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March 15, 2023

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Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

WILLIAM PRICE, CHAIRPERSON

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

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KENNETH GORDON, ESQ.
Town Attorney

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JASON HAREMZA
Executive Secretary

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NOT PRESENT:

KAREN ALTMAN

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REPORTED BY: SUSAN M. RYCKMAN, CP,
Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive,
Batavia, NY 14020,
(585) 343-8612

1 CHAIRMAN PRICE: I officially call to order
2 and welcome all of you to the March 15th meeting of
3 the Town of Brighton Planning Board.

4 Mr. Secretary, please call tonight's roll.

5 MR. HAREMZA: Altman is absent.

6 Babcock-Stiner?

7 MEMBER BABCOCK-STINER: Here.

8 MR. HAREMZA: Fader?

9 MEMBER FADER: Here.

10 MR. HAREMZA: Ford?

11 MR. HAREMZA: Osowski?

12 MR. HAREMZA: Osowski?

13 MR. HAREMZA: Grisewood?

14 MR. HAREMZA: Grisewood?

15 MR. HAREMZA: Price?

16 CHAIRMAN PRICE: Aye. Here.

17 I did forget to tell everybody, in the
18 unlikely event of an emergency, there are exits behind
19 you and to our right or to your left.

20 Okay. We would like to just take a quick
21 minute to -- we will go into session where we talk
22 with Staff about the applications tonight. This
23 should be fairly brief. If you just go over what we
24 have tonight?

1 MR. HAREMZA: Yeah. So tonight we have one
2 item, really, other than signs, 3108 East Avenue.

3 12 Elmwood Hill Lane has been postponed at
4 the applicant's request, so we will not be hearing
5 that tonight.

6 But 3108 East Avenue has representatives
7 here to speak to the project, how it has changed since
8 the last time this Board saw it, which I believe was
9 several months ago at this point.

10 It has received its variances and approval
11 from the Historic Preservation Commission.

12 There is a Staff Report in my absence
13 earlier this week, Mr. DiStefano prepared that based
14 on last year's Staff Report. There are some updates
15 that he included, very minor. And then there is a
16 single sheet dated today that includes some items that
17 I provided during the day today. Again, fairly --
18 fairly minor items.

19 I will let the applicant speak to the
20 process they went through with the Zoning Board and
21 the HPC. And there are outstanding issues that the
22 Town Engineer would like to see resolved related
23 mostly to stormwater, I believe, and then also some
24 confirmation that New York State DOT has reviewed the
25 traffic impact study.

1 Mr. Gordon, anything to add?

2 MR. GORDON: I would just add that Staff
3 does not believe that this project is ready for
4 preliminary tonight. Staff does not believe that the
5 project is ready for Preliminary Site Plan Approval
6 tonight.

7 Staff has not yet prepared a SEQR finding on
8 this project. So Staff is recommending that the Board
9 table this application, and that the applicant, who
10 has not addressed the Town Engineer's comments, and
11 they're extensive, from the May 15th, 2022, memo,
12 which we have reincorporated and updated in the memo
13 from the Town Engineer dated March 9th of 2023. That
14 those need to be addressed, perhaps not in totality,
15 but in some substance before this Board should take
16 any action.

17 And so our expectation is that the applicant
18 is going to address those and come back with a
19 combined preliminary and final application at a future
20 date.

21 CHAIRMAN PRICE: Okay. Thank you. Are
22 there questions from the Board?

23 MEMBER OSOWSKI: No.

24 CHAIRMAN PRICE: Signs, we don't necessarily
25 have to go over at this point? Anything of --

1 MR. HAREMZA: Nothing really of note. I
2 guess related to 3108 East Avenue, there is a sign for
3 Quicklee's on the agenda. HPC approved that last
4 month.

5 The other signs were all approved by the
6 Architectural Review Board. We can go over them later
7 in the meeting, but pretty straight forward.

8 CHAIRMAN PRICE: Okay. All right. Any
9 other questions, guys?

10 (No response from the Board.)

11 CHAIRMAN PRICE: Why don't we then move on
12 to a motion to approve the February 15th meeting
13 minutes?

14 There were four of us here for that night,
15 and just because you weren't necessarily here, doesn't
16 mean you can't vote on the -- on meeting minutes to
17 approve. We were made aware of that last month.

18 MEMBER OSOWSKI: I will move that we approve
19 the minutes from the February 15th, 2023, meeting.

20 MEMBER BABCOCK-STINER: I'll second.

21 CHAIRMAN PRICE: Moved and seconded. Is
22 there any discussion?

23 (No response from the Board.)

24 CHAIRMAN PRICE: Call the roll, please.

25 (Babcock-Stiner, aye; Fader, aye;

3 CHAIRMAN PRICE: Thank you. Mr. Secretary,
4 were the public hearings to be held tonight properly
5 advertised?

6 MR. HAREMZA: They were advertised in the
7 Daily Record of March 9th, 2023.

8 CHAIRMAN PRICE: We will have those at this
9 time.

10 APPLICATION 5P-NB2-22

11 CHAIRMAN PRICE: Our application tonight is
12 5P-NB2-22, Bristol Valley Homes, LLC, and PEMM, LLC,
13 for Preliminary Site Plan Approval at 3108 East
14 Avenue. Good evening.

15 MS. BRUGG: Good evening. My name is
16 Betsy Brugg; I am an attorney with Woods Oviatt
17 representing the application.

18 I guess we are your agenda for this evening.
19 We have our whole time team here. Lou Terragnoli is
20 back here from Quickee's. Bob Winans is our project
21 engineer here tonight from Landtech, and
22 Nick Merrifield is here as our traffic consultant from
23 Passero Associates.

24 So you saw this project, I think, over a
25 year ago. We did hear that there were some comments

1 outstanding. We are aware of that. We just didn't
2 have an opportunity to tie everything up for tonight.
3 But we anticipate being ready in good shape for next
4 month's meeting.

5 So as you might recall, this is a gas
6 station that's been vacant. I think it's been there
7 since 1929.

8 When you first saw this, you know, this
9 process started over a year ago. So it's been around.
10 It's been hammered at and worked at. We've been to
11 the Zoning Board, and I think Lou just told me that it
12 took him six meetings to get through the Historic
13 Preservation Commission to secure their approval. So
14 we secured a Use Variance to allow reestablishment of
15 the use.

16 It's a small-scale gas sales operation,
17 reestablished on what has been historically gas sales.
18 The building used to have some auto repair service
19 provided. It is going to be a small-scale retail
20 store in the building.

21 It is a landmark, so every effort has been
22 made to restore it. And working with the Historic
23 Preservation Commission, I think we've satisfied them
24 on that.

25 The two pumps have a canopy. I think the

1 canopy has both been reduced in size and height since
2 it was originally proposed. Again, in response to
3 comments from the Zoning Board, Historic Preservation,
4 and also from the public to satisfy concerns that were
5 raised.

6 You know, just a little reminder on some of
7 the background of the site. I mean, you've all seen
8 it, so it is heavily paved over. It's less than half
9 the size the code would require pursuant to the zoning
10 for this district. It's paved over, I think there's
11 74 percent -- 74 and a half percent lot coverage. So
12 this project not only involves restoration and giving
13 new life to a landmark building, it also involves
14 substantial site improvements, you know, decreasing
15 the lot coverage, increasing the green space, cleaning
16 up the curb cut, adding green in the front, and there
17 is a decorative wall included. So there are a lot of,
18 you know, significant improvements that come with this
19 project.

20 You know, there was no stormwater management
21 on this site. So we're introducing, you know,
22 stormwater improvements.

23 So there's a lot of plusses to this. You've
24 seen the package. I have the whole team here. We did
25 receive the comments.

1 We know we haven't addressed the Town
2 Engineer's comments in writing. Bob met, I think,
3 with the Town Engineer earlier today to go through
4 some of those comments, but we are prepared to address
5 those.

6 We also have your Staff Report. We're
7 prepared to address the questions that are in the
8 Staff Report.

9 I will turn it over to Lou. I think he
10 wants to kind of walk you through some more of the
11 details.

12 CHAIRMAN PRICE: Thank you.

13 MR. TERRAGNOLI: Thank you, Betsy. Good
14 evening, everyone. I just wanted to touch base a
15 little bit on my meetings with the Historic
16 Preservation Commission. As Betsy said, there was a
17 number of them.

18 I will focus on the meetings that we had
19 earlier this year. Which what I have here is the end
20 result. And how we got here was through numerous
21 conversations and back and forth.

22 Specifically at the January meeting, we were
23 granted a Certificate of Appropriateness limited to
24 taking off the material on these sides of the building
25 because the commission wanted to see just what was

1 there with regard to these decorative moldings. So we
2 did take off the T1-11 materials that was there. We
3 did find that the moldings were there, just as we
4 thought they were. So we will be restoring them to
5 the Historic Preservation Commission letter in detail,
6 color, and everything that they want.

7 So when we went back to the next meeting, we
8 did receive a Certificate of Appropriateness for the
9 entire project. And a couple of the changes that we
10 had there was, as Betsy mentioned, the size of the
11 canopy was reduced by 25 percent. The shape of the
12 canopy was, really, directed to us by the HPC, so they
13 are very much in favor of the shape. And the overall
14 height came down about two feet from when we were
15 talking with the HPC a while ago.

16 In addition, we have more definition on the
17 stone wall that will be in front of the property. And
18 again, this was -- everything I'm just saying to you
19 the HBC approved, we gave them some samples of some
20 stone walls in the immediate area, and based on those
21 materials we're going to do our best to match it up so
22 it really ties in with the area.

23 We did have one concern from our neighbor
24 next door with regard to some buffering here. So we
25 added this decorative wood fence. Again, the wood

1 fence material was a direct comment and requirement by
2 the HPC. So we add that.

3 And also our dumpster enclosure, the doors
4 will be of the same material, the same paint. And
5 every item, paint color, material color, has been
6 defined by HPC. It is in our rendering package that,
7 I believe, you might have. And if you don't, I will
8 be happy to send around again.

9 So the dumpster package -- the dumpster,
10 which will be on this side of the building, hid, but
11 it also will be blending in with other materials we're
12 looking to on-site.

13 The roof of the building, we're going to go
14 back to a slate roof. We're going to match -- use the
15 existing materials. What can't be used, we're going
16 to match with materials so it just blends right in.

17 Again, I said the canopy has been reduced.
18 It was originally, when we were all talking,
19 968-square feet. We're down to 720-square feet.

20 There are also some comments that we
21 received from the Staff, and there is a number of
22 questions. I am prepared to address a majority of the
23 questions this evening, if you would like. If you
24 would defer to us coming back with all of the
25 information, I will leave it to the Board's discretion

1 as to what they would like me to address.

2 I will jump ahead a little bit to the
3 traffic study, which has been completed. And we've
4 already had some communications with the New York
5 State DOT, very favorable. We understand we need
6 written comments. We're expecting those in the next
7 few days, and should be very favorable to our project.

8 So again, I'd be happy to address any of the
9 questions, and those that I can't address, one of the
10 other members of the team, I'm sure, can.

11 CHAIRMAN PRICE: Thank you. It's been a
12 while since we've seen it. A couple of questions.

13 What happens with the utility wires that are
14 running through the site? Are they just going to hang
15 right where they are? There is no proposed relocation
16 of those?

17 MR. TERRAGNOLI: Is that a question you can
18 answer on utilities?

19 MR. WINANS: What was that again?

20 MR. TERRAGNOLI: Question was utility wires
21 on our site, will they stay or stay in the same
22 condition?

23 MR. GORDON: If you could, sir, just step
24 up, and just give your name and address, so we can
25 have that for the record.

1 MR. WINANS: Sure. My name is Bob Winans,
2 I'm an engineer with Landtech. I am not aware of
3 making any changes to the utilities at this point,
4 that we would just utilize existing connections.
5 Possibly some of the wires could be eliminated. We
6 can look into that.

7 CHAIRMAN PRICE: I was just concerned. They
8 don't seem to run parallel with the street. They seem
9 to cut diagonal a little bit over toward the corner of
10 the fire station. So it's not -- it might be just a
11 little bit above your canopy.

12 MR. WINANS: Okay.

13 MR. TERRAGNOLI: What we could do is we
14 could commit to do some due diligence into that, clean
15 it up a little.

16 CHAIRMAN PRICE: Yeah. There is also some
17 leftover existing light poles. They were just big,
18 heavy flood lights.

19 MR. TERRAGNOLI: They will be removed from
20 the site.

21 CHAIRMAN PRICE: And I did have a question
22 about the wall detail. I don't know that the wall is
23 in -- there is a detail in the packet?

24 MR. TERRAGNOLI: There is, yes. There is
25 specific materials, and I can get the architect to

1 write a letter as to that, how the workmanship will
2 handle it. I remember them being very optimistic
3 about the condition it is in and really be able to get
4 it back to its historic state.

5 CHAIRMAN PRICE: I was -- I was referring to
6 the new wall that's proposed.

7 MR. TERRAGNOLI: Oh, the new wall up front?

8 CHAIRMAN PRICE: Yeah.

9 MR. TERRAGNOLI: That material is in the
10 package, yes.

11 CHAIRMAN PRICE: All right. Could you just,
12 I guess, briefly summarize what you know the -- this
13 could be you or Bob -- know the Town Engineer's
14 comments to mostly be regarding?

15 MR. TERRAGNOLI: Stormwater? I will defer
16 to Bob. I know he had a meeting today, so he would be
17 the best person to answer that question.

18 CHAIRMAN PRICE: Yeah. I know you will go
19 through all of this for next month, and we'll get an
20 update. We just want a broader overview of what some
21 of the issues are.

22 MR. WINANS: So, obviously, this is an
23 existing site, paved, with a drain setup that has been
24 there for a while.

25 So what we're planning on doing is creating

1 a basin in the rear to capture more of the stormwater.
2 And part of that basin and design incorporates an
3 overflow area, which that is, probably, the final
4 detail I am working out with the Town Engineer, is how
5 to incorporate that to minimize any flow that leaves
6 the site, yet we can still retain enough water to --
7 creating the water quality and a situation we want to --
8 retaining water quantity and quality, but then add,
9 like, some sort of level spreader. And we kind of
10 worked that out today.

11 So I'm pretty confident we can come up with
12 something that we can give him in the next couple of
13 days to satisfy that.

14 CHAIRMAN PRICE: All right.

15 MR. WINANS: And I think a lot of the other
16 comments on his sheets we have on the plans now, but I
17 just have not had a chance or we didn't submit a
18 detailed breakdown and response to each one, which he
19 needs. And I realize that.

20 CHAIRMAN PRICE: Other questions? Julie, do
21 you have any questions?

22 MEMBER FORD: No.

23 MEMBER OSOWSKI: I have a couple questions.
24 So what is the age of the original building? When was
25 this built, approximately?

1 MR. TERRAGNOLI: I think it was 1920.

2 MS. BRUGG: I have 1929 as the establishment
3 of the gas station, so sometime around that.

4 MEMBER OSOWSKI: Do you know the original
5 roof shingles, are they original to the 1929 building,
6 or were they replaced some time in the '50s or '60s?

7 MR. TERRAGNOLI: I don't have the answer to
8 that.

9 MEMBER OSOWSKI: The reason why I ask, that
10 means the building is approaching a hundred-years-old,
11 and the best slate-roof shingles in the world, which I
12 think come from Vermont, have a life expectancy of
13 around a hundred years. So when you remove them and
14 look at which ones to replace, you might want to tap
15 on them with a hammer to make sure they are not going
16 to shatter and fall apart when you reinstall them.

17 MR. TERRAGNOLI: Understood. Understood.
18 Yep, thank you.

19 MEMBER GRISEWOOD: I've just been wondering
20 how long it's been vacant and not being used?

21 MS. BRUGG: My understanding since 2017.
22 2017/18.

23 MEMBER GRISEWOOD: Thank you.

24 CHAIRMAN PRICE: And the canopy, is it a
25 total hip roof, or is there openings in the top on the

1 canopy?

2 MR. TERRAGNOLI: There are no openings in
3 the top.

4 CHAIRMAN PRICE: Okay. And the light source
5 in there is LED flat?

6 MR. TERRAGNOLI: LED, yes. All lighting
7 will be 3,000 Kelvins or less.

8 CHAIRMAN PRICE: So it's clear and 2,000?

9 MR. GORDON: Wait, three?

10 CHAIRMAN PRICE: Three-thousand.

11 MR. TERRAGNOLI: Three-thousand, yes. That
12 was the direction from the commission, yes.

13 CHAIRMAN PRICE: Okay. And you have post
14 lights in the parking lot as well?

15 MR. TERRAGNOLI: All the same --

16 CHAIRMAN PRICE: Same temperature?

17 MR. TERRAGNOLI: Yes, that is correct.

18 CHAIRMAN PRICE: It's been a long road for
19 you.

20 MR. TERRAGNOLI: Well, we appreciate
21 everyone's time tonight and comments. We know we
22 still have some homework to do. We are going to
23 aggressively pursue that, and we look forward to being
24 back, our goal would be next month.

25 CHAIRMAN PRICE: Thank you.

1 MR. TERRAGNOLI: Thank you. Thank you very
2 much.

3 CHAIRMAN PRICE: I do have one more question
4 on the curb cut next to the firehouse, it didn't show
5 any -- this is a real picky detail. It didn't show --
6 I know you are narrowing that curb cut tremendously,
7 but at the curb it didn't show any flares. I'm sure
8 there's got --

9 MR. TERRAGNOLI: We anticipate that being
10 one of the comments we get from DOT on how to fix that
11 appropriately. So, yes.

12 CHAIRMAN PRICE: Okay. Thank you. Believe
13 it or not, I have to say it. This is a public
14 hearing. Is there anyone in attendance that cares to
15 address this application?

16 (No response from the audience.)

17 CHAIRMAN PRICE: Okay. Thank you. We will
18 see you next month or the month after. Okay.

19 That's it for our public hearings.

20 (Public hearings concluded.)

21 (Beginning of deliberation.)

22 **APPLICATION 5P-NB2-22**

23 Application of Bristol Valley Homes, LLC,
24 owner, and PEMM, LLC, contract vendee for Preliminary
25 Site Plan Approval to construct a 968+/- square foot

1 gas pump canopy, renovate an exiting 1,278 square foot
2 building, install two gas pump islands, and make
3 additional site improvements for the purpose of
4 operating a Quickee's gas station and convenience
5 store on property located at 3108 East Avenue. All as
6 described on application and plans on file. **Tabled at**
7 **the May 18, 2022, meeting - public hearing remains**
8 **open.**

9 CHAIRMAN PRICE: I vote we just go ahead and
10 address this application.

11 MEMBER BABCOCK-STINER: I move that
12 Application 5P-NB2-22 be tabled based on the testimony
13 given and plans submitted. The items outlined in the
14 Town Engineer's memo dated March 9th, 2023, are
15 required to be submitted no later than two weeks prior
16 to the next Planning Board meeting.

17 CHAIRMAN PRICE: Is there a second?

18 MEMBER FADER: I'll second.

19 CHAIRMAN PRICE: Moved and seconded. It was
20 David Fader that seconded. Any further discussion?

21 (No response from the Board.)

22 CHAIRMAN PRICE: Please call the roll.

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

1 **APPLICATION 1677**

2 Application 1677, Reality One Group Spark,
3 1415 Monroe Avenue.

4 CHAIRMAN PRICE: Make a motion to approve as
5 recommended by ARB.

6 MEMBER BABCOCK-STINER: Second.

7 CHAIRMAN PRICE: Moved and seconded. Can we
8 do roll call?

9 (Babcock-Stiner, aye; Fader, aye;
10 Ford, aye; Grisewood, aye;
11 Osowski, aye; Price, aye.)

12 CHAIRMAN PRICE: Thank you.

13 **APPLICATION 1678**

14 Application 1678, Monarch Wealth Management,
15 1688 Monroe Avenue.

16 CHAIRMAN PRICE: This one is pretty straight
17 forward. The ARB said approved as submitted.

18 MEMBER FADER: So moved.

19 CHAIRMAN PRICE: All right. We have a
20 motion. Is there a second?

21 MEMBER FADER: I'll second.

22 CHAIRMAN PRICE: Moved and seconded. Any
23 further discussion?

24 (No response from the Board.)

25 CHAIRMAN PRICE: Please call the roll.

1 (Babcock-Stiner, aye; Fader, aye;
2 Ford, aye; Grisewood, aye;
3 Osowski, aye; Price, aye.)
4 MR. HAREMZA: Thank you.

5 **APPLICATION 1679**

6 1679 Impact Earth, 1458 Monroe Avenue. Is
7 this the administrative --

8 MR. HAREMZA: This is administrative
9 approval as provided as a courtesy.

10 CHAIRMAN PRICE: So we really do nothing
11 here?

12 MR. HAREMZA: You do nothing.

13 **APPLICATION 1680**

14 Application 1680, Berkshire Hathaway Home
15 Services/Zambito Realtors, 2180 Monroe Avenue.

16 CHAIRMAN PRICE: ARB recommended approval.
17 Any discussion on this?

18 (No response from Board.)

19 CHAIRMAN PRICE: Is there a motion?

20 MEMBER BABCOCK-STINER: Move to approve.

21 MEMBER FADER: Second.

22 CHAIRMAN PRICE: Jason?

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

1 MR. HAREMZA: Thank you.

2 **APPLICATION 1683**

3 Application 1683, Quickle's, 3108 East
4 Avenue.

5 CHAIRMAN PRICE: Do we have a motion?

6 MEMBER FORD: Motion to approve.

7 MEMBER BABCOCK-STINER: Second.

8 CHAIRMAN PRICE: Moved and seconded, Julie
9 and Jason. Any further discussion?

10 (No response from the Board.)

11 CHAIRMAN PRICE: Please call the roll.

12 (Babcock-Stiner, aye; Fader, aye;

13 Ford, aye; Grisewood, aye;

14 Osowski, aye; Price, aye.)

15 CHAIRMAN PRICE: Okay. Happy March.

16 (The proceeding concluded at 7:30 p.m.)

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1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF GENESEE)

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6 I DO HEREBY CERTIFY as a Notary Public in and
7 for the State of New York, that I did attend and
8 report the foregoing proceeding, which was taken down
9 by me in a verbatim manner by means of machine
10 shorthand.

11 Further, that the proceeding was then
12 reduced to writing in my presence and under my
13 direction. That the proceeding was taken to be used
14 in the foregoing entitled action.

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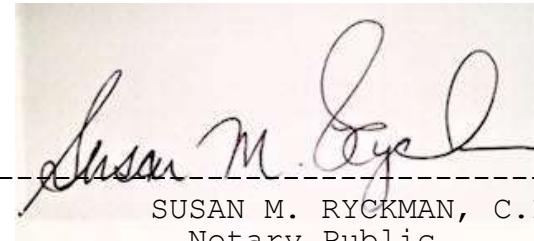
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A handwritten signature in black ink, appearing to read "Susan M. Ryckman". The signature is written in a cursive, flowing style.

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