of Preliminary/Final Conditional Use Permit Approval.

14 MEMBER FADER: Okay. I move the Planning
15 Board find the Preliminary and Final Conditional Use
16 Approval should be granted because the requirements
17 are met by the conditions outlined in the Planning
18 Board Report.

19 MEMBER BABCOCK-STINER: I'll second.

20 CHAIRPERSON PRICE: Moved and seconded.

21 MR. GORDON: Could I propose an amendment to
22 the motion?

23 MEMBER FADER: Yes. I was figuring you
24 would.

25 MR. GORDON: I would suggest that the

1 following language be added to the motion:

2 The Planning Board hereby finds with respect
3 to the approval of the conditional use applied for,
4 that the request is in harmony with the general
5 purpose and intent of the Town of Brighton
6 Comprehensive Development Regulations, taking into
7 account the location and size of the use, the nature,
8 and intensity of the operations involved in or
9 conducted in connection with the proposed use and the
10 size of the site with respect to the streets, giving
11 access thereto, based upon the testimony given in
12 documents submitted to the Planning Board;

13 and the Planning Board further finds that
14 the establishment, maintenance, and operation of the
15 use applied for under the circumstances of this
16 particular application will not be detrimental to the
17 health, safety, or general welfare of persons residing
18 or working in the neighborhood of such proposed use;

19 and that such use will not be detrimental or
20 injurious to the property and improvements in the
21 neighborhood, or to the general welfare of the Town,
22 based upon the testimony given and documents submitted
23 to the Planning Board;

24 and the Planning Board further finds that
25 the proposal will not result in the destruction, loss,

1 or damage of any natural scenic or significant
2 historical resources as the site is already developed;
3 and the Planning Board further finds that
4 the proposal will not create excessive additional
5 requirements of public cost for public facilities and
6 services, and will not be detrimental to the economic
7 welfare of the community; in that the project is
8 consistent with the other commercial uses in the
9 neighborhood;

10 and the Planning Board further finds that
11 the proposal and the conditional use granted will be
12 served adequately by essential public facilities such
13 as highways, streets, police, and fire protection,
14 storm water drainage, water, and sewer, and schools;

15 and that the applicant of the proposed
16 conditional use shall comply with the conditions
17 adopted by the Brighton Planning Board in approval of
18 its site plan to ensure for such proper storm water
19 drainage, water, and sewer provisions;

20 and the proposed conditional use and the use
21 of the property overall is consistent with the Access
22 Management Plan previously adopted and approved by the
23 Town and the New York State Department of
24 Transportation;

25 and, the Planning Board further finds that

1 the proposal will not result in unmitigated
2 destruction or loss of or unmitigated damage to trees,
3 as there are no trees on the site;

4 and the Planning Board further finds that
5 the proposal essentially conforms to the Town's Master
6 Plan.

7 Are those amendments acceptable to you,
8 Mr. Fader?

9 MEMBER FADER: Yes, they are.

10 MR. GORDON: And seconded made by
11 Mr. Babcock-Stiner as well?

12 MEMBER BABCOCK-STINER: They are, yes.

13 CHAIRPERSON PRICE: Call the roll.

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

15 Fader, aye; Ford, aye; Grisewood, aye;

16 Osowski, aye; Price, aye.)

17 (Upon roll, motion to approve carries.)

18 **APPLICATION 1P-01-23**

19 Application of Jewish Senior Life, owner,
20 for Phase I Final Site Plan Approval to construct a
21 one four-story building containing 35 Independent
22 Living dwelling units, a 5,000 +/- square foot
23 multi-purpose room/theater addition, a 2,000 +/-
24 square foot fitness addition, and one 1,400 +/- square
25 foot maintenance and storage building on property

1 located at 2000 Summit Circle Drive. All as described
2 on application and plans on file.

3 CHAIRPERSON PRICE: Okay. That brings us to
4 that application, 1P-01-23, Jewish Senior Life for
5 Phase I Final Site Plan Approval.

6 All right. Do we have a motion to close the
7 public hearing?

8 MEMBER BABCOCK-STINER: I will move to close
9 the public hearing.

10 MEMBER ALTMAN: I will second.

11 CHAIRPERSON PRICE: Moved and seconded to
12 close the hearing. Jason, you want to call the roll?

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

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

18 MEMBER BABCOCK-STINER: I move that the
19 Planning Board adopt the Negative Declaration prepared
20 by the Town Board; and that the Planning Board approve
21 Application 1P-01-23 based on the testimony given,
22 plans submitted, and with the 22 conditions outlined
23 in the Planning Board Review.

24 MEMBER FADER: I will second that.

25 CHAIRPERSON PRICE: Moved and seconded.

1 Fader seconded that.

2 Does anybody have further discussion on this
3 application?

4 MR. HAREMZA: There was -- during testimony,
5 there was suggested language for Condition Number 22.
6 Do we want to discuss that at this time?

7 MEMBER BABCOCK-STINER: Is that the one
8 where we want to talk about changing it to just
9 concurring with whatever the Town Board does?

10 MR. HAREMZA: The applicant shall fully
11 comply with the terms of the Incentive Zoning Amenity
12 Agreement.

13 MEMBER BABCOCK-STINER: Yes.

14 MEMBER ALTMAN: Yes.

15 **CONDITIONS:**

- 16 1. The entire building shall comply with the most
17 current New York State Uniform Fire Prevention and
18 Building Code.
- 19 2. Prior to issuance of any building permits, all
20 plans for utility and storm water control systems must
21 be reviewed and have been given approval by
22 appropriate authorities. Prior to any occupancy, work
23 proposed on the approved plans shall have been
24 completed to a degree satisfactory to the appropriate
25 authorities.

- 1 3. All Town of Brighton codes that relate directly or
- 2 indirectly to the proposed project shall be met.
- 3 4. All requirements of the Town of Brighton
- 4 Department of Public Works shall be met.
- 5 5. The project and its construction entrance shall
- 6 meet the New York State Standards and Specifications
- 7 For Erosion and Sediment Control. Erosion control
- 8 measures shall be in place prior to site disturbance.
- 9 6. The contractor shall designate a member of his or
- 10 her firm to be responsible to monitor erosion control,
- 11 erosion control structures, tree protection, and
- 12 preservation throughout construction.
- 13 7. All trees to be saved shall be protected with
- 14 orange construction fencing placed at the drip line or
- 15 a distance greater than the drip line. Trees shall be
- 16 pruned, watered, and fertilized prior to, during, and
- 17 after construction. Materials and equipment storage
- 18 shall not be allowed in fenced areas.
- 19 8. Maintenance of landscape plantings shall be
- 20 guaranteed for three (3) years.
- 21 9. Any contractor or individual involved in the
- 22 planting, maintenance, or removal of trees shall
- 23 comply with the requirements of the Town's Excavation
- 24 and Clearing (Chapter 66), Trees (Chapter 175) and
- 25 other pertinent regulations, and shall be registered

1 and shall carry insurance as required by Chapter 175
2 of the Comprehensive Development Regulations.

3 10. Fire hydrants shall be fully operational prior to
4 and during construction.

5 11. If a dumpster is to be utilized, the dumpster
6 shall be enclosed with building materials that are
7 compatible with the existing building and located in
8 the rear yard. The enclosure shall equal the height
9 of the dumpster. Revised plans shall be submitted to
10 and approved by the building and planning Department.

11 12. The parking lot shall be striped as per the
12 requirements of the Town of Brighton Comprehensive
13 Development Regulations.

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

17 14. If the proposed additional parking spaces are to
18 be lit, a lighting plan which shows the type,
19 location, and lighting contours shall be submitted to
20 and approved by the Building and Planning Department.

21 15. All outstanding Site Plan comments and concerns
22 of the Town Engineer regarding soil erosion, storm
23 water control, water system, and sanitary sewer design
24 shall be addressed.

25 16. All County Development Review Comments shall be

1 | addressed prior to final approval.

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

5 18. A letter of credit shall be provided to cover
6 certain aspects of the project, including, but not
7 limited to, demolition, landscaping, storm water
8 mitigation, infrastructure, and erosion control. The
9 applicant's engineer shall prepare an itemized
10 estimate of the scope of the project as a basis for
11 the letter of credit.

12 19. The location of any proposed ground mounted
13 mechanical equipment (including but not limited to
14 generators) shall be shown on the site plan. All
15 requirements of the Comprehensive Development
16 Regulations shall be met or a variance shall be
17 obtained from the Zoning Board of Appeals.

18 20. All comments and concerns of the Town Engineer,
19 as contained in the attached memo from Evert Garcia to
20 Jason Haremza dated 1-13-2023, shall be addressed.

21. All comments and concerns of the Town Sewer
22. Department as noted in this document shall be
23. addressed.

24 22. The applicant shall fully comply with the terms
25 of the Incentive Zoning Amenity Agreement.

1 MR. HAREMZA: Roll call?

2 CHAIRPERSON PRICE: Roll call.

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

4 Fader, aye; Ford, aye; Grisewood, aye;

5 Osowski, aye; Price, aye.)

6 (Upon roll, motion to approve carries.)

7 CHAIRPERSON PRICE: All right.

8 (The proceeding concluded at 8:59 p.m.)

* * *

1 | REPORTER CERTIFICATE

2

3 I, Susan Ryckman, 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 25th day of January, 2023

13 at Rochester, New York.

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Susan M. Ryckman
SUSAN M. RYCKMAN, C.
Notary Public

SUSAN M. RYCKMAN, C.P.,
Notary Public.