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**BRIGHTON**

**PLANNING**

**BOARD**

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**January 18, 2023**

Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

WILLIAM PRICE, CHAIRPERSON

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

KENNETH GORDON, ESQ.  
Town Attorney

JASON HAREMZA  
Executive Secretary

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.

19 MR. HAREMZA: Yes, the applicant responded  
20 to the storm water and things of that nature, and they  
21 responded.

22 The application did receive all of the  
23 variances necessary. It still needs to be reviewed by  
24 the Architectural Review Board at their upcoming  
25 meeting. They discussed it in December and tabled

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 Quicklee'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 radiuses 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 radiuses, 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, Lecessee  
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 Quicklee'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, Quicklee'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 Quicklee'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 anesthetically 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 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.)

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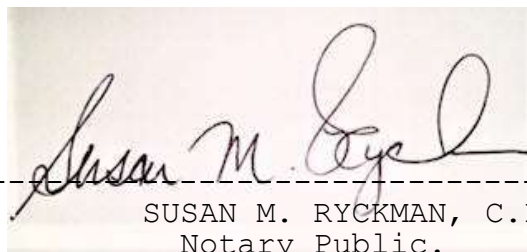
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## REPORTER CERTIFICATE

I, Susan Ryckman, do hereby certify  
that I did report the foregoing proceeding, which was  
taken down by me in a verbatim manner by means of  
machine shorthand.

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

Dated this 25th day of January, 2023  
at Rochester, New York.



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